

**MINUTES OF THE STRASBURG TOWN COUNCIL WORK SESSION HELD ON MONDAY, JUNE 19, 2017 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.**

PRESENT: Mayor Orndorff, Vice Mayor Terndrup and Council Members Bishop, Le Vine, Maddox, Newman, Plitt and Vena.

STAFF PRESENT: Town Manager Pearson, Economic Development & Marketing Manager Bixler, and Clerk of Council Keller.

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

Citizen Comments on Non-Agenda Items:

**Public Hearing:**

**UDO Edits:** *The Public Hearing opened at 7:02 p.m. and closed immediately, with no speakers.*

**UDA:** *The Public Hearing opened at 7:03 p.m.*

**Mike Redden** asked if the town was planning to offer any financial incentives and **Town Manager Pearson** said it wouldn't be any more than what is being offered now.

*Being no other speakers, the Public Hearing closed at 7:05 p.m.*

**Action Items:**

- **Approval of Minutes: June 5, 2017, Town Council Work Session**

**The minutes of the June 5, 2017, Strasburg Town Council Work Session were approved unanimously as presented.**

- **Cedar Creek Battlefield Foundation MOU**

**Mayor Orndorff** said the Town has been working with the CCBF on a revised MOU. The Town entered into an agreement with the Bernstein Foundation regarding the Visitor Center; the town took the lead on this and basically "flip-flopped" positions with CCBF. In the past, CCBF had an agreement with the Bernstein Foundation and the town had negotiated an MOU with CCBF. Now, CCBF needs to negotiate an MOU with the Town of Strasburg. Edits to the agreement were suggested by CCBF.

**ED&M Manager Bixler** said the staff report calls out the changes suggested to the MOU from CCBF. These changes include:

1. Remove the last sentence in Item 9 (see MOU 2017 CCBF Revised 5.30.17)
2. Add the ending segment to Item 16 (see MOU 2017 CCBF Revised 6.14.17)
3. Add the beginning segment to Item 22 (see MOU 2017 CCBF Revised 6.14.17)

CCBF also asked for Item 10 to be removed, but Town staff did not approve this change. She did not believe the edits changed the context of the MOU except for the one not approved. She would like for Council to review the MOU with the edits and give the Town Manager the authority to manage the agreement so that staff does not have to come back to Council for each little change. She said the price tag is not that substantial and she would like for Council to give the Town Manager the authority to manage these small edits.

**Mayor Orndorff** asked what would be managed if this is approved now. **Town Manager Pearson** said as this moves forward, things might happen that are not accounted for in the MOU and this would give staff the authority to deal with these. **ED&M Manager Bixler** said significant budget items would be brought back to Council. The Visitor Center is under the

“Tourism” line item in the budget so most of the items are already budgeted for.  
**Council Member Newman** agreed that he didn’t want to know as long as it is under budget.

Questions were asked of which version was the newest and the oldest is the one with the highlighted sections. **ED&M Manager Bixler** said CCBF wanted to remove part of item 10, but she asked them not to. **Vice Mayor Terndrup** asked what the problems were and **ED&M Manager Bixler** said they are lawyers and they want to be able to display what they want, but she feels the Town should have a say in what is going in the building. **Council Member Le Vine** said his reading is that the Town is agreeing to the removal of the last sentence in #9 (*CCBF agrees to accept the TOWN’s interpretations of the requirements of the Lease and agrees to assert no claims if CCBF’s use of the Leased Premises is restricted, interrupted, or discontinued due to the operation of the Lease or otherwise; termination of this Agreement being CCBF’s sole remedy*). He asked how disagreements will be resolved. **ED&M Manager Bixler** said it would be covered in # 10, but **Council Member Le Vine** thinks #9 is more inclusive and he wants to know how the disagreements will be resolved. **ED&M Manager Bixler** said they call each other when there are problems with either side. She said it is only an agreement and nothing is binding. She said if Council is not comfortable with this removal, she can go back and let them know that Council does not agree to that deletion. **Council Member Le Vine** said he disagrees as once it is signed, it is binding. When this was first signed, we were subordinate so now we should have some control. He is arguing in keeping all of #9 so we would have the final say. **Mayor Orndorff** said the MOU we were in with CCBF had them having final say, why is this so difficult since we are just flip-flopping. **Town Manager Pearson** said CCBF has several lawyers on their Board and **ED&M Manager Bixler** said she really feels they had to find something to change to prove they had read the entire document. She feels the Town has gained the control in the MOU and she can, with certainty, say we have in practice. **Council Member Le Vine** said that if **Town Attorney Miller** agrees that we have the power in the MOU, the way it is written with the changes, he is fine, but he thinks that this is a crucial sentence as there will be disagreements. He feels it needs to be implicit. **Mayor Orndorff** wants to make sure CCBF knows we are just flipping positions. **Council Member Le Vine** said he wants this to have the caveat that the Town Attorney looks at this and makes sure the sentence is not needed or if it in fact needed. He wants to make sure we are protected. **Council Member Bishop** asked if the first sentence in #9 of the agreement would cover the questions and **Council Member Le Vine** said he isn’t disagreeing with that, but wants to know why the second sentence is being deleted.

**ED&M Manager Bixler** said she would like to have a vote on this. **Town Manager Pearson** said he thinks CCBF is trying to push this off so they don’t have to start paying. **ED&M Manager Bixler** said she thinks they are having trouble with the switch since they have been in control previously, but that currently they are paying more because of paying the additional staffing time.

**Council Member Le Vine** moved to accept the staff’s recommendation contingent upon the **Town Attorney** agreeing that the MOU as written or amended protects the Council’s interest; second by **Council Member Plitt**. With no further discussion, the motion passed unanimously.

**Discussion:**

***Unified Development Ordinance Edits***

**Town Manager Pearson** said he would take questions and they either could be discussed now or an answer would be sent out before the vote.

**Council Member Le Vine** asked about criteria or standards for accepting or rejecting applications for the flex use space (page 154) as he thinks it is only fair for people to know what they are up against. **Town Manager Pearson** said it could be consistent with the Special Use Permit.

**Council Member Le Vine** asked if the decision would be arbitrary; there has to be some criteria to base the decision on. **Town Manager Pearson** said more criteria can be added, but he thinks referencing the Special Use Permit would be sufficient. **Council Member Le Vine** thinks it is fairer to have the criteria listed and it could be as simple as that all the uses have to be consistent in being in the downtown area or the historic area. **Town Manager Pearson** said he will work on some criteria.

**Council Member Le Vine** questioned other sections and **Town Manager Pearson** said some of the sections were deleted because they were repeats. **Town Manager Pearson** made notes of the questions and gave some explanation. It was decided to pull the Business Park Design Guidelines out for now so that Council can have more discussion. **Council Member Le Vine** said he is just looking for consistency in most of his comments.

#### *UDA*

**Linda Wheeler**, resident on East King Street, presented a handout to Council. She lives at 528 E. King Street. Some of the considerations in the UDA were to allow commercial in a residential neighborhood. She said the map presented was between Lemley and Eberly Streets. She pointed out the businesses in the area and added that this area is eligible for the historic district. Some of the properties need some care, but others are very nice. She thinks it would be a violation to introduce businesses into the area and also a violation to those that live there. She was appealing the thoughts of extending the commercial into this area of East King Street.

**Town Manager Pearson** said as far as the UDA, it is actually a little closer to the downtown area. He feels the background of what **Ms. Wheeler** is saying is the interpretation of the UDO as it relates to this area.

**Council Member Le Vine** said he is supportive of this and only had some questions for clarification. **Town Manager Pearson** gave an explanation to his questions.

#### *Tablets for Council*

**Mayor Orndorff** said the idea of tablets and going paperless has been discussed off and on for several years. **Former Mayor Taylor** discussed this with staff and gave a recommendation on what would be the best tablet for Council. Mayor Orndorff would be easier than printing. He asked how many would be interested in this as we need to move forward with this before the end of the fiscal year.

**Council Member Plitt** asked what the dollar amount was for buying and maintaining. **Town Manager Pearson** said it would be about \$500 per machine. Cellular service and insurance was questioned and Town Manager Pearson said it was not the intention to do cellular capabilities for Council and the tablets would only have WiFi. He said the tablets would only be sold when all of the tablets needed to be replaced and not at the end of a term. **After further discussion, it was decided to not move forward with this.**

#### **Closed Meeting:**

**Vice Mayor Terndrup** moved to enter into a closed meeting pursuant to Code of Virginia, Section 2.2-3711(A)(1) for discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The subject of the closed meeting is to review the town manager agreement and discussion on other key personnel. **Council Member Maddox** offered the second to the motion. With no discussion, the motion passed unanimously and Council entered into a Closed Meeting at 8:21 p.m. Reconvened at 9:12 p.m.

**Mayor Orndorff said, “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.”**

**Each member should respond “I so certify” by Roll Call vote.**

<b>Council Member Bishop</b>	<b>I so certify</b>
<b>Council Member Hall</b>	<b>I so certify</b>
<b>Council Member Le Vine</b>	<b>I so certify</b>
<b>Council Member Maddox</b>	<b>I so certify</b>
<b>Council Member Newman</b>	<b>I so certify</b>
<b>Council Member Plitt</b>	<b>I so certify</b>
<b>Vice Mayor Terndrup</b>	<b>I so certify</b>
<b>Council Member Vena</b>	<b>I so certify</b>
<b>Mayor Orndorff</b>	<b>I so certify</b>

Being no further business, the Work Session adjourned at 9:13 p.m.