

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 10, 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. David Howard, pastor of the Strasburg Presbyterian Church.

ROLL Called with the following members present: Mayor Taylor, Council Members Baker, Le Vine, Mauck, Redmon, Ritenour, Terndrup, and Vena. Absent: Vice Mayor Whittle (out-of-town on business).

Minutes of the November 10, 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. The letter from Steve and Kay Witt will be discussed at the Council Work Session.

Mayor Taylor thanked the Chamber of Commerce and Town Staff for the Christmas Celebration and those that decorated the Town tree.

Introduction & Recognition of Visitors and Guests

Carl Rinker, 74 Philips Court, Strasburg, VA: Mr. Rinker said when he was on Council, they wrestled with the issue of water and sewer. At one time, Mr. Jeff Buettner, member of the Winchester City Council, visited and offered to sell water to Strasburg. Mr. Duncan, Front Royal, wanted to take sewage from Strasburg and process in Front Royal. Both of these would have cost less than what is being proposed and that there are other options. He also thinks it is time to stand up to the EPA and say the citizens cannot afford to pay for all the items required by the EPA. He asked that everything be looked at and to be innovative; need to get legislators involved and try to get stimulus money to pay for this or put a moratorium on hook-ups.

Carl Rinker, 74 Philips Court, Strasburg, VA: Mr. Rinker said the issue with the paint on the street in front of Spike's Supply is a topic "near and dear" to his heart. He said that when the State re-routed the road, this area was left as State property. He continued by saying Mr. Spiker has no right to put printing on the pavement and someone recently had an accident due to gestures made by Mr. Spiker. If the Town needs to get another attorney due to the conflict-of-interest with Town Attorney Neal, then they should so this can be resolved.

Mayor Taylor said he would contact Mr. Rinker on items he discussed.

Citizen Comments:

Non-action Items:

Reports and Communications from Town Officers:

Town Attorney Neal: Has gotten additional information on the Spiker issue and will be talking to Mr. Spiker this week to let him know the consensus of the research. He will let Council know the outcome.

He said he has met with Mr. Ryan Judy, Mr. Judy's father, A.J. Judy, and his attorney, Amanda Wisely. They are trying to get Mr. Judy more usable land and so Town Attorney Neal has sent a letter to Mr. David Bushman to see how this can be accomplished. He hopes to have more information soon.

Town Attorney Neal said Attorney Jim Allamong had been acting as his assistant and doing the prosecution work for the Town. Mr. Jim Allamong has stepped down from doing this. Mr. Jeremy McCleary will now be doing this for the Town and he was chosen because he does not do defense work in his own practice.

Town Manager Fauber: Included in the Agenda Packet a resolution received from Front Royal on the 599 Program Funds. He explained this fund gets attacked at the State level often and so this resolution is asking that the funding be kept. He is asking that this be voted on tonight so it can be forwarded to the State legislators.

Council Member Le Vine moved for the adoption of the Resolution regarding 599 Program Funds; second by Council Member Baker.

Council Member Le Vine feels this resolution is good, but incomplete. Council has talked to Senator Obenshain and Delegate Gilbert on the impact of the water and sewer plants and so he thinks the resolution should be enlarged because the Town is faced with this loss of funding, but also the Town is being faced with increased costs for the water and sewer plants. The 599 funding should not be seen in isolation. He would like for more “Whereas” be added which would discuss the cost of the water and sewer projects and then this be discussed at the Work Session. He would like the vote tonight to be to sign and send the amended resolution following the Work Session.

Council Member Baker does not disagree, but feels the two should be kept separate; a different resolution should be written for each issue.

Council Member Le Vine said things should not be looked at in isolation, but the total impact must be shown. The State is putting financial burden on towns. The real impact to Strasburg is not just the 599 funding, but all the State mandates that are becoming overly burdensome.

Council Member Mauck asked the 599 funding had been completely eliminated in earlier years and then restored, but it was said it has been reduced through the years.

Council Member Terndrup agrees with Council Member Le Vine and added programs are cut and other programs added and the costs of all of these must be passed on to citizens. He feels this is a problem that is increasing and should be addressed. He thinks Strasburg should ask other towns in Virginia to “sign on” so there are more voices heard.

Council Member Mauck doesn’t want to mix “apples and oranges” and thinks there should be a separate resolution for the water and sewer costs. The 599 Funding is already “on the table,” but water and sewer funding is entirely different.

Council Member Baker agrees with Council Member Terndrup that other towns should be brought on board and Strasburg should send out a resolution on water and sewer much like Front Royal has been done on the 599 funding.

Council Member Ritenour said adding wording to the resolution about the additional debt for water and sewer will “get lost.” This 599 resolution should be passed now and then treat the water and sewer later and he thinks it should be something stronger than a resolution.

On a roll call vote, the motion passed with the following results:

Council Member Baker	Yes
Council Member Le Vine	No
Council Member Mauck	Yes
Council Member Redmon	Yes
Council Member Ritenour	Yes
Council Member Terndrup	No
Council Member Vena	Yes

Mayor Taylor said the concerns with the water and sewer funding issues will be discussed at the Work Session.

Continuing his report, **Town Manager Fauber** reminded all VDOT will be hosting a Public Information meeting on Wednesday, December 9 at 4 p.m. at the Town Hall. on the Queen Street project

The Water Plant project continues and the first pay request was sent out on December 7 for ~\$1 million; this request included construction costs through the end of November, some inspection fees through the engineering firm, and bond counsel work. The funding should be coming to the Town in the next few days.

Director of Finance Mullins: No Report.

Town Clerk Keller: No Report.

Director of Public Utilities Tewart: The temporary water line is being installed into the trailer for the water plant construction site. In the large construction, the digging of the foundation for the river pump station has started. They would like to complete this before the weather gets bad and because there is a limited time they can work in the river due to the spawning of fish, etc. He added the voluntary water restrictions have been lifted.

Director of Public Works Rhodes: The Queen Street project is ongoing and pavement will be started on the north side of the street. Leaf pick-up will continue for several more days and the Christmas tree pick-up will be during the first full week of January.

Mayor Taylor recognized Mr. Rhodes for 35 years of service to the Town of Strasburg.

Chief of Police Sutherly: Reported that during the month of November, the department answered 601 calls for service, resulting in 13 adult arrests and 0 juvenile arrests.

Council Member Le Vine said he had noticed the traffic violations have gone down during the past two years and he was wondering why. Chief Sutherly said the efforts of the officers are paying off, in combination with other efforts.

Mayor Taylor reminded people of the Nixle site which alerts people to emergency situations. **Chief Sutherly** said those that sign-up by December 27 will help the department in the efforts to receive a \$10,000 grant. The website to sign-up for this service is: <http://www.nixle.com/>

Town Planner Rex: The application for the Downtown Enhancement Project was completed and submitted. The Town is requesting \$300,000 in this round of grant funding and this money will be used to complete the design phase and fund Phase I of the project. He added there has been great response to the survey Gay and Neel designed for this project.

Planner Rex pointed out he had included information in the Council Packet regarding the website which tells how many “hits” the site has gotten. He asked if this is something the Council would like to receive monthly and the consensus was this should be included. **Council Member Le Vine** said he had looked at the numbers differently than others and explained some of the “hits” were for very short amounts of time --- four or five seconds --- and so some might coming from people trying to use it for “nefarious” reasons.

Reports & Communications from Standing Committees:

Ordinance Committee: Minutes from the meeting were included in the Agenda Packet, are posted on the Town’s website and in the vestibule of the Town Hall, and copies were available at the Council meeting. **Council Member Terndrup** reviewed the minutes, highlighting the most important portions.

Mayor Taylor opened the Public Hearing on the 2009/10 Budget Adjustment. The following adjustment is proposed for fiscal year 2009-2010:

- **Increase the Water Fund Revenue by \$2,459,000 which is grant revenue for the water plant and was not included in the original budget**
- **Increase the Water Fund Expense by \$2,459,000 which will be used for expenses at the new water plant**

As there were no speakers, the public hearing was closed.

Finance Committee: Council Member Le Vine moved to adjust the 2009-10 Budget by increasing the Water Fund revenue and Water Fund expenses by \$2,459,000; this amount is grant money received from Rural Development to be used in the construction of the Water Treatment Plant; second by Council Member Redmon.

Discussion:

Council Member Mauck asked why this had not been included in the original budget and Director of Finance Mullins said it was an oversight.

The motion passed on a roll call vote with the following results:

Council Member Baker	Yes
Council Member Le Vine	Yes
Council Member Mauck	Yes
Council Member Redmon	Yes
Council Member Ritenour	Yes
Council Member Terndrup	Yes
Council Member Vena	Yes

Council Member Le Vine continued with the report from the Finance Committee of which minutes from the meeting were included in the Agenda Packet, are posted on the Town's website and in the vestibule of the Town Hall, and copies were available at the Council meeting. **Council Member Le Vine** presented a hand-out (attached here-to) that helped to explain some of the issues discussed at the meeting. Costs of projects could cost ~\$63 million, with the Town needing to borrow as much as \$55 million. **Mayor Taylor** had asked that the average cost to a Town citizen be calculated and so this was shown on the hand-out.

Infrastructure Committee: Minutes from the meeting were included in the Agenda Packet, are posted on the Town's website and in the vestibule of the Town Hall, and copies were available at the Council meeting.

Council Member Baker moved that Council authorize Malcolm Pirnie to proceed with the design of a Class A (ATAD) sludge treatment process for the Waste Water Treatment Plant upgrade; second by Council Member Mauck.

Discussion:

Council Member Le Vine believes Class A is a good idea and is environmentally friendly, but his concern is with the cost. He continued by saying the Town is faced with the biggest financial commitment it has ever made. There will be no new services to citizens from these increased costs. He said when he was elected to Council, many citizens in the Town felt the issues of the Town needed to be looked at "wholelistically" so the larger problems could be solved. If the waste water plant is not put into place within a certain timeframe, then fines can be levied, but he does not think this will happen as it will bankrupt this Town, as well as other towns. This should be tabled for two months so the total impact to the Town can be researched. Mr. (Carl) Rinker gave some good ideas, but he doesn't know if they are feasible, but they should be looked at. He

wants to make sure his vote is justified and he added he is willing to take the financial risk in waiting for two months to make this decision.

Council Member Le Vine moved to table the motion on the floor which was made by Council Member Baker with a second by Council Member Mauck; second to this motion by Council Member Vena.

Discussion:

Council Member Mauck said the vote is to decide if the plant should be designed for Class A sludge or not; Malcolm Pirnie needs direction from Council. She thinks the two months will cost the Town money and the issue can be re-thought, but feels Council needs to move forward. She also believes the EPA will eventually require Class A sludge.

Council Member Ritenour said that the numbers are staggering, but part of the reason for this is that previous Councils put off decisions and so he cannot see any reason to put it off again. It will cost more in the future.

Council Member Terndrup sees no reason for a Town this size to do two major construction projects at the same time. One project places a substantial burden on the Town and two is unrealistic. He reviewed costs given for the waste water plant up-grade:

May 1 – told the cost of construction would be ~\$18 million.

July – told Class A sludge would cost ~\$21.5 million

Now – the project cost is ~\$25 million

He wants to know what has caused this increase. The Council has only been given one option and he doesn't think the vote should be taken as there could be alternatives. Maybe the project could be "phased" in to make it more affordable. He said that every time a vote is taken, you are voting on the total cost and you are voting to proceed down this path. He would like to know what else could be done so the tax rate to citizens is not doubled as citizens cannot afford that. He suggested trying for stimulus money to help with the cost.

Director of Public Utilities Tewart spoke about stimulus money and being "shovel ready." The Town cannot be "shovel ready" until this part of the project is decided on. It is imperative to decide on Class A or Class B so they can look for funding options.

On a roll call vote, the motion to table the original motion was defeated with the following results:

Council Member Baker	No
Council Member Le Vine	Yes
Council Member Mauck	No
Council Member Redmon	No
Council Member Ritenour	No
Council Member Terndrup	Yes
Council Member Vena	No

On a roll call vote, the original motion: "Council Member Baker moved that Council authorize Malcolm Pirnie to proceed with the design of a Class A (ATAD) sludge treatment process for the Waste Water Treatment Plant upgrade; second by Council Member Mauck" passed with the following results:

Council Member Baker	Yes
Council Member Le Vine	No
Council Member Mauck	Yes
Council Member Redmon	Yes
Council Member Ritenour	Yes

Council Member Terndrup	No
Council Member Vena	Yes

Town Council Work Session: Minutes from the meeting were included in the Agenda Packet, are posted on the Town's website and in the vestibule of the Town Hall, and copies were available at the Council meeting; Mayor Taylor gave highlights of the meeting.

Council Member Vena read the resolution to the Strasburg Volunteer Rescue Squad (attached here-to).

Council Member Vena moved to approve the resolution to the Strasburg Volunteer Rescue Squad; second by Council Member Redmon.

The motion passed unanimously.

Council Member Le Vine nominated Marcy McCann to the Architecture Review Board (ARB).

Being no other nominations, Mayor Taylor closed the nominations.

Council Member Le Vine moved for the appointment of Marcy McCann to the ARB for a three year term (term ending December 31, 2012); second by Council Member Mauck.

Discussion:

Council Member Redmon said he knows this person has good credentials, but does she have common sense and compassion.

Ms. McCann was appointed unanimously.

Council Member Le Vine moved to reappointment Mr. James Massey to the ARB for a three year term (term ending December 31, 2012); second by Council Member Mauck.

The vote was unanimous.

Council Member Le Vine moved to reappointment Mr. Richard Seelbach to the ARB for a three year term (term ending December 31, 2012); second by Council Member Mauck.

The vote was unanimous.

Mayor Taylor stressed to citizens the importance of coming to the Work Sessions.

Special Committee Reports:

Chamber of Commerce: no report

Hometown Strasburg: no report

Tourism Committee: It was announced Dee Morrissey will be giving a report to Council at the January meeting.

Cedar Creek/Belle Grove National Historical Park: Council Member Mauck said the group will be meeting on December 17 in Front Royal. She met with the trail management group that is working toward having a trail connecting battlefields on December 8. This trail will go through Strasburg. They are contracting with an engineering firm and a steering committee will be formed.

NSVRC – Council Member Terndrup said the main topic of discussion at the meeting was regional transportation. Strasburg is being used as a model of those wanting to join. It was said it would cost ~\$17 one way for transportation to Washington, DC, but the surveys returned by

residents of Strasburg found they are only willing to pay \$1. There may be some sort of in-town transportation studied.

Council Member Mauck asked about the stimulus money that is available to areas with foreclosures as Strasburg is not receiving any of these funds. It was explained that there must be a certain number of foreclosures in a given neighborhood and Strasburg does not qualify.

Strasburg Heritage Association: The Homes Tour is scheduled for December 12, 10 a.m. – 4 p.m., with five houses being featured; tickets are \$10 each.

Strasburg Museum – A thank-you letter from the library was included in the Agenda Packet.

Strasburg Community Library – It was reported the Book Sale held on December 4 and 5 brought in \$1,800.

2-5-0 Project – The group will be meeting on Wednesday, December 9, 7 p.m. at the Town Hall.

Unfinished or old business:

New Business:

Committee Dates:

Work Session	Monday, December 14	7:00 p.m.
Infrastructure Committee	Monday, January 4	10:00 a.m.
Finance Committee	Monday, January 4	7:15 p.m.
Ordinance Committee	Tuesday, January 26	6:00 p.m.
Planning Commission	Thursday, December 10	7:00 p.m.
ARB	Thursday, December 10	5:00 p.m.
2-5-0	Wednesday, December 9	7:00 p.m.
CC/BG Nat. Hist. Park	Thursday, December 17 (Front Royal)	
Homes Tours	Saturday, December 12	10 a.m. – 4 p.m.
VDOT Public Hearing	Wednesday, December 9	4 – 7 p.m.
Chamber Membership meeting	Thursday, December 17	6 p.m.

Council Member Ritenour moved that the Strasburg Town Council go into a closed meeting pursuant to Code of Virginia Section 2.2-3711.A.1, to discuss a personnel matter involving a Town employee; second by Council Member Mauck.

Council adjourned to a closed meeting at 9:02 p.m.; reconvened at 9:28 p.m.

Mayor Taylor read, “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.” He continued by saying each member should respond “I so certify” by Roll Call vote and the following responses were recorded:

Mayor Taylor	“I so certify”
Council Member Baker	“I so certify”
Council Member Le Vine	“I so certify”
Council Member Mauck	“I so certify”
Council Member Redmon	“I so certify”
Council Member Ritenour	“I so certify”
Council Member Terndrup	“I so certify”
Council Member Vena	“I so certify”

Being no further business, the meeting adjourned at 9:29

Mayor

Town Clerk