

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday January 7, 2014
7:30 p.m.**

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

Council member Bowers offered the invocation.

Roll call showed the following present:

Vice Mayor Linden A. Fravel, Jr., Council member Ronald Bowers, Council member Martha Dilg, Council member Joseph Grayson, Council member Joseph Hollis.

Staff present: Mike Kehoe, Town Manager; David Griffin, Town Attorney; Officer Scott Baber, Stephens City Police Department; Shannon Rothemich, Town Treasurer; Dianne MacMillan, Town Clerk.

Press: Winchester Star, Matt Armstrong

Guests: Mr. and Mrs. James Harter, Aaron Whitacre

AGENDA

On motion by Council member Grayson, the agenda for January 7, 2014 was adopted.

PUBLIC COMMENTS

The Mayor noted that no public was present therefore, no public comments.

PUBLIC HEARING

A. Amendment to Chapter 19, Taxation, collection of Personal Property Taxes with DMV stops

The Mayor opened the Public Hearing to consider comments on a amendment to Chapter 19 of the Town Code to allow for collection of personal property taxes using DMV stops. She noted that this was something the Town has worked toward for a long time. Town Treasurer Shannon Rothemich stated that the Town had to make sure that this was part of the ordinance in order to move forward with DMV stops. There were no comments or questions from the public or council. The public hearing was closed.

MINUTES – Regular Meeting of December 3, 2013

Council member Hollis moved for approval of the minutes of the regular Town Council meeting of December 3, 2013 and the motion carried 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 Hollis	-	Aye	

TREASURERS REPORT – Shannon Rothemich – Treasurer

The Mayor said that Council had the Treasurer’s report and asked for any questions. Council member Hollis, Chairman of Finance, noted that as far as collection rates go, they looked pretty good, especially on the Personal Property tax side. Vice Mayor Fravel asked about the difference in the 1st Bank amounts – was it because of the CIP. The Treasurer stated that the amount showed \$50,000.00 because of the transfer that was authorized earlier. The Treasurer’s report was accepted for information.

POLICE REPORT – Charles Bockey, Chief

The Mayor advised that the members had the Police Report and asked for any questions or comments from Council. Officer Baber reported that since this was the first meeting of the new year, calls for service for the year 2013 came in right about 5,000 with probably another 2,000 handled by the County due to coverage area. The Mayor asked if this number was an increase over the prior year and Officer Baber said it was. He said he would provide specific numbers at the next meeting. He added that the new cruiser was almost complete with most of the interior work done; the striping was all that was needed. He added that it would be ready within the next week or two. The police report was accepted for information.

ACTION AGENDA

A. Resolution of Appreciation-James Harter

The Mayor requested that Mr. James Harter approach the front and read the resolution of appreciation from Town Council. A copy of the Resolution was presented to Mr. Harter to raucous applause.

B. VDOT Planting Maintenance Agreement – North Main Street Enhancement Project

The Mayor introduced the VDOT Planting Maintenance Agreement for the North Main Street Enhancement Project. Mr. Kehoe reminded Council that since it was decided to do away with the medium and the other features in this area this agreement was the VDOT standard agreement for maintaining landscaping on their right of way. He said it was routine to ask the communities to maintain such plantings. Vice Mayor Fravel asked if the planting were to die would the Town have to replace them or just let it go. He was assured that there would be no issues with VDOT on this. Council member Hollis moved that the Town of Stephens City adopt the VDOT Planting Maintenance Agreement. 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 Hollis	-	Aye	

C. Comprehensive Stormwater Detention Agreement with VDOT

The Mayor introduced the Comprehensive Stormwater Detention Agreement. Mr. Kehoe stated that with was specific to Crooked Lane. He told Council that they had already adopted this agreement which was submitted to VDOT with the paperwork required for them to take Crooked Lane into the state system in August. He said that when he contacted VDOT in November, they said they could not find the stormwater agreement and requested another agreement. The current agreement was a slightly different format. Vice Mayor Fravel asked if the content was the same. Town Attorney, David Griffin advised that it was essentially the same with no major substantial differences. Vice Mayor Fravel noted that most of these stormwater detention issues are with residential or industrial developments and are part of the site plan process. Mr. Kehoe said this agreement addressed three culverts. Vice Mayor Fravel asked it if was part of a master plan of the development and was it designed to feed into the detention ponds. Mr. Kehoe said that it was designed that way. Council member Dilg moved that the Town of Stephens City approve the Comprehensive Stormwater Detention Agreement with VDOT specific to Crooked Lane. 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 Hollis	-	Aye	

D. Re-appointments to Planning Commission and Historic Preservation Commission

Mayor Shull-Gellner stated that Council needed to re-appoint a member to the Planning Commission. She noted that William Copp had accepted re-appointment to the Planning Commission for an additional four years. Council member Bowers moved to re-appoint William Copp to the Planning Commission for a four year term to expire January 31, 2018. 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 Hollis	-	Aye	

The Mayor said that Council needed to re-appoint two members to the Historic Preservation Commission each for a four year term. Vice Mayor Fravel moved to re-appoint Byron Smith and Courtney Ben Cooley to the Historic Preservation Commission each for a four year term ending January 31, 2018. 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 Hollis	-	Aye	

E. Re-appointment of member to Dr. Peter B. Stickley Foundation – four year terms

The Mayor announced that the members of the Dr. Peter B. Stickley Foundation were up for re-appointment for four-year terms and their names were as follows: Ray Ewing, Linden A. Fravel, Jr., Robert Carbaugh, Dudley Rinker, Betty Fawcett, Ruth Snapp, Berry Wymer and Robert Claytor. Council member Bowers moved to re-appoint the above noted members to four year terms to end January 31, 2018. 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 Hollis	-	Aye	

F. Vacancy on Town Council – discussion of appointment to fill vacancy

The Mayor noted that with the resignation of James Harter, there was a vacancy on Town Council which needed to be filled. She said one citizen had expressed interest in serving. He lives in Stephens Landing and had attended Council meeting a number of times. He added that there may be others interested and it might be wise to advertise the vacancy. It was noted that many Council members had been brought up from the Planning Commission. The Mayor said that Mr. Nauman’s letter would be available for other Council members to read. Mr. Kehoe said that Council had 60 days to appoint a citizen to fill out the unexpired term. Town Attorney David Griffin reported that the general registrar wanted the Town to petition the court for a special election which would take place in November the same time the seat was up for re-election, was in his opinion ludicrous. He added that Council had until the end of February to appoint someone to fill the seat. The Mayor suggested that Council take the rest of this month to consider any applicants and schedule action for the February. She added that this would give anyone who is interested an opportunity to contact the Town Office. Council member Bowers moved that Town Council take February to consider any citizens interested in serving out the expired term on Council and appoint a successor at the February Council meeting. 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 Hollis	-	Aye	

Mr. Kehoe reminded Council that there was also a vacancy on the BZA which needed to be filled as soon as possible. The Mayor said that Council would appoint someone at the February meeting. Mr. Griffin noted that this was important since an appeal was before the BZA at this time.

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

Council member Hollis reported no meeting was held.

B. Finance Committee – Joseph Hollis, Chair

Council member Hollis said the Committee did meet and there were actions to be taken by Council. He noted that copies of the Audit Statement from Anderson White for June 30, 2012 were distributed to the members prior to the meeting. He said that the Committee met with the principals of the firm and they said they would issue an unqualified opinion meaning everything looked good with no evidence of fraud. Council member Hollis moved that on recommendation of the Finance Committee Town Council approve the statement from Anderson, White & White Company PC. 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 Hollis	-	Aye	

Council member Hollis reported that the Finance Committee recommended approval of a \$17,000.00 expenditure to replace the current server and several desktops. He said they had discussed this for a long time. He noted that the Town wanted to perform an upgrade to the software and it could not be done until the server was upgraded. He said it was time to replace it and at the same time replace a couple of the oldest desktops. He noted that this was in the CIP. Council member Hollis moved that Council approved the expenditure of \$17,000.00 for computer upgrades. 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 Hollis	-	Aye	

Council member Hollis added that they had a discussion with Mr. Canaday (Anderson, White & Co.) and impressed upon him the importance of getting the financial statement caught up. He said he assured the Town that they would have the 2013 statement done by the end of this fiscal year so everything would be caught up.

C. Personnel Committee – Martha Dilg, Chair

Council member Dilg reported that the Personnel Committee did meet. She said they discussed perspective candidates for the parttime position of deputy clerk. Mr. Kehoe stated that the Police Department was still doing background checks but it should be completed soon. Council member Dilg moved to fill the position of deputy clerk with candidate Katelyn Ryder. 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 Hollis	-	Aye	

Council member Dilg stated that the second item discussed was establishing probationary period similar to the one the Town used in the past for all positions. She moved that the probationary period be the same for the newly hired deputy clerk as noted in the personnel policy 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 Hollis	-	Aye	

Council member Dilg reported that the Committee also discussed updating the personnel policy on vacation and exempt/non-exempt employees. Mr. Kehoe added that changes would cover vacation as hours instead of days and would address lunch hours. After discussion, it was decided to bring the changes back to Council in February with the written text changes for consideration.

D. Public Safety Committee – Ronald Bowers, Chair

Council member Bowers said there was no meeting.

E. Public Works Committee – Joseph Grayson, Chair

Council member Grayson reported the Committee did meet. He advised that there was some interest in renting buildings at the old school site and in order to do that the Town needed to have a public hearing to rent the property. He said he would like to have a public hearing for this at the next meeting. Council member Hollis asked if the Town really wanted to do this now since Frazier Associates should move into the second stage of the study. He added if there are leases, they would have to be addressed if the use changes and how would the Town address damages to the property with planning for something down the road. Mr. Kehoe said that the Town had two buildings that were usable with heat and water on and were paying these utilities. He said several interested parties were looking to locate in those buildings and before anything could be discussed, the Town would have to have a public hearing. Council member Grayson said that having the public hearing would allow for discussion. Council member Grayson moved that Council set a public hearing for leasing of buildings at the old school site for the February 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 Hollis	-	Aye	

Mr. Kehoe asked if the Committee had addressed the roof on the one building that was still leaking. Council member Grayson said he thought Mr. Kehoe would be getting proposals for the work for consideration. Mr. Kehoe will provide bids next month.

F. Water/Sewer Committee – James Harter, Chair

No meeting was held.

G. Parks & Recreation Commission – Ronald Bowers, Chair

Council member Bowers thanked the Council for moving the memorial to the old school site. He said he thought it would be a plus. He added that the sign will be moved, weather permitting. He said the Committee was ready to start the fundraising efforts again.

Council member Hollis moved that Town Council approved the committee meeting minutes and reports for information. The motion passed unanimously.

TOWN MANAGERS REPORT – Mike Kehoe, Town Manager

1. Mr. Kehoe reported that there had been five or six frozen water meters that the town crew responded to and they also helped residents with frozen lines. He said that fortunately there had been no frozen water mains.
2. Mr. Kehoe reported that before Brian Henshaw left he applied for a grant for historical district signage through the Department of Historic Resources in the amount of \$6000.00. He showed a prototype sign. He said he wanted approval from Council on the working on the sign and welcomed any suggestions on the design. He added that the Historic Committee had approved the sign. Vice Mayor Fravel suggested that the sign read “Newtown/Stephensburg”. Mr. Kehoe advised that the sign would probably be brown in color and they would need to be in place by the end of the fiscal year because of the terms of the grant.
3. Mr. Kehoe advised that the Town received notice from FCSA about high wastewater flows. Every day for the month of December the Town exceeded its allocation and the Town had been put on notice that it could be in violation with DEQ.
4. The Town Manager said that trash collection would be back on schedule beginning this week.
5. Mr. Kehoe reported that the Frederick County Department of Inspections would be issuing an unsafe structure notice for the old Zaye house south of Town on Route 11. He added that the Town had sent a certified letter to the current owners but received no response regarding the situation.
6. Mr. Kehoe advised that the Stormwater Regulations were set to go into effect by June of this year. He added that when Mr. Henshaw was with the Town he decided the Town would have its own administrator. He asked if Council wanted to continue to do that or to adopt the Frederick County Stormwater program and use its administrators. He said he would send this back to Public Works but a decision was needed soon. Mr. Griffin added that if the Town decided on its own administrator or use the County’s it would be bound by this decision; there would be no going back.

COUNCIL COMMENTS/CALENDAR

The Mayor asked for changes to the calendar and Council comments. Council member Dilg asked if there was any need for a Personnel Committee meeting this month and was advised there was no need. Council member Grayson asked about Water & Sewer Committee meetings. Mr. Kehoe said talks with Frederick County Sanitation Authority were ongoing. Council member Grayson set the time for the Public Works Committee for 4:30 and made this a permanent meeting time.

There being no further business, Vice Mayor Fravel moved to adjourn at 8:10 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk