

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, OCTOBER 13, 2009, 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 Rev. Ed Winkler of the Strasburg United Methodist Church.

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

Mayor Taylor welcomed Council Member Vena to the Council; she was appointed to Council at a special meeting on September 29, 2009.

Minutes of the September 8, 2009 Town Council meeting and the special meeting of Council held on September 29, 2009 were approved as presented.

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 introduced John Lesinski who is running for a seat in the Virginia House of Delegates.

Mayor Taylor read a proclamation regarding “Red Ribbon Week”. Members of the Young Marines handed out Red Ribbons to all in attendance. Red Ribbon Week is October 23 – 31, 2009.

Mayor Taylor thanked the Chamber of Commerce and the Town Staff for a successful Oktoberfest.

During the March of Dimes Walk, **Mayor Taylor** had to kiss a llama to help raise money for the charity. The “walk” and other fundraising activities raised over \$20,000 for the organization.

Mayor Taylor said the committee reports would be different due to the committee restructuring. Also, all communications from Mayor Taylor to Council Members is being sent through their “strasburgva.com” email addresses.

Citizen Comments:

Non-action Items:

Reports and Communications from Town Officers:

Town Attorney Neal: Absent (on vacation). Town Manager Fauber reported Mr. Neal is working on the issue of the drainage basin with the Judys.

Town Manager Fauber: Received an email from VDOT on the new traffic signal at Old Valley Pike and Radio Station Road. Flashing light will go into effect on Thursday, October 15 and full operation of the signal will be effective Monday, October 19.

Mr. Fauber reported there was a chlorine leak at the Waste Water Treatment Plant, but proper procedures were followed and the gas was confined to the building. But, due to the leak, the park, Public Works building, and Waste Water Treatment Plant area were all evacuated for a period of time.

Work is progressing at the Water Treatment Plant. The building permit was issued last week and the first progress meeting will be held on October 28. The Infrastructure Committee will be updated at the November meeting on the progress. Chief Water Operator Ritenour has been monitoring the river during the dry weather and it has been requested Town citizens begin voluntary water conservation. Ideas of how to conserve water are posted on the Town’s website. Council Members Baker and Ritenour and Town Manager Fauber will be attending the VML Conference to be held in Roanoke on October 18 – 20.

Mayor Taylor asked about the light at the corner of Holliday and King Streets; it seems to be very slow on the Holliday Street direction. Chief Sutherly will look into this.

Director of Finance Mullins: December tax bills have been sent out and payments have started coming in. Town Manager Fauber, Planner Rex, and Mrs. Mullins are working on scenarios for water rates and will be presenting these at the November Finance Committee meeting.

Town Clerk Keller: Reminded Council Members to RSVP to her tonight for the Town and County Dinner to be hosted by New Market on October 29. New Virginia Freedom of Information Act booklets were provided to all Council Members.

Director of Public Utilities Tewalt: Absent (on vacation)

Director of Public Works Rhodes: Absent (on vacation)

Mayor Taylor asked about the Queen Street sidewalk project and Town Manager Fauber said Mr. Rhodes is planning to start on pavement work this fall and he has begun taking bids for the concrete work.

Chief of Police Sutherly: During the month of September, the department changed CADD systems and figures for the month had to be hand calculated, but the department answered 890 calls for service, resulting in 94 adult arrests and eight juvenile arrests.

Mayor Taylor said he likes the nixle.com website and Chief Sutherly said a grant is being offered to the top three communities to sign-up citizens for this. Citizens are encouraged to do so at: <http://www.nixle.com/>

Town Planner Rex: Received the news that VDOT has approved the contract with Gay and Neel, Inc. for the design of the Downtown Enhancement Project. There will be a kick-off meeting for the design of this project on November 10 at 5:00 P.M. The consultants will be in attendance to present the "base mapping" and completed survey work and will be soliciting input from residents and business owners. More information on this will be forthcoming.

The Planning Commission Work Session will not be held on October 15, but the Commission will meet on October 27 to continue work on the Community Plan. The ARB will be meeting on October 15 to discuss the design guidelines and to elect Board officers.

Reports and Communications from Standing Committees:

Mayor Taylor explained official minutes are now being taken at all committee meetings and will be approved at the next month's meeting. The draft minutes of the various meetings will be posted on-line and on the bulletin board of the Town Office. It will be the discretion of the Committee Chairperson as to giving an oral report at the Council meetings. The Work Session will also have minutes taken.

Finance Committee: Council Member Le Vine summarized the meeting held on October 5. Minutes of the meeting were included in the Council Packets and are posted on the Town website.

Infrastructure Committee: Council Member Baker said the minutes from the meeting were included in the Council Packets and can be viewed on the Town website.

Council Member Ritenour read a resolution regarding the VML Going Green challenge (attached here-to).

Council Member Baker moved to approve the resolution as read; second by Council Member Redmon.

Discussion:

Council Member Le Vine asked about the wording of “minimize unnecessary land consumption”; Planner Rex said it is “sprawl” or “smart growth.” **Council Member Le Vine** asked if there is anything in this that we are not doing now and **Council Member Baker** explained the Town can earn “points” if approved and **Council Member Ritenour** said VML is providing localities a competitive way to promote Going Green. This is a small way our government can show they are conserving. **Council Member Redmon** said this is a proclamation and “going green” should not be minimized and the proclamation should be honored for its integrity.

The motion passed unanimously.

Council Member Mauck asked if the Town has ever had to use any policy beyond voluntary water conservation and Town Manager Fauber said the Town has not, but does have policies that can be put in place for both mandatory and emergency restrictions.

Ordinance Committee:

PUBLIC HEARING: Code Changes for Committee Restructuring

There were no speakers.

Council Member Terndrup said the committee met on September 22, 2009.

ACTION ITEM:

Modification to Chapter 2, Administration (entire wording of ordinance was included in the Council Packets and included in the official minute book).

After considering input from Council, **Council Member Terndrup** said the ordinance committee recommends the addition of some language that allows for meeting flexibility when legally advertised. The standing committees have been reduced from 8 to 3, as agreed to at our work session. The term “chairman” is replaced by “chairperson”. The wording of the ordinance does not specifically say the mayor cannot chair a committee. In Section 2-94, the specifics of the order of business were deleted to allow the mayor some flexibility and discretion regarding the order of business for regular meetings.

Council Member Terndrup moved that the changes to Modifications to Chapter 2, Administration be approved as presented in the Council Packet; second by Council Member Le Vine.

Discussion:

Council Member Baker said he thought it had been decided the Mayor could not chair a committee. Mayor Taylor said one of the versions had said this, but it was later changed because he felt it was good to leave this option open. **Council Member Baker** said he has a problem with this and does not think the Mayor should be able to chair committees. “I have a problem with the Mayor being able to chair one of the legislative committees as the chief executive for the Town.” **Council Member Le Vine** asked who would chair the Work Session then, and **Council Member Baker** said the Mayor could chair that since that is a Council session.

Council Member Whittle said there is some concern with this, but he thinks if a Mayor would abuse this privilege, then that policy could be changed at that time. **Council Member Baker** then asked why take the chance and have to change it; he proposed changing the wording now since a policy is being set now.

Council Member Terndrup read from the ordinance and said it doesn’t even talk about the Mayor, but **Council Member Baker** said it is “silent” as to the Mayor being able to chair a

committee and his position is he is opposed to the Mayor being able to chair a committee.

Council Member Terndrup said he understands what he is saying, but he doesn't think at the Town level in Virginia the branches of government are that distinct and he feels the Council and Mayor work in unison. He does not see a problem with this.

Council Member Le Vine asked if the Mayor is a Council Member and **Mayor Taylor** said he has heard it said both ways and he views himself as a Member of Council. **Council Member Baker** said the Vice President can vote in the Senate, if there is a tie, but he is not part of the Senate; he is the executive branch. The only way the Mayor can vote in Council is if there is a tie and so he is not part of the legislative branch. **Mayor Taylor** said he likes to leave options open and gave an example of if a Mayor has a background in finance and would like to chair the Finance Committee; he could still only chair one committee. **Council Member Baker** thinks it is a separation of power issue.

Council Member Terndrup said as long as there are eight Council Members, the Mayor would be sixth in line for the chair position of any committee and he believes this ordinance is working toward full work sessions for Council. **Council Member Baker** still thought the wording should be changed, even if the Council is working toward a committee of the whole.

Council Member Ritenour suggested tabling this; **Council Member Mauck** asked for the vote.

The motion passed on a vote of 7 – 1 (Council Member Baker, nay).

Continuing the ordinance report, **Council Member Terndrup** said there were several discussion items:

1. Noise Ordinance: Chief Sutherly presented legally enforceable noise ordinances from Fairfax County and the city of Charlottesville. Two meters and the required calibrations would cost \$1,680, which the Chief would try to squeeze out of his budget. Enforcement of the ordinance would be primarily complaint driven. A draft ordinance will be presented to Ordinance in November with a planned action item to Council in December.
2. Legislative updates: Local governments must change their local codes in these circumstances:
 - If the local code references state code sections that were amended by the General Assembly
 - If the local code references state code chapters where sections were amended or added. These changes may be required to be included in the local code, depending on how the local code is written.
 - If state laws that authorize local ordinances are changed, even those local codes that do not reference them must be amended to comply with the changes

The Ordinance Committee recommends that Council make a blanket declaration of compliance in November. Once the Comprehensive Plan is complete, and the ordinance changes and revisions are complete, the Town will pay to have our code updated and put online. At that time, all code references will be updated. If this is legally sufficient, then this is the recommendation from the Ordinance committee.

3. Revisions to Appendix A, Section 3-8, Sign regulations
Town Planner Rex has written a revision of code that governs commercial, for profit business use of temporary signs. This is becoming a growing issue as signs of every size, shape and quality are appearing. The proposed policy would limit the use of a temporary

sign for a total of 45 days during a calendar year. A permit of \$25 is required along with a deposit of \$100.00, and a sticker will be issued by the Town that must be placed on the sign indicating the date the sign must be removed. Town Staff will catalog each permit date and inspect its proper removal. Signs out of compliance will forfeit the deposit, and have the sign removed and documented by digital photograph. Only one sign is allowed and it cannot exceed 18 square feet. No lighting is permitted and all signs must observe all setback regulations. The appearance of temporary signs will follow the same regulations as permanent signs.

The Committee discussed the complaint registered by Ruth Gene Sonner about the gas-fired generator that fuels a lighted Ramada Inn sign about 100 feet north of her home along Valley Pike. The spotlight is aimed at her home. The light and generator violate safety and light ordinances. The sign itself is also out of compliance with all current codes. There have also been several complaints regarding the use of parked vehicles as temporary signs. These matters are under legal review. The Ordinance Committee will resume this discussion in October.

4. Mandate for using permeable surfaces in parking areas
Council Member Baker reported that EPA regulations may be in the works that would require the use of permeable surfaces to reduce storm water runoff. Further discussions when more information becomes available
5. Update on blight abatement: Planner Rex has been in regular contact with Les Woods who owns the King Street property that the Town has notified for blight abatement. Mr. Woods is trying to sell the home through a local realtor. Some progress has been made to stabilize the porch and interior repairs. With this project moving forward, the Town Planner will proceed with notice to a potentially blighted property located on Capon Street and owned by Mr. Johnny Campbell.
6. Revisions to Appendix A, Section 3-14, Site Plan Requirements: this work is ongoing and will be discussed in October.
7. Video Presentation: Form Based Codes: All Council, Planning Commission, BZA members and ARB members are invited to this presentation to an alternative to current zoning practices.

Council Member Mauck said there are citizens who would like to attend the Ordinance Committee meeting regarding the sign ordinance.

Mayor Taylor said he will send out guidelines on how minutes and meetings will be handled and this restructuring is a “work-in-progress.”

Special Committee Reports:

Chamber of Commerce: did not meet

Hometown Strasburg: **Mrs. Carla Wallen** said the committee was happy to have Council Member Ritenour as the contact from Council to Hometown.

The “Art in the Park” project worked out very well during Oktoberfest; it was a wonderful family event.

The “Adopt a Stream clean-up will be on October 28 at 8:15 a.m.

Hometown will be working with the Chamber of Commerce on the Christmas celebration.

Last, the group is very glad the contract has been signed with Gay and Neel, Inc.

Cedar Creek/Belle Grove National Historical Park: Council Member Mauck said the Park Advisory will be working with two new staff members from the National Park. Some money is coming into the National Park system.

Recreation Advisory Board: Council Member Mauck said the group met and the discussion was on recreation opportunities and tourism working together. A forthcoming project is making brochures. She will be meeting with Staff to see how to proceed with the Board.

Northern Shenandoah Valley Regional Commission: Council Member Terndrup said there was a meeting on September 15, but most of what was discussed at the meeting did not pertain specifically to Strasburg. The Town still does not qualify for the Community Development Program. There will be a Forum on November 5 to identify homeless population and access affordable housing needs. The Virginia Department of Mines, Minerals, and Energy will be holding a workshop to assist with grant applications for energy efficiency in government buildings. The Regional Commission and VDOT will be hosting a transportation workshop on October 28.

Also reported was the regional recycling program of tire shredding yielded a net profit of \$90,000 during the past fiscal year and has netted \$541,000 since its inception. The glass grinder also continues to be profitable.

Heritage Association: Barbara Adamson, president of the association, reported there was a successful walking tour of the Fishers Hill Battlefield on September 27. Also, lots of trash was picked up along Route 11 during their clean-up day. The Homes Tour will be held on December 12 with five homes being featured.

2-5-0 Project: Council Member Mauck said a calendar of events is being set for the entire year and the deadline for having a group's project included in this is June, 2010. They are trying to work with groups in the community so that the 2-5-0 events will not conflict with annual events.

Council Member Mauck will be meeting with Shenandoah Valley Battlefield Association regarding the Great Train Robbery on October 19 at 10 a.m.

The next meeting will be on November 4.

Unfinished or old business: Mayor Taylor said the Board of Supervisors met on October 13 and adopted the Strasburg Rescue Squad plan and so the group will start taking calls on Friday, October 16. A copy of the agreement will be forwarded to Council. Mayor Taylor appreciates all the work that has been done to make the running of calls possible. The Finance Committee will need to look at the annual donation to the squad.

Town Manager Fauber and Mayor Taylor visited area businesses on October 1 to see how the companies were doing during the weak economy. Most are doing well. Rumor mills are not helping them, but at the present time, none of those visited have plans to shut down.

Council Member Redmon asked about incentives that could be used on the fire department roof. **Council Member Terndrup** said he thinks this could be found out at the Regional Commission Workshop.

Council Member Terndrup asked about the letter dated September 24 from Shentel saying the Town is a "franchise authority" --- what does that mean and at what point will there be some competition of service with other providers?

Town Manager Fauber said the franchise came into affect about 15 years ago and the franchise comes up for renewal next year. There have been some State law changes since then, but he is not sure of any competition at this time. There will be a public hearing at the November Council

meeting that will allow the public to speak about the services and competitive companies can come at that time. The “franchise authority” says the Town is committing that Shentel will provide cable TV to the Town.

New Business:

Mayor Taylor said Council must appoint a Vice Mayor.

Council Member Le Vine nominated Council Member Whittle as Vice Mayor; second by Council Member Redmon.

Being no other nominations, the nominations were closed.

Council Member Whittle was appointed unanimously by a show of hands.

Council Member Le Vine acknowledged the minutes of the committee meetings.

Council Member Ritenour asked that all Council Members attend Camp Rescue on Saturday, October 17 at 8:30 a.m.

Committee Dates:

Council Work Session	Monday, October 19	7:00 p.m.
Infrastructure Committee	Monday, November 2	10:00 a.m.
Finance Committee	Monday, November 2	7:15 p.m.
Ordinance Committee	Tuesday, October 27	5– 6:30 p.m.
Form Codes Presentation	Tuesday, October 27	6:30 p.m.
Planning Commission	Tuesday, October 27	7:30 p.m.
ARB	Thursday, October 15	5:00 p.m.
Recreation Advisory	Tuesday, October 20	5:00 p.m.
2-5-0 Committee	Wednesday, November 4	7:00 p.m.
B2B	Thursday, October 15	5 – 7:00 p.m.
Camp Rescue (Moose Lodge)	Saturday, October 17	8:30 a.m. – 1 p.m.
Haunted Station (Rescue Squad)	October 30 and 31	6 – 9:00 p.m.
Trick or Treating in Strasburg	Saturday, October 31	5 – 8:00 p.m.

Being no further business, the meeting adjourned at 8:53 p.m.

Mayor

Town Clerk