

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, July 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 Harter offered the invocation.

Roll call showed the following present:

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

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

Guests: William and Sue Grim, Alex Grim

Press: None

AGENDA

Council member Harter moved to adopt the Agenda for June 5, 2012 and it 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 June 5, 2012 and Special Meeting of June 27, 2012

Council member Hollis moved for approval of the minutes of the regular monthly meeting of May 1, 2012 and the motion carried with the following recorded vote:

Recorded Vote:

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

Council member Dilg moved for approval of the minutes of the special meeting of June 27, 2012 and the motion carried with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nay - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	Absent – Vice Mayor Fravel
Council member Harter	-	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 asked if the Treasurer was planning to move anymore funds to Capon Valley Bank and she answered that she had opened all the accounts and had ordered checks. She added that the BB&T credit card machine should be stopped shortly. Mr. Henshaw said the credit card machine for Capon Valley would be installed Thursday. Council member Hollis asked if the plan was to slowly move money from BB&T to Capon Valley and the Treasurer said more funds would be moved after checks are printed and the Town had already moved \$100,000.00 of the utility funds.

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 for the Chief. The Mayor said she knew they were quite busy with the power outages and downed limbs. She said the Town appreciated the actions of the Police Department during this time and also the work of the maintenance department that worked diligently to get things opened up and back on line.

ACTION AGENDA

A. Resolution of Appreciation – Commercial Press, Inc.

The Mayor announced the first item on the Agenda was a Resolution of Appreciation. She asked Bill and Sue Grim to come to the front of the room. They were accompanied by their son Rick Grim. The Mayor read the resolution (copy attached) thanking them for all they had done for the community. Mr. Grim thanked everybody and remembered that forty-two years ago when he was unloading machinery, one resident asked why he was unloading here since anyone who started a business in Stephens City never makes it. Mr. Grim also said that Council and Mr. Kehoe had been good to them and haven’t had a falling out in all these years.

Council member Hollis moved that the Town Council approve the resolution of appreciation for Commercial Press and the motion passed with the following recorded vote:

Recorded Vote:

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

Mr. Kehoe noted that Commercial Press was the largest employer in the town, employing approximately 20 people. The Mayor noted that the Town Manager suggested Council express appreciation for the businesses because they contribute so much for Newtown Heritage Festival and to the community throughout the year. Council member Hollis said that recognizing businesses while they are still operating in Town was a good program to start.

B. Sales Contract for Property Adjacent to Old School – Main Street

The Mayor said that the sales contract for the property adjacent to the old school on Main Street needed to be discussed. She said that Council had the current contract and a copy of the 2007 contract for the old school as reference showing the reverter clause. She said Council wanted to make sure that this clause was removed in this contract. The only other thing was the surveying of the property that the County was requesting the Town to have done. Mr. Griffin said a survey was common in real estate transfers but what was unusual was the requirement to pull the properties together. He said this would make it more difficult if the Town chose to subdivide the property down the road. He said this was something for Council to consider. The Mayor said in discussion in Finance Committee, the feelings of the members, the Mayor and Mr. Kehoe was that a survey was needed and if developers what to develop the property in the future, it might be easier to sell them the idea if dealing with one land parcel instead of several. She said that it was time for Council to move on this to get it over with and out of the way before any other issues arise. Mr. Henshaw said when he reviewed the contract, it did not lock the Town into not re-subdividing. Mr. Griffin noted that the property would be bound by the Town’s own ordinances. Mr. Henshaw said that it was only a four acre parcel and would actually be an easy subdivision to make going through the same process as any other landowner; not a hard process. Council member Hollis said if the parcels were combined now, it could be subdivided any way you want. He also agreed that the Town should have a survey. Mr. Kehoe said there were errors with the tax map that a survey would find and correct. He added that he had gotten two estimates for a survey – one for \$2100.00 and the other for \$2500.00. He said he would get three bids and opt for the best of them.

Council member Hollis moved to approve the contract and the motion passed with the following recorded vote:

Recorded Vote:

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

Mr. Kehoe noted that the contract also called for an environmental review and that Public Works Committee recommended we go forward. Council member Grayson, Chair of the Public Works Committee verified this. Mr. Griffin noted that since this was a term of the contract, if the Town didn’t want to do it, now was the time to say so. Council member Hollis asked if Council had been given a choice and Mr. Griffin said, yes there was a 75 day study period.

Council member Hollis moved to amend his motion to include waiver of the environmental study and the motion passed with the following recorded vote:

Recorded Vote:

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

C. Right of Way Agreement for Stormwater with VDOT – Crooked Lane

The Mayor introduced the agreement with VDOT. Mr. Griffin advised that most jurisdictions were adopting this type of resolution and were giving the Town Manager or Mayor authorization to sign it. He explained that what it said was that the Town would never hold VDOT responsible for anything – the Town assumed all liability forever. He added that there was no way around it if the Town wanted them to take Crooked Lane into the state road system.

Council member Dilg moved that the Town Council adopt the resolution approving the Right of Way Agreement for the stormwater device located on Crooked Lane within the VDOT right of way. The motion passed with the following recorded vote:

Recorded Vote:

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

D. Council Appointments to Planning Commission and Parks & Recreation Commission

Mayor Shull-Gellner advised Council that appointments needed to be made to the Planning Commission. She said that Lisa Bauserman, Jason Nauman and Robert Wells had agreed to addition terms as follows:

Lisa Bauserman reappointed to a four year term to expire June 30, 2016
Jason Nauman reappointed to a four year term to expire June 30, 2016
Robert Wells reappointed to a four year term to expire June 30, 2016

Council member Grayson moved that the Town Council reappoint members to the Planning Commission as stated above and the motion passed with the following recorded vote:

Recorded Vote:

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

The Mayor announced that Council needed to appoint a liaison to the Planning Commission from the Town Council and stated that Linden A. Fravel, Jr. agreed to be re-appointed to a four year term to expire June 30, 2016.

Council member Harter moved that the Town Council reappoint Linden A. Fravel, Jr. as Planning Commission liaison and the motion passed with the following recorded vote:

Recorded Vote:

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

The Mayor said there was an additional appointment to the Parks and Recreation Commission needed and Dennis Clem had agreed to serve on the Commission for a term of four years such term to expire June 30, 2016.

Council member Bowers moved that the Town Council appoint Dennis Clem to serve on the Parks and Recreation Commission for a term of four years and the motion passed with the following recorded vote:

Recorded Vote:

Council member Bowers	-	Aye	Nay - None
Council member Dilg	-	Aye	Abstain - None
Council member Grayson	-	Aye	Absent – Vice Mayor Fravel
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 said there was nothing to add

C. Public Works Committee – Joseph Grayson, Chair

No thing to add to report and action taken.

D. Water/Sewer Committee – James Harter, Chair

Nothing to add to report

E. Personnel Committee – Martha Dilg, Chair

No meeting

F. Public Safety Committee – Ronald Bowers, Chair

No meeting

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

Council member Bowers said there was nothing for Council action but he wanted to bring Council up to date. He said everyone had a copy of the sketch of the proposed memorial. He said that after a year and half the Commission had come to this final design and if there had to be any changes, it would be nothing drastic. He reported that the brick sponsorship was not moving as well as the Commission would like. He said that the bricks would be placed in the two paths of honor to the two entrances right and left leading to the memorial. He said other sponsorships would be given other recognition. He said that if Council members knew of any corporate contacts or any organization that would like to be a sponsor, to please contact him or Mr. Henshaw. He reported that they would be sending out more letters.

Council member Bowers said they needed to raise a total of about \$30,000.00 and if they could get more donations of materials and labor it would bring that final figure down. He encouraged everyone to get the word out through every resource. He said they would be finalizing designs and breaking ground in spring of 2013 with a deadline for completion and dedication for Veteran’s Day in November of 2013. He said they had an excellent committee working on this and if anyone knew of anybody interested in any phase of the project to let him know. Mr. Kehoe suggested that they get a big rendition of the proposed memorial put up at the job site. Council member Hollis suggested someone could talk to the American Legion and VFW and noted that all service clubs have veteran members. Council member Bowers said the members of the Commission were willing to go out and make personal contacts or presentations at any organization that is interested.

PLANNER’S REPORT – Brian Henshaw

Mr. Henshaw said there was nothing to add to the Planners report. Council member Hollis said he would be disappointed if the Town doesn’t get the north Main Street improvements. He said everyone on that end wanted to see sidewalks. He said he knew that VDOT had problems with islands and these were removed so what was the problem now? Mr. Henshaw said VDOT wanted to see cross sections of what was agreed on with a profile of utilities as there are utility constraints in this area. He said that their engineer saw the utility constraints and suggested putting the path on the east side of Rt. 11 which did not make sense for the Town and does not go with long term plans. He said it also went against VDOT’s own restrictions against mid block crossing which was not good from a safety standpoint. He said there is a meeting set with just VDOT and the Town. Council member Hollis noted that there was also an issue with west side on Rt. 11 since the easement from the road actually goes into

some front porches so the east side is best. Mr. Henshaw said the Town needed to explain to VDOT what the Town needed and ask VDOT what do they needed the Town to do to get it this way. He said it was not a dead issue yet. Mr. Kehoe said at the meeting on the 17th the Town could make some progress with VDOT. Council member Hollis noted that the residents did say when they were annexed, they wanted improvements in that area.

TOWN MANAGERS REPORT – Mike Kehoe, Town Manager

1. Mr. Kehoe reported that trash collection is on the 4th of July, the regular Wednesday pickup. This was a decision of American Disposal.
2. He said the wrap up of the Newtown Heritage Festival was held at Adrian O’Conner’s house and he believed they talked him into being president again. He said the feelings coming out of the festival this year were good and the current officers seemed willing to give it another go.
3. Mr. Kehoe reported that the clean up from the recent Derecho storm, pretty damaging to town, was continuing. He said that the Town was fortunate that not too many people were without electricity for too long. He said the town office and the surrounding area were out for two days. He noted that the Police were out patrolling and helping to remove debris during and after the storm. He said Dave Denny came in at night to cut up the tree at the corner of the town parking lot. He added that he was proud of how the public works crew had cleaned up. Mr. Henshaw said the Town received feedback on Face-book with citizens being very appreciative of the work done. He said they received one good comment about Officer Smedley pulling limbs off Main Street.
4. Mr. Kehoe reported that there were six townhouse units under permit review and the Town should receive about \$115,000.00 in availability fees. He said these were the first new housing units in four or five years. The Mayor said she hoped it was an omen of things to come.

COUNCIL COMMENTS/CALENDAR

After discussion, Council left the calendar as set.

There being no further business, Vice Mayor Fravel moved to adjourn at 7:55 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk