

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, April 3, 2012
7:30 p.m.

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

Council member Hollis offered the invocation.

Roll call showed the following present:

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

Staff present: Mike Kehoe, Town Manager; David Griffin, Town Attorney; Officer Ron Fox, Police Department; Shannon Rothemich, Town Treasurer; Dianne MacMillan, Town Clerk

Guests: Adrian O’Connor, Pres. Newtown Heritage Festival

Press: Sarah Greenhalgh, Winchester Star

AGENDA

Council member Dilg moved to amend the Agenda for April 3, 2012 by the addition of Amendment to the Historic District Ordinance and the amended Agenda was adopted by consensus.

PUBLIC COMMENTS

Mayor Shull-Gellner opened the floor for public comments on any topic not on the agenda and there were none.

MINUTES – Regular Meeting of March 6, 2012

Vice Mayor Fravel moved for approval of the minutes of the regular monthly meeting of March 3, 2012 and the motion carried with the following vote:

Recorded Vote:

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

TREASURERS REPORT – Shannon Rothemich – Acting Treasurer

The Mayor said that Council had the Treasurer’s report and asked for any questions. There were none. Town Treasurer Shannon Rothemich reported that since February 6 the Town had been pretty successful in collecting delinquent taxes. She said collection of delinquent taxes was about \$11,000.00 and with the spring bills going out, it would prompt people to pay back taxes as well as current taxes. The Treasurer’s report was accepted for information as presented.

POLICE REPORT – Charles Bockey, Chief

Mayor Shull-Gellner announced that the members had Chief Bockey’s police report for information and asked if there were any questions. There were none and the police report was accepted for information as presented

ACTION AGENDA

A. Recommendation for Reappointment to Board of Zoning Appeals – F. Allen Barley

Mayor Shull-Gellner advised that Mr. Barley had agreed to continue on the BZA and Council needed to recommend to the Court reappointment to the BZA for a five year term.

Council member Dilg moved to recommend reappointment of F. Allen Barley to the Board of Zoning Appeals based on approval of the Court. Mr. Kehoe advised that Allen Barley had served on the BZA since day one and had served as Chairman for the same length of time. The Mayor asked about how long that had been and Mr. Kehoe said since about 1979. The Mayor said that was a long time and said everyone appreciated his dedication to the Town and the service he had given in that role. The motion passed with the following recorded vote:

Recorded Vote:

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

B. Resolution to Charge Off Personal Property Taxes 2003-2005 as Uncollectible

The Mayor stated that Council had before them a resolution to charge off personal property taxes from 2003 through 2005 as uncollectible. Council member Hollis said that the Finance Committee had looked at this and the Town had been carrying taxes on the books since 2003 with the chances of collecting personal property taxes being very low. He added that it was a lot of headaches and unnecessary bookkeeping for a small amount of money.

Council member Hollis moved that the Town of Stephens City adopt the resolution to charge off delinquent personal property from 2003 through 2005 as uncollectible. Vice Mayor Fravel asked about specific accounts such as Hewlett Packer Co. and a mortgage company and

why the Town didn't go after them. The Treasurer said that these accounts had been billed regularly every year since 2003 with past due amounts showing on the bills with no response. Council member Hollis asked if any payments were applied to back taxes and the Treasurer said that all payments go to the oldest amount which is where interest and penalties begin to accrue. Mayor Shull-Gellner called for a vote and the motion passed with the following recorded vote:

Recorded Vote:

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

RESOLUTION

WHEREAS, Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Stephens City, Virginia for tax years 2003, 2004 and 2005 have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Stephens City, Virginia, in meeting duly assembled this 3rd day of April, 2012, that the attached list of delinquent personal property taxes for tax years 2003, 2004 and 2005 shall be charged off the tax records of the Town of Stephens City as uncollectible.

Adopted: April 3, 2012

Joy B. Shull-Gellner, Mayor

ATTEST:

Dianne L. MacMillan, CMC
Town Clerk

C. Proclamation – DisAbility Awareness Week – April 14-20, 2012

Mayor Shull-Gellner announced that Council had before it a proclamation establishing the week of April 14-20 as DisAbility Awareness Week. She said it had been received in a timely manner and the Council could adopt the proclamation before the designated week instead of after the fact. Council member Harter moved that the Council adopt the proclamation (copy attached) for DisAbility Awareness Week. The motion passed with the following recorded vote:

Recorded Vote:

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

D. Chapter 8, Historic District – Amendment – First, Second and Final Reading

Mayor Shull-Gellner introduced the Ordinance to amend Chapter 8, Historic District of the Town Code. Vice Mayor Fravel noted a correction to the first bullet point in the amendment and requested that it should read “ If no architect or architectural historian desires to serve on the Historic Preservation Commission, the Town “may” instead of “shall” hire an architect or architectural historian as a consultant to provide expertise and consultation to the Commission” and asked that this be corrected. The members concurred with this change.

The Mayor asked the Clerk to read the Ordinance for the first reading. The Clerk read “An Ordinance to amend Chapter 8, Historic Districts of the Code of the Town of Stephens City, Virginia for the purpose of amending the Historic Preservation Commission membership requirement as set forth in Sec. 8-2(a) and amending definitions in Sec. 8-5(1) and (2) and 8-6(d)”.

Vice Mayor Fravel moved that the first reading of the Ordinance be approved and the motion passed with the following recorded vote:

Recorded Vote:

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

The Mayor asked the Clerk to read the Ordinance for the second and final reading. The Clerk read “An Ordinance to amend Chapter 8, Historic Districts of the Code of the Town of Stephens City, Virginia for the purpose of amending the Historic Preservation Commission membership requirement as set forth in Sec. 8-2(a) and amending definitions in Sec. 8-5(1) and (2) and 8-6(d)”.

Council member Hollis moved that the Ordinance be approved on its second and final reading and the motion passed with the following recorded vote:

Recorded Vote:

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

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

No meeting was held.

B. Finance Committee – Joseph Hollis, Chair – report attached

Council member Hollis reported that the Town was thinking about entering into an agreement with Frederick County to have them print the Town’s personal property tax bills. He said the bills would look similar to the Frederick County bill and would enable the Town to track taxpayers through DMV and put on stops for non-payment if necessary. Mr. Kehoe said it would be a reasonable fee based on a per bill charge. The Treasurer said it would be \$2.00 per bill which would cover the first and second half. Mr. Kehoe added that if it clarified any questions people have on their personal property taxes, it would save the Town money on staff time having to research and answer questions. Vice Mayor Fravel said it would also enable it to separate the personal vehicles from business vehicles.

Council member Hollis said the Committee also discussed giving the treasurer latitude to judge whether tax invoices less than \$5.00 could be written off. He said that she would spend too much time and money trying to collect these small amounts. Council member Hollis moved that the Town Treasurer be given latitude to judge whether tax invoices less than \$5.00 could be written off at her discretion. The motion passed with the following recorded vote:

Recorded Vote:

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

C. Public Works Committee – Joseph Grayson, Chair

Council member Grayson said the Committee would review the refuse contract rider and report at the next Council meeting.

Council member Grayson reported that the Committee recommended approval of the installation of street lights on Mulberry Court after discussion. He moved that Town Council give approval to have Rappahannock Electric Co-op install street lights on Mulberry Court as required by the annexation agreement in the amount of \$2342. The motion passed with the following recorded vote:

Recorded Vote:

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

Mr. Kehoe said that the town would sign an agreement with Rappahannock Electric and they would in turn add this to their schedule. He added that this was an oversight in 2005 when all the annexed areas that did not have street lights were updated and the Mulberry Court section was missed because some street lights existed at that time. He said it was brought to the Town’s attention that one was needed in a dark area of a turn around. Rappahannock also did a survey and agreed that this area needed a light. Council member Hollis asked if this price was comparable with what Allegheny would have charged. Mr. Kehoe said it was and the price included two poles with a cost of about \$1000 for each pole.

D. Water/Sewer Committee – James Harter, Chair

No meeting was held.

E. Personnel Committee – Martha Dilg, Chair

No meeting was held.

F. Public Safety Committee – Ronald Bowers, Chair

No meeting was held.

G. Parks & Recreation Commission – Ronald Bowers, Chair – report attached

Mr. Kehoe reported that Mr. Bowers had not been able to attend but he attended the Parks and Recreation Commission meeting in his place. Mr. Kehoe said that the Frederick County Little League planned to utilize the ball field next to the town office this year and inspection revealed that the perimeter fence and backstop fence were not in good shape. He added that it had been about 30 years since any work had been done on them. He said he received three quotes for the work needed. He reported that the Parks and Recreation Commission recommended paying for the backstop and dugout fencing replacement from this year’s budget and then replace the perimeter fence in next year’s budget so that it could all be replaced this summer. Mr. Kehoe said the recommendation based on quotes would be that Crane Fencing do the work for \$6500.00. Council member Hollis asked if there was room in the budget for this and Mr. Kehoe said there was money in CIP in the amount of \$10,000 for P&R improvements from this year and previous years.

Council member Hollis moved that the Town Council approve the fencing at the ball park for \$6500.00 and the motion passed with the following recorded vote:

Recorded Vote:

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

Mr. Kehoe advised that the Lions Club had been doing improvements at the park on Bel Air Street and at the Commons and would like to put a larger sign up. He said the original sign was small and the Lions would a larger sign - maybe 2’x2’ - on the fence next to the playground.. Mayor Shull-Gellner said since they do a lot of work and had put up the shelter, she would recommend approval of this. Council member Dilg asked if the new sign would be metal or plastic. Mr. Kehoe said he thought it would be metal and Council member Dilg asked if this could be a safety issue with children at the playground. Mr. Kehoe said it would depend on the placement of the sign and he would suggest that it be installed high enough to avoid any problems. Council member Dilg moved that the Town of Stephens City allow the Lions Club to install a larger sign at the playground on Bel Air Street and the motion passed with the following recorded vote:

Recorded Vote:

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

1. Newtown Heritage Festival Subcommittee.

Adrian O’Connor, President of the Subcommittee addressed Council regarding the upcoming festival. He said in about seven weeks they would have the Heritage Festival in town and with it being the 20th and an anniversary year, everyone was hoping it would be special. He said it was his first go as president and the veterans were telling him things were going well; but they have an avalanche of things to do. He reported that the major components were in place and fundraising had been going well. He said they had engaged one of the hottest national bluegrass groups to play – the Boxcars. There was a special commemorate ordered from Granville Pottery – a flower pot. There will be the parade at 2 pm on Saturday and Congressman Frank Wolf would be part of that. Mr. O’Connor reported that there would be the usual things on the Commons - crafts and vendors and they hoped to have a special emphasis on heritage. He said come May 24 – 26 they would have a festival and they would kick things off with the annual beauty pageant on April 21 at Shenandoah Valley Christian Academy. Mr. Kehoe added that the two sponsors of last year’s fireworks would be sponsoring them again this year. Mr. O’Connor said “Everyone come and join us.” The Mayor said that it sounded like he had been very busy and would continue to be busy and thanked him very much.

PLANNER’S REPORT – Brian Henshaw

The Mayor said the Planner’s report was in the packet. Mr. Kehoe reported that Mr. Henshaw was in Baltimore at a Main Street conference and was excited about what he was learning. Vice Mayor Fravel asked what the problem was with the north Main Street project and Mr. Kehoe said the main sticking point was the median. VDOT was entrenched and did not want the median. They did agree with standard curb, guttering and landscaping but would not allow a median. Vice Mayor Fravel said since this was the decision, they could get back on track and get the project moving. Mr. Kehoe said this would be the case using the standard designs. He added that the median might be in VDOT standards but they do not have to approve it.

TOWN MANAGERS REPORT – Mike Kehoe, Town Manager

1. Mr. Kehoe reported that the work on the budget for 2012-2013 was going fairly well until the Town received notice from Frederick County Sanitation Authority about rates going up considerably. He said O&M costs can be an 80% increase over the last two years and debt service will be going up 45%. He said at the next Water/Sewer Committee meeting it would be discussed in depth. Vice Mayor Fravel asked how the Town rates per user compared with a user in Frederick County. Mr. Kehoe said it would be much higher. Council member Hollis suggested some heavy investigating. Mr. Kehoe said they would need to look at the Town’s share – what was the Town’s share of overall capacity.
2. Mr. Kehoe advised that the Town had four townhouses under construction-the first since 2009. These were on Mulberry Street and were originally approved in 2009.
3. Mr. Kehoe said on April 24 Anthem would be holding a health clinic for town employees under the insurance system. This was a new program for employees.
4. Mr. Kehoe reported that the town crew has been really busy changing from winter mode to spring mode. They were spending a lot of time working in the park, getting the playground in shape and putting mulch around.
5. He advised Council that he would review the refuse contract with public works for next month

COUNCIL COMMENTS/CALENDAR

Council member Dilg reported that she was now flexible for any changes required for the Personnel Committee.

CLOSED MEETING

MOTION FOR CLOSED MEETING

Date: April 3, 2012

Motion By: Council member James Harter

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.3 of the Code of Virginia, 1950, As Amended, for the purpose of discussion or consideration of the acquisition of real property for public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

VOTE:

Aye – Vice Mayor Fravel
Council member Dilg
Council member Grayson
Council member Harter
Council member Hollis
Nay – None

Absent – Council member Bowers

ATTEST: _____
Dianne L. MacMillan, CMC
Town Clerk

Mayor said council would take a brief break to allow spectators to retire.

Council member Harter moved to reconvene to open session and the motion passed with the following recorded vote:

Recorded Vote:

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

CERTIFICATION OF CLOSED MEETING

RESOLUTION

Date: April 3, 2012

Motion By: Council member James Harter

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 – Vice Mayor Fravel
Council member Dilg
Council member Grayson
Council member Harter
Council member Hollis

Nay – None

Absent – Council member Bowers

Dianne L. MacMillan, CMC, Town Clerk

Council member Dilg moved that Town Council grant the Town’s Finance Committee discretion within the confines of the budgetary process to tender a bid for the Frederick County School property which adjoins the Town’s existing old school property. The motion passed with the following recorded vote:

Recorded Vote:

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

There being no further business, Council member Hollis moved to adjourn at 8:30 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk