

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday October 1, 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 Grayson offered the invocation.

Roll call showed the following present:

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

Staff present: Mike Kehoe, Town Manager; Dave Griffin, Town Attorney; Chief Charles Bockey, Police Department; Shannon Rothemich, Town Treasurer; Dianne MacMillan, Town Clerk.

Guests: Adrian O'Connor; Zack Lette, LPDA; Evan Wyatt, Greenway Engineering; Shenandoah Valley Young Marines

AGENDA

On motion by Council member Dilg, the agenda for October 1, 2013 was adopted.

PUBLIC COMMENTS

The Mayor asked for comments from the public.

Adrian O'Connor, president of the Newtown Heritage Festival Committee addressed Council with the latest developments. He said the first item was a calendar put together from this past year's quilt show of historic quilts from the Stephens City area. He added that this time around they got two businesses to help forgo the cost of printing – The Cloth Peddler and Lantz's Pharmacy. Instead of selling the calendar as in previous years for \$10 this time they would be selling for \$5. He added that Commercial Press should have all 300 calendars done in the next ten days or so to go on sale. The sales would help in the preparation for the 2014 festival. Mr. O'Connor next advised that he had talked to a student videographer from Sherando High School who had agreed to put together a video commemorating the 1864 partial burning of the town by General Hunter. He said the project was being put together at the present time. They have a script and the videographer would shoot scenes at the Cedar Creek battle in October. He added that he would like to request, when the filming was done in town, the services of certain town's people to participate in the filming in period clothing. He said it was an exciting project and the hope was to premiere the film on Friday, May 23, 2014, which would be the anniversary of the abbreviated time of troubles here in Stephens City. He added that even though it was only

October, the committee was preparing for next year. The Mayor said the projects sounded very promising and thanked Mr. O'Connor for all his work for the Festival.

PUBLIC INFORMATION HEARING

The Mayor announced as advertised an information session concerning the north Main Street project along with a presentation to help understand the project. Mr. Zack Lette from LPDA reminded those present that this firm was hired in 2009 by Stephens City to undertake a streetscape project funded through grants. The project would include Main Street from Barley Drive to the north corporate limits. He gave a brief chronology of the plan up the current proposal and told of the issue they were tasked with at present. He advised that the intent of the grant application was to facilitate a 10ft multi-use trail on the western side of North Main Street to connect those residences to the town fabric and bring the development projects proposed at that time into the mix. He said the challenge arose since there was no curb or gutter in the area. VDOT had a requirement for distance from the curb to any pedestrian walk-way, therefore they needed to add curb and gutter to facilitate the trail and in doing so discovered a drainage issue to be addressed. Mr. Lette said the original intent was to facilitate the trail by eliminating part of the left turn lane portions since it was underutilized, giving an opportunity to tighten the street up to make it look different and act as a traffic calming measure. This first plan was shot down by VDOT. VDOT also did not like a median concept with trees in the right of way and eliminating the left turn lane. Mr. Lette informed them that the 2011 and 2012 plan could achieve project goals: still provide a 10 ft multiuse trail and have curb and gutter to fix the drainage issues. He said all along the plan included sidewalks and parallel parking spaces on the east side of the road and some landscape areas. The latest plan included removal of the medians and replacement with stamped asphalt to make it look less like a highway and more like a town. VDOT stated that it would not maintain this feature and the Town would have to have a maintenance agreement in place prior to plan review. Mr. Lette said he wanted to see if that median feature was important to the town in order to continue. He said there were no material change; just a reshaping of the road to facilitate the curb and guttering. He said he worked with the Town Manager on estimating the cost to the tune of \$130,000.00 and if council elected to remove the specialty paving, the cost would be less.

Council member Hollis asked about the composition of the paving and was told it was stamped asphalt made to look like brick. Council member Hollis verified that the curbing was still planned and asked what maintenance would be involved on the Town's part. Mr. Lette said that stamped asphalt would wear quicker than other materials but since it was not a travel line, it was hard to estimate how long it would last. Council member Hollis stated that he was worried about how plowing in the winter would affect the stamped asphalt. He also said the \$130,000.00 could be a problem. Vice Mayor Fravel stated that according to the maintenance agreement as presented, VDOT would only have to give the town two week's notice to comply, giving the Town no time to budget \$130,000. He asked if this was the standard maintenance agreement and he was told it was. Council member Hollis noted that the municipality would do everything. Mr. Lette asked VDOT if the area would be maintained on the same schedule as other two lanes and he was told it was at VDOT's discretion. He also noted that if it was not maintained the Town would be losing the esthetic function of that lane. Council member Hollis noted that at least it would be differentiated by having the trail on one side, curb and gutter on both and sidewalk on the other so it would identify it as coming into town, along with the landscaping.

Mr. Lette said the 1st phase of the project would be \$900,000.00 to a million being 10% of the project. Mr. Kehoe asked if it was 200 linear feet in the first phase and Mr. Lette responded that it was actually 1200 feet or a quarter mile for phase 1. Council member Hollis noted that there would be no curbing in the middle of the road. Mr. Lette added except for a small island coming up from Barley Drive that was currently striped and was critical from a safety standpoint.

The Mayor asked if there were any towns currently that have had this type of feature for a while and what had been their experience with maintenance. Mr. Lette said he did not know but it was something he could find out. Vice Mayor Fravel said the cost of maintenance was scary. Council member Hollis said he didn't see where it (stamped asphalt) was necessary and didn't see that it would make anybody slow down. The Mayor said it would be interesting to find out how long this type of asphalt would last. Vice Mayor Fravel said the agreement was all one sided and there was no option for the town to opt out after a period of 10, 12 or 15 years if it was deteriorating. He added he would like to see an option allowing VDOT to go back to regular asphalt at their cost and not the town's. He noted that the Council would be obligating future Council to bear this cost. Mr. Lette agreed that the maintenance agreement did not have that level of flexibility. Town Attorney David Griffin reported that when he spoke with VDOT last August regarding negotiating parts of the agreement, their reply was "no". Mr. Lette said he could do more research. Council member Hollis said after being in negotiations for 2 1/2 years, could the town move ahead with the project even if it did not include planning for the stamped asphalt part? Mr. Griffin said the reference to stamped asphalt could simply be removed.

Council member Hollis moved that stamped asphalt be removed from the plan and the maintenance agreement and that Town Council approve moving ahead with the plan and the maintenance agreement as amended eliminating all reference to stamped asphalt. The Mayor asked how long it would take VDOT to approve the plan after this action. Mr. Lette said he thought VDOT would respond one more time before advertising. He added that because it was federally funded, it was not a simple process. 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 – None
Council member Grayson	-	Aye	
Council member Harter	-	Aye	
Council member Hollis	-	Aye	

MINUTES – Regular Meeting of September 3, 2013

Council member Dilg moved for approval of the minutes of the regular Council meeting of September 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 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 no questions and the report was accepted for information as presented

POLICE REPORT – Charles Bockey, Chief

Chief Bockey reported that there were no issues surrounding the Sherando High School home coming parade and no complaints. He advised Council that he had ordered the new police car but it had not been ordered on the supplier’s end. He added that the new car should be here the 1st week in November. The Chief stated that the roadway to the shooting range had been started and the range would only be used by the Police Department. There were no further questions and the police report was accepted for information as presented.

ACTION AGENDA

A. Proclamation – Red Ribbon Week – October 23-31, 2013

The Mayor announced the proclamation for Red Ribbon Week for approval as Council has done in past years. Council member Grayson moved for approval of the proclamation 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 Harter	-	Aye	
Council member Hollis	-	Aye	

The three Shenandoah Valley Young Marines in attendance gave a presentation explaining Red Ribbon Week and a short history on the young marines program which is also part of the Young Marine Corps League.

At the end of their presentation, the Mayor read the proclamation, presented the Young Marines present with a copy of the Proclamation and thanked them for their effort to help other young people to stay away from drugs.

B. Update on Sheetz Rezoning – Greenway Engineering – Evan Wyatt

The Mayor introduced Evan Waytt from Greenway Engineering to update Council on the progress of the rezoning of the Sheetz property. He said they had been working with the HPC on some issues with the Sheetz redevelopment and the process went well. As a result there would be changes on Mulberry Street implemented. He explained they had come before Council with an access management plan for Mulberry and Fairfax Streets knowing that the next step would be to go to VDOT for an access management exception request. He said that VDOT had problems with the original submission and Greenway had tried four different designs. VDOT

originally wanted no access from Fairfax Street at all. He explained that this was problematic for Sheetz, not only for traffic off the interstate but more importantly for fueling access. Mr. Wyatt showed the redesigned plan; showing a design that VDOT would support with full access on Mulberry Street and one new entrance on Fairfax known as a partial entrance, which prohibited traffic from leaving the property and turning left onto Fairfax towards Main Street. He added that the Edinburg residency had recommended approval of this design. Mr. Wyatt explained that he felt compelled to come back before Council to explain the changes before the rezoning came before Council for approval. He said that this design was the best they could do and get VDOT's blessing. The other option was to make no changes in the access as it was. He said the current proposal would avoid Federal Highway Administration waivers for limited access to I81. Mr. Wyatt reported that Greenway would be submitting an impact statement and proffers for approval this week. He said he would like to present the rezoning for public hearing at the end of November. The Council members agreed that the latest plan seemed to be the best available.

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 reported no meeting was held.

C. Personnel Committee – Martha Dilg, Chair

Council member Dilg reported that no meeting was held.

D. Public Safety Committee – Ronald Bowers, Chair

Council member Bowers said there was no meeting and no report.

E. Public Works Committee – Joseph Grayson, Chair

Council member Grayson reported a meeting was held by the old school committee and the report was attached. There was nothing further to add.

F. Water/Sewer Committee – James Harter, Chair

Council member Harter reported nothing more to add.

G. Parks & Recreation Commission – Ronald Bowers, Chair

Council member Bowers said that the statement in the report in reference to possibly having an alternate site for the memorial was strictly for council review. He said it required no vote tonight; it was just for consideration and a lot would depend on the future uses of the old school. He asked the members to just think about it for discussion at a later date.

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 the roof on the town office building had been replaced and it took all last week to complete. He said they found holes in the decking at four locations at least a foot long which meant it was holding moisture. He added that neither mold nor asbestos presented problems.
2. He stated that last month he reported that the Lutheran Church was to begin construction but it was delayed and he had approved revisions to the plan. Council member Hollis added that work had started again.
3. Mr. Kehoe reported that the Town needed a new citizen advisory person for the MPO so if any member could think of someone to serve, please advise him.
4. He reported that the MPO had also completed a survey of the Town’s sidewalks and found that sidewalks and bike routes especially along Main Street were in bad shape. He added that the survey was done as part of an overall plan for the Winchester/Frederick County area and may set the way for future funding for sidewalks in Stephens City.

COUNCIL COMMENTS/CALENDAR

The Mayor asked for changes to the calendar and comments. There were none and she noted that any changes to the meetings or cancellations would be announced as needed.

MOTION FOR CLOSED MEETING

Date: October 1, 2013 8:30 pm

Motion By: Council member James Harter

I move that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, as amended for the purpose of consultation with legal counsel retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel

VOTE:

Aye – Vice Mayor Fravel
Council member Bowers
Council member Dilg
Council member Grayson
Council member Harter
Council member Hollis

Nay – None

Absent/Abstain - None

ATTEST: _____
Dianne L. MacMillan, CMC
Town Clerk

CERTIFICATION OF CLOSED MEETING

RESOLUTION

Date: October 1, 2013

Motion By: Council member Harter

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such Closed Meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

VOTE:

Aye – Vice Mayor Fravel
Council member Bowers
Council member Dilg
Council member Grayson
Council member Harter
Council member Hollis

Nay – None

Absent/Abstain - None

Dianne L. MacMillan, CMC, Town Clerk

Council member Hollis moved that Town Council appoint Tim Stowe, Town Engineer; Mike Kehoe, Town Manager; Joy Shull-Gellner, Mayor; Council member Hollis and Council member Harter to serve on a committee to meet with the Frederick County Sanitation Authority on the Town’s water and sewer issues. 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 Harter	-	Aye	
Council member Hollis	-	Aye	

There being no further business, Vice Mayor Fravel moved to adjourn at 7:48 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk