

MINUTES OF THE STRASBURG TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 12, 2024 AT 6:15 PM IN THE COUNCIL CHAMBERS OF THE STRASBURG TOWN HALL.

Town Attorney Helm provided Freedom of Information training for Town Council beginning at 6:15 p.m. All Council was in attendance, as well as Town Manager Coggsdale, Asst. Town Manager Shipe, DP&PS Otis, and Clerk of Council Keller.

At 7:00 p.m., the regular meeting was called to order by Mayor Boies.

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

Invocation: The invocation was given by Council Member Stover.

Roll Call:

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

Public Hearings:

- 1) **Rezoning (REZ24-002) Dunmore Land, LLC & Colley Block Road/Radio Station Ind.**
Description: Applicant has requested an amendment to the Town's Official Zoning Map by rezoning approximately 101.7554 acres, located at 363 Radio Station Road, from Medium Density Residential to Business Park/Light Industrial.

- ***Staff Report***

DP&PS Otis gave a brief history of the property. The area was annexed in 1984 and zoned X-Transitional. In 2004, a rezoning was approved for Medium Density Residential. A preliminary plan was submitted in 2007 which consisted of 67 single family homes. With the housing crash of 2008, the development of this property stalled. The property is bordered by BP/LI, AG, PD, and HC. Slides were shown of the total acreage, traffic impacts if developed with the current zoning, and impacts to schools. The site does not contain a floodplain, stream buffer, conservation easement, battlefield overlay, or any identified area of historical significance to be retained. Since the property borders BP/LI to the north, the site may better serve the town's natural growth by increasing the potential for local jobs.

Buffering requirements were shown. A 50 foot buffer is required when adjacent to residential and a 25 foot buffer for nonresidential. The property borders Colley Block Road which is residential but the property, if rezoned, will be accessed by Borden Mowery Drive. Water and sewer are on the property. A possible water connectivity to create a loop at Dellinger Drive would serve the residential community as a second connection, if water would need to be disconnected at Route 11 for any reason. Staff recommends making this connection; an easement on HOA property would be required.

The Comprehensive Plan shows this as future residential, but this is just a guide. Current needs of the town as a whole need to be considered. Based on the language in the plan, Goal 5 discusses "continue developing Northern Shenandoah Industrial Park and vicinity with business and industrial uses." A challenge of the Business Park is its lack of large lots to accommodate prospective industries that need the space. Goal 7 speaks of "insuring that new businesses supplement town character and blend with surrounding built environment." Traffic will be focused on the outskirts of town and will go out to Route 11 or Route 55. There will be less of a traffic impact with the rezoning than with residential development which will be using Colley Block Road and future Summit Crossing access connections.

A SWAT analysis was done, and results shown.

- **Strengths**
 - The significant lot size has been identified as a weakness of the business park. The size of this site is more attractive to industrial prospects.
 - Reduces the number of potential rooftops in the “Golden Triangle” that impact streets, schools, and other available services.
 - Reduces the residential related vehicle trips converging close to the towns center, on Old Valley Pike and John Marshal Highway
- **Weaknesses**
 - The site is land-locked from industrial access. Easements are required.
 - The site has topography challenges. Karst topography and adjacent quarry.
 - *NOTE: (Karst is a type of landscape where the dissolving of the bedrock has created sinkholes, sinking streams, caves, springs, and other characteristic features. Karst is associated with soluble rock types such as limestone, marble, and gypsum).*
 - Unknown end user(s) for this site.
- **Opportunities**
 - Prospective jobs for the local workforce.
 - Large industry developments may attract smaller industries as a support role.
 - Adaptive reuse of the quarry.
- **Threats**
 - Generally - Noise, and viewshed impacts on adjacent residential properties.
 - Some by-right and special uses would have a significant impact on the adjacent residential properties.
 - Access through streets utilized primarily for residential traffic should be avoided.
 - The Future Land Use map identifies this site for future residential. To mitigate the negative impacts of the BP/LI uses, specific conditions may need to be proposed in order to maintain a cohesive connection dissimilar zoning districts.

Proffered Conditions were reviewed.

SECTION 1. USES & DEVELOPMENT

- A. The Property shall be developed in substantial accordance with the GDP, subject to minor changes approved by the Town in connection with final site plan review. Provided that development of the Property complies with the applicable standards for the Business Park/Light Industrial (BP/LI) Zoning District.

SECTION 2. BUFFERS AND LANDSCAPING

- A. At the time of site plan submission, the Applicant shall provide buffers and landscaping in accordance with all applicable codes. Compliance shall be demonstrated as a condition of each final site plan approval.
- B. In the event development is proposed within three hundred (300) feet of the subject property line bordering lots identified as H through Q on the GDP, one of the two following additional requirements shall be demonstrated on the final site plan.
 - i. Increase the required buffer from fifty (50) feet to one hundred (100) feet and provide landscaping within the buffer in accordance with Technical Design Manual Chapter 6 Landscaping and Buffers, dated December 6, 2023.
 - ii. Provide an eight (8) foot berm within the required fifty (50) foot buffer and provide landscaping within the buffer in accordance with Technical Design Manual Chapter 6 Landscaping and Buffers, dated December 6, 2023.

Staff recommendations were given.

1. **Buffers and Landscaping**

- a. Increase the buffer design for portions of the property adjacent to residential districts. Options may be one of, or a mixture of the following.

- i. A berm to create a physical barrier.
- ii. Increasing the buffer depth.
- iii. Increasing the number of plantings required in the buffer.

Possible use of the draft Technical Design Manual Section 6. Landscaping and Buffers, date December 6, 2023, as it requires an increased amount and variation in height of the plantings within the buffer.

2. Site development layout

- a. Creation of Land bays - Identify a separate land bay to the east that would only permit uses that have limited outdoor activity and a lower impact on adjacent properties.
- b. Siting of development shall be in a manner that outdoor activities and noise are on the side of the building opposite the residential development, to allow the building to act as a buffer.

3. Infrastructure

- a. At the time of site plan submission, the applicant shall make sufficient attempts to acquire an off-site utility easement on the Founders Landing Property Owners Association for the purpose of creating the loop in the water system.

4. Transportation

- a. If Colley Block Road is identified as access to this site, large vehicles (>7500 lbs. GVW) are to be prohibited to reduce nonresidential related vehicle trips on this road.
- b. Access to this site shall be by access to Borden Mowery Drive or Radio Station Road.

Staff recommends approval of the rezoning, subject to proffered conditions for the following reasons:

- The Rezoning is not consistent with the Future Land Use Map. However, guidance within the Comprehensive Plan allows flexibility in decision-making.
- Mitigating measures should be utilized to protect the nature of the neighboring uses since this site is defined as Future Residential in the Comprehensive Plan.
- Reduce the residential impact on the Golden Triangle.
 - Based on the current zoning of all lots in the Golden Triangle, the area has the potential growth for an estimated growth of 1237 homes.
 - This estimated growth and significantly increase residential vehicle trips on portions of John Marshal Highway (via Colley Block Road) and Old Valley Pike (via Summit Crossing). This has been identified as a concern from town staff, the Planning Commission, Town Council, and the public.
 - This rezoning will reduce the number of projected dwellings by 499 to a total of 738 dwelling units.
- A site of this size has been identified as a need to spur development within the park, drive further development, and create local jobs.
- With vehicle trips related to a BP/LI use utilizing Borden Mowery Drive and Radio Station Road, and proper landscaping/buffer, impacts on the adjacent properties can be mitigated.
- The residential access to this site is extremely limited with the lack of development of projects to the south. The extension of Colley Block Road and the southern residential projects that have not been developed were intended to serve as access to this site.

DP&PS Otis said notices were sent to all property owners within 500 feet of the rezoning on February 28, 2024. Signs have been posted since November 29, 2023. Notice was sent for publication in the NVDaily for March 1 and March 8, 2024. The March 1, 2024 did not post in the newspaper as requested. The Code of Virginia language was given on what needs to be done.

- This condition is compliant to the **Code of Virginia § 15.2-2204. Advertisement**

of plans, ordinances, etc.; joint public hearings; written notice of certain amendments. States in part, “In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality.”

The Town of Strasburg Planning Commission made the following recommendations:

- In the event development is proposed within three hundred (300) feet of the subject property line bordering lots identified as H through Q (Founders Landing) on the plat prepared by David Lellock, dated 9/18/23, the following requirements shall be demonstrated on the final site plan.
 - 100' buffer with an 8' tall berm.
 - All traffic related to the uses to utilize Radio Station Road or Borden Mowery Drive. Colley Block Road is not to be designed/routed to accommodate nonresidential traffic. (Colley Block can be used/routed for employee traffic. Not traffic related to the use itself).

DP&PS Otis said the Town Council has one year from the application to act. The one year will expire on August 29, 2024. Possible actions include:

- Approval per submitted proffer conditions
- Approval per modified proffer conditions
- Deferral for further conversation
- Denial

Greg Rooney, representing the applicant, The Bernstein Companies: Mr. Rooney said the Bernstein Companies own Hupps Hill property which is connected to Route 11. He gave some history of the companies. **Adam Bernstein** purchased the land from his grandfather in the 1990's. **Leo Bernstein** bought the land in the 1980's. Mr. Bernstein was a great supporter of both Strasburg and Middletown. Several generations of the family are in the business. They have been around for a long time and are long time owners. They do not do residential development, so they were going to partner with another company in 2004-05, but the economy dropped. The area would be hard to develop with homes. He has been working for years to get Borden Mowery Drive usable. He has worked with **former Town Manager Pearson** and **Town Manager Coggsdale** to get Borden Mowery Drive through the area. This is now possible through their two properties. It only makes sense to make this parcel BP/LI since it adjoins the property they own that is already zoned that. This will allow them to try to have a user that desires a larger parcel. They understand the concerns the neighbors on the east side have that this could be some massive factory putting smoke in their back yard. This is not their vision. This could be a solar field, this could be a server farm, it could be a warehouse, or anything. They do not have a tenant in mind now but are taking baby steps as they go through the process.

They have offered more than double the required buffering. They said they would put the berm in if they were to build up to 50', but they do not think they will be doing this. He doesn't think they should put a berm in because that would take down all the vegetation and what is there now and make it look like a highway project. He thinks some sort of combination would work best. He is willing to work with all. They do not plan to put in an asphalt plant, and they were concerned with that asphalt plant the same as the neighbors because they are right across the street from them, so they feared even though their land is zoned light industrial. They own a lot of other land, the quarry and other parcels, but it is all downhill from there. The “beach” is in the rezoning effort because it was useful to do that, but they still see a sizeable buffer around most of the property. However, it is hard to commit to the 1,200' berm or additional buffering. He would like to continue to talk to **DP&PS Otis** about uses. This is light industrial, not heavy industrial. They are talking about bringing in low scale businesses or offices; it could be like an AWS (Amazon Web Server farm).

It is not their intent to put in anything that is heavy industrial. He believes anything outside of light industrial would need to come back before Council. A Special Use Permit would come back in front of Council to allow them to award that SUP so they would be able to make the decision. They will be the landowners but not the tenant at their own site. **Mr. Rooney** said he just wanted to come so they could put a face to the name and to let all know they are not scary people and are trying to run out the back door as soon as they get something.

- **Public Hearing**

The Public Hearing opened at 7:34 p.m.

Kim Bishop, 728 Crystal Lane, Strasburg, VA: She thinks this is a good idea to not have houses. This is the time to get the proffers in; you can't change things once it is done. Since the landowner is saying they don't want to put in heavy industrial like an asphalt plant, maybe the Council could ask that it be proffered that no special use permits be given on this land so it can only be kept with the light industrial. By doing this, there would be no question if they were to sell the land or if their tenants wanted to do something, if it is in the proffers, they cannot do that. Future Councils couldn't change it. She isn't sure if this is even possible and our attorney would have to answer that, but she thinks if Council could ask for that proffer since the developer seems amenable to that then a future Council would not be able to come in and put an asphalt plant in there. She thought it would be good to ask for a proffer such as that, if allowable, so things couldn't happen in the future.

Sharon Cales, 135 Settlers Way, Strasburg, VA: She thanked the Planning Commission because they were so amenable to work with them and to listen to what they had to say. There are a lot of people who were not in attendance because during their last venture to Council, they were deliberately lied to about the asphalt plant. She doesn't have any qualms about saying that because it is the truth. If this is approved, Founders Landing will be almost completely surrounded by commercial or industrial properties. She has been in the real estate industry, and she knows what that will do to property values. She has had properties on Duke and Duchess Circle in Strasburg which are surrounded by the plants and customers will not even look at the house because of the fans -just the noise from the fans. Having said that, uses have the opportunity to devalue their properties. She has had people tell her that they would prefer to live in Founders Landing than any other place in Strasburg. She doesn't know how many people remember the old Avtex plant in Front Royal and the smell from it. We have a milk plant on one end of town that reeks and we have an asphalt plant that not only reeks, but the dust comes onto properties on Dellinger Drive. People get up in the morning and they have little chunks on their cars. Residents were told at the Planning Commission meeting that it came from the "other asphalt" plant. She doesn't agree as this is new; she has been there for 13 years. They have Washington Gas that blows out the lines and rattles mirrors on the wall and freaks people out. If we are surrounded by more and more of these types of things, she could have a commercial place 50' from the headboard of her bed. Tractor trailers start to make noise at 4:45 a.m. on the property behind her. She knows Strasburg must do something, but it has to be conducive to protect the people who have already paid \$300,000 to \$500,000 in Founders Landing.

The Public Hearing closed at 7:40 p.m.

- **Discussion**

Council Member Hooser asked about the legality of what **Ms. Bishop** suggested of putting the proffers of not having an SUP put on the property. **Town Attorney Helm** said if you rezone this to BP/LI there are certain things that could go in there by-right (*remainder of the response was inaudible on the recording*).

Council Member Carter asked that we could put in so it would be limited in the future. **Town**

Attorney Helm said under the zoning text ordinance, you would have what is allowed by right or what is allowed by SUP. These can change by the elected body. Certain things can be excluded.

Council Member Monahan said can you exclude certain uses by proffers for a certain piece of property if it is a by-right use. **Town Attorney Helm** said if it is a by-right use, then that would make that usage by-right. **Town Attorney Helm** said you can work with the plan.

Council Member Monahan said since proffers go with the land, could it be added that it could not be used as heavy industrial, or an SUP could not be given for an industrial use.

Vice Mayor McCornyn asked if the land bays would restrict the uses. **DP&PS Otis** said proffers are given by the landowner. The owner can come forth and say he will never do this or will not ask for a SUP. It is all a negotiable thing.

Council Member Stover said he and **Council Member Carter** live in the neighborhood. The places have been zoned by-right. He hopes they can come to an agreement that it can be rezoned to BP/LI because he wants to eliminate the 499 homes. He feels they will have to have the 100' buffer and he understands the owners' concerns with the berm. If it were to be a solar farm, you wouldn't need the berm as they are quiet. This is his chance to be on Council and get rid of 499 houses. There are more houses in this town than he ever thought there would be and he doesn't want to see any more. He knows more are coming so he would like to get rid of 499 homes with this rezoning. He hopes we can get to a compromise.

Mayor Boies said she knows the school system cannot handle this many new homes. The town would also need more police officers.

Council Member Hooser said he always hears we are building too many houses. This area doesn't need houses and he would like to see the BP/LI. He wonders if it could be included in the proffers that if something noisy goes in, a berm would be required. **Town Attorney Helm** said you can make the request as most developers would want to work with those in the surrounding area.

Mayor Boies asked if there could be a list that could be identified. **DP&PS Otis** said he could create that and reminded all that BP/LI has much business area and not all industrial.

Council Member Monahan said the list is on our website. Going through the list, the list isn't as scary as you might think. She didn't see anything that resembled an asphalt plant. She continued by saying an exit was mentioned to be on Borden Mowery Drive and Radio Station Road. **DP&PS Otis** said currently it is accessed by Radio Station Road. His thought was he didn't want to limit that. Radio Station is for industrial.

Council Member Carter said he appreciates the investment the **Bernstein's** have made in our town and community. He believes **Mr. Rooney** when he said he wants to be responsible. He implores that the HOA will talk to him. Communication is vital. He hopes cooler minds will prevail. They want to be good corporate neighbors.

Mayor Boies said she thinks that is a good idea. It would be a good idea to invite the HOA representatives to the meeting.

Council Member Monahan asked about the land they own. **Mr. Rooney** pointed out what they own and discussed what he and **Town Manager Coggsdale** are talking about regarding the roadway connection.

Council Member Monahan asked if there is any thought of combining the IDA and the **Bernstein** properties. If it were all connected, there would be 150 acres. **DP&PS Otis** said currently it is 101.7 acres.

Mayor Boies said it doesn't sound like we are ready to move forward as they want a meeting to be held on the property uses.

Council Member Stover asked if **Ms. Cales** would be willing to meet about this. **Ms. Cales** said they are not opposed to light industrial; they are concerned about the SUPs.

This will be brought back to the April meeting.

Introduction and Recognition of Visitors and Guests:

- 1) **Melody Nixon, Easter Egg Hunt:** An Easter Egg Hunt will be on March 30 at the Visitor Center. There will be two hunts with craft sessions for the children. Story time will be held. A police officer will be reading a book, The Pout Pout Fish. They are looking for a volunteer to read at the 1:30 hunt. When Council shows up at the Center, staff appreciates it, and citizens notice. They are looking for helpers and they would love for Council to come and volunteer.

Mayor's Comments:

Mayor Boies recognized that April is Child Abuse Awareness Month. Representatives will be at Town Hall on March 26 to plant pin wheels at 10 a.m. All are invited to attend.

Mayor Boies reported sad news in that IAC has laid off 134 employees. The County immediately started working to get a job fair and working with the employees to help them find positions. She has reached out to HR at IAC and to see what we can do.

VML is sponsoring an essay contest on "What I would do as Mayor". **Mayor Boies** has invited those who are entering to a Council meeting.

The Strasburg Express will start their season at the end of May. They are still looking for host families. June 13 will be Strasburg Night at the Ball Field.

The Town is partnering with the Strasburg High School Clean-up Crew and will be doing a clean-up on April 21. More information to come.

Citizen Comments:

Kim Bishop, 728 Crystal Lane, Strasburg, VA: **Ms. Bishop** read from a prepared statement: "I would like to comment on two issues tonight. Firstly, again I say thank you for updating the water billing and cut-off to match state code. I believe that will help many people. I would like to ask you to try and figure out a way to help citizens wrongly billed for water usage though. No way do people go from \$78 water bills to over \$200, \$300, or even \$400 with no leaks. This happens to too many people in this town and there is no compensation when clearly errors have been made by the town, such as the water bill returning to the lower rate the following month without any plumbing work... and it's not to do with the overturning of the extra thousand gallons to raise it so high, that only comes to less than \$50 on average.

Second, when I was looking over the road extension at Fulton Drive for a home building, I noticed that Mr. Boyd was the builder of the home. As an ex-council member who remembers the Special Use Permit he obtained in 2018 for extra apartments down town with a PROMISE to, and I quote from the February 5, 2018 work session minutes, Mr. Boyd says 'he will do the structural repairs on the old Hi-Neighbor building and then do a brick veneer' in accord with the Special Use Permit for the historic district façade grant. And, it was a beautiful plan, I still remember the pictures he showed the Planning Commission and Council. I'm sure Council Members Kimmons and Monahan remember the promises and broken agreement for the Hi-Neighbor building window. He has yet to finish making façade or structural improvements to the building and yet here is another Council going to allow him to get a road extension for a driveway change. I'm assuming since it is coming before this Council that you get to decide whether or not to approve this road extension. Maybe you could add a caveat "once the Hi-Neighbor building is fixed you can have the extension." I know it won't, but it never ceases to amaze me how certain developers always seem to get special

‘dispensations’ for their projects, while never actually being expected to finish already promised ones. Thanks.”

Pastor Todd Gess, Mt. Zion United Methodist Church, Strasburg, VA: Rev. Gess apologized for not being here at the work session last week. He asked what the status is for the Town Square Park (Strasburg Square) in holding events especially for churches. This was a concern last fall or late summer when **Rev. Briscoe** tried to rent the area.

Mayor Boies said during public comment time, Council only listens and does not comment back. Town staff will get an answer on the policy and get back to him.

John Hall, 2308 Junction Road, Strasburg, VA: Said he was in attendance concerning putting liens on property. At this time, the property owner is not allowed to cut-off water for any reason, and they have no means of handling this because we (landlords) do not get the deposits or the bills if they are late. He thinks this needs a whole lot of thought. Most utility companies do not want property owners to do anything with their utilities, and that includes gas, electricity, and phones. This is bad for the property owner especially if they don’t know anything about it. That means you (the town) are giving up all your rights to take care of these things. He doesn’t know how out of hand this is. We only have a handful of tenants that don’t pay their rent, but that handful move to four or five different locations, and it is a circle that they make until they no longer have a place to go. The landlord would have to physically be able to cut the water off and I don’t think the utility companies would want us to take care of their services. It would also mean that it would be up to the town to let the landlords know immediately. You all have the means to cut the water off and the tenants would pay the town before they would pay the owner. This really needs to be thought over, and he doesn’t really know how bad it is as far as numbers go, but he can assure them that there are probably as many homeowners that don’t pay their bill as there are renters. He has some tenants who have lived in his places for 50 years and have always paid their bills and are good citizens. We are talking about a small amount that this would pertain to and he doesn’t think the town would want to turn this responsibility over to individuals.

David Smith, 171 Stickley Loop, Strasburg, VA: He said he was talking about the tenant water bills, too. The town had this problem several years ago and they raised the deposit to \$100, and it looks to him like the deposit could be raised again and cut the water off instead of giving it to the property owner.

Consent Agenda:

- 1) Minutes of the February 5, 2024 Town Council Work Session
- 2) Minutes of the February 13, 2024 Regular Council Meeting
- 3) Strasburg Little League Agreement
- 4) Strasburg Swim League Agreement
- 5) Proper Swimwear at the Strasburg Town Pool

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

Old Business (Discussion and/or Action Items):

• **Water & Sewer Extension Policy**

Description: Proposed policy to define how extensions of the Town of Strasburg's water and sewer system main lines will be made.

This was submitted for Council’s review previously. There are five different objectives that this policy seeks to address, and it creates an organized mechanism on what needs to happen before an extension is approved. **Town Manager Coggsdale** reviewed the administrative process and how it would work; bigger projects would come before Town Council. This is a policy that would create consistency.

Council Member Monahan said she read the policy, and she feels she is missing the definition or what dictates when they come to Council and ask for permission for the extension. Is it securely written that any requests outside of the town limits would come to Council.

Town Attorney Helm said this policy determines if it is an administrative review or not. Anything outside of the town would require Council approval. This is usually in the Town Code.

Council Member Monahan asked for an explanation of the annexation process. **Town Attorney Helm** said the two jurisdictions have a survey done and plats done, and the specific area is decided upon. Public Hearings are held for both jurisdictions. Once these are approved, then there are papers served to the Circuit Court.

Council Member Monahan asked if Council could say they don't want water extended to properties outside of town limits. **Town Attorney Helm** said they could say that, but it would be only then, and not at a later date. If it is too far outside of the town boundaries, it is not economically feasible. You wouldn't want to say you would never extend because there are always things that could be brought up.

Council Member Monahan asked if you could put a moratorium on outside water. **Town Attorney Helm** said if there is a capacity issue, you can. This policy addresses this as a study will be done before approval.

Council Member Monahan said we have an industrial park we need to develop, and we don't know what is coming. With this water policy, if there is something that comes up that wants to build outside the town limits, can we say there is a moratorium that we cannot until the industrial park is built out. **Town Attorney Helm** said conversations would have to be held about the capacity when a developer comes in. You normally look at projects that are actually coming in and not just ideas.

Town Manager Coggsdale said this policy addresses when there is no service. This is an extension from point A to point B. All the requests outside of town come to Council. We need to see where the development needs to take place in town first. Outside, the county will ask certain questions. This process will help us to get all the information needed. It can be reviewed and see if we can allow this. This is a process to manage our assets. Outside of town, a decision would have to be made determining if this is a good use of our assets. He mentioned the 1984 annexation plan that sets forth certain things. This policy is not saying someone outside of town will get water; it is the policy that helps determine if we can provide the water. Capacity is looked at.

Vice Mayor McCornyn read a portion of the policy. She thought **Council Member Monahan** asked that it explicitly say that Town Council would make the decision.

Mayor Boies said it would say "must" come before Town Council.

Town Manager Coggsdale said that is an easy change but would there be other areas inside of town.

Council Member Kimmons asked if we should have a threshold that Council should make a review or determination.

Mayor Boies asked if it is realistic that Council could determine a threshold.

Council Member Carter thinks we should let the experts determine that.

Mayor Boies asked if the majority of Council wants to add the one sentence regarding coming to Council for outside-of-town.

Council will send other comments or concerns. **Town Manager Coggsdale** said we are already working with people about the capacity. Economic development asks these questions.

This will be added to the work session agenda with the out-of-town language. Staff will look about capacity.

Mayor Boies moved to “New Business” due to time.

1) Mayfest Carnival Special Event Permit

Description: The Mayfest Committee is requesting a Special Event Permit for the purpose of holding a carnival on the Town Lot behind the Strasburg Fire Department.

DP&PS Otis said this application was received about one month ago. This year, the committee is looking to bring back the carnival. This was sent out to the departments for comments. Fire and rescue want access to their buildings. Public works said that they put up temporary barriers around the plantings and the cost was about \$560.

Mayor Boies said her question was about parking and there will be shuttles from the high school to the festivities.

Council Member Hooser said he is excited to have the carnival back.

Council Member Hooser moved to approve the Special Event Permit for the Mayfest Carnival to be held on the town Lot behind the Strasburg Fire Department, as presented; second by Council Member Kimmons. With no further discussion, the motion passed unanimously.

Mayor Boies returned to “Old Business.”

• **Water Bill Non-Payment Liens**

Description: Proposed policy on placing water liens on property owners for tenant non-payment.

Town Manager Coggsdale said we have given information to Council at the work session. He read the language from the Code of Virginia §15.2-2119 which sets forth the process of setting fees and charges as well as addressing non-payment. Subsection E. of 15.2-2119 addresses the process by which nonpayment constitutes a lien against the property and how said lien can be placed on the property of the owner.

In 2012, Council opted to not put the lien. The State Code has changed since then and the language where Councils had to choose has gone away. This is basically a policy change for Council to consider There is a process by which the liens could be put on the property.

Town Manager Coggsdale said we are not giving up any rights to this. The property owner will not be cutting off any water.

Mayor Boies asked if staff will be sending out a notice to the owner that the bill is not being paid.

Town Manager Coggsdale said sending out a notice to the property owner is a requirement of the State of Virginia. As soon as the bill becomes delinquent, the Town is required to send the owner a notice. **Mayor Boies** asked if we have all of the information on the owners. **Town Manager Coggsdale** said we require the lease, and this is also required by State Code, before water is put in a tenant’s name. Additionally, we can establish between 3 and 5 month water bill as a deposit. This deposit will be used for the accounts in arrears. We would not be giving up any of our rights. A lien can be placed on the property if the bill is not paid.

Council Member Lowder said he didn’t think it was fair to penalize the landlord for a delinquent tenant. Would the town work with the property owner on this?

Town Manager Coggsdale said if they aren’t paying their water bill, they might be a bad tenant. They might not be paying their rent.

Town Manager Coggsdale said we will be cutting off the water. It is now 60 days before we can cut off the water. If they have a \$300 deposit and the bill is \$500, there is still \$200 that is left. The tenant has left, and the town is left with the balance.

Mayor Boies said the likelihood of the bill going to the landlord with a large amount owed is not likely.

Council Member Monahan said there are landlords that decide to put the utilities in their name and the rent reflects that.

Town Manager Coggsdale said if you are a property owner that includes the utility bill in the rent, the owner would have to pay you for this.

Council Member Hooser said as a taxpayer in the town of Strasburg, why should he have to subsidize a landlord's crappy tenant. A lien doesn't mean we are taking the house; it means if the house is sold, they would have to pay the town a certain amount.

Council Member Stover asked about the deposit and thinks it needs to be increased.

Mayor Boies asked about the deposit. It was said that a renter has to pay \$200 to get the water cut on. **Mayor Boies** said we need to be careful because those customers are probably lower income and putting down \$200 for a deposit is a lot of money to them. **Town Manager Coggsdale** said they are probably putting down a month's rent when moving in.

Town Attorney Helm read the statute. To put the lien, you have to get the deposit. If the tenant is getting rental assistance, some of the requirements are waived in regards to deposits.

Council Member Monahan moved for approval of direction to the staff to implement the policy, in accordance with the procedures set forth in the Code of Virginia §15-2119 and 15-2119.4 regarding the placement of liens on the landlord's (owner) when a tenant has a delinquent water/sewer bill; second by **Council Member Carter**.

Discussion:

Council Member Lowder said this is specifically when a property owner decides to sell that we would collect the money.

Town Manager Coggsdale said we can place a lien instead of writing it off. We remove the lien when the bill is paid, or the property is sold.

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

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

- **Fulton Drive**

Description: Proposed Fulton Drive extension.

Mayor Boies said nothing has changed since the work session. She does not feel that the word extension should have been put on the agenda as it is not an extension; it is just a hammerhead being put at the end of the road in exchange for utility fees. She feels saying it is an extension creates panic for those living there that the road will be extended. It was agreed upon that it would meet VDOT standards. An email was found from 2013 that stated the town would be responsible for a turn-around at the end of Fulton Drive; no date was attached as to when this would be done.

DP&PS Otis sent the plan to VDOT for review. He explained what VDOT looked at. It needs to show the turnaround and it does meet those areas. But, **DP&PS Otis**, said since it was draw to scale, he took a piece of paper and cut it to fit, showing that it does meet VDOT standards for a turnaround.

Council Member Hooser asked if it was possible to make the tap fees be contingent on this to meet VDOTs standards.

DP&PS Otis said he paid the tap fees last week and we are holding the check until a decision is made. The tap has been done, and the water is on, so we will hold the check.

Council Member Monahan asked if we have done all the things on the list. **Mayor Boies** didn't know if Council would want to discuss this now since the town hasn't done their part of the list either.

DP&PS Otis said **Mr. Boyd** has recorded the two cul-de-sacs. **Mayor Boies** asked about several other things on the list, and most were done. **Town Manager Coggsdale** said we can check to see if all things have been done.

Mayor Boies said in respect to time, is there any interest in making a motion of any kind at this time.

Council Member Monahan said if we don't know what has been done, she would be an absolute no. The school bus can still stop where it does, so does not need the turnaround. We can explore the fire department. He is a builder in town, and we require tap fees.

Mayor Boies asked if there is any concern with the email that states the town will be responsible for a turnaround at the end of Fulton Drive. She said this is the end of a road and people turn around in citizen's driveways. Do we want the completion of the road or does the town want to pay for the completion. **Council Member Monahan** said she turned around with no trouble. **Mayor Boies** said this could come back to the town to complete at a much higher price than \$18,000.

Mayor Boies asked if the email is a binding contract.

Vice Mayor McCornyn asked if the town will need to put the turnaround in at some point and **Town Manager Coggsdale** said if it is for the public interest. He doesn't know what triggers having to put in the turnaround.

Mayor Boies said she knows there are a lot of hard feelings with other projects and we shouldn't consider this with this request. We need to think about the citizens on this road.

Council Member Stover said **Mr. Boyd** is offering to do this and it is done to VDOT standards, it will be better for EMS.

Town Attorney Helm said he doesn't know the context of the email other than what it shows. He doesn't know if there was some sort of proffers or if this is some proposals that came from a previous discussion.

Council Member Woodson said maybe we can create some good rapport with **Mr. Boyd** so he will finish other projects. **Mayor Boies** said we aren't doing this for him; it is not for a builder. All we need to remember that it is to complete a road.

DP&PS Otis pointed out where the road should be painted and no parking signage place. You do not want people to start using this as parking places.

Council Member Hooser said this costs us nothing and might save us \$40,000.

Vice Mayor McCornyn moved to approve the Fulton Drive proposal, contingent on the completion of the turnaround, including signage and pavement markings to prevent parking in the turnaround, and to meet VDOT standards; second by Council Member Carter

The motion passed on a roll call vote with the following results:

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

- **Police Vehicle Replacement**

Description: Proposed authorization to pursue and commit to a vehicle purchase.

Mayor Boies said this was discussed at the Work Session. **Town Manager Coggsdale** said we need to talk about funding or how we will pay for it. What is intended is to seek to find the funds in the existing budget. If we are talking about bringing in new money, that would be a different motion; if we are talking about this purchase within the confines of the approved budget, a budget amendment would need to be made, when the purchase is made. He wants to make sure all understand this.

Council Member Carter moved to authorize staff to proceed with the purchase of a new police vehicle in accordance with the established cost; second by **Vice Mayor McCorn**.

The motion passed unanimously.

- **Fireworks Agreement**

Description: Proposed contract to resume a fireworks display with Mark Hensel for the 4th of July Celebration.

Asst. Town Manager Shipe said this was emailed to staff following the work session, so discussion was not held during that meeting. **Town Attorney Helm** drew up the contract. This is a two part contract. One part for the invoice of the equipment/product and a second part for the certification of the operators. This will be for six years.

Council Member Hooser moved to authorize staff to proceed with the contract with **Mark Hensel** to resume a fireworks display provided by his company on the 4th of July; second by **Council Member Kimmons**.

Discussion:

Town Manager Coggsdale said it needs to be understood that the money will be appropriated somehow to make sure all of this happens. **Asst. Town Manager Shipe** said some of the money is already in the July 4th budget.

With no further discussion, the motion passed unanimously.

- **115 West King Street Renovation Project**

Council Member Kimmons said he spearheaded when he came on to Council. He thought this was the best option for the town.

Council Member Kimmons moved to direct town staff to begin the process of moving forward with the design phase for Strasburg Police Department to utilize 115 West King Street building; second by **Council Member Monahan**

Discussion:

Council Member Hooser said he would prefer to see another consult on keeping them here and moving Town Hall to the 115 West King Street building. He will be a no on this vote without knowing this figure.

Vice Mayor McCornyn said she will vote yes as she is confident with that vote because of the assessment that Dewberry did with the building. Council wanted to know if that building was suitable for a police department, and they deemed that it was. She doesn't think keeping the police in this building will result in any cost savings.

Council Member Monahan said this is a legacy decision for our town. She researched the prices of a new building. We have the chance to give the police department what they want. This is the only time we can do this with our ARPA funds.

Council Member Carter said he has seen the conditions they are dealing with. These are our public servants and why would we let them stay in the basement.

Council Member Hooser added that he is thrilled they are getting an actual building, regardless of it being here or there, they need to get out of the basement.

The motion passed on a roll call vote with the following results:

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

New Business:

2) Consideration of proposal of WSSI for professional assistance with the Department of Environmental Quality (DEQ) and Virginia Marine Resources Commission surface water withdrawal permit renewal process

DP&PS Otis said the town must do a renewal every 15 years with DEQ. The current permit went into effect in 2009 when the plant went live. It is an extensive process for the department and is actually a surface water evaluation of the entire town. DEQ said that most of these evaluations are done by an independent engineer unless it is a very large jurisdiction.

The cost is \$29,700 and the application fee is approximately \$10,000. Staff did not budget for this. **Mayor Boies** asked if we knew about this before now. **DP&PS Otis** said our superintendent just missed this when working on the drought documents. DEQ is willing to extend the deadline.

Council Member Carter asked that we have costs like this, put money aside every year so we can pay.

Council Member Carter moved to approve the WSSI proposal for the permit preparation and submittal review process at a cost of \$29,700; this does not include the application fees estimated to be \$10,000. **Council Member Stover** offered the second to the motion.

With no further discussion, the motion passed unanimously.

3) Consideration of the proposal of Racey Engineering for professional services with the evaluation and costs estimation related to rehabilitation needs of the Water Treatment Plant Basin

Mayor Boies said from what she has read, we have some leaking in the concrete walls that need to be fixed.

DP&PS Otis said we now have four leaks in the concrete. The concrete is scaling and peeling off. This could be caused by a bad batch of concrete. River water sits in the basin until it is treated, so the thought is that the impurities in the water and the bad concrete could have caused the issues. The worse case is they are structurally not sound, but we don't think that is true. But, some of the steel is exposed so we need to make sure it is structurally sound. Core samples need to be done.

Mayor Boies asked if this needs to be done ASAP and it does. The evaluation needs to be done before budget talks.

Council Member Carter asked if this could have been by the construction company. Is there any fall back on the people who poured the concrete? **DP&PS Otis** said we won't know until the core samplings are done. Council Member Carter said he knows of instances where poor pours of concrete have caused issues, and he wants to make sure we get our just due.

Council Member Carter moved to approve the estimation and evaluation on our water basins at the Water Treatment Plant being prepared for us by Racey Engineering; second by Council Member Hooser. With no further discussion, the motion passed unanimously.

DP&PS Otis said Racey Engineering was acquired through the NSVRC. This is going to be a turn-key project. They can do all phases of the project.

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>).*****

Asst. Town Manager Shipe said they are working on the pool.

DP&PS Otis said staff has received the rezoning for the Cedar Springs commercial project.

Special Committee Reports:

Northern Shenandoah Valley Regional Commission: Council Member Kimmons said the Commission did not meet but will be meeting next week. Racey Engineering came to the rescue for the town through the NSVRC.

Vice Mayor McCornyn reminded all of the joint meeting on March 14.

Council Member Items:

Mayor Boies addressed several things that had been mentioned during citizen comments. The town has a process for dealing with high water bills.

Council will need to determine what we allow for outdoor events at Strasburg Square.

Mayor Boies said she has created a rubric that she will send to Council for the evaluation of the Town Manager. The evaluation will be discussed in closed session

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 a current employee for the Engagement Specialist position, Council Member Kimmons offered the second to the motion. With no discussion, the motion passed unanimously, and Council adjourned to a Closed Meeting at 9:46 p.m.

Reconvened at 9:51 p.m.

Mayor Boies 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.

Vice Mayor McCornyn	I so certify
Council Member Carter	I so certify
Council Member Hooser	Absent
Council Member Kimmons	I so certify
Council Member Lowder	I so certify
Council Member Monahan	I so certify
Council Member Stover	I so certify
Council Member Woodson	I so certify
Mayor Boies	I so certify

Adjournment:

Being no other business, the meeting adjourned at 9:52 p.m.