

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, April 5, 2011
7:30 p.m.

Mayor Joy Shull called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Vice Mayor Fravel offered the invocation.

Roll call showed the following present:

Vice Mayor Linden A. Fravel, Jr., Councilmember Bowers, Council member Martha Dilg, Council member Joseph Grayson, Council member James Harter and Council member Joseph Hollis

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner/Asst. Town Manager; David Griffin, Town Attorney; Ron Fox, Police Department Officer; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk

Press: Joel Danoy, Winchester Star

AGENDA

On motion by Council member Harter the Agenda for April 5, 2011 was adopted as presented by consensus.

PUBLIC COMMENTS

Mayor Shull opened the floor for public comments on any topic not on the agenda. There were none.

PUBLIC HEARINGS

Town Code Chapter 22, Article I, II, II – Repeal, Revise and Re-enact

Mayor Shull opened the Public Hearing to receive comments on Town Code Chapter 22 Water Services and Protection, Sewer and Sewage Treatments, Article I, II and III repeal revise and reenact. Mayor Shull called for questions or comments from Council or the public on the proposed revisions. There were none and the Public Hearing was closed.

Stephens City Comprehensive Plan Update 2010-2030

Mayor Shull opened the Public Hearing to hear comments on the Stephens City Comprehensive Plan Update 2010-2030 and asked for questions or comments from council or the public. There were none and the Public Hearing was closed.

MINUTES – March 1, 2011 Regular Meeting

Council member Dilg moved for approval of the minutes of March 1, 2011 and the motion carried with the following vote:

Recorded Vote:

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

MINUTES – March 29, 2011 Special Meeting with Frederick County Board of Supervisors

Council member Hollis moved for approval of the minutes of the Special Meeting of March 29, 2011 with the Frederick County Board of Supervisors and the motion carried with the following vote:

Recorded Vote:

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

TREASURERS REPORT – Kim Uttenweiler

Mayor Shull announced that the members had the Treasurer’s report for information and asked if there were any questions. There being none, the Treasurer’s report was accepted as presented.

POLICE REPORT – Charles Bockey, Chief

Mayor Shull announced that the members had Chief Bockey’s police report for information and asked if there were any questions of Officer Fox who was present. There being none, the police report was accepted as presented.

ACTION AGENDA

A. Town Code Chapter 22, Article I,II,II – Repeal, Revise, Re-enact – First Reading

The Mayor asked the Clerk to read the ordinance by title only for the first reading. The Clerk read “An Ordinance to Repeal, Revise and Re-enact Chapter 22, Articles I, II and III of the Code of the Town of Stephens City”.

Council member Harter moved that the Council of the Town of Stephens City approved the first reading of Chapter 22, Article I, II and III to repeal, revise and re-enact. The motion passed with the following recorded vote:

Recorded Vote:

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

B. Town of Stephens City Comprehensive Plan Update 2010-2030

Mayor Shull announced the next item as the proposed adoption of the Comprehensive Plan Update. She asked Town Planner, Brian Henshaw for any additional comments. Mr. Henshaw said he had handed out a revised and updated future land use map to Council prior to the meeting. He advised that he had sent a copy to Frederick County to give their officials a chance to review the Plan Update. He said that their primary focus was based upon the Joint Land Use Plan completed in 2009. Mr. Henshaw said the one thing the Town wanted to do was to include this in the Comprehensive Plan Update and it was included as appendices.

Mr. Henshaw noted that one thing brought out was a discrepancy in the future land use map which was an unintentional discrepancy, but an important one. He said basically the original land use map was not meeting up exactly with the Joint Land Use Map created during the Joint Land Use process. All the land uses were there but were labeled using different descriptive language which came from the 2005 Comprehensive Plan update. He said those should use the same language for both maps. He reported that this was corrected and resent to the County for clarification. He further reported that he received an e-mail from Mike Ruddy Deputy Planning Director, after the revised map was sent to them for further review. He read from his e-mail “The future land use map now reflects the land use designations of the Joint Land Use Plan. While the shading remains different, the intent is clearly met” (copy attached) Mr. Henshaw noted that this message had been copied to other County officials involved. He added that he had not had time to change the text to reflect the color changes. Mayor Shull asked if he would make that adjustment and he said he would.

Mr. Henshaw said Council could adopt the Comprehensive Plan with the understanding that the changes will be made before the Plan was finalized or they could postpone action until

next month’s meeting. Mayor Shull stated that it would be best to get the Plan in final form, the way it should be prior to adoption in order to avoid any controversy. Vice Mayor Fravel asked if there were any comments on the Comprehensive Plan Update itself and Mr. Henshaw replied unfortunately, no. He said the overall visions seem to be the same.

Council member Dilg moved to postpone the adoption of the Stephens City Comprehensive Plan Update to the May meeting and the motion passed with the following recorded vote:

Recorded Vote:

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

C. Proclamation – DisAbility Awareness Week – April 9-15, 2011

Mayor Shull introduced the Proclamation as one the Council adopts every year at the request of Access Independence, Inc. of Winchester. She said it was a worthy cause. Council member Hollis moved that the Town Council of the Town of Stephens City adopt the attached Proclamation. The motion passed with the following recorded vote:

Recorded Vote:

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

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

Council member Hollis reported that the Committee had begun serious discussions on the formulation of the 2011-2012 budget. He said that the Town Manager and the Town Treasurer were working diligently and would have a draft budget prepared soon for review.

Council member Hollis moved that the Town of Stephens City send \$15,200.00 to the Stephens City Volunteer Fire Company which includes \$8000.00 budgeted by the Town for the Fire Company plus \$7,200.00 from the State as a pass thru. The motion passed with the following recorded vote:

Recorded Vote:

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

Council member Hollis explained that the Town had received proffers from Stephens Landing Phase I for the fire company in the amount of \$30,000.00 which had not been forwarded to the Fire Company. Council member Hollis moved that the Town pay \$30,000.00 to the Stephens City Volunteer Fire Company after the Town receives reimbursement of T21 monies from the State. The motion passed with the following recorded vote:

Recorded Vote:

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

B. Public Works Committee – Joseph Grayson, Chair

The Chairman reported that the committee reviewed the Town’s refuse contract with American Disposal Services. Council member Grayson moved that the Town of Stephens City renew that contract for another year. Council member Hollis asked if there was an increase in the amount of the contract and Mr. Kehoe explained that there was an escalation clause built into the contract for each year for approximately 1.5 %. Council member Grayson’s motion was passed with the following recorded vote;

Recorded Vote:

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

Council member Grayson moved that the Town of Stephens City add sidewalk replacement to the CIP and to the budget for the coming fiscal year. Council member Hollis asked if there was an amount associated with this and Council member Grayson stated it was

\$500.00. Vice Mayor Fravel said that the Town had done this for a number of years but had used it up and it had not been included in the past few budgets. Council member Hollis clarified that this would be an annual budget line item so that funds would be available if needed. The motion passed with the following recorded vote:

Recorded Vote:

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

C. Water/Sewer Committee – Jim Harter, Chair

The Chairman advised nothing to add to the report.

D. Personnel Committee – Martha Dilg, Chair

Chairman Dilg reported that there was nothing for Council action.

E. Public Safety Committee – Ronald Bowers, Chair

Council member Bowers reported nothing to report.

F. Parks and Recreation Commission – Ronald Bowers, Chair

Council member Bowers reported that there was nothing for Council action.

Vice Mayor Fravel moved to accept the reports as submitted and the motion passed with the following recorded vote:

Recorded Vote:

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

PLANNER’S REPORT – Brian Henshaw

Mr. Henshaw reported that last week the Town had the final review of the CDBG project which was basically a financial review and would be awaiting comments. He said there would be one more draw down to cover administrative expenses.

He also noted that the HPC annual report was included in the packet.

Mr. Henshaw advised that the Sherando High School students who have been working on a project on communication will be presenting their report next month to Council and later in the month to the Board of Supervisors and the School Board. He said their study showed what the Town was doing correctly and would come with recommendations for any improvement.

Mr. Henshaw said this weekend the Commons would be used by the Discovery Museum celebrating their 15th anniversary and encouraged everyone to support them by attending. The next week end, April 16th, at the Commons would be the annual HOP IN from 2-4 p.m. sponsored by the Stephens City Business Association with a rain date of the 17th.

TOWN MANAGERS REPORT – Mike Kehoe, Town Manager

1. Mr. Kehoe updated the Council on the Mulberry Terrace performance bond status. He reminded Council that the developer had walked away leaving the project incomplete and the Town called the bond in order to complete the work. He said that the remaining funds would probably be used for sidewalk repairs. He added that VDOT had a punch-list to be completed. He advised that about 90% could be completed but there could be a few items the Town may have to fund in order to turn the street over to VDOT.
2. He reported that the Town crew cleaned up a lot on Mulberry Street. He said there had been complaints about debris and vermin on the property. He said that the land fill costs would be added to the real estate tax bill for this property.
3. Mr. Kehoe reported that the Town's yard waste site was closed for a couple of weeks but was now open again for citizens' use. There had been a dispute between the new leasee and the previous leasee.
4. He advised that the 19th Newtown Heritage Festival would be held at Newtown Commons on May 27 and 28 with no events on Sunday. There would be a focus on Friday and Saturday and getting more involvement with the younger crowd especially the battle of the bands which went over very well last year. The Festival would also have a new t-shirt this year depicting the signal tree which was a look-out site in the Civil War and is still standing on Mulberry St. He added that in the next few years during the Civil War sesquicentennial the focus would be on events in Newtown during the Civil War.
5. Mr. Kehoe reported that Tim Stowe, Town Engineer had been asked to review the water line cost expenses for Stephens Court for replacement of a 2" water line with a 6" or 8" inch line due to issues and continued repairs on this line.
6. He added that the Discovery Museum anniversary celebration this coming Sunday would include putting up a maze on the Commons.
7. He added that the beauty pageant for the Newtown Heritage Festival would be held on Friday, the 15th of April this year at the James Wood Middle School due to scheduling conflicts. He said it was not quite Stephens City but would still be the Newtown Beauty Pageant.

COUNCIL COMMENTS/CALENDAR

Mayor Shull asked for any changes to the calendar. Council member Bowers asked that a Public Safety/Committee meeting be scheduled for April 15th at 5:00 p.m. Council member Dilg requested that the Personnel Committee meeting be rescheduled to April 20th at 6:00 p.m.

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 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 Dilg	Absent – None
Council member Grayson	
Council member Harter	
Council member Hollis	

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

CERTIFICATION OF CLOSED MEETING
RESOLUTION

Date: April 5, 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

Dianne L. MacMillan, CMC, Town Clerk

There was no action taken as a result of Closed Session.

There being no further business, Vice Mayor Fravel moved to adjourn at 8:30 p.m. and the motion carried.

Joy B Shull, Mayor

Dianne L. MacMillan, CMC, Town Clerk