

MINUTES OF THE TOWN COUNCIL PUBLIC SAFETY AND ORDINANCE COMMITTEE MEETING HELD ON WEDNESDAY, OCTOBER 20, 2021 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

PRESENT: Chairperson Reynolds and Committee Members Massoud, Monahan, and Ricard.

OTHERS PRESENT: Town Manager Coggsdale and Chief Sager.

Chairperson Reynolds called the meeting to order.

Citizen Comments on Non-agenda Items:

Action Item:

1. Approval of Minutes:

Minutes of the July 28, 2021 Public Safety & Ordinance Committee

The minutes of Public Safety & Ordinance Committee held on July 28, 2021 were approved as presented.

Department Updates:

Strasburg Volunteer Rescue Squad: Chief Dan Rothstein gave the report for the department; Jeff Dean, President, was also in attendance.

- The company ran 99 calls in September.
- The company is looking to purchase a second chase vehicle to assist with calls and to pull rescue boats.
- The company recently gained four new members.
- The company will host an EMT basics course open to the county and surrounding counties and is also partnering with Virginia State Police to recertify EMT and medic State Troopers.

Strasburg Volunteer Fire Department: Chief Chris Ritenour gave the report for the department.

- The fire department responded to a total of 28 calls in September. As of October 1st, the department had responded to 389 incidents in 2021.
- The fire department's aerial ladder truck is in need of an engine rebuild and will be out of service for the foreseeable future.
- Reminded council and citizens that fall is the time to check the batteries in your smoke detectors, make sure you have carbon monoxide detectors, and to have your heating systems inspected to make sure they are running safely.
- The fire department reported no new members. Council Member Massoud asked if the fire department had an adequate number of volunteers. Mr. Ritenour reported the department has 14 active volunteers with 38 members on the volunteer roster. He would love it if all 38 members were active, but the time commitment required makes volunteering too tough for most people. The department must utilize career supplementation during business hours.

Chairperson Reynolds asked what should be done with expired fire extinguishers. Mr. Ritenour said most can be picked up by contractors, but he will check into this further and get information to the committee.

Discussion Items:

1.) Sidewalk and crosswalk prohibitions (Section 82-8)

Description: Review and consideration of amendments to Section 82-8 in regard to omitting bicyclist from the prohibition.

Town Manager Coggsdale said this has been looked at in regards to the prohibition of bicycles on certain streets. Staff feels the code has been misinterpreted in the past, as Section C states bikes are not prohibited in the prohibited zones. He thinks it would be easier to build language that is easier to understand. He understands that in 2018, there were problems that caused this, but he thinks it was still interpreted wrong.

There were several pieces of correspondence that came in on this issue and he gave the names. They all supported some amendment to this section of Code. In reviewing the history of this, the staff report says that bicycles will still be allowed on streets. He is not sure where the confusion came from.

Chief Sager said he had sent some recommendations and suggestions from the Commonwealth Attorney's office. They said it needed to be cleaned up and simplified.

Marcy McCann, 234 West King Street, Strasburg, VA: Ms. McCann had submitted an email which she read into the record.

To: Public Safety & Ordinance Committee

As a resident and business owner promoting a bike friendly downtown, I request Sec. 82-8 be redrafted in some way to omit bicycles from the heading and general description sections (a) and (b).

The fact section (c) negates the verbiage relating to bicycles indicates the inclusion of bicycles when referring to streets was most likely an oversight and was added to address the oversight.

While I understand the attempt was to keep reckless bicycle riders off the sidewalks, I feel riders should not be mentioned as excluded from streets, or crosswalks.

The responsible riding of bicycles could be addressed as a separate paragraph so that crosswalks and streets are not mentioned as they are now.

Also, for consideration:

1. I often see parents walking with small children riding bicycles and feel this should be allowed. I see this routinely and find nothing wrong with parents bringing kids out for an evening stroll on their bikes as long as they are courteous and following the crosswalk rules etc.

2. Thinking of the near future as we promote more biking events and the Shenandoah Rail Trail extends through our county... In the case of halted or slow traffic along King and Massanutten Streets, I feel bicyclists should be allowed to proceed along the sidewalks in accordance with state laws in order not to be restricted to the stop and go of hours long delays on the street surface itself. This happens quite frequently when I-81 is at a standstill. Addressing this now could prevent future law enforcement problems due to outdated wording.

3. There are several handicapped/older people who ride their battery powered motor scooters as their main method of transportation on the sidewalks. It appears they may be technically in violation of this ordinance. Just wondered if this could be added to allow these vehicles.

Hopefully a few changes and additions will bring this ordinance up to date.

She continued by saying she has been working with Shenandoah Bicycle Initiative. She thinks bicycles should be separated out. She would like to have the opportunity to ride her bike from her house to Dollar General on the sidewalk. She often sees parents and grandparents downtown on bicycles and she would like this to be clarified. Thinking of the future, there are traffic jams due to I-81 and she would like it to be cleaned up if a bicycling event is going on. What would law

enforcement do? We have older people and handicapped people who are in wheeled forms of transportation, and she wants to make sure these are addressed. She wants to recognize that it is okay. She hopes to get bicycle classes started soon. Town Attorney Miller had told her he would be glad to look at it.

Chief Sager added that to prohibit roadway or streets is against the State Code; we can only control the sidewalks.

Council Member Massoud said in concert with **Chief Sager**, he spoke with former **Delegate Chris Collins** who said this section of the Town Code is fundamentally unworkable and must be removed. Trying to outlaw bicycle riding would be going against State Code. However, sidewalk riding is problematic in many ways.

Council Member Ricard said we need to keep in mind the safety of King Street. You can't see what is on the sidewalk when you come out business doors along the street. There are other roads that bicycles can be ridden on if there is a traffic jam. She just feels we need to keep that in mind.

The consensus of the committee was to address and clarify this Code section. **Chairperson Reynolds** said we can't restrict anything on the streets, but we can look at the sidewalks. **Council Member Massoud** said bicycles on sidewalks is a health hazard. We want to make sure people are as safe as possible. **Chairperson Reynolds** would like to encourage people to use the streets and make the sidewalks safer for pedestrians.

Chief Sager said it is officer discretion in ticketing people so that would take care of the children. Front Royal prohibits some of their sidewalks. He added that this section lacks a civil penalty or fine. There is no penalty for violators now. This should be considered, as well. **Council Member Massoud** would not want the penalty to be too high.

Consensus of the committee was to add a civil violation and continue with officer discretion.

Council Member Massoud thinks all sidewalks should be prohibited. **Chief Sager** said they could give an overlay of the sidewalks in town.

Consensus was to prohibit on sidewalks on King Street and Massanutten Street.

Ms. McCann said it should be clear which sections of Massanutten Street as there are a lot of residential homes on Massanutten. She is only talking of specific situations that might be addressed. We want to clear it up and not add more.

Town Manager Coggsdale said the wording currently states between Washington and King Street. We need to clarify other things on the sidewalk. He read what can be regulated by State Code. We need to clarify the other things on wheels that we want to prohibit, and we need to be more descriptive, and include where it is prohibited. Roadways are never mentioned in the State Code.

Council Member Monahan said when she reads this code section, the things she would want to prohibit are the things she could see children using, but some of the mobility devices would come under the description of scooters. **Chief Sager** said this would be officer discretion. **Chairperson Reynolds** said she is fine with prohibiting all except electric mobility devices with the remainder of the wording staying the same. **Town Manager Coggsdale** thinks it is important to use the wording from State Code. The other item is that there are other places that can be prohibited. **Chief Sager** said there was an issue at the NVDaily where bicycles and skateboards caused damage to the building when the riders were jumping off the building. The riders were ramping off the side of the building.

Ms. McCann asked if these are kids doing this without permission and **Chief Sager** said it would be if there was a complaint. **Ms. McCann** said that was actually trespassing.

Town Manager Coggsdale said schools or churches might prohibit certain things. If Ms. McCann wanted it prohibited on her property, it could be enforced. **Ms. McCann** wants to make this more accessible, but to make it safer.

Town Manager Coggsdale thinks the civil penalty only applies to 82.9 so it would need to be addressed.

Council Member Monahan asked if we could include the language of State Code to signs. **Town Manager Coggsdale** said we have signs posted now. The sign language might have to be worked out.

Consensus was to add the language to the designated areas.

Town Manager Coggsdale asked if the committee were ready to draft language and forward to a Work Session and the committee was.

Old or unfinished business:

1. Review of Use Matrixes:

Draft of the work the Berkley Group has done for better interpretation of the use matrices was presented. This is an informational item at this time. The left side is what is listed in the current ordinance. It is hoped it will be condensed and that we will get better definitions. Additions are also being proposed. Staff will continue working with the Berkley Group.

Council Member Massoud said he had mentioned that we need to bring business people into this process and he thinks we need to look into this. The business people will have to use this so we should include them. They know things that we don't know. He thinks David Frank would be good to use as a consultant.

Chairperson Reynolds said she feels **Mr. Frank** works for a company like the Berkley Group so she thinks we are getting this type of input. **Town Manager Coggsdale** said we could always have an advisory group to look over this. The UDO is quite complicated, and he would recommend that we start over. It is discouraging that Joe or Jane Citizen cannot pick up this document and find out if they can put a shed on the property. There are too many places to look.

Chairperson Reynolds asked if we would need a use matrix even if we don't have a UDO and it would be beneficial. This is getting away from the current land use that we are utilizing. This would work if we keep the UDO or go back to traditional zoning.

Council Member Monahan said if we have the conversation on starting over on the UDO, what would be the process. **Town Manager Coggsdale** said we would hire a consultant based in Virginia with land use expertise. They would work with staff and give examples. We want to keep the components and make it easier to understand. Staff has had our fill of the UDO and we want to go to a different ordinance. There will be a cost. If the Ordinance Committee thinks there is merit to move away from the UDO, it could be recommended to Council to do this.

Chairperson Reynolds said the only hesitation she has is that the P&Z Administrator is absent. **Town Manager Coggsdale** said the recommendation could be made and **P&Z Administrator Pambid** could give recommendations.

The consensus was to move this forward to Council for further consideration.

Kim Bishop said as one of the few who has read this entire document and has spent six to nine months on the Ordinance Committee going over the matrix, she knows how horrible it is. She was the only citizen to speak against the UDO. She said to make sure who is used to write the ordinances is not from out of state and that they know what they are doing. Make sure the Council reads it. When the UDO was first written, she brought up that it was too vague, and she was told that that is how they wanted it so they could do what they wanted to do. It has been a nightmare from the beginning.

Chairperson Reynolds asked if the comments on the matrices are pressing or could it be taken in chunks. **Town Manager Coggsdale** said there is no rush especially if you are going with a new ordinance. That would be a good time to have businesses look at it and get their engagement.

Chairperson Reynolds said we have the Community Advisory Team and there are business people on that and then specific committees have been set up in the past so that could be done again.

2. Property Maintenance Code:

Town Manager Coggsdale said this Code adopts Part III , Maintenance, of the Virginia Uniform Statewide Building Code. This is a 33 page document. The adopted language says we will hire someone to enforce this, but it has never been enforced since we have never had a person certified to enforce it. This Code has value, but we are not using it at this time. This was added to the project's list because we currently have it in our ordinance, but we are not using it. Do we want to keep it, but analyze it? Are we going to use it and hire someone to enforce it? Budget time would be a good time to discuss this further.

Chairperson Reynolds asked if the committee was comfortable saying to keep it, eliminate it, or table to budget discussion. **Town Manager Coggsdale** said if it is deferred to budget, it would go on the list and then the decision could be made by the full Council.

Under further explanation, there is a code and we have adopted this code. The language in the ordinance says we will hire someone, and we never have done that. We can continue standing in the middle and analyze if we should keep it or not. If it is decided to keep it, we have to figure out how we will enforce it.

The consensus of the committee was to wait until budget time for further discussion.

3. Limit on number of livestock

Town Manager Coggsdale said he looked at the video of the July meeting. His thought process is that in the residential district, keeping of livestock is not generally listed. It is listed in the ag district. A previous zoning administrator made a determination about a chicken coop and so it has been determined it is allowed, but there is no guidance on the number of animals. With no guidance, you might be free to do what you want. Staff is looking for guidance. It has been interpreted that if there is a complaint, they must be gone in 10 days, but he is not sure that is how it should be enforced.

Council Member Massoud said a lot of things are left up to the person who is in charge of enforcement. Some people use the law as a way of getting back at people.

Chairperson Reynolds said she would like to keep this on for future agendas as she has a lot of issues with it.

Council Member Massoud said he had a statement he wanted to read, but will post on social media.

Council Member Ricard said it appears we are trying to regulate when we don't have a problem.

Chairperson Reynolds said it has been swarming around in people's heads as how many chickens are too many.

Lisa Jones, 364 Massanutten Street, Strasburg, VA: Stated chickens have different personalities and some are quieter than others. What was the issue with the 20 chickens? What if it was 20 puppies?

Council Member Massoud said many dog breeds are noisier than chickens. **Ms. Jones** said she has 11 chickens, and her neighbors didn't even know she had them. **Chairperson Reynolds** said 11 chickens does not seem excessive to her. This discussion will be continued. **Ms. Jones** does not think they should be free ranging. They should be kept in a covered run, or the wings should be clipped so they don't jump over the fence.

Town Manager Coggsdale said from the last meeting, **P&Z Administrator Pambid** said he would bring back information and in the packet was some information of what peers are doing. He worked on this in Altavista and keeping urban chickens became a trend. A lot of communities decided guard rails needed to be in place. He does not think chickens are the main problems. The Town Code states you cannot have hogs or pigs, but the UDO states you can have a hog farm. How many dogs are too many? How many cats are too many?

Council Member Ricard thinks this is a slippery slope. If there is a complaint, you cannot re-home a chicken in 10 days.

Chairperson Reynolds said this will be added to a future agenda again.

Steph Evens, 240 Little Sorrel Drive, Strasburg, VA: Said she thought it was more of a health issue and if you think of it in this way, it might be easier to make a decision. It could be less intrusion and more about the health and safety of the animals and people living on the property. This should be easy to word out in an ordinance.

Town Manager Coggsdale asked if there is anything staff can do to assist. **Council Member Ricard** would like to know how many complaints and what kind of animals.

Chief Sager said he talked to **Officer Wilkin** and he has only had one complaint and it was on a rooster; the rooster found a new home. **Town Manager Coggsdale** only knows of one complaint. Complaints are one side, but when people inquire, we can't give them an answer. Staff likes to be able to give an answer.

Chairperson Reynolds said **P&Z Administrator Pambid** brought this forward so a definitive answer can be given when he is asked. She would like for staff to recommend a commonsense cap on the number of animals and how it can be worded. Do we make a limit on animals period or certain types of animals?

Staff will look at this and bring back options. **Town Manager Coggsdale** said there are performance standards to protect the animals.

Chief Sager said with the hog ordinance, there are people who have pigs as pets that are like dogs.

4. Sign Ordinance:

Chairperson Reynolds said we had a very thorough discussion on this at the last meeting. We looked at other localities and for the most part, we found our ordinance did not differ in a lot of ways and was permissive in a few ways. Our ordinance has design standards for our signs that list specific guidelines for crafting signs. We had a couple of instances where staff from the past made people make changes to their signs and we could not figure out why. We wanted to look to make sure there was nothing in the ordinance that would make people change this. She does not think this will happen again and she feels the sign ordinance is okay

Council Member Ricard thinks a lot of the problem was with how it was being enforced or the people enforcing the ordinance.

Consensus was to take this off the projects list.

5. Officer Retention

Chief Sager is currently utilizing the hybrid take home vehicle policy. **Town Manager Coggsdale** helped him figure out how to track gallons used. We need to do this monthly. He has not had any complaints on officers taking the cars home and it has been well received by the officers. A pay and compensation study is being handled for the entire town staff. He has met with **Town Manager Coggsdale** on the spacing assessment. They have an opening currently but have not had an application in five weeks. He is proud of the officers we have now.

Chairperson Reynolds asked about the spacing assessment. It was budgeted for this budget year and it was to look at what the needs assessment would be for this building (Town Hall).

Dane Hooser, 14 Front Royal, Strasburg, VA: Asked if exit interviews given and what is the main reason for leaving. He is not sure what it is really stated. **Town Manager Coggsdale** said it is often all over the board as far as pay, benefits. We track to see if there is a trend. It is valuable information to see what can be addressed so that hopefully we do not have to have an exit interview in six months. Sometimes it is completely out of the town's control as to why people are leaving.

Chief Sager said some people do not even participate in the exit interview. He is trying to get applications from other departments.

The consensus was to keep this as a standing item.

6. Urban Archery:

Chief Sager said the deadline has passed for this hunting season. Work needs to be done on the ordinance side of this. He wants to look at the air rifle side. Currently, you can hunt in the town limits with the proper backstop, etc.

It was recommended to follow the normal hunting season. **Chief Sager** said there are a couple of areas that this could still be used. Firearms and air rifles would be prohibited.

Council Member Massoud asked if archery includes cross bows and it does.

Town Manager Coggsdale said Altavista allowed hunting on certain town owned property and he asked if there is an early season for bows and there is.

Jeff Jones: Stated there is an early urban archery in September, but no late archery on this side of the mountain. **Chief Sager** said this would only be for urban archery. This year, you could use a firearm during September. **Council Member Massoud** said a cross bow is much more powerful than a regular bow.

Chairperson Reynolds said **Chief Sager's** recommendation is to follow the current ordinance as far as allowing during hunting season and not apply for urban archery. He will do more checking on air rifles.

Being no further business, the meeting adjourned at 7:33 p.m.