

**MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 12, 2010, AT 7:30 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.**

The meeting opened with the Pledge of Allegiance and the invocation was given by Town Attorney Neal.

**ROLL Called with the following members present:** Mayor Taylor, Vice Mayor Whittle, Council Members Baker, Le Vine, Mauck, Redmon, Ritenour, Terndrup, and Vena.

Minutes of the December 8, 2009 Town Council meeting were approved as submitted.

**Mayor Taylor** welcomed all in attendance and said all communications had been directed toward the appropriate committees.

**Introduction & Recognition of Visitors and Guests**

**Mayor Taylor** said the community is proud to have a “Certified Green” restaurant in our Town -- - Christina’s Cafe. **Chrissy Willis Maddox**, co-owner of the business, gave a brief overview of how this designation came about. **Mayor Taylor** read a resolution given to the business by the Town Council (resolution attached here-to).

**Mayor Taylor** recognized Mr. James Allamong, the prosecutor for the Town for 21 years, who recently gave up this position. A resolution was given to him for his many years of service (attached here-to). **Mr. Allamong** made a few comments telling of his appreciation of this.

**Mayor Taylor** thanked the Public Works Department for the great job the Town Crew did during recent snow storms. He read an email written by an appreciative citizen.

**Mayor Taylor** thanked the Council, Staff, and citizenry for all they did for the Town during 2009 and wished all the best for 2010. He continued by saying there are many projects that will be continuing into the New Year and if citizens have any suggestions to help the Town, please let him know. He added that more localities are doing as Strasburg did and are meeting with Senator Obenshain and Delegate Gilbert to try to get help with costs associated with government mandates, etc.

**Citizen Comments:**

Non-action Items:

Kim Bishop, 728 Crystal Lane, Strasburg, VA (*copied from written copy submitted at Council meeting*): First I would like to thank Mr. Ritenour for his comments in the NVD (Northern Virginia Daily) last week asking for people to ‘stand up and make some noise’ against financial burdens that the state passes...down to small towns across the state. I thought it was refreshing to see the comments I’ve made to this Council passed on to other local legislators. The quote in the paper by Mr. Ritenour, “We need to collectively stand up and say ‘enough is enough’ and we need support because we are going to be getting into some serious financial burdens,” IS supported by many of the citizens of Strasburg and all around the county...and probably the state. I would like to offer the Council any support that they need that I can offer, and I’m sure there are many more in this room who would do the same.

However, I wonder if Mr. Ritenour understands that he too has pushed unnecessary financial burdens on some in this town. He didn’t seem to mind increasing people’s trash bill with the mandatory recycling program. Now I know the people on this Council don’t feel that it’s such a burden, an extra \$2.00 to ‘save the planet’, but to some people it’s a burden. And why? So that you all could try and force the citizens to ‘do the right thing.’ Of course, you took away the recycling bins in Town to make it even harder to not use

the curb side recycling if we chose not to. I wonder how much extra burden you will place on the citizens to initiate your new “go green Virginia” initiative? Why is it OK for you to impose your personal beliefs on the citizenry, but you cry foul when Washington and the State do it?

The hypocrisy here is palpable. It’s easy for those in power to say, “it’s only a few dollars here and a few dollars there,” but those few dollars start adding up to tens and hundreds of dollars and that’s when the trouble starts. I’d like to put a challenge out to the Council and the Town citizens and the “go greenies” out there. It goes like this: instead of telling everyone how much you do the right thing and how much they should do the right thing, why don’t you just live by example? When people start acting and quit showing off that’s when things change, not by mandating it to people. When people start being responsible and quit littering the rivers and forests and roads with trash, we could fix a lot of the pollution problems. The sewer and water rebuilding project is necessary for Strasburg to grow, however the over-regulated mandates for the water/sewer plant is what’s making it so expensive. The expense is coming from the Chesapeake Bay Watershed Act which Mr. Obama has added to just this past May. I wonder if Mr. Ritenour and anyone else who’s opposed to the extreme cost of these new plants is willing to call up the President and tell him, “Sorry, Sir, we just can’t afford it.” Responsibility starts with the individual and works its way up. Will you take my challenge and live what you say, make the world a better place one person at a time or will you be like those you’re telling ‘enough is enough.’ Do you really want to save the citizens of Strasburg money or do you just want to push off the cost to the state and the fed? Here’s the dirty little secret: the money still comes from the people. Are you really saying enough is enough or are you just trying to pass the buck?

**Reports and Communications from Town Officers:**

**Town Attorney Neal:** Introduced Jeremy McCleary who will be doing prosecution work for the Town now that Mr. Allamong has given this up. **Mr. McCleary** said he has enjoyed working with Chief Sutherly and the officers.

**Town Manager Fauber:** The next progress meeting on the water plant project will take place on January 27. He received a phone call on January 12 from Delegate Gilbert on the Waste Water Treatment Plant who had some discussions with the Legislative Services Department of the General Assembly. There will be a series of meetings with DEQ and then the person from Legislative Services will report back to Town Manager Fauber as to options, etc.

All Council received an email regarding the Fire Department roof. Largeant Roofing did some temporary repairs in early December, but wanted to come back and do a more thorough inspection. This inspection will take place on January 14 and from this, an RFP will be developed. **Town Manager Fauber** said he will share any information he receives on this at the Work Session.

**Director of Finance Mullins:** Business license applications have been sent out and are due March 1.

**Town Clerk Keller:** The Suggestion/Concern Box is in use now! Those who have concerns and want them addressed by the proper person will need to write their name and contact information on the card. Also, Statement of Economic Interest forms need to be turned in ASAP.

**Director of Public Utilities Tewalt:** Construction is continuing at the Water Plant site, but it is slow due to the weather. Mid-Atlantic Tank Company is on site now so tanks should be going up soon.

In regards to the Waste Water Treatment Plant, he has received a preliminary PER and a meeting is set with Malcolm-Pernie for later this month to finalize this.

**Council Member Le Vine** asked about the report given in the Packet where it was reported the water plant for seven days was at 89% capacity --- what is the cause of this. **Director of Public Works Tewalt** said there was a leak at Columbia Gas and much water was lost due to this. They are also looking for a leak in the system that is possibly losing 200,000 gallons a day and the leak has gotten stronger during the past three weeks. The Public Works and Public Utilities Departments are both looking for this leak.

**Director of Public Works Rhodes:** No report

**Chief of Police Sutherly:** The department answered 689 calls during the month of December resulting in 43 adult arrests and 1 juvenile arrest. The next Senior Citizen Academy will be held in July and a Women's Self-Defense Class will start in March at the Strasburg High School.

**Town Planner Rex:** Reviewed the actions that have taken place to date on the ARB request for the limestone porch on the Brim home. He said the Brims are appealing the decision of the ARB made on November 23; this was later reviewed again in December and did not change their decision. Later, Staff received a letter from the Brims requesting the appeal.

**Steve Brim:** Said he feels the ordinance is very discriminating towards property owners within a certain area of Strasburg. The National Historical Register recognizes the entire Town as historical, but the Council has decided to limit this to only a few block radius. He feels the report given of stone versus wood is self-explanatory and he would just like Council to take action on this.

**Council Member Le Vine** said a drawing of the porch was submitted, but he believes the drawing is reversed as to the actual house and wanted to be sure the entrance would remain the same. **Mr. Brim** said the entrance would be located the same place as always. **Council Member Le Vine** asked if the limestone would match the foundation limestone as best it could and **Mr. Brim** said they are going to try to match as close as possible. It would not be a fake façade of stone, but would be real stone. **Mr. Brim** said they have been inconvenienced for a few months and he would like to see it resolved.

**Hope Brim:** Said the decision of the ARB was based on opinion and nowhere in the ordinance does it cite certain regulations that it was being turned down due to; it was not specified by anything legal.

**Council Member Baker** said a member of the ARB was concerned about the weight of the porch on the sidewalk and **Director of Public Works Rhodes** said this had been taken into consideration when the sidewalk was put in.

**Council Member Ritenour moved to overturn the action taken by the Architectural Review Board and allow the porch improvements as proposed by the applicants; second by Council Member Mauck.**

Discussion:

**Council Member Baker** said he wanted to propose an alternative motion and asked Town Attorney Neal for guidance.

**Council Member Baker moved to remand the matter to the Architectural Review Board for further consideration; second by Council Member Vena.**

Discussion on alternative motion:

**Council Member Baker** said he has some reason to believe that if the matter is referred back, the applicants will receive what they want. He is in favor of the porch, but has some reservations in reversing the decision of the ARB and does not believe the decision has to be reversed. If this is reversed, he is afraid a dangerous precedent is being set. He is afraid anyone who does not receive what they want from the ARB, they will come to the Council for appeal. His other concern was that the Town has finally gotten a complete ARB and he is concerned if this is reversed, the Town will have difficulty getting others to put in the time and effort to be on this Board.

**Council Member Le Vine** said Council Member Baker has interesting arguments, but he (Council Member Le Vine) is a strong believer in the appeal process and if this is not exercised, then the ordinance is not just and sustainable. The ordinance is in place and the Brims are doing their “due process” in appealing the decision. If this is referred back, the Council is basically telling the ARB to reverse the decision. If the Brims have gone through the process in good faith, there is no reason why they should not get an answer. He feels it is appropriate for the Town to make a decision and the appeal process must be valid.

**Council Member Whittle** said the ARB does give a lot of good input, but not everyone will always get their way. He hopes no one will resign over this issue. He does not have any idea that the Board would change their decision, but even if they would, the Council can vote now and take care of the issue.

**Council Member Redmon** feels this must be decided now.

**The motion to refer this matter back to the Architectural Review Board was defeated with the following results:**

|            |          |
|------------|----------|
| <b>Aye</b> | <b>1</b> |
| <b>Nay</b> | <b>7</b> |

Discussion on the original motion:

**Council Member Terndrup** said the Brims are friends and neighbors and if they were wrong, he would tell them they were wrong, but they are right. He was a primary person who steered this ordinance through the Ordinance Committee and Mr. Brim attended meetings and was against this. He said a comment was made by ARB Members that the function of the ordinance was to make the structure look “the same.” But, reading from the ordinance, he disagreed with this as the ordinance reads “the compatibility of the proposed change” and “the building or structure would be appropriate”; it does not say the change has to be the exact same as before and the intent of the ordinance was not to have it be exactly the same. This is a diverse community of architectural styles. He is concerned with overturning the decision, but in this case it is appropriate. There are no guidelines for the ARB to adhere to and so until these are created, they do not have a “legal leg to stand on.” The ordinance supports the Brims and the Council needs to follow the intent and wording of the ordinance.

**Council Member Le Vine** asked about a technicality of the motion and that what was originally proposed in the application has “evolved” and so he wants to make sure the motion is for the right thing. **Mayor Taylor** said the motion was for what the Brims are currently proposing. **Council Member Baker** said he does not agree as the ARB did not vote the second time. The time the ARB voted, the proposal was to use limestone that had been used as part of the curb for a facing to the porch, but now they are going to try to match the foundation as close as possible.

**Planner Rex** said when he wrote the motion as it was read, it was to use the most current proposal. **Mr. Brim** said he never proposed to use the stone as a facing; he was going to use it as stone, stacked upon stone, as would be done for a stone foundation.

**The motion to overturn the action taken by the ARB and allow the porch improvements as proposed by the applicants passed with the following results:**

|             |          |
|-------------|----------|
| <b>Ayes</b> | <b>7</b> |
| <b>Nay</b>  | <b>1</b> |

Planner Rex continued his report saying there will be an open house on January 26 at 5 p.m. with business owners to generate ideas for the proposed sign ordinance. Zoning permits are higher than last year at the same date and there seems to be some momentum for single family homes.

**Council Member Mauck** asked what the building was that is being built behind the Virginia Savings Bank and Planner Rex said it was the annex to the Ramada.

**Council Member Le Vine** reminded Council that zoning permits do not equate to availability fees so not to “count the money before you have it.”

**Reports & Communications from Standing Committees:**

**Finance Committee:** **Council Member Le Vine** said the Town gets audited every year and Council is invited to hear the review of this. The audit review meeting will be held on February 1 at 6 p.m.

**Council Member Le Vine** highlighted portions of the minutes of the Finance Committee meeting held on January 4. Copies of the minutes were available at this Council meeting, are posted in the vestibule of Town Hall, and are on the Town website.

**Council Member Le Vine** said the structure of the agenda for the Finance Committee meeting is being revised. The agenda will be divided into three groups:

1. Summary Agenda --- items taking less than one minute
2. Staff responsibilities/reports
3. Items needing Council input

The hope of this restructuring is to make the meeting quicker and the agenda less overwhelming.

**Infrastructure Committee:** **Council Member Baker** did not give an oral report as copies of the minutes were available at this Council meeting, are posted in the vestibule of Town Hall, and are on the Town website.

**Council Member Terndrup** said he would like to discuss the Ryan Judy matter at some point. Town Attorney Neal said the closed meeting following the Council meeting is for this purpose.

**Ordinance Committee:** The committee did not meet in December. **Council Member Terndrup** emphasized the meeting on January 26 regarding the sign ordinance and invited the public to attend.

Action Item:

**Council Member Terndrup** moved that **Chapter 42 of the Town of Strasburg Code be amended as shown on the attached Exhibit A (included in the Council Packet); second by Council Member Le Vine.**

**The motion passed unanimously.**

**Council Work Session:** Copies of the minutes were available at this Council meeting, are posted in the vestibule of Town Hall, and are on the Town website; Mayor Taylor reviewed the major items of discussion.

The next Public Forum will be held on February 22 with the Strasburg Volunteer Rescue Squad hosting.

**Special Committee Reports:**

**Chamber of Commerce:** Council Member Redmon said he had attended the Board meeting earlier that evening and reported tourism is heading in new directions with many good ideas. Mayor Taylor said a presentation will be given at the Work Session by the Tourism Committee. All were reminded to buy tickets to the Chamber Banquet to be held on January 23.

**Hometown Strasburg:** Mrs. Carla Wallen said a presentation was given at their monthly meeting by the Signal Knob FFA Chapter telling of their experiences at the National FFA Convention in Indianapolis, IN. The Taste of Strasburg booklet project has been a success for the restaurants, the people who have used them, and for Hometown; this project will be repeated during 2011. The group's newest project is to get benches placed along the River Walk. Four "welcome bags" were delivered to new homeowners during December.

**Council Member Mauck** said she has been in discussion with Staff on the placement of the benches. Town Manager Fauber is also looking into this and the Strasburg High School Agriculture Department wants to assist with this project. **Council Member Mauck** said she is also exploring the idea of using tree stumps as seats.

**Tourism Committee:** A presentation will be given at the Council Work Session.

**Cedar Creek/Belle Grove National Historical Park:** Council Member Mauck said the group met on December 17<sup>th</sup> in Front Royal. She reported a Visitors Center will be put in place during 2010 and it must be decided where to locate this.

**Strasburg Heritage Association:** Barbara Adamson, representing the group, said the Homes Tour was very successful. The next program/meeting will be held on February 28 at St. Paul's Lutheran Church with Rev. Bill Wade giving a presentation on Shenandoah County art/artists.

**Strasburg Community Library** – no report

**2-5-0 Project** – The committee will be meeting on January 13<sup>th</sup> at 7 p.m. in the Town Hall.

**Unfinished or old business:** Council Member Mauck said a letter had been included in the Council Packet regarding a donation to the Town from Shentel for recreation. She asked if this could be added to the Work Session agenda.

**New Business:** **Council Member Le Vine** said an actual vote should be taken on resolutions given at Council meetings; Mayor Taylor will research this. Also, Council Member Le Vine would like for Mayor Taylor, when asking for a vote, to ask for "yes" if in favor and "no" if not in favor.

**Committee Dates:**

|                          |                       |            |
|--------------------------|-----------------------|------------|
| Work Session             | Tuesday, January 19   | 7:00 p.m.  |
| Infrastructure Committee | Monday, February 1    | 10:00 a.m. |
| Finance Committee        | Monday, February 1    | 7:15 p.m.  |
| Audit Meeting            |                       | 6:00 p.m.  |
| Ordinance Committee      | Tuesday, January 26   | 6:00 p.m.  |
| Sign Meeting             |                       | 5:00 p.m.  |
| Planning Commission      | Tuesday, January 26   | 7:30 p.m.  |
| ARB                      | Thursday, January 21  | 5:00 p.m.  |
| 2-5-0                    | Wednesday, January 13 | 7:00 p.m.  |
| Chamber Banquet          | Saturday, January 23, | 6:00 p.m.  |

Town Office will be closed on Friday, January 15 and Monday, January 18 in observance of Lee-Jackson Day and Martin Luther King, Jr. Day.

**Council Member Ritenour moved that the Town Council for the Town of Strasburg go into a Closed Meeting pursuant to Code of Virginia Section 2.2-3711.A.7, to discuss a matter of probable litigation; second by Council Member Le Vine.**

**Adjourned to Closed Meeting at 8:39; reconvened at 9:15 p.m.**

**“The Council of the Town of Strasburg hereby certifies by Roll Call vote that to the best of each member’s knowledge (1)only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies and (2)only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council of the Town of Strasburg.”**

|                                |                       |
|--------------------------------|-----------------------|
| <b>Mayor Taylor</b>            | <b>“I so certify”</b> |
| <b>Council Member Baker</b>    | <b>“I so certify”</b> |
| <b>Council Member Le Vine</b>  | <b>“I so certify”</b> |
| <b>Council Member Mauck</b>    | <b>“I so certify”</b> |
| <b>Council Member Redmon</b>   | <b>“I so certify”</b> |
| <b>Council Member Ritenour</b> | <b>“I so certify”</b> |
| <b>Council Member Terndrup</b> | <b>“I so certify”</b> |
| <b>Council Member Vena</b>     | <b>“I so certify”</b> |

**Council Member Ritenour moved that the Strasburg Town Council go into a closed meeting pursuant to Code of Virginia Section 2.2-3711.A.7, to discuss a personnel matter involving a Town employee; second by Council Member Mauck.**

**Adjourned to Closed Meeting at 9:16 p.m.; reconvened at 10 p.m.**

**“The Council of the Town of Strasburg hereby certifies by Roll Call vote that to the best of each member’s knowledge (1)only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies and (2)only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council of the Town of Strasburg.”**

|                                |                       |
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| <b>Mayor Taylor</b>            | <b>“I so certify”</b> |
| <b>Council Member Baker</b>    | <b>“I so certify”</b> |
| <b>Council Member Le Vine</b>  | <b>“I so certify”</b> |
| <b>Council Member Mauck</b>    | <b>“I so certify”</b> |
| <b>Council Member Redmon</b>   | <b>“I so certify”</b> |
| <b>Council Member Ritenour</b> | <b>“I so certify”</b> |
| <b>Council Member Terndrup</b> | <b>“I so certify”</b> |
| <b>Council Member Vena</b>     | <b>“I so certify”</b> |

Being no further business, the meeting adjourned at 10:01 p.m.

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Mayor

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Town Clerk