

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday November 5, 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 A. Fravel, Jr., 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.

Planning Commission members present: Chairman Linden A. Fravel, Jr., Jason Nauman, Robert Wells, William Copp, Aaron Whitacre, Susan Boyd

Press: None

Guests: 2

AGENDA

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

PUBLIC COMMENTS

The Mayor asked for comments from the public and there were none.

JOINT PUBLIC HEARING – Town Council and Planning Commission

Chairman Fravel called the Planning Commission to order for the purpose of the Public Hearing on the rezoning request for Sheetz expansion.

Rezoning Application for parcels 74A03A171, 74A03A171A and 74A03A172, Amos Kettlewell, owner (Sheetz store)

The Mayor opened the public hearing on the rezoning request. Evan Wyatt from Greenway Engineering thanked the Town Council and Planning Commission for coordinating the joint public hearing. He reported that after meeting with the Planning Commission regarding the development program and proffers, revisions to the proffers were made. Mr. Wyatt said he would review the changes with the Council since they did deviate from the original proffers

provided with the submission. He added that the red line revisions provided to Council had been reviewed by the town attorney, executed by the property owner, notarized and filed with the Town. He then reviewed the rezoning request to rezone all three parcels to B3 and assign the proffer statement to the parcels as consolidated. He said that Sheetz would be performing the standards even though the property is owned by Amos Kettlewell. Mr. Wyatt also reviewed the access plan again.

He noted that the request for the Certificate of Appropriateness went through the HPC and they were amenable to removal of the structures but thought it was important for one structure to be surveyed and documented by an architectural historian. Local historian Maral Kalbian was hired and she performed a survey, photoed it and submitted a report. The building met all the requirements of the Department of Historic Resources. He said this report was submitted to Dave Edwards locally and to Mr. Kehoe. He said the second request was regarding the architectural design and as a result the base would be a limestone treatment. Mr. Wyatt said the proffers look at the three parcels as a whole. The drawing was a conceptual development plan which was a proffered plan so if there was approval of the rezoning, the site plan would have to substantially conform to the conceptual plan. He added that because the HPC was concerned about eliminating the structure known as the “tattoo parlor”, it would remain as it was and if there were to be a location in Town it could be theoretically relocated in the future. He said that Sheetz would look into using it as office space when the current occupant leaves.

In reviewing the proffers, Mr. Wyatt stated that one item proffered was a screening plan with trees, retaining walls and fencing. He said material for the fence, because it is in historic district, could be regulated by the town and was left open for the Town’s decision. The three lots proffered would be consolidated into one parcel prior to site plan approval. The monetary proffer was the same as the original - five cents a square foot and an annual payment in the same amount. He said he spoke to the fire chief and even though the building would be double the size of the current building generating more revenue, they suggested that Sheetz explore an additional contribution. The figure they suggested was alright and was shown in the proffer statement. The Town suggested that the payment to the fire department be a more generic term which could be used for other emergency purposes. He said it would be structured to go to the Town and then the Town would direct it to that purpose. The real estate tax bill would include “other” category so Sheetz would get one bill from the town to include this amount.

Mr. Wyatt stated that the Town’s future plans were to upgrade the sewer transmission line. He said currently the 10’ line (shown on plan) runs through the parking lot and the Sheetz store and another residence connect to it. He said the plans call for an upgrade to a 12’ line with the idea that it would be available for the future upgrades. He said that the Town would be provided an easement for a new sewer line which would be deeded to the Town.

Mr. Wyatt said the Town may determine that parking restrictions would be needed on Mulberry Street in the future and if the town and VDOT work out a “no parking” location, Sheetz would pay for signage. He added that the new lighting standards include under canopy lighting to be directional down-cast in the fueling area. The pole mounted lights would also be down-cast and shielded and use LED fixtures for low intensity glare. There would be landscaping with a green island concept with trees and decorative street lighting. They would be running sidewalk on Mulberry and on Fairfax in front of the building. There were proffers for

the maintenance of the materials used in landscaping. He stated that the new model promotes restaurant food service. The new store would have seating capacity for 32 indoor and outdoor seating would be protected from the parking lot with railing. He added that it would be a much nicer product than before and would provide an opportunity for people in town to walk there for lunch. He said they hoped to get approval tonight and move on to the site plan process.

Chairman Fravel asked if there were any questions from the Planning Commission members or others present and there were none.

The Mayor asked if there was anyone to address council on the rezoning and there was no response. The Mayor closed the public hearing.

Action and Recommendation of Planning Commission

Chairman Fravel asked if there was a motion for approval from Planning Commission on the rezoning application. Commissioner Wells moved that the Planning Commission approve the rezoning application and recommend same to the Town Council. The motion was seconded and passed unanimously.

Chairman Fravel asked if there was any further business for the Planning Commission and there being none, he asked for a motion to adjourn (7:55 pm). Commissioner Wells moved that the Planning Commission be adjourned and the motion was seconded and passed unanimously.

The Stephens City Planning Commission retired.

MINUTES – Regular Meeting of October 1, 2013

Council member Dilg moved for approval of the minutes of the regular Council meeting of October 1, 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. The Treasurer reported that real estate taxes were sent out and personal property taxes would be mailed before the end of the week. There were no questions and the report was accepted for information as presented

POLICE REPORT – Charles Bockey, Chief

Officer Baber reported that the department had completed the fall firearms training. He also reported that with the assistance of D. C. Metro PD they made arrests of two people responsible for the local thefts from eight vehicles in the summer. There were no further

questions and the police report was accepted for information as presented. The Mayor noted that the Police Department had been very busy and said their efforts were greatly appreciated.

ACTION AGENDA

A. Rezoning Application for parcel 74A03A171, 74A03A171A, 74A03A172 (

The Mayor asked for a motion on the subject of the public hearing. Council member Hollis moved for approval of the rezoning request and the motion passed with the following recorded vote:

Recorded Vote:

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

Mr. Kehoe requested a review of the construction schedule for the project. Mr. Wyatt introduced Bob Franks with Sheetz. Mr. Franks said since this was a rebuild, they would leave the existing store and gas function while constructing the new store behind it. Once the new store was completed, the old store would be closed and demolished. During this process they would block off the front parcel leaving the entrance and exit from the side street while the gas pumps are redone. He said construction of the new store would take approximately 16 weeks and it would be another 8 to 10 to do the gas pumps with total construction time about 24 – 26 weeks. It would be started sometime in February 2014. He added that the gas tanks and lines would be removed and replaced with the latest technology.

B. Recommendation for Appointment to the Board of Zoning Appeals

The Mayor said Council needed to fill a vacancy on the BZA. Mr. Kehoe noted that Mary Lee Strosnider, a member of BZA had moved out of town leaving no quorum. He added that the Board had not met in over a year but there was an appeal pending.

Vice Mayor Fravel moved to recommend to the Court the appointment of Michael Grim to the Board of Zoning Appeals. 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	

C. Set Office Holiday Schedule and Holiday Luncheon Date

Mayor Shull-Gellner stated that Council needed to set the office holiday schedule. Council member Hollis asked what the state schedule showed and Mr. Kehoe said it was showing Christmas Eve and Christmas Day as closed. Council member Hollis noted it had been

decided to follow the state holiday schedule. Mr. Kehoe said that was true but the office used a floater holiday here and there to avoid having the office closed four days in a row. Council member Hollis moved to give the Town employees December 24th and December 25th and ½ day on December 31st and all day January 1st 2014. 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 Mayor asked Council their pleasure for the holiday luncheon. Mr. Kehoe said it could be held at Carrabas like last year or at some other place if preferred. The majority of Council preferred Carrabas and the date would be during the second week of December depending on availability. The Mayor noted that the luncheon would include spouses and family as last year and other Town appointed commissions.

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 nothing to add to the report except Bill Orndorff, Frederick County Treasurer did attend the meeting. Mr. Orndorff made a presentation and there were ongoing discussions on some things and research being done. There was nothing further to add.

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.

E. Public Works Committee – Joseph Grayson, Chair

Council member Grayson reported no meeting was held.

F. Water/Sewer Committee – James Harter, Chair

Council member Harter reported no meeting was held.

G. Parks & Recreation Commission – Ronald Bowers, Chair

Council member Bowers asked if Mr. Kehoe had heard anything more about the 5K. Mr. Kehoe said Ms. Ortiz had come in asking about insurance but had not come back as yet.

Council member Bowers said they checked the playground equipment at the old school and it was embedded in so much concrete, it was decided to leave it there. He added that it could be that someone may rent one of the buildings who may have a use for it.

Council member Bowers stated that the Town had been charging for the use of the Newtown Commons at a rate of \$50 with a \$25 refund, if the grounds and bathroom were cleaned up. He added that the Committee would like to increase these fees to \$100 with a \$50 refund. He said he checked with other areas and just for a shelter alone, they charge \$200. Council member Hollis asked how many times a year the Commons was rented in the last year. Mr. Kehoe said it was used every week through the spring and summer and sometime multiple times per day on some weekends, partly because of the low cost. He added that a lot of churches had been using the Commons. Council member Hollis asked if they wanted to raise the price just because other areas charge more or was there a cost that was not being covered. Council member Bowers said that sometimes the bathrooms are not cleaned and he suspected that some people do not have the means to do this. Mr. Kehoe added that the Town also needed to replace stolen light bulbs and there had been quite a bit of maintenance to be done. Council member Hollis asked if he felt the increase was justified and Mr. Kehoe and Council member Bowers said yes. Council member Dilg stated that some churches charge a good bit more than that for fellowship halls and kitchens so this would be in line. Vice Mayor Fravel said that he had received a number of complaints from neighbors around there that it was being overused. He said if you can't mow your yard until after one or two but can have music starting any time, it was understandable. The Mayor asked if there was a limit on how late at night the music could go on. Office Baber said according to the noise ordinance the quiet times were between 11 pm and 6 am. He also suggested a check list for cleaning so there is no misunderstandings as to what "clean" means.

Council member Bowers moved to increase the fee for usage of the Town Commons to \$100.00 with a \$50.00 refund if left in good condition. Mr. Kehoe also noted that the increase would cover costs of supplies and electricity. Vice Mayor Fravel said it would be interesting to see if the Town was covering costs. The motion passed with the following recorded vote:

Recorded Vote:

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

Council member Dilg 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 newsletter indicted that the Newtown calendar for 2014 was priced at \$5 and was made up of pictures taken at the quilt show during the last festival. He said they would make good stocking stuffers. Lantz's Pharmacy and Cloth Peddler sponsored them and there are a total of 300 to sell. He said they would like to sell out this year.

2. He stated that he had received the plans for the west Fairfax sewer line extension from Anderson & Assoc. He said he would submit them to Tim Stowe, Town Engineer, for his review and if complete, the project would be ready to go whenever the Town gets the money either as a joint project with the Mulberry Street line or an independent project. He advised that the Town needed to seriously look at funding the infrastructure projects while the interest rates were low. These projects would save the Town money in the long run. He added that at present the priority was to get a new agreement with FSCA.
3. Mr. Kehoe reported that there was a fire last week on the west end of Fairfax Street at the Wayne Smoot residence with a total loss of his house. Luckily there was a fire hydrant there to supply water. He advised that Mr. Smoot would like to rebuild but was on a pump and haul basis. Mr. Kehoe said he hoped that in the future the Town could get a sewer line to the west end of Fairfax and run water lines to properties in that area.
4. He reported that in October the Town hired a new maintenance employee who had been part-time through the summer. He added that now on a full time basis this had given a lot more flexibility in the maintenance department. A third person helps with scheduling to cover vacations and sick leave and now the Town had someone on from 8 – 5 during the day.
5. Mr. Kehoe stated that Dick Sandy had been working on the gun range which would be for private use for the Town Police Department, Middletown police department and the Haines Agency. Officer Baber added that Haines might provide a shelter and a building for supplies in exchange for the limited use he needed for his training. Mr. Kehoe added that it would be an unelaborate shooting range.

COUNCIL COMMENTS/CALENDAR

The Mayor asked for changes to the calendar and Council comments. Council member Dilg asked to have the Personnel Committee meeting at 4:00 pm Tuesday, November 12th. The Finance Committee planned to meet at 4:00 pm on Thursday, November 21st. There was a scheduled meeting on Wednesday the 13th at 4:00 pm for the Water and Sewer Committee. There were no further changes and the Mayor noted that any other changes to the meetings or cancellations would be announced as needed.

There being no further business, Council member Hollis moved to adjourn at 8:25 p.m. and the motion carried.

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk