

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

MONDAY, JULY 10, 2017

The Luray Town Council met in regular session on Monday, July 10, 2017 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
Jerry Dofflemyer
Jerry Schiro
Leroy Lancaster
Joseph Sours
Leah Pence

Also Present:

Bryan Chrisman, Assistant Town Manager
Mary Broyles, Treasurer
Danielle Babb, Deputy Clerk Treasurer
Corey Seal, Luray Police Department
Jason Botkins, Town Attorney
Nancy Shifflett, Luray Downtown Initiative
Sara Levinson, Corecon Consultant
Lee McWhorter, Luray Page County Farmers Market
Mark Pitchard, Citizen Comment
Janet Broyles, J1 Funnel Cake Concessions

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 Dofflemyer led everyone in reciting the United States Pledge of Allegiance.

CONSENT AGENDA

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

Consent Agenda

- (A) Minutes of the Regular Council Meeting – 6-12-2017
- (B) Minutes of the Council Work Session- 6-27-2017
- (C) Financial Report- Month Ending 6-30-2017
- (D) Accounts payable checks totaling \$ 382,776.37

GENERAL CITIZEN COMMENTS

Lee McWhorter, Luray Page County Farmers Market

Mr. McWhorter spoke on behalf of the Luray Page County Farmers Market and requested a \$2,000 contribution. He noted that the market needs to purchase new tents and is hoping for members to make a decision on the contribution tonight. Assistant Town Manager, Bryan Chrisman, advised that the amount has been appropriated in the town's budget and usually the contribution is offset by the cost of the rental invoice for portable restrooms. Councilman Schiro suggested that the police department may be able to help with tents through the government surplus program. Councilwoman Pence asked how the Market's board is working out. Mr. McWhorter said that all members are still on the Market's Board and they meet once per year. He said that there was a move to relocate the market which caused some issue amongst board members. Mr. McWhorter said that this did not provide a good location and wasn't near Main Street. He noted that the town has a 30-year lease on the current location from SVEC. Councilwoman Pence suggested that the market needed more advertising. Members asked about the fees to rent a tent at the market. Mr. McWhorter said that the fee is \$15 per tent and that vendors must bring their own tables. Councilman Vickers asked about raising the tent fee from \$15 to \$20. Mr. McWhorter said that a \$20 fee is too high and that the fee has already increased from \$10 to \$15 per tent. Councilwoman Pence request that the Farmer's Market provide Council with a Budget at the end of the season.

Motion: Councilman Sours motioned to approve the Farmer's Market allocation of \$2,000 less expenses, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

Tim Harris, Luray High School Water Request

Mr. Tim Harris apologized for not being in attendance at the Work Session meeting due to a School Board Meeting. Council members discussed the request for a second meter for watering athletic fields at the meeting of June 27th. Mr. Harris explained that initially the board planned for an agricultural well at the high school site but after reviewing the geological survey a well was not recommended. Mr. Harris said that the school is requesting to create a water only meter so that there will not a charge for sewer. A map view was provided to Council Members to display the site and utility locations. Mr. Harris further explained that the School Board has completed the proper procurement and purchased the equipment needed for the secondary meter. He stated that the request is for approval to tie into the current line as a water only meter. Mr. Chrisman said that the map view was provided such that members could see the intent of use is for the water only meter.

At the meeting of June 27th, the Council voted to approve the second meter but not to waive the associated facility fees. Councilman Schiro explained that if the Council would approve the meter without the charge of facility fees, then existing customers must absorb the cost of this. He said that it is not fair for customers who have come onto the town's system after the water and sewer improvements that have taken place, to not contribute toward the facility fees. Mr. Schiro further explained that the Council was agreeable to allow the secondary meter but not agreeable to waiving the fees. He also inquired about the decision not to pursue a well at the site, as there are existing wells in the area. He added that the Caverns has indicated they do not an objection to the well. Councilman Dofflemyer confirmed that the school did pay a facility fee for the primary meter at the time of construction. Councilman Sours asked the Town Attorney, Mr. Botkins, for his opinion. Mr. Botkins added that it is not advisable to charge different amounts on facility fees for different customers and that there must be some standard for charging the facility fees. Mr. Harris said that the payback on the facility fees versus paying sewer charges would be approximately a 20 year period before a return is recognized. Councilman Lancaster added that the Town cannot legally give away facility fees. Council members discussed the town fee structure

prior to the town's incurrence of debt service associated with its water and sewer infrastructure improvements. Council members took no further action on the request.

Mark Pitchard, 8 O'Flinn Street

Mr. Pitchard spoke regarding his concerns for missing signage on O'Flinn Street. He noted that he has contacted the Police Department regarding a missing Slow and Speed Limit Sign and it has not been replaced. Mr. Pitchard said that he was advised that there were enough signs in the neighborhood. Mayor Presgraves advised that the Acting Town Manager, Mr. Chrisman, would look into this tomorrow morning. Mr. Pitchard also requested that the Town look into two unregistered motor vehicles at his neighbor's residence. Officer Corey Seal explained that there is a process of addressing the vehicle issue and that Code Enforcement Officer, Ron McClelland, had been working on the complaint. He added that the department must serve adequate notice before the vehicles can be towed and follow the proper procedures. Mr. Chrisman advised that in this particular neighborhood there are approximately 14 "Slow Children Playing" signs. He advised that town staff will look into this and if there is a need, the Town will replace the sign.

Janet Broyles, J1 Funnel Cake Concessions

Ms. Janet Broyles, Winchester Virginia, stated that she is currently running the Luray Parks and Recreation concessions. Ms. Broyles explained that she is having some issues that she would like to address and added that her annual fee to run the concessions is \$3,800. She further explained that on several occasions she has come into town to provide concessions for tournaments without being given notice that the event was cancelled. Ms. Broyles noted that she has an hour drive to Luray and also brings several employees with her. She stated that recently she arrived to find that the kitchen was broken into and was only able to reach Parks and Recreation employee Steve Foltz. She added that the Police Chief was notified of the problem. Ms. Broyles added that the kitchen was broken into last year with no cost recovery for lost items. Ms. Broyles added that this season 33 games have been cancelled due to rain and she has not been notified of make-up games. She further explained that she has not received a schedule or phone calls from Ms. Ridgeway of the Luray Little League or from Mr. O'Brien. Ms. Broyles requested a reduction in her annual fee to operate the concessions due to these problems. She added that there are still tournaments to come and she also operated the concessions for the town's Halloween event. Ms. Broyles said that while she enjoys operating the concessions she feels the lack of communication is very inconsiderate.

Mayor Presgraves instructed Mr. Chrisman to meet with Parks and Recreation and make a decision. Councilwoman Pence stated that this is the fourth meeting since January that a department head has been needed to be present at a meeting.

Ms. Broyles furthered that her contract was supposed to be for a 3-year term but it has since been changed. She noted the lack of a schedule from the Luray Little League and lost/stolen product from the kitchen. Councilman Schiro recalled the reissuance of keys and changed locks some time ago. Councilman Schiro said that the Town has invested a great deal of money in the kitchen facilities and this needs to be addressed.

LURAY DOWNTOWN INITIATIVE

Nancy Shifflett, Luray Downtown Initiative

Ms. Nancy Shifflett stated that Ms. Dees along with two board members are attending the Virginia Main Street Conference in Winchester this evening. Ms. Shifflett said that she would like to take this opportunity to note that

Meredith Dees is doing an excellent job as Program Director. Ms. Shifflett said that LDI board members receive a weekly report keeping them informed and would be glad to pass this along to Council as well. She continued that the new Main Street Signage is in place and looks very nice. She complemented the Brown's building windows and the Main Street Luray bags that are being provided to groups visiting town. She noted that the bags provide visitors with information about downtown and includes a \$5.00 gift voucher redeemable at downtown merchants. Again, Ms. Shifflett noted that Ms. Dees is doing a very good job and thanked Council for their continued support.

Gina Hilliard, Luray Page County Chamber of Commerce

Ms. Hilliard provided a power point presentation and advised Council of eight new Chamber Memberships. This brings the total membership to 394. Ms. Hilliard reviewed the Chamber statistics for the most recent quarter and the banner advertising results. She also noted that the Chamber Volunteer Banquet was held, two new staff members were added, and discussed the upcoming VACCE Conference. Ms. Hilliard also reviewed member outreach efforts. She continued that the Chamber will be providing visitor information at the upcoming Cooter's event and will provide lodging and event resources. Several ribbon cutting events were held and the first outdoor Page County Movie Night was held in Shenandoah. Upcoming events include Business After Hours, Page County Movie Night to be held at the R.H. Dean Recreation Park, and the Chamber's Mud Race event.

UPDATES AND DISCUSSION ITEMS

STREET RE-NAMING REQUEST- BIXLER'S FERRY ROAD

Mr. Chrisman presented information regarding a street re-naming request from Doug Frye. The request is to rename the section of Bixler's Ferry Road from West Main Street to Mechanic within the Town of Luray. Mr. Frye is requesting the street be renamed in honor of Page County resident Emmett Arthur Dougans. Mr. Dougans was the first Page County resident to be killed during the Vietnam War. Mr. Chrisman discussed the process for renaming and provided an outline of this from GIS Coordinator, Josh Hahn. Page County GIS records indicate that the process will affect 39 parcels. The procedures for street re-naming require a majority approval of the affected property owners. Mr. Chrisman said that situation is unique in that the town has undergone a street "renumbering" in the past, but never a "renaming". He noted that Council should consider this information before it moves forward with the GIS Department. Councilman Schiro said that he is grateful for Mr. Dougans service but acknowledged that renaming a street that affects so many parcels can have a significant impact. He added that property owners will incur address changes that affect driver's licenses, social security payments, insurance policies, mailings, and many more items. Mr. Schiro stated that many of these owners are lifetime residents and he would prefer to see an across the board approval, rather than a majority vote. Councilman Lancaster agreed that he would prefer for residents to all agree on the re-naming and make owners aware of the impact of the change. Councilman Vickers stated that if the change were to take place, he would like to see the town waive any fees for new street signs. Mayor Presgraves said that Council should really consider this because there may be other similar re-naming requests. Mr. Chrisman noted that normally this matter defers back to the GIS Department but he feels Council should consider this due to the nature of the request.

ITEMS FOR COUNCIL ACTION

DOWNTOWN REDEVELOPMENT CONTRACT

Mr. Chrisman provided members with a copy of the Downtown Revitalization Contract. He noted a few minor changes and provided a final draft, which included a scope of work. Town Attorney, Jason Botkins, noted a change to the Scope of Work in Appendix A. He further explained that the change was simply to address the

concerns of Council and to implement a “Stage 1” and “Milestone 1”. He noted that this was in the interest of the Council and certainly not to make Ms. Levinson’s job more difficult. Councilman Dofflemyer confirmed that the contract is only for the Pre-application Process and more work would be needed to submit the actual application. Ms. Levinson explained that the Pre-application is essentially the actual application. She noted that the application process mainly consists of the verification of the information provided and site visits. Councilman Vickers questioned the likelihood of the Town receiving the grant funding. Ms. Levinson said that the town’s chances won’t get much better than they are now.

Motion: Councilman Sours motioned to approved the Consulting Agreement with Sara Levinson for Downtown Redevelopment as discussed, motion seconded by Councilwoman Pence with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Sours, Pence. NAY: Lancaster. **Approved 5-1**

BOARD OF ZONING APPEALS APPOINTMENTS

Mr. Chrisman discussed staggering terms for the BZA appointments and the current vacancies on the board. He added that while the board members are appointed by Council, they are certified by the Page County Circuit Court. Mr. Chrisman provided a sample advertisement to recruit interested volunteers to serve on the board. He said that Councilman Schiro has a recommendation for the Board and the Town Attorney will submit this to the Circuit Court and ask that this appointment be made for a 3-year term. Councilman Schiro explained that Mr. Jonathan Mitchell was his former appointment. He has attempted to contact Mr. Mitchell regarding his willingness to serve another term, but has had no response. Mr. Schiro said that he would like to recommend Mr. Bill Fisher to the Luray Board of Zoning Appeals. Councilman Sours would like to reappoint Mr. Ligon Webb. Councilman Vickers said that he does not have an appointee in mind and would like to proceed with the advertisement. Mr. Chrisman explained that the two appointments named will fill six seats on the board, leaving only one vacancy. Four members are needed for a quorum of the board. Councilwoman Pence expressed some concerns about advertising in the newspaper and preferred the town utilize a Facebook advertisement. Mr. Chrisman explained that the ad requires a good Luray distribution but that certainly other forms could be used in addition to the Page News circulation. Councilman Schiro felt that the intention was for representation of Council members on the board through the process of appointment rather than an open application process. Mr. Botkins explained that the BZA is designed in actuality to take any politics out of the enforcement of the Zoning Ordinance. Mr. Chrisman said that for the immediate future, Council needs to take action on these appointments.

Motion: Councilwoman Pence motioned to approve the appointment by Councilman Schiro of Bill Fisher, and the appointment by Councilman Sours of Ligon Webb to the Luray Board of Zoning Appeals as discussed, motion seconded by Councilman Vickers with the vote as follows: YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **Approved 6-0**

EXECUTIVE SESSION

Litigation, Section 2.2-3711.A.7

Personnel Matters, Section 2.2-3711.A.1

Mayor Presgraves requested a motion to adjourn into Executive Session for the purpose of discussing matters relevant to Section 2.2-3711.A.7 and Section 2.2-3711.A.1.

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

Motion: Councilman Lancaster motioned to adjourn the closed session and to reconvene in open session; Councilman Dofflemyer seconded the motion with the following members voting YEA: Council Members Vickers, Dofflemyer, Schiro, Lancaster, Sours, Pence. **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.7 and Section 2.2-3711.A.1 were heard, discussed, or considered during the closed session. **The roll was called with all members certifying “Yes”.**

ADJOURN

With no further business, the meeting was adjourned at 10:23pm.

Barry Presgraves
Mayor

Danielle Babb
Deputy Clerk-Treasurer