

MINUTES OF THE STRASBURG TOWN COUNCIL WORK SESSION HELD ON WEDNESDAY, SEPTEMBER 5, 2023 AT 7 P.M. IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

COUNCIL MEMBERS PRESENT: Mayor Boies, Vice Mayor Reynolds, and Council Members Carter, Hooser, Kimmons, Lowder, Monahan, and Stover. Absent:

Mayor Boies called the Work Session to order.

Introduction of Mellanie Shipe, Assistant Town Manager: Town Manager Coggsdale introduced the new Assistant Town Manager. She has been employed one week with the Town of Strasburg, but has served Shenandoah County for 22 years.

Public Hearings:

- 1.) To receive public comment on a Special Use Permit application (SUP2023-0007) requested by FIDUM COMPANY, owner, for property identified as Tax Map 025A201B059 004 located at 395 Stonewall Street fifty feet north of the intersection of Stonewall Street and Thompson Street and containing 0.138 acres. The request is to permit short-term rental use within the existing detached single-family dwelling.

o **Staff Report – (attachment)**

P&Z Administrator Otis said this is a single family lot with two parking spaces. An application for an additional parking space has been received but has not gone through the approval process. According to the ordinance, there must be one parking space per each sleeping guest room. This is a three-bedroom house so three parking spaces must be provided unless one of the rooms is locked. The Planning Commission held their hearing and there are eight conditions they recommended.

1. The applicant provides the name, address, and phone number of the local representative on the zoning occupancy application.
2. The property shall be advertised and rented with only 2 guestrooms available.
3. The advertisement for rental shall indicate the 2 sleeping/guest rooms.
4. The unused guestrooms will be locked.
5. If the owner obtains a zoning permit for driveway expansion, and the work has been completed/inspected, the property can be utilized and advertised with 3 sleeping/guest rooms.
6. Advertisements shall include an image of the front of the dwelling to identify the location of the rental unit.
7. The dwelling is not to be occupied by the owner.
8. If any condition listed above is violated, the SUP shall be made null and void.

If the Town Council approves the Special Use Permit the following actions moving forward must be completed for the Short-term Rental to be a legal use:

- Obtain a letter from the Shenandoah County Building Official identifying an approved life safety inspection
- Obtain a Zoning Occupancy Approval for the Short-term Rental use
- Annual renewal of the Occupancy Approval is required

Due to conversations with the applicant and inconsistencies, staff is not making a recommendation.

Peter Lemmon, attorney for FIDUM: stated he was here as a resource and does not have anything to add to the presentation. He does not understand the reasoning behind the condition for the dwelling not to be occupied by the owner.

○ **Public Hearing**

David Norris, 389 Thompson Street, Strasburg, VA: Stated he is not against the owners doing this.

Jordan Chenette, 407 Stonewall Street, Strasburg, VA: Stated he has no objections to this project.

One email was received.

○ **Discussion**

Mayor Boies said a discussion would be held tonight and the vote would be taken next week.

Council Member Hooser said residential zoning is for residents and he has a fundamental problem with taking housing and turning it into a hotel.

Vice Mayor McCornyn said this was recommended for approval with conditions. The condition of not being occupied by the owner was due to the parking issue. She did not vote in favor and was the dissenting vote. **Chairperson Poling** did not feel the Commission had a choice as he does not think the ordinance will support not allowing it. She felt the decisions using the UDO up to now has made it clear that those approved have been near downtown, near a commercial district or in a commercial building. She thinks this would be adequate precedent to not approve this.

Council Member Stover said if the Council deems the UDO is not sufficient, he agrees with **Vice Mayor McCornyn**. He does not feel this is what the Council wanted in the first place. If this is approved, he would like to make it be that all future STR's be prohibited in Strasburg until the document is fixed.

Mayor Boies said staff did not have a recommendation due to a current address not being given or the correct one was not given. Where does the owner reside?

Mr. Lemmon said it is not a complicated answer. **Mrs. Suprenaut** gave the address as Warrenton. Her husband is working at the house, and he gave that as the address. If the SUP is granted, it should be the address of the future; not where you are right now. He read from the ordinance to allow for the SUP and allow the owner to occupy the house and rent out the rooms not in use.

Council Member Hooser said if the owner occupies the dwelling and is renting it out to help out their income, he is fine with that. But, if the person is buying the property to just rent out, he is against this.

Mr. Lemmon said the ordinance has been approved with it that way.

Mayor Boies said the main problem was the parking when the owner occupied the dwelling. **Mr. Lemmon** said that is why they are applying for an additional space.

Vice Mayor McCornyn asked if condition #7 is necessary and **P&Z Administrator Otis** said it is not necessary, but it was a condition recommended by the Planning Commission.

Vice Mayor McCornyn said in ordinances she has seen, you should be able to enforce them. She thinks it would be hard to enforce the unused guestrooms being locked (condition #4). She does not think this is necessary nor the dwelling not being occupied by the owner.

Council Member Hooser agreed with these statements.

Council Member Carter does not agree with the STR being placed in a residential neighborhood but that is the way the ordinance is written. He does not see a reason to hold this up, but he does not want to see that happen again. We need to tighten up the ordinance.

Mayor Boies said the actions up to now have been to keep these in the historic district or commercial district.

Council Member Carter said he thinks we can move forward with asking for what we want.

Council Member Monahan said she thinks it would be a slippery slope to approve this in a residential district before we have the language correct.

Council Member Lowder said they have met the requirements, and it is their house, and they can do with it what they want. He has a friend that uses a STR because hotels were not available for larger families. If they meet the requirements as the ordinance is written, he doesn't have a problem with it.

Council Member Kimmons said he lives next door to a STR and he has no problem with them. He just does not feel that in a newer development, they should be approved. We should keep them downtown, in the historic district. He doesn't think it is an appropriate area.

P&Z Administrator Otis said he was on the Planning Commission when the ordinance was written. We had to get it in the UDO to allow for STR because they were prohibited in all areas. This opened up to allow these things. **Mayor Boies** said that statement has made it so that each was to be reviewed and Council needed to be consistent.

This will be added to the agenda for the regular meeting.

Council Member Stover asked if there was a consensus that if this goes through that we want to get the verbiage fixed and **this was the consensus.**

Mayor Boies said she doesn't think we messed up. **Vice Mayor McCornyn** said we have this, and we have used it consistently and we need to change the language. We are ready to be a lot clearer in the ordinance.

Mayor Boies said she does not want it to seem like Council has done anything wrong. Anything we can do to make the process clearer would provide better transparency. Nothing is being said that we have to approve this.

Mr. Lemmon said it is true they have some latitude in an SUP, but it comes from how the ordinance is written now and not how they would like it to be written. This is changing the rules along the way.

Town Manager Coggsdale said these would be good questions for the town attorney before the vote is taken.

- 2.) To receive public comments on the following: (i) a proposed budget amendment to the FY2022-2023 budget, and (ii) proposed budget reappropriations from the FY2022-2023 budget to the Y2023-2024 budget (carryovers), as outlined below.

FY 2022-2023 budget is to be amended to allocate the following funds:

- \$381,200 from the General Fund Balance for the purchase of property related to the Borden Mowery Drive Extension project.

FY 2023-2024 budget is to be amended to allocate the following funds:

- \$356,275.47 from the FY2022-2023 budget to the FY2023-2024 budget to be reappropriated (carry over) for projects funded in the previous year but not expended.

- **Staff Report – (attachment)**

Town Manager Coggsdale said during the fiscal year just completed (during March), a vote was taken to purchase a piece of property on Borden Mowery Drive. This will just bring the money into the FY2024 budget.

The second part is to take money that was approved in FY2023 that went unspent for projects that Council wanted done. The money needs to be reappropriated to the FY2024 budget. For various reasons, the projects was not completed in FY2023. The amounts to be transferred were given.

- **Public Hearing – opened at 7:39 p.m. With no speakers, the public hearing closed immediately.**
- **Discussion**

This will be added to the regular meeting.

Introduction and Recognition of Visitors and Guests:

- **Joanne Royaltey**, Consumer Horticulture and Invasive Species Program Associate with the Virginia Cooperative Extension – presentation on the Spotted Lanternfly

Information was presented to Council by **Ms. Royaltey** regarding the spotted lantern fly. She said these are hitchhiking bugs, and they might have migrated down to Shenandoah County. She provided some residential controls but said there is nothing we can do to get rid of them completely. We can only manage them. Some will be more impacted by them than others. Currently we are in the adult stages of the spotted lanternflies. The current flies will die when the cold weather comes, but the egg masses live on. Squash the egg masses. Look for the masses that look like a bandaid. Get rid of any you can. They are an invasive species. **Ms. Royaltey** also said the Tree of Heaven is an invasive plant that doesn't belong here. The roots have to be destroyed to get rid of them.

Ms. Royaltey said she is talking as a homeowner and not someone with agricultural produce. Don't spray anything. It will kill the spotted lanternfly, but it is a temporary fix; they will not be permanently gone. You are only putting chemicals into the environment. Kill with a fly swatter, your foot, or use a wet/dry vac and fill with water and drown them. If you are using a chemical, use the least amount possible.

Most of the plants the flies come in contact with will be fine. We will survive the infestation. Research is still being done. Do the best you can to kill the bugs.

Jocelyn Vena asked if ingestion by domestic animals is harmful. **Ms. Royaltey** said some pets have eaten them and then the pet vomits. They have not heard of any other damage to animals. They do not sting or bite.

Council Member Hooser said he has had good luck with simple dish soap and water. **Ms. Royaltey** said the only answers she can share are research based. There are many home remedies but only use something that is research based. They are a nuisance, but we will deal with them.

Citizen Comments on non-agenda items:

Discussion Items/Updates:

1.) Code of Conduct amendment

- Staff Report:

Mayor Boies said this was read recently to Council and it was recommended that Council look into two amendments. These would be added to Section 6, Advocacy of the Strasburg Town Council Code of Conduct and Ethics. **Town Manager Coggsdale** read the amendments.

Council Members have no individual authority or gains in making promises, decisions, or commitments that the elected body has not authorized. When presenting their

individual opinions and positions, individual members shall explicitly state that they do not represent the entire Council.

In their capacity as appointed members of other boards, Council Members are permitted to vote on routine matters which impact that specific board. However, prior approval of Council is necessary if a member will vote on significant items directly involving or impacting the town.

Council Member Lowder asked for clarification and **Mayor Boies** used as an example **Council Member Kimmons** serving on the NSVRC. He would need to come to Council before making any votes for the town at the commission level.

Consensus to add to Consent Agenda.

2.) 462 Ash Street – Public Nuisance

- Staff Report

P&Z Administrator Otis said this has been going on for over a year. Staff received a complaint. It has gone through the process of visualizing this. Staff have found all the vehicles to have expired tags. The vehicles then had to sit for a period of time without moving. There are four vehicles that have to be dealt with. The owners have been notified and they said they would take care of them, and nothing has happened. The process was reviewed which was outlined in the staff report given to Council in the Council Packet.

P&Z Administrator Otis said a letter was issued on July 12, 2022, and the final letter was given on July 21, 2023. He would like to contact the owner to make sure they know what is happening.

Council Member Hooser said he went through this on his own property. **Officer Wilkin** came to him and told him he had an abandoned vehicle. We have town codes for a reason.

P&Z Administrator Otis said an actual phone conversation was held about three months ago.

Council Member Stover suggested giving the owner a week and then call the tow company and take care of it.

Mayor Boies likes the approach of getting this taken care of.

Town Manager Coggsdale would like it to be on record that by consensus that Council approves of the staff in moving forward with the process. **Consensus was that Council would like for staff to move forward with the process.**

3.) Request for Easement – 388 W. Queen Street (Old Water Treatment Plant)

- Staff Report

Town Manager Coggsdale said a developer is seeking to construct homes on three lots on West Queen Street. A map was shown of the property and the easement being requested. It was thought it would make more sense to put the easement against the property line and not where the developer is proposing. The water would be pumped under the road, down the easement, and then to the stream. We have had some water issues in this area and Public Works staff feels this will help with this issue.

P&Z Administrator Otis said when he reviewed the application, the grading on the property concerned him. He spoke to Public Works, and they said they have had problems with the flow of

water across the road. This would freeze and that would cause issues. He contacted the stormwater management group of Shenandoah County to get their opinions.

Town Manager Coggsdale said they are seeking direction in creating a legal document that would need to be reviewed and then recorded.

Council Member Kimmons said he can attest to the draining of the property. When there is heavy rain, there is a lot of gravel across the road. Improvements are needed.

Council Member Carter said his concern was the roadway and that no damage would be done.

Town Manager Coggsdale said if the consensus was to move forward, staff will work with the developer and bring it back to Council at a later date.

Council Member Kimmons said if we go with the staff proposed easement, would it affect the parking at the old water plant. **P&Z Administrator Otis** said it would go beside where the parking first starts.

Consensus of Council was to move forward.

4.) Special Events Process

- Staff Report

P&Z Administrator Otis said he has two applications for using the area next to Town Hall. It is difficult to use open town property and still allow for public use. If we allow something like this, we would be setting a precedent in allowing things such as this on a nightly basis.

P&Z Administrator Otis said he would like to get an occupancy number for the shelters to make sure there is enough parking. Amplified sound is another concern. If it is a town sanctioned event, that is fine, but his recommendation is to not allow it to the general public.

Town Manager Coggsdale said you don't think of the negative impacts to the neighborhood. We need to look at the public space. Is it for the public to enjoy or is it for events all the time? We need to balance where we can have the events.

Mayor Boies asked if Council is asking about the applications or just redoing the process. **P&Z Administrator Otis** said it is both. This is a technical issue. The first thing is parking. One of the applicants is thinking of shuttling people to the sight.

Council Member Monahan asked if they would be renting the space. **P&Z Administrator Otis** said we don't have any records that this has ever been rented.

Mayor Boies asked if we have wording about renting and we don't. **Town Manager Coggsdale** said the only time it comes before Council when it is above 250 people. **P&Z Administrator Otis** said it is the use of town property. He has never known of an event that is on town property unless it is by the locality.

Vice Mayor McCornyn said when thinking of venues, they have staff security or have to hire it. Would the town need to provide additional security? They would be using town facilities so who would be maintaining the bathrooms, etc.? She knows these areas are for the public to use but are we equipped to allow for private entities hosting the event?

Mayor Boies said Mayfest is not a town event, but they partner with the town and they use the town's Public Safety and Public Works Departments. We need to be equipped to handle all the things that are requested. She has heard noise concerns at the pavilions.

Council Member Carter asked if there is a rental fee for use of the athletic fields and **P&Z Administrator Otis** believes they are. **Council Member Carter** feels we need SOPs for all of this. Typically, **P&Z Administrator Otis** said there is no amplified sound in parks, but we don't have those regulations.

Council Member Carter said he could envision having a community day and rent a portion of the park. We would need to be ready.

P&Z Administrator Otis said he is trying to use the knowledge of other localities to see what is needed.

Council Member Hooser would like to have amplified sound in the park since that is why the stage was built.

Vice Mayor McCornyn asked if **Events Coordinator McKee** and other staff have the capacity to handle another event. We need to have security because of it being on town property. **Town Manager Coggsdale** said if there is an incident, we will have to respond, but he is more concerned with the clean-up. **Mayor Boies** said our police are always making sure people are crossing the road safely.

Town Manager Coggsdale said if you have an event on the square, it is implied the town is involved, but this would not be involving the town at all. There are some liability issues that will need to be addressed. The more pressing issue is whether to allow it or not.

Council Member Stover said if it is a non-town event, he doesn't want it to happen. We are opening up a lot of liability. The documents would have to be signed and ready to go. **P&Z Administrator Otis** said he has a "hold harmless" document that could possibly be adapted to this use.

Mayor Boies asked if there is a majority of people who are in support of allowing this type of use.

Council Member Monahan asked how many people usually attend Front Porch Friday. It can be from 30 to at least 130 people.

Council Member Carter said if we allow a church, we have to allow other things. This is not an easy conversation. **Town Manager Coggsdale** said it does open the door to everybody.

Mayor Boies said the reason the town has had events is because we want the people to come downtown. This is the positive. But, it has to be equal. We have to be covered fully by liability. We should not advertise it as a town event. It should not fall on staff resources.

P&Z Administrator Otis said this specific application is for 5 – 9:30 p.m. They have requested two temporary trash cans. **Council Member Stover** asked what we charge and there is no charge, but we haven't had an event such as this. **P&Z Administrator Otis** said he is used to fees.

Vice Mayor McCornyn does not feel we are prepared to do this at this time. **Council Member Carter** feels that in time, we might be able to handle this, but we are working on it.

Consensus was that we are not prepared to handle these requests at this time.

Committee of the Whole (listed Areas of Focus will be discussed):

- Ordinance Committee
 - Public Hearing Process
 - Short Term Rental Ordinance

Town Manager Coggsdale had provided information on items that had become effective by State Code on July 1. Based on how they have structured the public hearings, it appears they are trying to shorten the process. He thinks the intent is that action will be taken at the same time as the Public Hearing.

It appears we will have to change the process of having the public hearing and then voting the next week. Processes will be changing.

P&Z Administrator Otis said during the Planning Commission meeting, they made a motion to revise the Short Term Rental ordinance. They also wanted an emergency amendment, but he doesn't see where this is allowed. We can advertise and prohibit the STRs and then find out what is wanted. The fastest way is to approve the prohibition of STRs for now.

Council Member Kimmons asked if the current STRs would be unlawful, and they would be a legal non-conforming use.

Consensus was to move forward with this.

Council Member Comments:

Council Member Kimmons said there was a meeting with **Asst. Town Manager Shipe**, **Town Manager Coggsdale**, and himself with a group that wants to present at the next work session on riparian grant.

Closed Meeting:

- **Vice Mayor McCornyn moved to enter into a closed meeting pursuant to Code of Virginia §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 discuss the applicants for the appointment to the Town Council to fill the unexpired term of Doreen Ricard. Second by Council Member Kimmons. Unanimous. Out at 9:06 p.m. Reconvened at 9:23 p.m.**

- **Discussion/Action after Closed Meeting**

Vice Mayor McCornyn moved to appoint David Woodson to the Strasburg Town Council with term ending December 31, 2024; second by Council Member Hooser. With no discussion, the motion passed unanimously.

Adjournment

With no further business, the meeting adjourned at 9:28 p.m.