

SPECIAL MEETING OF THE STEPHENS CITY TOWN COUNCIL
1033 Locust Street Stephens City VA
Tuesday, September 13, 2011
5:30 p.m.

Mayor Joy Shull called the Town Council to order at 5:30 p.m.

Roll call showed the following Council members present:

Mayor Shull, Vice Mayor Linden A. Fravel, Jr., Councilperson Martha Dilg,
Councilperson Joseph Grayson, Councilperson Ron Bowers, Councilperson Joseph
Hollis, Councilperson James Harter.

Staff present: David Griffin, Town Attorney; Kim Uttenweiler, Town Treasurer and Acting
Town Clerk; Michael Kehoe, Town Manager, Brian Henshaw, Town Planner/ Assistant Town
Manager.

The Acting Clerk called the roll.

AGENDA

On motion by Vice Mayor Grayson the Agenda for September 14, 2011, the Agenda was
adopted by a majority consensus.

ACTION AGENDA

A. Proposed Proffer Amendments to Davis Property

Comments:

1. Vice Mayor Fravel noted that there was a typo on page 2, section 1.1 in that the word
“apartments”
2. Mr. Harter, noting his absence for the past council meeting, wondered when the 200
landscape buffer had gone back to 100 feet. It was noted by Mayor Shull that there
was a meeting with the Developer, the County and town staff where this change was
agreed to for presentation to the Town Council for their consideration. The
developers would not accept anything more than the 100 foot buffer. Mr. Fravel
voiced at the last meeting his opposition to this and that he would be voicing his
concerns in a statement tonight. This was a result of that meeting and the closed
session discussion on September 6, 2011.
3. Mr. Fravel asked if the Town had received a revised plan for the Davis property. Mr.
Henshaw answered in the negative. Mr. Fravel noted it was difficult to consider his
proposal for the Davis property without said plan, again noting the buffer area. He
asked how that buffer would be used. Mr. Griffin noted that the plan was the same,

just the frontage of the buffer had changed. Mr. Fravel stated that he wanted to see where the open space will appear. Mr. Fravel asked if the Town would have the discretion to approve this. Mr. Henshaw noted the development plan had not changed since the June meeting. Mr. Fravel again noted this was highly unusual. Mr. Kehoe noted that there was no change to the development plan (January 2, 2009.) Upon Mr. Fravel's noting that this was a strange way of doing business, Mr. Hollis noted that the entire experience has been strange. Mr. Henshaw noted that they would still have to come and get approval on the question as to whether the developer had met the setback and open space requirements.

On motion by Mr. Hollis, the Proposed Proffer Amendments to the Davis Property was passed by voice vote with four (4) Ayes and two (2) Nays as follows:

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

B. Proposed Proffer Amendments to the Russell-Stephens City Property

Comments:

1. – NONE –

Mr. Hollis made a motion that the Proposed Proffer Amendments to the Russell-Stephens City Property be adopted. The floor was opened for discussion:

DISCUSSION

Mayor Shull asked if there was any discussion.

Vice Mayor Fravel was recognized. He stated the Town had spent a year and a half going over the plan for this development. It was examined in depth and finally compromised; the Town went to the developer to satisfy the County with the Proffers they required and all we asked was the developer to do – Summit Bank to do – was to reallocate the proffers to satisfy the County's needs. We just wanted the property to not look like any other strip mall on Route 11. We lost two lanes of the bypass, but I understand that the County will cover those lanes; they will cause them to be built? The Planning Commission's first decision was for the 200 foot buffer and not to have commercial development down on Route 11. Mr. Fravel went on to note that because of the greed of Summit Bank, we have to adjust our planning, and compromise even further before they would sign off on the change in the proffers. He noted that if that did not meet the definition of "extortion" then would someone else explain it in a different way. He noted that this was contrary to our preservation and comprehensive plans and what Stephens City is all about. Although 200 feet sounds like a lot to a developer, if one looked at any of the old lots in Stephens City, there is 218 feet from the main street to the back street. He further stated that he

would caution anyone contemplating the purchase of this property to know that they should buy it contingent upon final approval for there will be enough review and oversight to choke a horse. From the very beginning this buffer was set up to divide this project from the old, historic portion of the town; from the new development, anyone coming into Town could immediately see where the new left off and the old began. He noted that this was contrary to everything the Planning Commission had set out to assure in the five or more years. Calling this an abomination, Mr. Fravel noted that Summit Bank had resorted to these low dealings, when all we had asked was for a re-distribution of the proffers, not asking for more, but simply a reallocation of an already agreed upon sum.

Mr. Hollis said that without the sale of the property for development, it does the Town no good; that the property just sitting there was not good for the community. Mr. Hollis said that he understood their position wanting the commercial on Route 11, but that the Town can take steps to mitigate the impact so he would have no problem with it.

As there was no further discussion, the Mayor noted there was a motion on the floor and asked for a voice vote, which was passed with four (4) Ayes and two (2) Nays as follows:

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

Mayor Shull thanked the Town Council for the long, grueling hours that were spent in trying to get this situation to a close, and expressed her hope to move forward through the future work of the Planning Commission, we still have a good plan for those properties.

There being no further business, Mr. Harter moved to adjourn at 5:49 p.m. and the motion carried with six (6) Ayes and no Nay votes.

Joy B Shull, Mayor

Kim S. Uttenweiler , Acting Town Clerk