

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**Tuesday February 4, 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 Dilg 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. Absent: 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: Jason Nauman, Rev. George Smith, several unidentified citizens

**AGENDA**

On motion by Council member Dilg, the amended agenda for February 4, 2014 was adopted.

**PUBLIC HEARING**

**A. Leasing of Town Property to private parties – Old Stephens City School site**

The Mayor opened the Public Hearing for input from the public concerning the leasing of town property to private parties. Mr. Kehoe stated that as everyone knew, in 2012 the Town had acquired four acres from Frederick County which included three buildings next to the old school. He said the Town had been able to get two properties to where they were usable. He added that there was still some work to be done but the roofs were not leaking and the heat and water were on. He said there may be some issues with handicap accessibility, depending on the business that would be using it. The Mayor asked for comment from Council or the public.

An unidentified woman said she was interested in renting the building but did not know how to go about it and was present to find out what she needed to do. The Mayor advised that nothing had been determined yet. She said that what Council was doing with the public hearing was to determine whether the buildings would be leased or not. The issue would go back to the Public Works Committee to create an application or bid process and determine an amount for leasing the properties. Town Attorney, Dave Griffin stated that state law required that any locality, before selling or renting property, cannot begin the process until they go to public hearing to see if the public approves of the proposal. He added that the current issue was simply whether or not it could be leased. George Smith asked if they were able to lease it, would it be all of buildings in one lot or be leased individually. The Mayor advised that it had not been discussed and again stated that all the Council was doing was to determine whether they would

proceed with leasing the buildings or not. Mr. Smith asked how long this would take and the Mayor responded that it could be at least a month and maybe longer. Mr. Smith asked if it would be addressed at the next Town meeting. The Mayor said if the Committee had something to bring to Council; and at that time everyone would know about it because it would be on the agenda. She added that it could take longer and become more complicated to work out the details, but the committee would address these issues. The unidentified woman asked who was on the committee, was there one or would one be put together. The Mayor informed her that it was the Public Works Committee and Council member Grayson was the chairman. Council member Dilg stated that these are standing committees. The Mayor added that the old school comes under the Public Works Committee. There being no further comment, the public hearing was closed at 7:33 pm.

**PUBLIC COMMENTS**

The Mayor asked if there was anyone present who wished to address Council on any item not on the agenda. There were none.

**MINUTES – Regular Meeting of January 7, 2014**

Council member Dilg moved for approval of the minutes of the regular Town Council meeting of January 7, 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 – Council member Hollis
Council member Grayson	-	Aye	

**TREASURERS REPORT – Shannon Rothemich – Treasurer**

The Mayor said that Council had the Treasurer’s report and asked for any questions. Town Treasurer Shannon Rothemich said it was it was brought to her attention that there was a typo on the Capon Valley Mulberry Terrace bond. She said that’s not extra revenue; it should read \$2180.64. 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. There were none and the police report was accepted for information.

**ACTION AGENDA**

**A. Appointment to Town Council to fill unexpired term of James Harter**

The Mayor said the first item on the action agenda was an appointment to fill the unexpired term of James Harter. She stated that Mr. Jason Nauman, who lived in Stephens Landing, had expressed interest in becoming part of Council. She added that he was well qualified in public safety and parks and recreation. He also was currently a member of the Planning Commission and had the background that would make him suitable to be a member of Council. Vice Mayor Fravel moved that Council appoint Mr. Jason Nauman as replacement for

James Harter for a term to end on December 31, 2014. The Mayor asked for comments and Mr. Smith (again) asked if it would be appropriate for someone who might be interested to work in that position until December for familiarity and at that time, could be voted in. The Mayor responded that Council needed to fill the vacancy before the end of February. She added that at the January Council meeting, it was announced that anyone interest in serving or if anyone knew of anyone qualified to serve, they should contact the town office. The only person who expressed an interest was Mr. Nauman and there were no other responses. She added that there will be elections in November to fill several seats on Council and everyone would be well aware of who was up for reelection and anyone qualified could run for election to Council. The motion on the floor 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 – Council member Hollis
Council member Grayson	-	Aye	

**B. Amendment to Chapter 19, Taxation – DMV Stops for Personal Property Taxes**

The Mayor introduced the amendment to Chapter 19 for DMV stops for personal property collection. She asked the clerk to read the Ordinance by title only. The Clerk read “An Ordinance to Amend Article 1 of Chapter 19 of the code of the Town of Stephens City, Virginia for the purpose of allowing the Virginia Department of Motor Vehicles to collect Town personal property taxes, to impose a DMV “stop” and for the collection charges and fees associated with this collection.” Vice Mayor Fravel moved to adopt the Ordinance to amend Chapter 19 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 – Council member Hollis
Council member Grayson	-	Aye	

**C. Personnel Policy Amendments**

The Mayor introduced the personnel policy amendments as discussed at the January meeting. Council member Dilg moved that Council adopt the amendments to the Personnel Policy. Mr. Kehoe noted that he would like the wording on page six referring to flex holidays, to read “approved by the Town Manager or Mayor” for clarity. Council member Dilg amended the motion to include that wording 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 – Council member Hollis
Council member Grayson	-	Aye	

**D. Resolution Appointing Nathan H. Miller, Esq as Special Counsel to the BZA**

Mayor Shull-Gellner stated that Council needed to adopt a resolution appointing Nathan Miller as special counsel to the BZA. Vice Mayor Fravel moved to approve the resolution (copy attached).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	

**RESOLUTION  
TOWN OF STEPHENS CITY**

**WHEREAS**, the Town of Stephens City has an established Board of Zoning Appeals, and;

**WHEREAS**, certain opinions have been rendered by the Town Zoning Administrator, and;

**WHEREAS**, the decisions by the Town Zoning Administrator are being appealed to the Town’s Board of Zoning Appeals, and;

**WHEREAS**, the General Counsel to the Town of Stephens City, J. David Griffin, has advised the Town that because he is representing the Town Zoning Administrator there is a potential for a conflict if he were also to represent the Board of Zoning Appeals, and;

**WHEREAS**, the Town has requested Nathan H. Miller, an attorney familiar with municipal law, to represent the Town’s Board of Zoning Appeals in this matter, and;

**WHEREAS**, Nathan H. Miller has tentatively accepted the appointment of special counsel to the Board of Zoning Appeals, subject to the Town’s approval;

**NOW, THEREFORE BE IT RESOLVED**, that the Town retain Nathan H. Miller, Esquire, as special counsel to the Board of Zoning Appeals of Stephens City, and that the Town Manager is directed to negotiate such arrangements as may be necessary for the Town to retain Nathan H. Miller as special counsel.

Adopted this 4th day of February 2014.

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Joy B. Shull-Gellner, Mayor

ATTEST: \_\_\_\_\_  
Dianne L. MacMillan, Town Clerk

**COMMITTEE REPORTS**

**A. Administrative Committee – Joseph Hollis, Chair**

No meeting was held.

**B. Finance Committee – Joseph Hollis, Chair**

No meeting was held.

**C. Personnel Committee – Martha Dilg, Chair**

Council member Dilg reported no meeting and no report.

**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 and there was one action item addressed by the committee which was to hold a public hearing at the March meeting for the stormwater management plan. He said they had suggested going along with Frederick County’s stormwater management plan. 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 Grayson moved that Council approve leasing the old school properties to private parties once a plan is completed by committee to do so. 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. Water/Sewer Committee**

No meeting was held.

**G. Parks & Recreation Commission – Ronald Bowers, Chair**

No meeting and no report. Council member Bowers noted that there would be a meeting on Monday February 24.

Council member Grayson 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 progress on the historic district signs from the Certified Local Government grant and examples were presented for consideration. He said that the Historic Commission recommended going with the blue sign with some changes – Historic District would come below the Newtown/Stephensburg name. He said there would be four signs and this would bring the Town up to 80% of the grant amount of

\$6,000.00 requiring the Town to put in 20%. He said the remaining money would go to continue the historic district street signs from last year. He added that if the Town wanted to add more of these signs, it would be at the town's expense. Vice Mayor Fravel asked if the signs were off the state right of way so there would be no requirement for state approval. Mr. Kehoe said the signs would be off the right of way and would be of material consistent with other signs along the road. Mr. Kehoe stated that the sign would be designated for the actual historic district: the Town Commons, Fairfax Street near the Lutheran Church, Fairfax Street coming in from the west and on south Main Street. Vice Mayor Fravel asked if one of these would be a replacement for the brown sign by Sheetz and Mr. Kehoe said yes, and the Town would find an appropriate place for the smaller sign. It was consensus of Council to go with the blue sign.

2. Mr. Kehoe reported trash removal for tomorrow was undetermined and would be up to the contractor. If they don't come on Wednesday, the trash collection would be on Saturday.
3. Mr. Kehoe advised that snow plowing is continuous. He said the Town was picking up streets that the state was not plowing. He added that the town crew was trying to go around and plow some more to widen the streets and open the parking lanes. Stephens Landing's last snow was missed and the town crew tried get to it the next day, but by that time the snow was packed down. He said they did get to it early yesterday so it was better. He reported that the State was providing salt chips but they were running low and the town used sand the last time on icy spots which seemed to work well.
4. The Town Manager said that he would try to set up a meeting with VDOT for next month to talk about further street dedications. He said they were very, very slow in accepting anything these days and the process was not working.
5. Mr. Kehoe reported that the Planning Commission would meet this month to work on CIP for the next fiscal year.
6. Mr. Kehoe advised that the Town received the site plan for the Sheetz expansion, so that project was moving along.
7. Mr. Kehoe said the last thing to report was that this was Shannon's last meeting. She would be leaving the town on the 21<sup>st</sup> of February. He added that the ad was in the paper for the Treasurer's replacement which would be hard to find.

### **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 may be. The Mayor advised Mr. Nauman that the water and sewer committee needed a chairman and this committee was scheduled to meet at 5:30 pm on Wednesday the 19<sup>th</sup>, if that would fit his schedule. He indicated that date would be fine. The Mayor stated that all committees would stand as shown on the calendar unless otherwise advised.

There being no further business, Vice Mayor Fravel moved to adjourn at 8:00 p.m. and the motion carried.

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Joy B. Shull-Gellner, Mayor

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Dianne L. MacMillan, CMC, Town Clerk