

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday, August 7, 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:

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, Officer Scott Baber, Police Department; Shannon Rothemich, Town Treasurer; Dianne MacMillan, Town Clerk

Guests: Jason Nauman, Stephens Landing Homeowners Association and delegation;
Joe Hickman, Sherando High School Warrior Club; Jim Nichols, Jim Nichols Const.

Press: None

AGENDA

The Agenda for August 7, 2012 was adopted by consensus.

PUBLIC COMMENTS

Mayor Shull-Gellner announced the public comment section of the Town Council meeting and stated that Jason Nauman representing the Stephens Landing Homeowners Association had requested to speak to Council.

Mr. Nauman, 1111 Fairfax Street, President and Chairman of the Stephens Landing Homeowners Association addressed Council with concerns about parking in the Stephens Landing subdivision. He was accompanied by other members of the community, members of the board and members of other committees from Stephens Landing. He distributed a resolution adopted by the Homeowners Association to the members of Council. Mr. Nauman said he wanted to highlight and emphasize the need for increased street-side parking restrictions in the Stephens Landing community. He said they, as a community had been engaged with the Town for a year and a half to address serious public safety concerns and congestion issues related to street-side parking. He said that at the request of the Town they conducted an informal survey of residents in April of 2011 specifically about parking on Grove St., Smokehouse Ct. and Shoebuckle Ct. He reported, overwhelmingly more than 90% of the resident respondents were in favor of increased parking restrictions to address safety concerns and congestion. Mr. Nauman

stated that to date they had not been able to reach a mutually agreeable compromise with town administration on the street-side parking restrictions and specifically the congestion on Grove from Fairfax to Shoebuckle and on Stephens Run from Pittman to Main St. on weekends which posed a problem. He said there was reduced roadway width due to parking on both sides of the street and Smokehouse Ct. posed another serious public safety concern. Near-miss incidents were a regular occurrence on Grove St., one of the most congested area of the community. He said that the Board actively enforces parking restrictions on Association property including alleyways. Mr. Nauman said the Homeowner’s Association’s specific recommendations for parking restriction were shown in the resolution (attached). He reported that the information presented in the resolution should be ample for Council to implement the restrictions; however the Homeowners Association would be available to attend any Committee meetings to answer questions and provide further information. The Mayor thanked Mr. Nauman for the presentation and the thorough descriptions of what the Homeowners Association was asking to be done. She stated that it was appropriate to turn this issue over to the Public Safety Committee.

Joe Hickman, 7960 Main St., Middletown addressed Council representing the Sherando High School Warrior Club. He said it was time again to hold the annual homecoming parade and asked permission for the use of Main Street for the parade and the Commons for the events following the parade. He said it would be identical to last year using the same route and the same times but without the fireworks. Mr. Hickman said this was a unique event in the county and felt it did a great job with community spirit; and the high school seemed to thoroughly enjoy the entire week leading up to the parade and game. Mayor Shull-Gellner asked for the date and Mr. Hickman said the parade would be on Thursday September 20th and would begin at approximately 6:15pm. The Mayor reminded Mr. Hickman that this would need to be coordinated with Chief Bockey and meet all the usual requirements. She added that she did not remember any problems last year. Officer Baber said that holding the parade at that hour does make traffic challenging but it would work. Council member Hollis said he remembered the Chief said it went without incident last year. Mr. Kehoe said that there would be a permit required from VDOT for the parade. Mr. Hickman said it would be the same committee members as last year.

Council member Hollis moved to approve the request from the Sherando High School Warrior Club to hold homecoming festivities in the Town on September 20th 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. Hickman said the Mayor would be invited to the September 7th football game to kick off Sherando Spirit Week.

PUBLIC HEARINGS

A. Town Code Chapter 22, Amendments to Article I and Article II

The Mayor opened the public hearing on amendments to Article I and Article II of Town Code Chapter 22 and asked for questions from Council or the public. Mr. Kehoe said these changes were to address mandated changes from the general assembly to the operations procedures for water/sewer collections. He added that the Water/Sewer Committee looked at this last month and the changes were not dealing with changes to fees but to procedure with the water deposit remaining the same. The changes were made to meet the intent of what the General Assembly was requiring. There were no other comments or questions and the Mayor declared the public hearing closed.

B. Special Use Permit – Jim Nichols Apartment – corner of Plymouth and Comer

The Mayor opened the public hearing for the Special Use Permit for the Jim Nichols Apartments and asked for questions or comments. Mr. Henshaw reported that the Planning Commission held its public hearing. He reported that Mr. Nichols proposed to construct two eight unit one bedroom apartments. The Special Use Permit was originally approved for 8 townhomes. This change to two 8 unit one bedroom apartments was approved by Planning Commission with conditions – building the entrance to VDOT specification and continuing the sidewalk from the original apartments. Council member Hollis asked if the builder had agreed to those conditions and Mr. Henshaw said he had. He also noted that this was approval of the special use permit only and other issues would be addressed during site plan review at a later date. Mr. Kehoe said he received one question on stormwater from a resident down-stream and he explained this was developed into the site plan from the original request. He said this current design would result in less runoff and this question must have been answered as the questioner was not present. There were no other comments or questions and the Mayor closed the public hearing.

MINUTES – Regular Meeting of July 3, 2012

Council member Harter moved for approval of the minutes of the regular monthly meeting of July 3, 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. There were none and the report was accepted 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 for Officer Baber who was in attendance. Office Baber reported that Officer Fox attended a forensics class on the 26-28 of July which was grant funded and consisted of three days of innovations in forensics. He said it was more than the Town Police Department would get into. He added that he had attended the class last year and the class was very informative about things that were available should they ever be needed.

Officer Baber also reported that a Police Museum was being built in Washington, D.C connected with the Law Enforcement Memorial. The museum scheduled to open in 2013 sent emails to departments all over the country asking for artifacts for display. He said that in the downstairs closet of older police equipment there was a 1978 radar unit that still worked. Officer Baber advised that he went through the process required including photographs and after review by the museum committee; they decided to place the unit in their collection for display. He stated that Stephens City Police Department would have a part in the museum and be recognized

ACTION AGENDA

A. Town Code Chapter 22, Water, Sewer and Sewage; Amend Article I & II – first reading

The Mayor announced the first item on the Agenda was the first reading of amendments to Chapter 22 of the Town Code. She asked the Town Clerk to read the amendments by title only for the first reading. The Clerk read “An Ordinance to amend Chapter 22 of the Code of the Town of Stephens City, Virginia for the purpose of updating the terms and conditions for an application for water and sewer services, establishing provisions for water and sewer account policies, revision of landlord responsibilities, removal of deposit refund provisions and revision of cutoff requirements.”

Council member Grayson moved that the Town Council approve the Ordinance on its first reading 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	

B. Revisions to Water/Sewer Account Policies

The Mayor said that the next item was the revision of water/sewer account policies. She advised that the changes had been provided in the packet and were recommended by the Water/Sewer Committee. There were no questions or comments.

Council member Harter moved to approve the revisions to the water/sewer account policies 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. Special Use Permit-Jim Nichols Apartments – corner of Plymouth & Comer

The Mayor said the next item was the special use permit for the Jim Nichols apartments.

Council member Hollis moved that the Town Council approve the special use permit with the conditions recommended by the Planning Commission which were 1)the entrance be designed to VDOT standards or constructed as approved and/or recommended by VDOT and 2)the sidewalk be constructed around Plymouth Street and Comer Street to connect to existing sidewalks. 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

No meeting was held.

C. Public Works Committee – Joseph Grayson, Chair

No meeting was held.

D. Water/Sewer Committee – James Harter, Chair

The Committee met and everything was covered and actions taken

E. Personnel Committee – Martha Dilg, Chair

A meeting was held and the report was attached.

F. Public Safety Committee – Ronald Bowers, Chair

Report attached – no questions

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

Council member Bowers said the report was attached but there were a couple of items for Council consideration. He said that after reviewing the Commons for the war memorial location and taking into consideration utilities and water drain off, it was decided by the Commission to have the memorial built next to the kiosk by the trees. He said the Commission would like to have Council's blessing on where it would go. He added that the drainage at that location was quite a bit less than any other area on the front. They wanted to have it in the middle but this was not possible. There was discussion of the proposed location. Council member Grayson asked if there was a master plan for the entire Commons area. Mr. Henshaw said that there was one but the Town was currently working on redeveloping and finalizing this plan. He said the only other thing which might be changed was the relocation of the stage. Other improvements might involve parking in the area. These would be the last two major projects and other changes would involve improvements only. Council member Grayson stated that it would be easier to make decisions or give input if everything was laid out in a master plan. Mr. Henshaw agreed but said for the veterans' memorial the subcommittee thought it would be better to make a decision now. Council member Dilg asked when a decision was needed and Council member Bowers said as soon as possible because they wanted to start on the financing and site plan process. Mr. Kehoe said Parks and Recreation seemed to keep making changes and it needed a final decision from Council. Council member Harter noted that the construction would be on public land and involve public funds so was a phase I archeological study being done as required by law. Mr. Kehoe said no public funding was involved to this point.

Council member Hollis moved that the Veterans' Memorial be located towards the front of the Newtown Commons near Main Street between the trees near the stage 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	

Council member Bowers reported that it appeared that the stage would be at its current location for quite some time. He said the base of it was 30 years old. It had already been moved from another location and the roof and other parts were built on later. He said the Commission felt that a structural engineer or a person of similar qualifications needed to review the stage for liability purposes. Mayor Shull-Gellner asked if inspectors from the County would come in to do this. Mr. Kehoe said he did not know but there are engineers who would inspect it. He stated that there would be a permit issued soon because there was an Eagle Scout who wanted to redo the stage floor as a project. The County would inspect at that time. The Mayor asked if that would address Council member Bowers' concerns and he said it would.

PLANNER’S REPORT – Brian Henshaw

Mr. Henshaw advised that for next month’s meeting he would be presenting an updated fee schedule. He said that after review, the Town was behind in fees to meet the advertising requirements for permit review. He said he conducted a survey of other local jurisdictions and had created a schedule somewhere in the middle to cover expenses. He added that there will need to be a public hearing at the next meeting.

TOWN MANAGERS REPORT – Mike Kehoe, Town Manager

1. Mr. Kehoe reported that the Yard Crawl would be this Saturday, August 11th and anyone could participate by buying or getting out of town. He said the yard crawl gets larger each year with increased traffic.
2. He said tomorrow night, August 8th; Frederick County would hold its public hearing on the school property and he would be attending. Council member Hollis asked if he was anticipating any opposition. Mr. Kehoe said he had heard of some hesitation but most of the Board was in favor of the sale. He added that the Town had agreed to combine the properties.
3. Mr. Kehoe advised that the next audit should begin after the first of September.
4. Mr. Kehoe reported that the ball field fence replacement had started and McGrane Fencing was doing the work.
5. He told Council that the VML conference was in September in Williamsburg this year. He asked any members interested in going to let the town office know so the application could be submitted and reservations made. Council member Dilg expressed interest in attending.
6. Mr. Kehoe said they were working on CIP projects to get completed this year. He said he was getting prices on purchasing a bobcat maybe a used one, for use on snow. Another thing would be a backup generator for the town office. The office lost power for two days after the derecho and there was a need for refrigeration, telephone, lights and power especially for the Police Department as an emergency location. He added that if it had been winter, there would have been frozen water lines. Councilmember Harter asked how the generator would be powered and Mr. Kehoe said with natural gas.

COUNCIL COMMENTS/CALENDAR

After discussion, Council left the calendar as set except for cancelling the Personnel Committee meeting for August.

There being no further business, Council member Harter moved to adjourn at 8:10 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk