

**Minutes of the Emergency Meeting of the Stephens City Town Council**  
1033 Locust Street, Stephens City, Virginia  
Wednesday May 11, 2011, 6:00 pm

Mayor Joy Shull called the Council to order at 6:05 p.m.

Roll call showed the following Council members present:

Vice Mayor Linden A. Fravel, Jr., Council member Ronald Bowers, Council member Joseph Grayson, Council member James Harter and Council member Joseph Hollis.  
Late arrival Council member Martha Dilg (6:10 pm).

Staff – Michael Kehoe, Town Manager; David Griffin, Town Attorney; Brian Henshaw, Town Planner

**MOTION FOR CLOSED SESSION**

Motion by: Council member Joseph Grayson

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, as amended, for the purpose of consultation with legal counsel and briefings by staff members pertaining to the actual pending litigation between the Town of Stephens City and the County of Frederick where such briefings in an open meeting would adversely affect the litigation and negotiating posture of the Town.

VOTE:

Aye – Vice Mayor Fravel	Nay - None
Council member Bowers	Abstain - None
Council member Grayson	Absent for vote – Council member Dilg
Council member Harter	
Council member Hollis	

Council member Grayson moved to reconvene to Open Session and the motion passed.

**CERTIFICATION OF CLOSED MEETING  
RESOLUTION**

Date: May 11, 2011

Motion By: Council member Grayson

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) 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 (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

**RECORDED ROLL CALL VOTE:**

Aye – Mayor Shull

Vice Mayor Fravel

Council member Bowers

Council member Dilg

Council member Grayson

Council member Harter

Council member Hollis

Nay – None

Absent – None

Abstain – None

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Dianne L. MacMillan, CMC, Town Clerk

Council member Hollis moved that the Town Council accept the May 9, 2011 proposal from BHL Investments LLC acknowledging a proposed reallocation of the Proffered Funds from the June 2, 2009 rezoning and that the Town Council proceeds forward completing the necessary legal requirements to amend the Proffer Statement to better address the concerns of the Town and County through the Joint Annexation Agreement for the Davis Property, as referred to in Clay Athey's letter (copy attached) as the "Adam's Property." Furthermore, Council member Hollis moved that the Town Council set a Joint Public Hearing for the Stephens City Planning Commission and Town council for Tuesday, June 7, 2011 to receive public comments on the

proposed reallocation and amendments to the Proffer Statement for the Davis Property. The motion passed with the following roll call vote:

RECORDED ROLL CALL VOTE:

Aye – Vice Mayor Fravel	Nay - None
Council member Bowers	Absent - None
Council member Dilg	Abstain - None
Council member Grayson	
Council member Harter	
Council member Hollis	

Council member Hollis moved that the Town Council accept the May 9, 2011 proposal from 300N, LLC acknowledging the proposed reallocation of the Proffered Funds from the June 2, 2009 rezoning and that we proceed forward completing the necessary legal requirements to amend the Proffer Statement to better address the concerns of the Town and County through the Joint Annexation Agreement for the Russell-Stephens City Property, as referred to in Clay Athey’s letter (copy attached) as the Newtown Village LLC”; and that the Town of Stephens City set a Joint Public Hearing for the Stephens City Planning Commission and Town Council for Tuesday, June 7, 2011 to receive public comment on the proposed reallocation and amendments to the Proffer Statement for the Russell-Stephens City Property; and with regard to the Generalized Development Plan (GDP) as it affects this property that the Town Council revisit the GDP with regard to relocating a portion of the approved commercial development to the parcel fronting on Route 11; and that the Town Council initiate contact with Frederick County to reconvene the Joint Land Use Committee to review and potentially amend the Joint Future Land Use Map as part of the Joint Annexation Agreement; and provided the Joint Land Use Committee approves the changes, that the Town proceed forward with completing the necessary legal requirements to allow an amendment to the GDP, The motion passed with the following roll call vote:

RECORDED ROLL CALL VOTE:

Aye – Vice Mayor Fravel	Nay - None
Council member Bowers	Absent - None
Council member Dilg	Abstain - None
Council member Grayson	
Council member Harter	
Council member Hollis	

There being no further business, on motion by Council member Harter, the meeting was adjourned at 7:05 p.m.

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Joy B. Shull, Mayor

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Dianne L. MacMillan, CMC, Town Clerk