

MINUTES OF THE STRASBURG TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 12, 2023 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

Call to Order: Mayor Boies called the meeting to order.

Pledge of Allegiance: Council Member Carter led all in the Pledge of Allegiance.

Invocation: Council Member Carter offered the invocation.

Roll Call:

ROLL Called with the following members present: Mayor Boies, Vice Mayor McCornyn, and Council Members Carter, Hooser, Kimmons, Lowder, and Stover, Woodson. Absent: Council Member Monahan

Public Hearings: None

Introduction and Recognition of Visitors and Guests:

Carmen Conner, DAR, Chairperson for Constitution Week, and **Bonnie Gant** were in attendance for the presentation of the “Proclamation for the Constitution”. **Ms. Conner** invited all to a Bell Ringing on Sunday, September 17 at 4 p.m. at the Old Courthouse in Woodstock.

- **Monthly Employee Update**

New Employees	Department	Effective Date
George Robert Poe	Public Safety	08/14/2023
Mellanie Shipe	Administration	08/28/2023
<u>Promotions/Transfers</u>	<u>Department</u>	<u>Effective Date</u>
<u>Resignations/Terminations</u>	<u>Department</u>	<u>Effective Date</u>
Olivia Hilton	Strategic Initiatives	08/01/2023
<u>Milestones</u>	<u>Department</u>	<u>Years/Date</u>
Christopher Nixon	Public Safety	5 years

Mayor’s Comments:

Mayor Boies welcomed **Mellanie Shipe** to Town Staff as the Assistant Town Manager. **Ms. Shipe** will be helping move forward projects in Town. She also welcomed **David Woodson** as a Council Member. **Mr. Woodson** is replacing **Doreen Ricard** who resigned her seat in July.

Mayor Boies thanked the American Legion and Town Staff for allowing people to buy flags with Veterans’ pictures on them. When advertised, they sold out quickly.

A big thank you was extended to **Phil Gimple**, Superintendent of the Water Treatment Plant, who

has worked very hard to provide data and reports to Council regarding the drought. He has been keeping up to date with DEQ and has been working around the clock on this.

Condolences were extended **Melody and Christopher Nixon** in the loss of her mother and his grandmother, **Patricia Strosnider**.

Citizen Comments:

Mayor Boies reiterated the guidelines which allow each person to speak for three minutes during citizen comment time. This is fair and consistent to all.

Todd Gess, Mt. Zion Un. Methodist Church: “I come disappointed because I cannot address all of my items because I represent a church here, Mt. Zion United Methodist Church, here at 339 Queen Street. Several issues I have come to address and need to hopefully be put on the Town Council’s work agenda is the use of Town Park for ecumenical fellowship and celebration; I have already talked to (?) about this and she said it in the process of being done. The memorial flags not being placed on the old graveyard; I want to make you all aware of that. The Confederate flags are being put in the old graveyard, but no Veterans flags at Mt. Zion. No one has taken the initiative to put the Veteran’s flags up on 18 Veterans in the Mt. Zion Cemetery. That constitutes about 20 to 25 percent of everybody in the cemetery... The next issue is who owns the old graveyard? That was never addressed and there was some conversation after one of the town meetings with the town lawyer, **Whitacre** at that time, that maybe we could take and move the graves and redevelop the property and sell it into five or six housing units. Yes, I overheard that conversation with the interim town manager at that time. The other thing is the clean-up of the large trees bordering Mt. Zion Cemetery from the old graveyard. Mt. Zion is willing to get these cleaned up but needs to know who to send the bill to. Mt. Zion’s front property boundary street designations of 344, 348, 353, 361, and 491, how was that decided because that is a totally separate street from Queen Street. The subdivision of the water tank property of tax map 025-83-A-56F, there was no notification sent to any neighbors about that subdivision of that property. It came as a surprise. The other thing, and again I want to go back to the front property boundary line, I read the town guidance and ordinance that if we put a fence along the front boundary line, it has to be two feet back of the boundary line or the street; is that correct?” **Mayor Boies** responded *we would have to get back to him on that.* **Mr. Gess** said, “I have already read that; that is correct. I also want to inform you that Mt. Zion owns that end of Queen Street and I will request that no further improvements or subdivisions down there be done until things are addressed with the street because right now, everyone is going across Mt. Zion’s property to access housing and for materials to be taken into properties and for equipment to be brought on properties. That has been done for 19 years. If I take 19 years times 12 months at \$1,000 a month, that comes up to \$228,000 and at a 10% one flat fee for interest, it comes up to \$250,800. We need to get it addressed before anything further gets done down on that end of the town because the ‘colored’ church cannot be ignored any longer.”

Wyatt Vaught, 360 West Queen Street, Strasburg, VA: Stated, “I am here to address some of the same issues, mostly the development of property at the end of West Queen Street. In February 2021, a piece of land once connected to the old water treatment plant at the end of West Queen Street was sold to **Dennis Morris** for \$5,000. This price included the removal of an old water tower that once stood on the property to be paid for by the town. When my wife and I inquired about the sale and expressed our concerns over the cost of the removal of the old water tower, the Town Manager, **Wyatt Pearson**, responded by saying it is common process for the town to remove any equipment from the properties and we do not expect the removal of the tank to cost very much at all. Well, as it turned out, not very much at actually turned out to be \$14,000, almost triple what **Mr. Morris** paid for the land. Also, the cost of the land was not in line with the going rate of real estate at the time. I know because during the same tax year, my wife and I purchased a lot across the street for nearly \$40,000. The land I purchased was a little over a third of an acre; the water tower land in question is a little over a tenth of an acre, so if a third of an acre is worth \$40,000, then a tenth of an acre was worth about \$13,000. In short, there was no effective way for the town

to sell that land without losing money. To add insult to injury, it was **Mr. Morris** himself who suggested the sale price in a memo from **Wyatt Pearson** to the Town Council dated January 28, 2021, 'there is really not another viable buyer since the parcel is so oddly shaped and is essentially unbuildable in its current condition. **Mr. Morris** has offered \$5,000 for the sale of the property.' While I will concede that the odd shape of the land should have some influence on that price, it is the beginning of that statement that primarily concerns me. To say there were no other viable buyers is simply untrue. **Pastor Todd Gess** has asserted that he expressed interest in the land in March 2020, directly to **Mr. Pearson** and nearly a full year before the land was sold. Had the town even taken the care to put a small For Sale sign up, my wife and I also would have put in bids on it, ours with an important caveat - we enjoyed the water tower; it was part of the rustic charm that sold us on that area. So, why were we boxed out of the sale; why wasn't it better advertised; did **Mr. Pearson** forget his past conversation with **Pastor Gess** or was his memo to the Town Council simply a lie by omission? I can't say. What I can say is that this looks like a case of favoritism given to a wealthy and influential landowner. And, while it may seem like conjecture, it may help you to know that for the first two years we lived in Strasburg, we saw the town mowing the land surrounding the water tower on multiple occasions. Not the land where the water tower stood, but the surrounding land owned by **Mr. Morris**. So, the idea that the town might be doing special favors for him, given his position in the community, doesn't seem very farfetched to me. I also know by speaking with **Mr. Otis** that the proper paperwork was never filed to consolidate and subdivide the land. I want you all to understand, there is just no accountability here. The original plan was to split this lot into three single family homes and force them into an area that is oddly shaped and a little less than a half an acre in size. The current plan might be slightly more realistic with two structures but medium-density residential zoning standards state that the houses must be 25 feet from the right of way in the front and 25 feet from the back of the lot. If you pay attention to the surrounding houses that off-shoot back towards King Street, perhaps you will understand my concern. Those houses are packed together like sardines ; they don't appear to have the proper setbacks; and drivers are often forced to back down the road just to get into their driveways. I would like to see this new land meet the current zoning standards. Thank you."

Kim Bishop, 728 Crystal Lane, Strasburg, VA: Gave each a packet to go with her statement.

Ms. Bishop stated: "I cannot believe I am back here again discussing the continued harassment of **Ms. Davis** and **Mr. Lassiter**. But, here we are. I was surprised when **Mr. Lassiter** called me, very shaken, about this, because except for the stuff from his garage in the yard, the area was in the same compliant order as it was last year, except for some tall plants, no weeds, that had grown in his garden. I did speak to **Council Woman Monahan** about this on June 12th, just because I felt in my gut, I could not trust the town to work with the property owners.

We went to see **Mr. Otis** on June 1st to get an appeal letter signed as being received; I gave you each a copy. Instead, **Mr. Otis** sat the three of us down in the back room wanting to discuss it before going ahead. We began to give the history, but he stopped us and said he didn't want to discuss the past because it was the past. And, from what he had seen, it was all taken care of very badly and he saw the negative treatment of **David** and **Sara**. He assured them that he wanted to work with them to get it taken care of without going through the process. He told us the complaint was about a tent in the backyard – I don't remember that being against the law. He told us when he went for inspection that he was the one who noticed the non-garden stuff in the yard. However, if you read the redacted complaint, which I have provided you, you will see one of **David** and **Sara's** stalkers had made that complaint. I asked for a copy of the complaint filed, and by the time I had received it, it was redacted by our Town Attorney, not just the name, but to the point of making the point that it was not a citizen complaint but a personal one. Harassment!

(On) June 7th, **Mr. Otis** sent an apology for not getting back to us sooner, and that he was going to look into 'historical research on this case'...what happened to we're going to deal with this case and not the past, which was signed off on as in compliance last year? All past complaints should not have even been a part of this. Further correspondence from **Mr. Otis** was a rewrite of what he had told us face to face. When he met with **David, Sara**, their lawyer, myself, and two garden

helpers, he was so disrespectful that I walked away and went home, and I never walk away. And, since it was made clear that I was not welcome, I just let **David's** lawyer handle it all.

This is Harassment 100 percent. It is not about public safety or the health and welfare of anyone. If you look at the photos I gave you, and the original appeal, that has been highlighted, you will see a large board with rusty nails sitting in front of the building next door for at least three months. No concern there for public safety. Why?

This is a private yard, not visible from the public street, so why is the town willing to go to court and spend tax-payer money when **Mr. Lassiter** has not only shown a willingness to take care of it, but also let the Town Manager know about it before it even began. There are plenty of properties, visible from the street, that are in far worse condition than this. I am asking you to send a message that the town will not be used as a means of personal vendettas and harassment by using your discretion to tell them to let this go. It is not a nuisance. It is hateful harassment.”

Mayor Boies read two emails about the vacant lot on Loudoun Street. She said the town does not own this currently.

Consent Agenda:

- 1) Minutes of the July 5, 2023 Work Session and Minutes of the July 11, 2023 Regular Council meeting.

Council Member Kimmons moved to approve the consent agenda; second by Council Member Hooser. The motion passed unanimously.

Old Business (Discussion and/or Action Items):

1.) Budget Amendments/Adjustments/Carryovers

Description: : *The FY2023 Budget Amendments and the FY2024 Budget Reappropriations (Carry Overs) 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.*

Vice Mayor McCornyn moved for approval of Budget Amendment (BA-08) in the amount of \$381,200 for the purchase of property along Borden Mowery Drive, which will amend the FY2023 Adopted Budget; second by Council Member Lowder.

With no discussion, the motion passed on a roll call vote with the following results:

Vice Mayor McCornyn	Aye
Council Member Carter	Aye
Council Member Hooser	Aye
Council Member Kimmons	Aye
Council Member Lowder	Aye
Council Member Monahan	Absent
Council Member Woodson	Aye
Council Member Stover	Aye

Vice Mayor McCornyn moved to approve the FY2024 Budget Reappropriation Resolution that includes funding for budget reappropriations (BR-01 through BR-10) totaling \$356,275.47 from the FY2023 Adopted Budget to the FY2024 Adopted Budget; second by Council Member Stover.

With no discussion, the motion passed on a roll call vote with the following results:

Council Member Kimmons	Aye
Council Member Woodson	Aye
Vice Mayor McCornyn	Aye
Council Member Carter	Aye
Council Member Monahan	Absent
Council Member Stover	Aye
Council Member Hooser	Aye
Council Member Lowder	Aye

2.) Special Use Permit application (SUP2023-0007) requested by FIDUM Company

Description: 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.

Mayor Boies said this has been reviewed and questions were answered.

Council Member Hooser asked **P&Z Administrator Otis** if he could turn his garage into a corner store, and the answer was he could not. **Council Member Hooser** said if he wanted to turn his entire house into a commercial property, making money off of it, turning it into a profit making vehicle, he could do that. The point he was trying to make was that this is an asinine use of housing inventory. Residential zones are for residences. If he couldn't open a corner store in his garage which would actually be beneficial to the community, then why should anyone take actions that would primarily benefit some out-of-stater, out-of-towner? He doesn't think that this benefits the citizens, especially in the neighborhood where it is located. Location was discussed a lot. Special use permits have been approved in the historic district and in certain commercial areas, but not in any particular area like this one that is not within walking distance of any business in town. "This only serves to pad the pocket of some out-of-state investor and I don't think that is a pertinent thing for us to do. It is asinine; it is immoral; someone should be living there."

Vice Mayor McCornyn moved to deny Special Use Permit Application (SUP2023-0007) for a short term rental at 395 Stonewall Street; second by Council Member Hooser.

Discussion:

Vice Mayor McCornyn said Short Term Rentals have been approved in the past, but "I sincerely believe that we have not approved any applications for properties that are nearly identical or similar to this property." Those approved in the past have at least met one of the following criteria:

- Situated in the historic district;
- In close proximity, five minutes or less, to downtown/King Street;
- A commercial property; or
- Located on a commercial or town entrance corridor (Route 11 or Route 55).

Vice Mayor McCornyn said one of the subsections of the UDO states "the proposed special use shall conform to the character of the neighborhood within the same zoning district of which it is located." She thinks it is reasonable to conclude that the STR's located within the areas she listed do conform to the character of their surrounding neighborhood because non-residents are often in the historic district or in the downtown area or in commercial areas. The property being discussed now does not meet any of the criteria. It is located in a strictly residential neighborhood so a STR, especially a non-owner occupied STR fails to conform to the character of the neighborhood. It would introduce non-residential traffic and contributing non-residential noise to the area. The Council also seeks to limit the number of STRs overall in order to provide permanent housing.

Council Member Stover said he wanted to express his support for what **Vice Mayor McCornyn** said. This is not a use we want in this residential area. He does not think most of the people who voted him into office would want this either. He has voted for others, but they meet the criteria put forth by **Vice Mayor McCornyn**.

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

Council Member Stover	Aye
Council Member Woodson	Aye
Vice Mayor McCornyn	Aye
Council Member Monahan	Absent
Council Member Lowder	Nay
Council Member Kimmons	Aye
Council Member Hooser	Aye
Council Member Carter	Aye

3.) South Loudon Street Process

Description: Staff is seeking direction on the vacant property at South Loudon Street which has been cleared of the nuisance violation.

P&Z Administrator Otis said the clearing of the property was completed and he inspected it, and it was deemed to be satisfactory. Staff is now looking at the process of how to recoup our money.

Town Attorney Helm said he feels what should be done is to submit a lien on the property for the amount paid to clear it. In a year, it could be subject to sale by public auction. The town would notify the County at that time, and it would get listed and sold by a special commissioner for the maximum amount on the Court House steps. The proceeds would be used for back taxes and the losses for the abatement of the nuisance. The statute generally allows this to happen a year after the last taxes were owed, but in order to recover the abatement cost, we would want to have a recorded lien in the Clerk's office. At the time of the auction, the town could put in a bid if the desire is to eventually turn it into green space. To start the process, a lien would be placed on the property in the Circuit Court's office.

Consensus of the Town Council was to move forward with the statutory process of recording a lien on the property.

4.) 178-188 West King Street Appeal

Description: Property owner submitted a Letter of Appeal to the Town Manager for violations related to Town Code.

Mayor Boies said this is an appeal process and not a public hearing/input session. The only individuals allowed to speak are Town staff and the owner of the property; however technical or expert testimony may be present by either party.

P&Z Administrator Otis said multiple violations were issued and included violations to both Town Code and the Unified Development Ordinance (UDO). The Town Code violations are appealed through the Town Manager and an appeal letter was submitted to Town Manager Coggdale. The process was explained and was stated in the Staff Report included in the Council Packet.

P&Z Administrator Otis did an inspection today. If all the violations had been abated, this appeal would have been canceled. Most of the appeals were related to the town right-of-way. The only things left are weeds, grass, and other foreign growth "on property within 200 feet of an improved right-of-way or property line adjoining a lot whenever such grass, weeds and other foreign growth

have reached a height of eight inches or more.” Some growth has migrated to neighboring properties. **P&Z Administrator Otis** explained that he advised the property owners to clear this up. If he cited a violation to the Lutheran Church, it would become a civil issue. Pictures were shown of where the growth is and where he was when he took the picture. There is some discussion as to it being planted growth or weeds. A picture was shown of a telephone pole and the growth around it. They are allowed to have plantings, but there are a lot of weeds coming up through the plantings, and it is a large amount of growth. There are plantings but there is uncontrolled growth on the property. It is challenging to determine what is planting and what is uncontrolled growth. The issues on the front of the property were abated.

Council Member Hooser asked if this is specifically on the growth on the property or what has exceeded the property. **P&Z Administrator Otis** said they are allowed to have the plantings, but there are lots of weeds. The weeds have overgrown the boundaries. **Council Member Hooser** asked if there is anything in the Town Code about the excessive amount. **P&Z Administrator Otis** said the rear of the property is what needs to be removed. They only need to remove about four inches of growth, back to the fence that is difficult to see. The growth is either through the fence or on the other side.

Council Member Woodson asked if the telephone pole would be phone maintenance. **P&Z Administrator Otis** said as far as maintaining an easement, the property owner has free access to the property. **Council Member Woodson** asked if the overgrowth is the other owner’s problem or this owners. **P&Z Administrator Otis** said you can clearly identify that this is the growth from this property. You can clearly tell it is not grass.

David Lassiter, 188 W. King Street, Strasburg, VA: Stated the electric company has been contacted twice and they are to come and get rid of the growth that has much poison in it. **Mr. Boyd** has left a lot of junk on his property (adjoining the property in question). He has cleared much of this that has gone onto the church property. He has talked to the church, and he has mowed it. There have been a lot of issues with this and he has mowed the grass. The church will not cut it. There are pictures of baskets over the perennials.

He feels the first part of the appeals has been satisfied. He does not feel safe and secure and creative in his own backyard. There was a complaint about a tent in the backyard. Within a day of putting a tent up, a complaint was made. He is micromanaged. He has asked that when there is an inspection of his property, please let him know so he can be there.

Mr. Lassiter continued by saying there have been complaints about the tools left in the garden. This is not a lawn. He grows many things that he uses in wreaths, and he had a wreath he had created on display for Council to see. This is creating a very hostile working environment. There is a continual listing of projects. The property behind him is not taken care of so he does it for them. There were concerns that there were trash and tires. He put this in the trash, and it will be collected tomorrow. He has a compost pile for future gardening. Complaining about the trash cans for putting clippings in seems ridiculous. It seems like a lot of time is being spent on his violations. He has not been given a list of the UDO violations. **P&Z Administrator Otis** has told him there are so many violations, we will probably be going to court for these. He thinks this is a waste of money.

A group of people came, and he gave them a tent to live in. He was trying to do a good thing, but it did not work out that way.

Twelve days ago, he was given another list by his lawyer. They are going to take 3 to 6 months to do this at a cost of \$3,000 to \$7,000. The easement is being used continuously. It is an easement and not public access. Every time they clear the property, they get problems. The attitude displayed to him is uncomfortable. He is not being encouraged. You can’t get all this done when he has to put his money into lawyers and court.

A letter was presented that he received from very important people. There might be some grants he can get to make his property an arboretum.

Many other properties in town have not changed in years. His property is continually complained

about, and he is willing to continue to work on it. People want him to be on their schedule, but others are not on his schedule; he always has to wait. It makes it hard to communicate with people. He has Lyme's disease, and he should not be out in the heat, but he did so he could clear the area. With the biologist and horticulturist, he will have an arboretum. He does not like a lawn and his yard reflects that. This could give the town another destination. He would like to have this in the backyard, but it will depend on how this appeal works out.

Council Member Lowder asked if the plants are like bamboo and **Mr. Lassiter** said there is no bamboo. What people think is bamboo is actually grass, the tallest growing grass in the world. It absorbs much water. Birds eat the seeds.

Council Member Hooser asked if we are just asking him to cut it back to the property line. It appears he is allowed to have ornamental grass in his yard as he wants. **P&Z Administrator Otis** said when it crosses over to other properties, it becomes a nuisance. With all the plantings, it takes a lot of work to maintain so there are a lot of weeds.

Mayor Boies asked for a history of this. **P&Z Administrator Otis** said it started with a complaint of the tent. He was concerned that someone was living in the tent. In walking the property, he identified other violations. A violation was issued, one was mailed certified and **Officer Wilkin** hand delivered the same letter. He met with **Sara Davis**, **Davod Lassiter**, and **Kim Bishop** to discuss the violations. He felt there was a miscommunication of what the violations were. Another letter was sent on June 9. This was emailed to all three parties. He then met with the property owner and their attorney and walked the property on June 24. They clearly identified the issues and there was no disagreement. The timeframe from May 23 – June 24 was a wash. On July 24, a final notice was issued. Many emails were sent during this time. With the final notice, they have 10 days to submit an appeal. He waited several weeks after this before talking to the town attorney.

Vice Mayor McCornyn asked if it is still unclear where the property line is. **Mr. Lassiter** said it is clear to him, but he has not had time to do anything. A lot of it is not his property. **P&Z Administrator Otis** said the overgrowth has mostly been cleared. The area he is cutting is not mentioned as a violation. **Vice Mayor McCornyn** said then it is clear what needs to be cleared so it is easier for him to take care of it. The easement between the two properties is another issue. **Mr. Lassiter** said there is not a problem as far as he is concerned. **P&Z Administrator Otis** said he found the plat for the property. The far right side has a ten foot easement which is from the side of **Mr. Lassiter's** building to the house on the other side. It is to provide access to the back of the buildings. This would be a civil matter as it is a private easement.

Sara Davis, 188 W. King Street, Strasburg, VA (owns the building with David Lassiter): The access that all call an alley, is an easement; it is a driveway. It is only for 188 W. King Street and for the owner of the hobby shop to use. It is not really for the tenants to use to park. She would like a list of all the violations of the UDO. A specific list has not been sent. They have cut grass. She wants to know what the problems are. She does not want the mystery of what needs to be cleared. If it is numerous, that is fine; she would fix things if she knows what they are.

P&Z Administrator Otis said in his violation letter, he listed all the violations to the Town Code and the UDO. They also walked the site and identified more. They went around the house and identified the things that needed to be addressed. They identified the plantings that can remain. They have abated all violations that were in the front of the building. There is nothing that identifies foreign growth or defines it. There is a level of control they need to have. He wanted to have a complete list.

Mayor Boies said we have been here before. It was identified that you need to be able to see clear paths. **Ms. Davis** said there are clear paths. **Mayor Boies** asked if an email said their lawyer needed

to address some of the issues. **Mr. Lassiter** said now more things are being added to the list. They are asking about the greenhouse. **P&Z Administrator Otis** said there is no problem with having a greenhouse until the greenhouse is just storage with plastic over it. His initial items have not changed since the letter was sent.

Mayor Boies asked what the timeline is for Council so they can decide what to be done. **P&Z Administrator Otis** said they cannot find a timeline. It could be deferred for more fact finding. **Mayor Boies** said **P&Z Administrator Otis** has been Council up to date on this issue.

Council Member Kimmons said he was on Council when the abatement period came up. The last time, they were given a year to abate it and they did what was expected. He thinks that since it is mostly abated, we could do another couple of months to finish the work. The UDO issues are completely different. He asked if the appeal has been made to the Board of Zoning Appeals and it has not. **P&Z Administrator Otis** commented that clarification was given for the required BZA application and provided an additional week for the submission of the application.

Council Member Carter said imagery was given. Could a comprehensive list be made of what needs to be abated? **P&Z Administrator Otis** said it would be difficult because of the amount of growth and other items.

Vice Mayor McCornyn said everything has been abated except for the weeds. She thanked them for doing the work to get it to this point. What they have is unique. It is hard to apply the rules everybody else goes by because of the type of garden they have. You have weeds, you have native plants, and many look like other plants. Things get overgrown. These are hard to maintain. She likes the idea of what they want to do, and she thinks that if they were able to maintain the property to a certain level, the criticism wouldn't be as frequent. At this point, the Council needs to decide how they need to maintain their garden.

Mr. Lassiter said he is hoping the horticulturist will be able to help them with this.

Mayor Boies asked what the timeline is for the letter. **Mr. Lassiter** said grants have an application process. Students would be coming to help him with projects to help them with their classes. **Mayor Boies** said this is exciting for the downtown area. This would be great to have for people to walk around and view, but it needs to be safe.

Mayor Boies said **Council Member Kimmons** gave the idea of extending the deadline on the weeds.

Council Member Carter asked if it is the objects in the backyard or would a privacy fence take care of this. **Mr. Lassiter** said he looked into this, and it would cost \$10,000 without installation.

P&Z Administrator Otis said he was told there was harassment and he wanted to look at it from that standpoint. He said he would have liked to have pictures taken to show the baseline. He is going only from where we are now. The only nuisance now is the migration of growth onto other properties.

Mayor Boies said Council makes the process and hires staff to enforce the processes.

Mr. Lassiter said he could draw up plans for certain sections. He does best when he has planned areas.

Council Member Hooser asked if the main problem is the grass to the fence. If so, could a certain number of days be given to get this taken care of.

P&Z Administrator Otis said when they inspected the property, all agreed there were weeds

growing in the plantings. It is a challenge with this property.

Town Attorney Helm said the question isn't how it is abated. Was it a nuisance when the appeal was submitted? If they dismiss the nuisance, then they are saying it was not a nuisance when the appeal was sent. Was this a nuisance/violation? Do we want them to abate the nuisance or be fined?

Ms. Davis said when things are growing over to the church side of the fence, and they don't complain, is that a complaint. **Mayor Boies** said it is also the weeds in the plantings.

Mayor Boies said they could decide on a fine or extend the abatement of the violation. **Town Attorney Helm** said we could be giving a violation every day. Will they abate this or does the town have to take further action?

All Council Member thought there was a violation and were in agreement to extend the abatement period.

Town Manager Coggsdale said we need to know what compliance looks like. Beauty is in the eye of the beholder. Council has said this is difficult, but we have an ordinance that is 8" or more. Who is going to go and identify all that is more than 8 inches? What he thinks is a weed, might not be a weed. It is a garden, but we keep having complaints.

Council Member Carter asked when we cross the finish line, is there a definitive line?

Mayor Boies said previously, staff put together a drawing of what is expected. Does staff feel as if there is something that can be checked off like that?

P&Z Administrator Otis said the growth over the property line is a clear line. The weeds are more of a challenge. The clear delineation is the property line.

Town Manager Coggsdale said in our Code, we only have to send one notice if the grass gets more than 8 inches - per growing season, only one notice has to be sent. After the first notice is issued, no one has to complain again as it is on the town's radar. That is why he is asking what compliance looks like for this property.

Council Member Hooser asked if it is grass or what and **Town Manager Coggsdale** said it is grass, weeds, or foreign growth.

Mayor Boies said if it is in delineated areas, it is clear what it is. We need to decide if this is the standard we want for all in the town. This is what makes this so tough. We could set parameters like we did before. If we have certain areas, then the box is checked. We could say we want the clearly defined areas and if it is not in the area, we don't want it.

Ms. Bishop said she was at the meeting when the 8 inch standard was set and it was when **Tax Payer Henry** cut his grass by scissors. She asked if people were going to say that her dead plants were going to have to be cut because they feed the birds. She believes **former Council Member Vena** said it was for lawns and not gardens. If **Mr. Lassiter** cleans the yard, someone will continue to complain, and it is harassment.

Mayor Boies said staff following procedures is not harassment. We are here to follow procedures and processes. Council has decided there was a violation. We want the businesses to succeed. This is not one bush. We see the pictures. We can extend, but we need clear expectations of what **Mr. Lassiter** needs to do in the next 90 days. She asked if staff could come up with what would bring it into compliance.

P&Z Administrator Otis said it would be difficult. The property line is easy. What is inside the yard is rough.

Mayor Boies asked if it could be tackled in the UDO, but these are addressed in the Town Code. **Town Attorney Helm** said Town Code generally tracks State Code. It is vague. There is nothing that states what is a nuisance and what isn't. Something like this can become a public safety concern. It will probably come down to working with staff and the property owner to get it into better shape. The town would have to be more involved, or we would have to hire someone to identify what needs to be done. He thinks this is a waste to just get the area to what looks nice. **P&Z Administrator Otis** said it will be up to him to document what the baseline is.

Mayor Boies asked if Council would be satisfied for staff to walk the property with the owners and take pictures.

Council Member Carter stated that Town Council has found 178-188 West King Street to be in violation of Town Code and moved for Council to extend the period for remediation of the property at 178-188 West King Street for 45 days with the owners working with staff and documenting all expectations. The 45-days begins with the meeting of the property owner and staff. **Council Member Kimmons** offered the second to the motion. With no further discussion, the motion passed unanimously.

New Business:

Reports:

Departmental Reports:

*****Complete reports are provided in the Council packet which is available on the town's website at www.strasburgva.com. Reports are also found on the "Meetings" page of the website (<https://www.strasburgva.com/meetings>).*****

Mayor Boies thanked staff for the reports.

Special Committee Reports:

NSVRC: Council Member Kimmons said the group met and no business was done, but they received a briefing on the Regional Hazardous Mitigation Plan. This is the plan that explains how we deal with and respond to floods, etc. Only one jurisdiction from the Commission has to approve it and Edinburg will be voting on it.

Mayor Boies said the *Rails to Trails* has had language added to the state budget to start this process. This will be huge for our community.

Council Member Items:

Council Member Hooser said we talked about the property on S. Loudoun Street and there is a lot of interest in the town acquiring this property for green space.

Mayor Boies said **Rev. Gess** will be added to the next work session to discuss the issues he has. **Rev Gess** said he challenges the Town Council to have an ordinance on arboretums.

Closed meeting:

Being no other business, the meeting adjourned at 9:23 p.m.