

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, May 1, 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 Bowers offered the invocation; a passage from the inaugural prayer of George Washington.

Roll call showed the following present:

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

Staff present: Mike Kehoe, Town Manager; David Griffin, Town Attorney; Brian Henshaw, Town Planner, Chief Charlie Bockey, Police Department; Shannon Rothemich, Town Treasurer; Dianne MacMillan, Town Clerk

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

Press: None

AGENDA

The Mayor requested that the action resolution action item be deleted from tonight's agenda and be moved to the June Council meeting so that Council members would listen to legal advice before taking any action.

Council member Bowers moved to adopt the Agenda for May 1, 2012 with the removal of the action agenda of the resolution item to be considered by Council at the June 2012 meeting and the motion passed.

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 April 3, 2012

Vice Mayor Fravel moved for approval of the minutes of the regular monthly meeting of April 3, 2012 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	Absent - None
Council member Grayson	-	Aye	
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 Manager, Mike Kehoe asked if there was a projected time for mailing the tax bills and Town Treasurer Shannon Rothemich reported that the software company was in the middle of converting data. She said once this was done and installed in the town’s computers, bills could be mailed. She added that providing 30 days for payment was preferable but the Town may have to put off the mailing. Council member Hollis said that the due date has been extended in the past. The Treasurer said she hoped to have them ready to mail soon.

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. Chief Bockey reported that he and Officer Baber had attended the DUI conference in Virginia Beach in the early part of April and it was a very good conference. He said they were updated on current laws involving DUI. He thanked Virginia Eagle and Council member Hollis (just a little) for sponsoring the Town and said the cost was pretty much all taken care of by them. He also reported that Officer Baber had been ill in the hospital but was hoping to get back to work soon.

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 Committee reviewed the tax ordinance and made one change – an increase in the meals tax from 4% to 5%. He said it was a more reasonable amount and in line with surrounding jurisdictions.

Council member Hollis moved that the Town advertise the Taxation Ordinance for public hearing at the June Council 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	Abstain - None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

C. Public Works Committee – Joseph Grayson, Chair

Council member Grayson reported that the Committee met and reviewed the refuse collection contract which needed to be renewed. He noted that Mr. Kehoe had investigated options and found the most cost effective way was to join Falls Church as a rider on their contract with American Disposal.

Mr. Kehoe stated that it would be the same services with no price increases next year unless fuel costs increase. He said if the Town decided to go with the rider on Falls Church’s contract, there would be no budget change for refuse and recycling. Council member Grayson noted that the contract would be with the same company that was currently handling the refuse collection.

Council member Grayson moved that the Town approve American Disposal Services refuse collection contract as a rider on the Falls Church contract 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	

D. Water/Sewer Committee – James Harter, Chair

Council member Harter reported that the Committee met and with reference to Frederick County Sanitation Authority handing the Town another rate increase, they deemed it necessary to ask the Council to approve an audit of the Sanitation Authority finances and its impact on the Town of Stephens City. Council member Harter moved that this body approve the Town having auditors look into the finances of the Sanitation Authority of the County of Frederick. Vice Mayor Fravel added that this would be at the discretion of town manager or mayor to find the best rate available. Mr. Kehoe said that the Town’s counsel from VML would be in Thursday and he would check costs with him. He added that if it was outlandish, the cost would be brought back to Council for further consideration. 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	

E. Personnel Committee – Martha Dilg, Chair

No meeting was held.

F. Public Safety Committee – Ronald Bowers, Chair

Council member Bowers reported that the Committee had met and the only item was to recommend reducing the speed limit at the 40 mph sign on the north end down to 35 mph. He said currently drivers have to drop from 40 to 25 and this would be a little better. Council member Bowers moved to request VDOT to lower the speed limit on the north end of town from 40 mph to 35 mph. It was noted that in the past VDOT was not open to lowering the speed limit on the south end of town. The Mayor said the Town could request that VDOT come in and take a look. Mr. Kehoe said that things have changed in the last 15 years with more traffic with the Town limits extended further out VDOT could change their requirements. 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	

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

No meeting was held.

1. Newtown Heritage Festival Subcommittee.

Adrian O'Connor, President of the Subcommittee addressed Council regarding the upcoming festival. He said the Committee was 23 days out and he was not altogether scared. He said things seemed to be generally in pretty good shape. He said specifically some things had transpired since last month – the Festival Committee had engaged a top drawer sound system to handle the premier attraction, the Boxcars and secured the last five rooms at the Holiday Inn Express for them. He reported that the Town was currently in the process of building a floor for the clogging group coming in and lumber for that floor came courtesy of Fogale Lumber of Frederick County, an in-kind donation from them. He reported that on April 21st the Festival held its annual beauty pageant at Shenandoah Valley Baptist Church. Mr. O'Connor noted that although this never brings in a great amount of cash, it did turn a profit. As fundraising goes, money continued to trickle in even at this time to the extent that they cobbled together another fundraising letter to get to the people who are eager to donate. He said that the things they could sell to help pay the bills and turn a profit were:

- A cook book put together by Angela Mohr and although it was not a very thick edition, she did an excellent job. He said it was a different kind of cookbook – each recipe comes with a story and this would sell for \$10.00.
- A second in a series of civil war sesquicentennial paperweights to be sold for \$12.00 and the Committee would have a flower pot from Granville pottery. He said it was a different piece of pottery – not just for the shelf but to actually be used for flowers. Mr. Kehoe

said he spoke with the ladies at the Flower Center and they said if the Festival could supply them flower pots, they could make special arrangements for Mothers Day.

Mr. O'Connor said when he reports in June he hoped he could be as optimistic and happy as he was now. Council member Hollis asked if the flower pots and other items were available now and Mr. Kehoe reported there were 8 flower pots in stock with others to arrive soon. Mayor Shull-Gellner thanked Mr. O'Connor for his hard work.

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw said there was nothing to add to his written report.

TOWN MANAGERS REPORT – Mike Kehoe, Town Manager

1. Mr. Kehoe reported that last Friday the school property came up for bid and the Town submitted the only bid on the project. Indications were that Frederick County was receptive to the bid of \$100,000.00 pending their approval sometime after their public works committees review and the Board of Supervisors conducts a public hearing. He said that it seemed favorable that the Town would secure the property sometime later on this summer. He added that one condition was that closing would not take place until next fiscal year.
2. Mr. Kehoe reported that Boy Scouts Troop 22 held a camporee at the Newtown Commons over the past weekend and it was a success. They would like to do it again next year.
3. He also reminded Council that three members were up for re-election in November and they should file their required documents by June 12th.
4. Mr. Kehoe said it was announced through the newsletter that the elections had been changed to November. He noted there were elections in some of the other towns in May but he saw very little news on them. He said the trend seemed to be that there was very little coverage of local elections.
5. He announced that Clem's Garage had won the Virginia Family Owned Business of the Year awarded by the U.S. Small Business Administration's Virginia District. The award would be presented in Richmond on May 18th. He said this was good news for Stephens City.
6. He added that the Mayor and he had been working on the budget and requested a meeting with the Finance Committee earlier than usual this month.

COUNCIL COMMENTS/CALENDAR

Council member Dilg set the Personnel Committee meeting for Monday May 7 at 3:00 pm with the consensus of the committee members. The Finance Committee meeting was moved to Wednesday, May 9 at 5:00 pm. Council member Dilg noted that she is serving on the Northern Shenandoah Valley Regional Commission which often conflicts with the Public Works Committee meetings. She said she enjoyed serving on it and it was a productive committee but she didn't know how to prioritize the meetings. After discussion, the Public Works Committee

and Water/Sewer Committee meetings were scheduled for the third Wednesday of each month on a permanent basis.

Council member Dilg reported that she had heard around town that there was no yielding to pedestrians in the indicated crosswalks. She asked about enforcement of this law. Chief Bockey said it could be further enforced but he had seen that motorists were obeying it more often now. He agreed to keep an eye on drivers near the crosswalks. Council member Dilg noted that in other communities there is a sign or cone in the middle of the street. Chief Bockey said most of these are side streets and VDOT probably would not allow this on a main street but he would check with VDOT on this. Council member Dilg said she was reporting comments from her neighbors.

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 and pursuant to Section 2.2-3711.A.7 of the code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

VOTE:

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

Nay – None

Absent – None

ATTEST: _____
Dianne L. MacMillan, CMC
Town Clerk

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

Council member Grayson 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 Bowers	-	Aye	Abstain - None
Council member Dilg	-	Aye	Absent - None
Council member Grayson	-	Aye	
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 Bowers
Council member Dilg
Council member Grayson
Council member Harter
Council member Hollis

Nay – None

Absent – None

Dianne L. MacMillan, CMC, Town Clerk

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

There being no further business, Vice Mayor Fravel moved to adjourn at 8:45 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk