

**A REGULAR MEETING OF
THE TOWN COUNCIL
OF THE TOWN OF LURAY, PAGE COUNTY, VIRGINIA**

MONDAY, NOVEMBER 14, 2011

The Luray Town Council met in regular session on Monday, November 14, 2011 at 7:00 p.m. in the Luray Town Council Chambers located at 45 East Main Street, Luray, Virginia at which time there were present the following:

Presiding: Mayor Barry Presgraves

Council Present: Ronald Vickers
Lonnie Arrington
Mary Menefee
Leroy Lancaster
Jerry Schiro
Earl Racer

Also Present: Rick Black, Town Manager
Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk-Treasurer
Jason Spitler, Town Attorney
Chief Page Campbell, Luray Police Department
Lynn Mathews, Director of Public Works
Charlie Hoke, Director of Utilities
Pat O'Brien, Director of Parks and Recreation
Liz Lewis, Luray Downtown Initiative
Briana Campbell, Luray-Page County Chamber of Commerce
Pam Flasch, Luray Bicentennial Committee
Susan Betcher, Luray-Page County Chamber of Commerce
Ed Dwyer, Volunteer
Paul Comes, Comcast
Powell Markowitz, Luray Page County Airport
Kenneth Painter, Luray Page County Airport

A quorum being present, Mayor Barry Presgraves declared the Council to be in session for the transaction of business. All present stood for a moment of silence. Councilman Lancaster led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

Motion: Councilman Arrington motioned to approve the Consent Agenda, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Consent Agenda

- A) *Minutes of the October 11, 2011 Regular Council Meeting.*
- B) *Minutes of the October 25, 2011 Work Session.*
- C) *Financial Report for the period October 1-31, 2011.*
- D) *Accounts payable checks totaling \$ 372,627.74.*

PUBLIC HEARING

Mayor Presgraves stated that a public hearing is scheduled this evening for the Virginia Department of Aviation Grant. Town Manager, Rick Black, explained that the purpose of the hearing is to receive public comments concerning application for and acceptance of a Virginia Department of Aviation Grant to be used for the installation of a jet fuel tank and the equipment needed to accommodate the jet aircraft based at the Luray Caverns Airport. The installation of this equipment would be in support of the Airport Layout Plan of the Luray Caverns Airport. Currently the Luray Caverns Airport is jointly owned by the Town of Luray and the County of Page and is operated by the Luray Caverns Corporation. The airport is located in the County of Page at 1504 Airport Road, Luray.

Mayor Presgraves then opened the public hearing for citizen comments. With no comments from the public, the hearing was closed. Mayor Presgraves confirmed that this grant approval is at no cost to the Town or County.

Motion: Councilman Racer motioned to approve the agreement for the Luray Caverns Airport, motion seconded by Councilman Schiro with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

GENERAL CITIZEN COMMENTS

Ed Dwyer- 6863 Ida Road, Stanley VA

Mr. Dwyer said that he has been volunteering for the last six years with the Halloween Event. He added that he has been put in charge of the haunted trail portion of the event. Mr. Dwyer expressed that this year's event saw a low turnout; which he believes is due to the event being on a school night. He explained that he needs about 60 student volunteers and only received about 30 volunteers for this year's event. Mr. Dwyer said that he feels the event would be better suited on the Saturday before Halloween. He added that the event could be marketed to attract visitors to the event also. Mr. Dwyer thanked Council for allowing him to provide his insight regarding the event. Mr. Dwyer noted that next year Halloween falls on a Wednesday and that this should be considered. Mayor Presgraves asked Council for comments and concluded that they may want to think on this for a while.

TOWN AFFILIATED BOARDS AND COMMISSIONS

Luray Downtown Initiative

Liz Lewis stated that LDI is now gearing up for the holidays. LDI will be promoting “Small Business Saturday” that is organized by American Express and will be held on November 26th. Ms. Lewis also discussed the Sparkles and Sweets Event that will run on two weekends; December 2nd through December 11th. This event will feature a drawing for a buy local gift certificate. The next event has not been scheduled, but will most likely be the third weekend of December. The event is called “Find Santa” and will be similar to the downtown Halloween event. Children will visit participating businesses for coins and clues that will lead them to Santa for a photo opportunity. Ms. Lewis said that the downtown Halloween event saw about 200 participating children. Also, LDI will be asking businesses to take food donations and wish lists for those in need. Ms. Lewis said that she hopes to finalize the planning for these events by the end of the week. Ms. Lewis also discussed the study on the Bridge Theater and said that feasibility study is progressing. Ms. Lewis also said that LDI is working on expanding the Virginia Main Street boundaries. Also, on November 16th there will be counselors available for small business endeavors and planning. This session is a joint venture with the chamber of commerce. Ms. Lewis also discussed the arts council and noted that the Festival of Spring application can now be completed online.

Luray/Page County Chamber of Commerce

Ms. Briana Campbell reviewed the statistics for October, citing 475 local calls, 363 local walk-ins, 530 tourist calls, and 2473 tourist walk-ins. Ms. Campbell said that things were very busy at the chamber last month. She said that the chamber held its annual banquet and meeting at Big Meadows and thanked Council for their support. She added that during the annual meeting two new board members were elected; they are Jared Burner of Skyline Premium Meats and Candy Mathews of Massanutten Resort. Ms. Campbell said that the final chamber event for 2011 will be the Business After Hours hosted by the Luray Rotary Club and sponsored by The Mimslyn Inn on December 15th. Ms. Campbell advised Council members that the chamber office has a new addition to their staff, Ms. Susan Betcher. Ms. Betcher will be the new Director of Events and Tourism Marketing.

Luray Bicentennial

Pam Flasch provided Council members and attendees with a video preview of the Roadtrip to History film. Ms. Flasch said that the premiere of the video will be on December 6th at the BB&T Center at both 7:00 and 8:00pm. Ms. Flasch provided Council members with a handout showing the new banner designs. She explained that the design will allow them to be used in all seasons and for many years beyond the Bicentennial. Ms. Flasch said that they will be produced by Mosca Designs. She added that the quality is the same through this vendor, while the cost is much lower. Ms. Flasch said that the cost of the Roadtrip to History video should be about \$20 each and there will also be merchandise available that evening. She also added that Mayor Presgraves had a time spot on WHSV this morning about the Bicentennial.

Airport Commission

Mr. Powell Markowitz said that he had only matters to be covered under Old Business this evening.

DEPARTMENTAL REPORTS

POLICE – PUBLIC SAFETY AND EMERGENCY SERVICES

Chief Page Campbell reported that the department responded to 224 calls for service for the month. Chief Campbell also said that the department's newest officer, Robert Owens, recently graduated from the academy and this brings the department to eleven full time officers.

PARKS AND RECREATION

Pat O'Brien, Director of Parks and Recreation, provided Council with a handout for America Recycles Day which the town is participating in. Mr. O'Brien thanked Mr. Ed Dwyer for all of his work with the Halloween event. Mr. O'Brien discussed the Halloween event and noted that it went well; however, there was a smaller turnout than usual. Mr. O'Brien said that a post event meeting was held and that the recommendation is to move the date of the event. Mr. O'Brien said that he would like to gather more information before making a formal request to change next year's event. Mr. O'Brien advised Council members that vandalism continues to take place at the restrooms on Phase 2 of the Greenway. He added that this area is poorly lit but that this problem is being addressed. Mr. O'Brien said that the town is gearing up for the holidays with the Christmas Parade and Community Appreciation Reception to be held on December 10th. This year's parade theme is "The Season of Caring and Sharing" and attendees are being encouraged to contribute canned goods.

PUBLIC WORKS DEPARTMENT

Lynn Mathews, Superintendent of Public Works, said that the department repaired four water leaks and installed about 1250 feet of new water line on Route 340 North near the Tannery property. Mr. Mathews said that he hopes to repair two other areas of water line, one near the Luray Zoo and the other on Fifth Street. Mr. Mathews advised Council that the department responded to seven sewer calls. He added that repairs were also made on High Street and cleanouts were installed. Mr. Mathews said that upcoming projects for his department will also include leaf collection, displaying Christmas decorations, and storm drainage work.

Councilman Racer added that he would like to compliment the paving work on Bank Street and said that an excellent job was done.

WTP AND WWTP

Charlie Hoke, Director of Utilities, told Council members that the wastewater plant lost its service entrance coming into the plant. He recalled that when the plant was first built, the plant's power was laid bare in the ground. He said that over the last thirty years there have been numerous problems with this shorting out. He said that when this takes place, some of the electronic equipment is lost in the

plant. He said that crews worked overnight to repair the service and did an excellent job. Mr. Hoke advised that this time the service was placed in conduit and pull boxes were used so that this won't happen again. Mr. Hoke advised Council that Patterson Construction has now removed all five of the under-sized pumps and has installed all five of the new pumps. He added that three of the five new pumps are online with the remainder to be online by the end of the week. Mr. Hoke said this project was moving along well and that the plant is operating as designed. Mr. Hoke stated that the plant is in compliance with all state and federal regulations.

Mr. Hoke said that the water plant is operating as designed and that all distribution samples came back negative.

Mayor Presgraves asked about the loss of power to the plant. Mr. Hoke explained that the plant has three generators that provide power for the system and that just less than 800 gallons of fuel were used in this time period. Mayor Presgraves confirmed that repairs were completed within 24 hours. Mr. Hoke said that the job was done well and that the crews will be back to repair the commercial entrance with gravel and pavement.

PLANNING

Town Manager, Rick Black, stated that Mr. Webb had two major items in his report. The first item is the VDOT Route 340 Study. Mr. Black explained that a study is being made on Route 340 as it pertains to the Town of Luray. The second item is the public hearing for a rezoning request for Luray Caverns. This request is due to the fire that destroyed the maintenance building at Luray Caverns and the rezoning will be needed to facilitate rebuilding the facility. The new site for the building is near the museum area, which is currently, zoned M1. The request from Luray Caverns is to rezone the site to a B1 zoning district.

OLD BUSINESS

Comcast

Town Manager, Rick Black, stated that the franchise agreement request from Comcast has been reduced to ten years as discussed by members at the Council Work Session. This is the same term that was originally given to Adelphia Cable. Mr. Black said that Mr. Comes is present at the meeting to address any questions from Council members. Councilwoman Menefee recalled at the work session members had discussed obtaining a draft of commitments that the cable franchise would be willing to make. Mr. Black said that other than the franchise agreement itself, there is no further information.

Mr. Paul Comes, of Comcast, said that he had spoke with Mr. Black on working on some provision for a thirty second PSA for the Luray Bicentennial. Mr. Comes said he also spoke with Ms. Flasch about doing a thirty minute segment for the Video on Demand Library at no cost.

Councilman Schiro asked if the services mentioned were committed to. Mr. Comes said that some of the free services for the town, schools, fire stations, libraries, etc. are part of the franchise agreement. Mayor Presgraves said that perhaps Council members are referring to Comcast internet services. Mr. Comes said that this is a cable franchise agreement and is for video only; no consideration is given for

high speed internet. Councilman Vickers said that free video service is of little good and would be better served by free internet service. Councilman Vickers asked Mr. Comes if this could be researched and possibly be a part of the agreement. Mr. Comes said that Comcast does not offer this. Mr. Comes said that Comcast will only provide video cable service to these public institutions. Mr. Comes re-stated that broadband is not covered by the video franchise. Councilman Vickers said that a ten year agreement seems like a long time since technology is frequently changing. Mr. Vickers asked if Comcast was planning to put a lot of spending into the backbone of the system. Mr. Comes said that this has been done and the first phase of conversion from analog to digital has already taken place. Mr. Comes also discussed other technology upgrades. Councilman Arrington said that he feels the town is still getting a better offer than with the previous Adelphia agreement. Mr. Comes said that the company continues to make improvements to the backbone of the system. Councilwoman Menefee said that these are the things that she would like to see what the town is getting in return in order to make a vote. Mayor Presgraves told members that he has heard more complaints on television service than ever before. Mr. Comes said that during the change from analog to digital the signal is more critical.

Councilman Schiro said that it seems to him that what the Council is asking for is to see some of these improvements in writing. Mr. Schiro said that Council doesn't necessarily need the specifics but more outlined goals for the next ten years. Mr. Schiro asked if it is possible to obtain some sort of schedule or outline of improvements should the town enter into an agreement. Mr. Comes said that it is hard to predict things other than what Comcast is currently doing regarding the switch from analog to digital. Councilwoman Menefee said that it is not all necessarily about the video portion but more importantly about the broadband improvements. Councilman Schiro identified that he understands that the broadband aspect is not regulated and that Comcast is under no obligation to do so. Mr. Schiro said that he believes the Council is asking for a good faith effort to make some improvements and not necessarily any specifics. Mr. Schiro said that Council would like to be able to identify why the ten year term is justifiable versus the five year agreement. Mr. Comes said that he feels Council is asking him what can be done regarding broadband, while he is only here to discuss the video franchise. Mr. Comes expressed that he does not see how he can provide this. Councilman Racer reminded that Council members are discussing video rather than internet.

Mr. Comes continued to discuss programming, high definition, video on demand, and other user aspects. Mr. Comes said that the company is trying to keep pace with the broadband side of the company. Councilman Schiro asked if Council could have a statement to that affect. Mr. Comes said that when the company comes before Council for a video franchise, they do not make statements about high speed internet because they are two different things. He said that the company prefers to keep this separate.

Councilman Racer asked if there was a confirmation on the video offers from Mr. Comes. Mr. Comes said that he has sent Mr. Black an email on the PSA for the Bicentennial. Councilman Schiro asked about a guarantee on the cable for the recreation park building. Councilman Vickers confirmed that this agreement is non-exclusive. Mayor Presgraves asked if there was competition from satellite providers. Mr. Comes said that there is competition with satellite providers; however, Comcast remains a month-to-month service provider with no contract. Councilman Schiro stated that he would still like to see some commitment; even if it is only on the continued switch from analog to digital and on bandwidth. He added that it may not need to be tied to this franchise agreement, but at least the town would see that it is receiving something for its additional five years on the term.

Motion: Councilman Arrington motioned to approve the franchise agreement with Comcast for a term of ten years, motion seconded by Councilman Racer with the vote as follows: YEA: Council Members Vickers, Arrington, Lancaster, Schiro, Racer. NAY: Menefee. **Approved 5-1**

Luray Caverns Airport License Renewal/ Airport Runway Extension Resolution

Mr. Powell Markowitz stated that the last time the runway was overlaid the north end was lowered. Therefore, some setbacks were required on the runway for safety reasons. He explained that this shortened the runway on the northern end because of the roadway to the power dam and because of the lack of safety overrun on the south end the southern threshold was displaced by two hundred feet. Mr. Markowitz said that eventually the airport road will be relocated and the entrance to the golf course will be moved. This will allow some of the runway area to be reclaimed and will lengthen the runway. Mr. Markowitz explained that the reason for extending the runway is to gain a GPS approach for equipment assisted landings. He stated that the licensing process will take many years to accomplish therefore he would like to start this process now in order to prevent further delays in the future once the roadway is moved. Mr. Markowitz explained that this requires that nine items be addressed; the first of which is the Resolution in Support of the Runway Extension. Mr. Markowitz said that he will come before Council with further steps in the future. Mr. Markowitz said that this application would be submitted to DOAV to begin the process to obtain the additional two hundred feet of runway. Mayor Presgraves confirmed that Mr. Markowitz is asking for approval from the owners of the airport, both the Town and County.

Motion: Councilman Lancaster motioned to approve the Airport Runway Extension Resolution, motion seconded by Councilman Arrington with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro. NAY: Racer. **Approved 5-1**

Deed of Dedication: Stoney Brook Lane

Town Manager, Rick Black, discussed information provided in Council packets regarding a deed drafted by Attorney Mark Reed on behalf of the Page County Economic Development Authority. He explained that the deed of dedication would allow for United Propane to move forward with the subdividing of their property from Page County. The subdivision requires that there be a public roadway. Town Attorney, Jason Spittler, stated that he is satisfied with the deed of dedication and that he would recommend a motion of approval to allow town staff to execute the necessary documents.

Motion: Councilman Racer motioned to approve the Deed of Dedication for Stoney Brook Lane, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

NEW BUSINESS

There were no items for New Business.

TOWN ATTORNEY

Town Attorney, Jason Spitler, advised Mayor Presgraves that the only item he had for open business is in reference to the proposed ordinance to repeal the Town Code Section 58-33. Mr. Spitler explained that the ordinance is in reference to the Council's request to repeal the section of the code that deals with the throwing of stones.

Motion: Councilman Racer motioned to repeal Town Code Section 58-33 as discussed, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mr. Spitler said that he would like to defer other matters of business for Executive Session.

EXECUTIVE SESSION

Personnel, Section 2.2-3711.A.1

Investment of Public Funds, Section 2.2-3711.A.6

Probable Litigation, Section 2.2-3711.A.7

Award of Public Contract, Section 2.2-3711.A.29

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing Sections 2.2-3711.A.1, 2.2-3711.A.6, 2.2-3711.A.7, and 2.2-3711.A.29.

Motion: Councilwoman Menefee motioned to recess the regular session and to convene in executive session; Councilman Vickers seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Motion: Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

Mayor Presgraves asked members of Council to certify that to the best of their knowledge only matters covered under Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying "Yes".**

Mayor Presgraves said that Council may want to take action on the Wiser Contract in regards to the fuel tank at the Luray Caverns Airport.

Motion: Councilman Racer motioned to approve the Wiser Contract; Councilwoman Menefee seconded the motion with the following members voting YEA: Council Members Vickers, Arrington, Menefee, Lancaster, Schiro, Racer. **Approved 6-0**

ANNOUNCEMENTS

Mayor Presgraves reminded Council members that the Town Christmas Parade is Saturday, December 10th at 6:00 pm. He asked that Council members meet at town hall to assemble for the parade. Mayor Presgraves also told Council members that the Town Christmas Dinner will be held on Friday, December 16th at 6:30pm at the Luray Fire Department. The social will begin at 6:00pm with dinner at 6:30pm. Lastly, Mayor Presgraves told Council members that the Stanley Christmas Parade will be held on Wednesday, December 14th with line-up beginning at 6:00pm.

ADJOURN

There being no further business, Mayor Presgraves adjourned the regular session of the Town Council at approximately 9:42 P.M.

Barry Presgraves
Mayor

Danielle P. Babb
Deputy Clerk-Treasurer