

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**Tuesday April 2, 2013**  
**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 Harter offered the invocation.

Roll call showed the following present:

Vice Mayor Linden Fravel, Council member Martha Dilg, Council member Joseph Grayson, Council member James Harter, Council member Joseph Hollis.

Absent: Council member Ronald Bowers

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: Adrian O'Connor, President – Newtown Heritage Festival; Marci Vadnais, 105 Smoke House Ct.; Michael Tepedino and Dionne Affourtit, 107 Smoke House Ct.,

Press: Matt Armstrong, Winchester Star

**AGENDA**

On motion by Vice Mayor Fravel, the agenda for April 2, 2013 was adopted.

**MINUTES – Regular Meeting of March 5, 2013**

Council member Grayson moved for approval of the minutes of the regular monthly meeting of March 5, 2013 and the motion carried with the following recorded vote:

Recorded Vote:

Vice Mayor Fravel	-	Aye	Nay - None
Council member Dilg	-	Aye	Abstain- None
Council member Grayson	-	Aye	Absent – Council member Bowers
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. Vice Mayor Fravel asked about a line on the second page without a heading. The Treasurer

advised that a heading was inadvertently omitted and she would correct this next month. There were no further questions and the report was accepted as presented for information.

### **POLICE REPORT – Charles Bockey, Chief**

Mayor Shull-Gellner noted that the members had Chief Bockey's police report for information and asked if there were any questions. There were none and the report was accepted for information.

### **PUBLIC COMMENTS**

The Mayor noted that this was the time for the public to make comments on any items other than the ones on the agenda and asked for questions or comments.

The Mayor recognized Adrian O'Connor, President of the Newtown Heritage Festival. Mr. O'Connor reported that the festival would be held May 23 thru 25 weather permitting. He said it should be a pretty interesting festival as the committee had planned to do some different things. He said the staples would be the same: food, crafts, vendors and entertainment. He added that the entertainment would have a local flavor with Springfield Exit, a bluegrass group from the area playing from 3:30 to 5:30 on Saturday followed by the feature performance by Robbie Limon, who does some country and classic rock and roll. He said there would be fireworks, hopefully. The Festival commemoratives would be a 3<sup>rd</sup> edition of the civil war paperweight and, from Granville Pottery in PA, there would be a pottery bowl.

Mr. O'Connor said one of the new things would be a Five K fun run on Saturday morning sponsored by Chic Fitness of Warrior Drive. He said the owner was Hillary Green who would be in charge of the run which should be an interesting addition to the Festival. He reported that the Festival would see the return of a children's carnival to begin on Wednesday the 22<sup>nd</sup> and run through Saturday evening. He said the committee had also chosen a marshall for the parade – Jason Wright the author of the books about the Christmas jars. Mr. Wright lives in Shenandoah County and a reception for him would be held on Friday evening. He said the plans were to have a quilt show at the old school and hopefully get enough quilts to take pictures of to serve as a basis for the 2014 calendars. Mr. O'Connor said the committee still had quite a bit to do to finalize everything. If everything came together there would be a festival. Mr. Kehoe reminded him that this would also mark the start up of the transportation museum in the old school with the help of Stonehouse Foundation. The Mayor said that it sounded like he had been very busy making plans for a good festival.

Dionne Affourtit from Stephens Landing (107 Smokehouse Court) addressed Council. She said she was just notified last night of parking restrictions taking effect in the neighborhood. She said she did some research and saw that the HOA came before the Board in August saying they had 90% of residents on board with these parking restrictions. She said she talked to several neighbors and they did not know either. She said she could understand the restrictions on Grove Street because it was not a road with houses, but her road, Smokehouse has houses. She said she had no place to park because the driveway can only fit two cars. She was very concerned about property values. She stated when she moved in the HOA parking restrictions were on carriage

homes only, so she was not sure how this came about. She said if they were going to move forward with the parking restrictions, could the signs be removed and curbs painted yellow instead? She said right now she currently had a “no parking” sign in the middle of her yard. She said her question was this, were these Stephens City enforced or HOA because the HOA would not return phone calls or respond to emails. She asked what their next step would be.

Mayor Shull Gellner responded that the HOA did come to the Town Council and ask for parking restrictions and the request was turned over to the Public Safety Committee which includes the Police Department. She said after study, the Committee decided not to honor all the restrictions requested and worked through the details as to what needed to be posted; which streets needed to be restricted and which didn't. She asked Chief Bockey to address the process. Chief Bockey said about six months ago the HOA approached Council and the Public Works Committee and Police Department reviewed the streets and the requests. He said there were a lot more restrictions requested to which the committee did not agree. Ms. Affourtit said she felt if they were going to put up parking restrictions, it should be done for all the roads. Now her property value went down because there is no parking. She said her side (of the street) could only fit two cars in the drive. (She felt) parking restrictions should be on the other side because the yards could fit four cars in the drive where hers could only fit two. She said there could be a safety hazard because of lack of visibility because of where parking was allowed.

A second resident (Marcie Vadnais) of Stephens Landing had pictures showing how short the driveways were. She agreed that when they moved in there were no parking restrictions for single family homes – only for carriage homes. Council member Hollis stated that these changes were initiated by the HOA, not the town. She said she knew that but the HOA was not returning phone calls. Council member Harter requested that the second resident to address Council state her name for the record. She said she was Marcie Vadnais. Everyone spoke stating that they had not known anything about parking restrictions or having 90% agreement of the residents before the signs went up. Council member Hollis said that was the way it was presented and the Mayor said it referenced safety issues to be considered. Ms. Vadnais said if it was safety concerns Grove Street would be the only street with a problem. Ms. Affourtit said there was no rhyme or reasons for where the signs were placed, it made no sense.

Ms. Affourtit asked how the restrictions would be enforced and the Mayor said it would be enforced by the Stephens City Police Department but the restrictions were initiated by the HOA with 90% of the residents agreeing as reported. Ms. Affourtit asked if there was any paperwork submitted and the Mayor responded the action was based on the presentation by the HOA. The Mayor added that this was referred to Public Safety and the Police Department and both came back with recommendations. The signs came about because of maintenance, mobility and cost. Chief Bockey suggested that they should start by contacting the HOA. She asked if they could get a petition and bring it back to Council as the next step. Council member Hollis said they should take this to the HOA to resolve it. Ms. Affourtit said the HOA doesn't own the roads, Stephens City does, that was why she was there. She said if this was going to be what Stephens City decided, she needed to have her house reassessed because she had no parking. She said again that this was the first they had heard about this; there was no notification from the HOA or notification by the Town.

There were no additional comments and the public comment session was closed.

**ACTION AGENDA**

**A. Proclamation – DisAbility Awareness Week – April 13-19, 2013**

Mayor Shull-Gellner announced that Council had before it a proclamation establishing the week of April 13-19 as DisAbility Awareness Week. Council member Hollis moved that the Council adopt the proclamation for DisAbility Awareness Week. The motion passed with the following recorded vote:

Recorded Vote:

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

**TOWN OF STEPHENS CITY**

**PROCLAMATION OF disABILITY AWARENESS WEEK**

**WHEREAS**, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

**WHEREAS**, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

**WHEREAS**, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

**WHEREAS**, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

**WHEREAS**, family, friends and neighbors play a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

**WHEREAS**, millions of people in the United State have disabilities, and with the increasing age of our population, Virginians and Americans must learn more about the special needs and abilities of this growing population; and

**WHEREAS**, agencies and organizations throughout Virginia participate in disability awareness programs during disAbility Awareness Week to enhance public understanding of and appreciation for the limitations and abilities of people living with disabilities;

**NOW, THEREFORE** the Council of the Town of Stephens City, does hereby proclaim the week of April 13-19, 2013 as **disABILITY AWARENESS WEEK**, and call this observance to the attention of all our citizens, and urge all citizens to honor this occasion.

Dated this 2nd day of April, 2013.

\_\_\_\_\_  
Joy B. Shull-Gellner, Mayor

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

**B. Appointment needed to Board of Zoning Appeals**

Mayor said she was informed that Allen Barley needed to be reappointed and has agreed to reappointment. The Town Clerk advised that Council needed to replace one member on the BZA who had moved out of town. The Mayor said if anyone was aware of someone who wanted to serve in that position, to please let someone know. Vice Mayor Fravel asked if it was necessary to suggest two candidates as in the past and Mr. Griffin said only one was required now. Council member Dilg moved that Allen Barley be reappointed to the BZA and the motion passed unanimously.

**C. Appointments to Peter B. Stickley Foundation**

The Mayor advised that Council needed to reappoint the members serving on the Peter B Stickley Foundation. She added that two members had indicated that they were no longer available to serve; Bill Ewing plans to move out of town and Robert Carbaugh cannot go out at night for meetings. She read the remaining members to be reappointed: Ray Ewing, Linden A. Fravel, Jr., Dudley Rinker, Betty Fawcett, Ruth Snapp, Betty Wymer and Robert Claytor. The Mayor said any suggestions for filling vacancies on the foundation would be welcomed. Council member Hollis moved to approve and reappoint the current members as named to the Foundation. Council member Hollis then asked why the committee was necessary. The Mayor answered that there was still work to be done on the transportation museum. Council member Hollis asked if the Foundation was working on this. The Mayor agreed that they had not been active but, hopefully with the start up of the museum, the town would like their input, especially where funding was involved. Mr. Kehoe noted that the Foundation also had 501C status and it would be better to keep this active until the direction of the school could be established. Council

member Hollis asked if the members had been in on any discussions and Mr. Kehoe reported that they had not met in two years. Council member Hollis said this was just food for thought but he could not see keeping the group if it didn't serve any purpose. Council member Harter asked since they had not met in two years, did the town need to appoint new members. Council member Hollis said he felt they needed to think seriously about this. The Mayor said it did not hurt to reappoint them because of the benefit of the 501C and hope they will become more interested and involved. Council member Dilg asked if there needed to be a certain number of members. Mr. Griffin replied that there were still enough to keep going and he noted that they needed to be reappointed every year. The Mayor said there may be a spurt of interest since the town now had all the property and there could be more opportunities for development. The motion passed with the following recorded vote.

Recorded Vote:

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

## **COMMITTEE REPORTS**

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

Council member Hollis reported no meeting and no report

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

Council member Hollis reported nothing to add to the committee report.

**C. Public Works Committee – Joseph Grayson, Chair**

Council member Grayson noted that the committee met and recommend to council to adopt a \$10.00 deposit for recycle bins when any needed to be replaced but not to be charged on the original residents. Residents are taking the bins with them when they move. The \$10.00 deposit could be incorporated during the budget process. Council member Grayson moved to require a \$10.00 deposit on replacement recycling bins to be incorporated in the budget process. Mr. Griffin confirmed that no public hearing was required for a fee or deposit. Council member Hollis asked how this would be reflected in the budget since it was not revenue or expense; shouldn't it just be an escrow account and not part of the budget. Mr. Kehoe said they would advertise the deposit with the budget if needed. Council member Hollis said the Treasurer could keep detailed records of deposits and set up an escrow account. Council member Grayson amended the motion to authorize the Treasurer to set up an escrow account for recycling bins. Vice Mayor Fravel suggested that when residents pay their water deposit, it could be an additional fee. Council member Hollis asked if this was the cost to replace and Mr. Kehoe said it was. The motion passed with the following recorded vote:

Recorded Vote:

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

Council member Grayson reported that the committee also reviewed a request by Washington Gas for an easement at the old lagoon site. Mr. Griffin stated that the way the easement was drafted contained things he would call legally objectionable. He suggested that it be sent back to them with requests for changes. Mr. Kehoe said they would also pay 30% of assessed or appraised value of the easement itself. Mr. Griffin said there should be a firm price set for this payment. Consensus of Council was to return the request for easement to Washington Gas for changes.

**D. Water/Sewer Committee – James Harter, Chair**

Council member Harter reported the committee reviewed the sewer line rehabilitation contract which had expired. He moved that the town advertise for bids for the lapsed Lyttle sewer line rehabilitation services. Council member Hollis discussed the cost of contract that lapsed and questioned resigning it. Mr. Kehoe said the terms of a contract would be considered after the bids were received. Council member Harter explained that this was why, after so many years, it was decided to advertise for other firms to bid. He said Lyttel’s contract had expired and they had asked the town to re-sign, but the committee was advocating asking for bids and going forward with any bids we get. He said he hoped that Lyttle would bid again. The motion passed with the following recorded vote:

Recorded Vote:

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

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

Council member Dilg reported that the Committee did not meet.

**F. Public Safety Committee – Ronald Bowers, Chair**

The Committee did not meet.

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

Brian Henshaw, Town Planner reported that the Commission did not meet but he was continuing to work on the Parks and Recreation Master Plan draft. He added that fundraising for the Veteran’s Memorial was moving forward with sponsorships. He said they had contacted the

American Veteran’s Association to work with them on more fundraising and sponsorships. He said the site plan is almost complete

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

**PLANNER’S REPORT – Brian Henshaw, Town Planner**

Mr. Henshaw reported that he was just advised today that the Town would need to adopt a resolution to endorse the Regional Hazard Mitigation Plan. This would involve acknowledging the update but the Town’s portion really didn’t change staying focused on the same thing. He said these would be provided to Council at the May meeting.

Mr. Henshaw reported that he had received our LD448 form from VDOT stating that the North Main Street enhancement grant was approved. He said LPDA was moving to finish plans and would submit them within 30 days, beginning the review process and then it would come back to the Town. He said that part of the LPDA contract would provide a phasing program and there should be some funds still available to begin construction.

**TOWN MANAGERS REPORT – Mike Kehoe, Town Manager**

1. Mr. Kehoe reported that the Town had a water line break on Main Street below Capon Valley Bank, the only business affected. E R Neff repaired the water line.
2. Mr. Kehoe advised power to the old school should be serviced today through Rappahannock Electric.
3. He reported the work on the budget was in process and would be back to Finance at their April meeting
4. Mr. Kehoe reported FCSA had increased the rates for the third time in three years with a significant increase for sewer and water. He said this would be referred to the Water/Sewer Committee but it was hard to decipher where the increases came from. Vice Mayor Fravel asked if the other customers’ prices reflect the same increase. Mr. Kehoe said he would try to find out.
- 5 Mr. Kehoe said he saw a lot of vacancies on Main Street last year but this year four new businesses have come back into town.
5. He reported that the town received more from the litter grant fund and he would like to use it for new trash cans on Main Street.

**COUNCIL COMMENTS/CALENDAR**

Mayor reminded all council that the retreat is scheduled for Saturday April 13 at Bethel Lutheran Church on north Frederick pike. It is imperative that all council members be present for that meeting. She said the Council had not met for a number of years and there was a need to sit down and talk about some major things that are effecting the town and will be effecting the town. The Mayor said all Council needed to attend and participate. She pointed out the draft agenda of interesting topics and lots of things to have input about.

The Mayor asked for any other changes to the calendar and Council member Harter said the Water/Sewer Committee would meet at 5:00 on April 17<sup>th</sup>. There were no further changes requested and the Mayor stated that the calendar would stand as set unless the members were advised otherwise.

There being no further business, Council member Harter moved to adjourn at 8:20 p.m. and the motion carried.

---

Joy B. Shull-Gellner, Mayor

---

Dianne L. MacMillan, CMC, Town Clerk