

MINUTES OF THE STRASBURG TOWN COUNCIL WORK SESSION HELD ON MONDAY, APRIL 2, 2018 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

PRESENT: Mayor Orndorff, Vice Mayor Terndrup and Council Members Bishop, Falkenstein, Hall, Le Vine, Newman, Plitt, and Vena. Absent: Council Member

STAFF PRESENT: Town Manager Pearson, Economic Development and Marketing Manager Bixler, Planning and Zoning Administrator Settle, and Clerk of Council Keller.

Mayor Orndorff called the Work Session to order and reviewed the agenda.

Citizen Comments:

John Massoud, 292 W. Queen Street, Strasburg, VA: Stated he sent an email about a power pole over a year ago; the pole was leaning. He said it will fall at some point. He asked if there had been any word on this. **Mayor Orndorff** said he has the name of an engineer with the power company that staff can get in touch with.

Action Item:

- **Approval of Minutes: March 19th, 2018**

The minutes of the March 19th, 2018, Work Session were approved as presented.

Discussion Items:

1. 130 N. Massanutten Street Sign Plan Waiver

Mayor Orndorff said this is a request for a sign plan waiver, pursuant to UDO Sec 2.39.7.D.3, allowing for thirty percent (30%) window sign coverage instead of the twenty percent (20%) limit stipulated and recommended in UDO Sec 4.19.11.D.7.A and chapter seven, page eleven of the Strasburg Historic District Design Guidelines, respectively.

P&Z Administrator Settle said this waiver is basically asking for the Town Council to allow for additional coverage on a window. This started in January when a banner was reported on the building and after it was reported, the owner agreed to take it down. In another week, a vinyl window sign was placed on the window. The owner applied for a sign application and was heard by the ARB in late March. The application asked to take down the hand-lettered sign and leave the vinyl sign. The ARB suggested leaving the painted sign and replacing the information on the vinyl sign with a sidewalk. **P&Z Administrator Settle** continued by saying that last week, staff received a sign waiver request to allow for 30 percent window coverage. He gave the Code sections pertaining to waivers. It was noted that only one sign waiver has been given and this was for Boxhouse Brewery. Staff's recommendation would be that they would like Council to give a compelling reason for granting this waiver.

Council Member Le Vine asked if the ARB suggestion was declined. **P&Z Administrator Settle** said there has been no correspondence with the applicant since the meeting.

Council Member Vena asked if we hadn't previously had problems with sidewalk signs. **P&Z Administrator Settle** said there have been no problems with sidewalk signs since he has been here.

Council Member Newman asked if the sign code coverage had been changed and it has not. He said clearly the sign does not obstruct five feet of the window. He noted the signs at Dollar General and the number of signs they previously had and one of the reasons for this 20 percent coverage.

Town Manager Pearson said when he was the P&Z Administrator, former **Town Manager**

Spitzer instructed him to do the actual coverage and not the way it is written in the UDO. He has decided to administer it the way the UDO is written and **Council Member Newman** said he understands the reason why because it is easier to measure. He does not mind giving the higher percentage if you use just the coverage.

Mayor Orndorff said the Ordinance Committee met and **Vice Mayor Terndrup** said the compelling issue is that there is clearly nothing wrong with the sign. Because of this, there has to be something wrong with the ordinance. Is it as simple as replacing the percentage or should we allow the business owner to cover as much as they want? He is not sure what the intent of the ordinance was.

Council Member Newman agreed and thinks the intent was to eliminate full coverage in windows. **Council Member Vena** said if there was a mistake in the ordinance, do they need a waiver. **Vice Mayor Terndrup** said the way it is written a waiver would be needed, but if the ordinance is changed, a waiver is not needed.

Council Member Bishop asked if it would be possible for the Council to table any action until the Ordinance Committee moves forward. She would rather do this for the entire town and not just for individual businesses.

Mayor Orndorff said **Town Attorney Miller** had recommended to enforce the ordinances we have until a change is made. We should not suspend enforcement. He said he thinks we do have exemptions and waivers for specific things like the Brewery sign. Council didn't want to change the entire ordinance, but just allow for this historic-looking sign.

Council Member Plitt said when we get to the point, the way we measure the lettering should be looked at.

Council Member Newman said the way we measure is clear, but it might not be the right way. He said we could issue the waiver, but also look at the wording on measuring.

Council Member Bishop said what is to stop others for coming and asking for waivers. She is concerned in constantly giving waivers for people who don't like our rules.

Vice Mayor Terndrup said while we continue in the enforcement phase, this business owner ends up scraping off the sign. The owner is the victim. For the number of things staff needs to do, this is a disrespectful way of using staff's time.

Council Member Falkenstein said he thinks there is a difference in the spirit of the intent and the way it is being enforced. The "Bakery" sign draws him in. The waiver would allow Council to control large signs but still allow for other signs.

Council Member Hall said "the UDO sucks." Years ago, many businesses had advertisements printed on the top of the windows. Doing so also helped keep the sunlight out of the building. Generally, people putting signs up are trying to draw people in and not run them off.

Council Member Newman said considering the UDO has thousands of paragraphs and this is just one short paragraph, he doesn't think the UDO sucks. It is there for a reason. We have had less than 100 edits and he thinks that is pretty good. We will find other things that need to be changed, too.

Council Member Le Vine said the "BAKERY" has brought an issue to Council. He doesn't think it needs to be a victim and it is a legitimate concern. We do need to be concerned about safety, but this issue needs to be addressed. He thinks there is a reasonable majority to make a change. He would suggest granting the waiver for 90 days to force Council to do something to fix the problem.

The other way is to just grant the waiver, but that wouldn't address the real problem. The UDO is an enormous improvement over what we had, but we should fix the problems as they come up. He favors the waiver for 90 days.

Ken Cherrix, 633 Christiansen Drive, Strasburg, VA: Stated he doesn't see the sandwich sign as working because you wouldn't see it. He would hate to see the "BAKERY" sign go down because you would have so much open space. Also, the way the sign is measured, the true dimension would make it the 20 percent. It should be measured by the true coverage.

Lana Le Vine, Stover Avenue, Strasburg, VA: Asked how the window was measured. Is it the line of site or are the curtains included. **P&Z Administrator Settle** explained how the measurements are done. To measure by the actual coverage would be tedious for staff.

Mr. Cherrix said the sign maker could give you the exact amount of coverage.

Mayor Orndorff said **Council Member Le Vine** has made a recommendation for a 90 day waiver and this would push for the Ordinance Committee to work expeditiously.

Vice Mayor Terndrup asked why you couldn't either measure one way or the other, but **Town Manager Pearson** said you would have to measure it the same for all businesses.

Council Member Bishop asked if we were to change the percentage, what the process would be. It would go to the Ordinance Committee and then to the Planning Commission and back to Council. **Council Member Vena** said this would still put the business owner in limbo for another 90 days.

The general consensus of Council was to grant a 90 day waiver; this will be an action item on the Council meeting agenda.

When questioned if this could be done in 90 days, **Vice Mayor Terndrup** said we can have the Ordinance Committee meeting whenever we want. **Town Manager Pearson** said we would be limited by advertising for a code amendment.

2. Wayfinding Signage

Staff has been working on the design and implementation of a wayfinding signage program that is scheduled in the budget for the coming fiscal year. In order for Council to make an informed opinion on the budget, staff will present an overview of our efforts so far.

Mayor Orndorff said this has been discussed for more than 20 years and he is now seeing the light at the end of the tunnel for getting the signage.

ED&M Manager Bixler said everything Council needs was in the packet. A deliverable of the CDBG grant was wayfinding signage. The branding process was started in December of 2016. Simultaneously, staff was working with NSVRC for wayfinding signage. The signs need to be cohesive.

Council Member Vena asked when it was decided to work with the NSVRC and this was in May 2017. She feels she should have known since she is the representative to the NSVRC. Apologies were given for not informing her of this, but it was also explained that staff works with various agencies on projects all the time.

Staff has worked with Makula Harris on what the signs should look like and the signs were prioritized.

Council Member Le Vine said **Town Manager Pearson** had said \$300,000 and this information given to Council is saying \$275,000 - \$400,000. This is not a trivial amount of money. We

incrementally get into things and then all of a sudden we have to do things. He thinks before Council needs to consider the cost implications for this. We will need to consider how to pay.

ED&M Manager Bixler said if you think of the cost of \$5,000 - \$6,000 per sign and with 25 signs, it would be about \$150,000. The figures are given without an estimate.

Council Member Le Vine said his concern is that sometimes estimates go way up due to different things.

Council Member Vena said we have prioritized things that need to be done and they aren't done yet. She can't see putting the signs in place before other things are put in place. A lot has been done in the historic district, but she thinks things like this are for at the end of projects. We have too many open-ended projects.

Council Member Newman said the signs don't have backs on them so he would like to know how they will look. He said wayfinding has been a priority. For years, a priority has been to bring tourists downtown. We are there now. We have a soft number and we need to calm down. This should not be put on a back burner.

Mayor Orndorff said the five signs cannot be put on the back burner due to the CDBG grant.

Council Member Newman said a minimum of five signs should be put up.

Town Manager Pearson said Council does not have the full plan. He put the figure of \$300,000 in the budget. It is thought the padding might be high, but it would come from the same loan as Borden Mowery Drive. The earliest closing date for the municipal bond is November. This isn't as immediate as it feels.

If all the signs identified in the wayfinding plan are gotten, there would be 25 signs. The five signs could be the four entrance corridor signs and then a sign at the intersection.

Vice Mayor Terndrup said he thinks there is some tension because staff underestimates the amount of involvement Council needs. The \$300,000 came out of nowhere. Calling it a placeholder isn't good. A group of citizens created this and Council didn't have any say. They need more than a single piece of paper. Maybe we need to do five signs and see how the other signs are priced out. We have been down this road before and Council wants to be more keyed in at the beginning of the process.

Mayor Orndorff asked if the location of the signs was in the Makula Harris report and **ED&M Manager Bixler** said Makula Harris did the design and NSVRC has done the location.

Council Member Newman said Council has given the authority to move forward with this. There is no hard number here, but there is no doubt staff is working for a lower number.

Council Member Vena said she understood that the \$300,000 is included with the Borden Mowery Drive loan and it is.

Council Member Plitt feels this is just an update and Council isn't being asked to move forward.

Mayor Orndorff reiterated that we must deliver five signs and location has not been determined.

Mr. Cherrix asked what is dictating that we have five signs and the CDBG grant stipulates this.

Council Member Bishop said she didn't bring up the \$300,000 to stir up anything. She didn't understand the extra money since she came on Council after the CDBG grant was approved. She wasn't trying to harass the work of staff.

Mayor Orndorff asked what people thought of the wayfinding signage. All thought it looked nice.

ED&M Manager Bixler said they are still working with fabricators on how to make the signs. She said the Advisory Team had a discussion on cost and they also wanted the signs to look good. We have a brand now and a logo and a design for wayfinding signage. We can market now.

Mayor Orndorff said people need to remember Strasburg. We are now at the point where we can make this happen.

Council Member Le Vine said fiscal responsibility is the duty of Council. Nothing is more important than fiscal responsibility. Water and sewer lines have been made into a line item in the budget so there is money to work on these and now the signage could be added as a line item as this is a way to handle some of the long term projects.

Town Manager Pearson said he has been pushing staff to not involve Council when the projects are in the infant stage. Ideally, we could have the designs done and give to Council and then wait until the money is there. We have the opportunity to get the money now and this would spread the money out for many years. He said the \$300,000 was brought forward by him and he maybe should have presented more information.

3. Personnel Policies Manual revisions

Mayor Orndorff said staff is proposing some revisions to the Personnel Policies Manual. Many of the recommendations came from the HR Specialist at VML Insurance.

Office and HR Manager Keller said this review was actually started two town managers ago. Some items were added to the manual through a memo by former **Town Manager Rex** and with former **Town Manager Spitzer**, a committee was formed to review the manual. The first step in the review was to send the manual to **Tina Stevens**, HR Specialist with VML Insurance so she could tell us if we were in compliance with all laws, etc. The changes were then gone through individually with Council. Much discussion centered on the “At Will Statement” which was added to the introductory page of the manual. This was explicitly suggested by VML to have in the manual. Council Member Le Vine said he thought you could be sued if someone was fired without cause. It was explained that the employee could sue or could go through the EEOC or the unemployment board. Appointed employees are different, but it is good practice to Vice Mayor Terndrup said he thought the only time an employer could get in trouble was if they gave a reason for firing. He also asked if there was anywhere in the manual where the employee is required to give two weeks’ notice as he feels this should go both ways. **O&HR Manager Keller** said we ask for this notice, but we can’t require it. The town would still need to pay out any vacation time owed the employee, even if the employee left without giving notice. **Council Member Le Vine** discussed the police department and **Town Manager Pearson** said police officers are still “At-Will Employees”, but there are more levels through the Police Bill of Rights, but an officer can still be fired at any time. Other changes were looked at and Council was instructed to contact O&HR Manager Keller if they wanted a paper copy and any comments should be gotten to her by Monday, April 9 so they could be checked on and incorporated, if needed.

Being no further business, the work session adjourned at 8:47 p.m.