

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
Tuesday May 6, 2014
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 Nauman offered the invocation.

Roll call showed the following present:

Vice Mayor Linden A. Fravel, Jr., Council member Bowers, Council member Dilg,
Council member Joseph Grayson, Council member Joseph Hollis, Council member
Nauman.

Staff present: Mike Kehoe, Town Manager; David Griffin, Town Attorney; Chief of Police,
Charles Bockey, Tina Wyatt, Town Treasurer, Dianne MacMillan, Town Clerk.

Press: Matt Armstrong, Winchester Star

Guests: None

AGENDA

The agenda for April 1, 2014 was adopted.

PUBLIC HEARING

Town Code Chapter 4, Buildings – addition of Sec. 4-9 Building Maintenance

The Mayor opened the Public Hearing for the addition of Building Maintenance to Code Chapter 4. Mr. Kehoe stated that this was the same ordinance given to the county building official for review which they took to their Public Works Committee. That Committee was okay with it and ran it through the County Attorney who also approved it. He added that although they were fine with it, they wanted to know how often they would be bothered with enforcement. Mr. Kehoe estimated that it would be only about three or four times a year. There were no further comments and the Public Hearing was closed.

PUBLIC COMMENTS

The Mayor asked if there was anyone present who wished to address Council on any item not on the agenda. There were none.

MINUTES – Regular Meeting of April 1, 2014

Council member Grayson moved for approval of the minutes of the regular Town Council meeting of April 1, 2014 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 Hollis	-	Aye	
Council member Nauman	-	Aye	

TREASURERS REPORT

The Mayor said that Council had the Treasurer’s report and asked if there were any questions for the Treasurer. There were none and the treasurer’s report was accepted for information only.

POLICE REPORT – Charles Bockey, Chief

The Mayor advised that the members had the Police Report and asked for any questions to be directed to Chief Bockey. There were no comments and the police report was accepted as presented for information.

ACTION AGENDA

A. Adoption of Amendment to Town Code Chapter 4 Buildings – addition of Sec 4-9 Building Maintenance

The Mayor said the first item on the action agenda was the proposed adoption of Sec 4-9 of Chapter 4, Buildings.

The Mayor asked the Town Clerk to read the ordinance by title only for the first reading. The Clerk read “An Ordinance to amend Chapter 9, Buildings, Code of the Town of Stephens City, Virginia for the purpose of adding Section 4-9, Building Maintenance”. Council member Grayson moved for approval. The Mayor called for any discussion. Vice Mayor Fravel noted that this amendment provided for no input from the town. He said he did not want to saddle the town manager with added responsibilities but this could be open for someone being spiteful or a renter could cause a lot of bother for no reason. There was no over sight.

Mr. Kehoe advised that he receives calls and complaints now and turns them over to the County officials but they cannot act until the Town adopts the maintenance code. The Mayor asked if the Town adopted this section would the County be responsible for handling all these concerns. Mr. Kehoe said that the complaint must be in writing and would be referred to the County inspectors. He added that over time a process would develop for the forwarding of complaints. Vice Mayor Fravel noted that the building inspectors were more accustomed to working with new construction but most of the Town’s problems were with older structures and if maintenance could not be approached with common sense, we would not get an improvement. He added that the cost of improving the buildings is high and not everyone could do it. He said he was bothered that the Town would be giving up everything by having no input but he knew that the Town Manager was not a building official nor was anyone else employed by the Town. The Mayor called for a vote and the motion passed with the following recorded vote:

Recorded Vote:

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

The Mayor asked the Town Clerk to read the ordinance for the second and final reading. The Clerk read “An Ordinance to amend Chapter 9, Buildings, Code of the Town of Stephens

City, Virginia for the purpose of adding Section 4-9, Building Maintenance.” Council member Hollis moved for approval of the amendment to Chapter 4, Buildings and the motion passed with the following recorded vote:

Recorded Vote:

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

B. Set Public Hearing for FY 2014-2015 Budget

The Mayor announced that Council needed to set a date for the public hearing for the 2014 – 2015 Budget. Mr. Kehoe reported that the Finance Committee would be meeting on the 13th and it would be decided at that time if a tax rate increase was needed. The Town Attorney advised that there would need to be a public hearing on tax increase 30 days prior to public hearing on the budget. After discussion Council set a public hearing on tax rate increase for May 27th at 7:30 pm; then set a public hearing for the proposed Budget for 2014-2015 reflecting any rate increase for June 3rd at 7:30 pm. It was noted that the Budget would be adopted at a special meeting to be set in June along with any needed line transfers. Council member Hollis moved that the Town Council set public hearings as noted 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 Hollis	-	Aye	
Council member Nauman	-	Aye	

C. Set Public Hearing for Stormwater and E&S Programs

The Mayor advised that the Town needed to set a public hearing for stormwater and erosion and sediment control programs to allow them to be administered by Frederick County. Mr. Kehoe said that public works was working with the stormwater program that is mandated for all communities to adopt. Although the Town planned to start its own stormwater management program, they would have to have someone certified to oversee the program. He advised that he talked with Ed Strawsnyder head of Frederick County Public Works and they agreed that they would handle Middletown’s program and Stephens City’s program. He said this would result in allowing the County to enforce ordinances mandated to us. Council member Nauman moved to set the public hearing for this issue for June 3, 2014. 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 Hollis	-	Aye	
Council member Nauman	-	Aye	

D. Proclamation – Municipal Clerks Week – May 4-10

The Mayor said there was a Proclamation for Municipal Clerks’ Week and that they did deserve to be proclaimed.

Council member Dilg moved that the Town Council endorse the Proclamation (copy attached) for Municipal Clerks Week – May 4-10 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 Hollis	-	Aye	
Council member Nauman	-	Aye	

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

No meeting was held.

B. Finance Committee – Joseph Hollis, Chair

Council member Hollis reported that the only action item to come from the Committee was to extend the due date for Personal Property and Real Estate Taxes to June 15th if needed. He added that the Town hoped to get the taxes out but the data had to be transferred into the language of our software and this would give extra time to address any glitches that could arise. 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 Hollis	-	Aye	
Council member Nauman	-	Aye	

C. Personnel Committee – Martha Dilg, Chair

No meeting was held.

D. Public Safety Committee – Ronald Bowers, Chair

No meeting was held.

E. Public Works Committee – Joseph Grayson, Chair

Council member Grayson reported the Committee did meet and reviewed the inspections for the old school for lead and asbestos and would talk about getting estimates for these. He asked the Town Manager if any action was needed and he was advised not at this time. Mr. Kehoe reported that the architect was completing his report and was also reviewing the asbestos

report. He said he contacted a roofer but he did not come out because of heavy rains. Council member Grayson stated no action was to be taken at that time.

F. Water/Sewer Committee

Council member Nauman reported that the Committee met April 23 and discussed the meeting with the sanitation authority and discussions were ongoing. He advised that Tim Stowe was the contractor that would be auditing the Sanitation Authority and he would be subcontracting this out. He stated that Mr. Kehoe had provided comparisons on local water and sewer rates and Stephens City was the second least expensive up and down the valley. The Committee also discussed the budget and Mr. Kehoe asked for the Committee's opinion on rate increase on water and sewer and about charging the Sanitation Authority for water. Council member Nauman reported that the Committee concurred that cost increases for water/sewer rates needed to be passed on to consumers – the Town can't continue to absorb that - and to build a budget based on charging the Sanitation Authority for water.

G. Parks & Recreation Commission – Ronald Bowers, Chair

Council member Bowers advised that the minutes were attached and asked for any questions. There were none at the time.

Vice Mayor Fravel 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 on the progress of the Newtown Heritage Festival by saying it looked to be a well organized festival this year. He said there was a cross-section of entertainment from bluegrass, rock and roll, country music and the Sherando band. He said that everyone should have gotten an invitation to the premier of “Newtown Burning” to commemorate an event that happened 150 years ago this month and he hoped all council members would attend. He added that the video would be ongoing throughout the festival. Mr. Kehoe said that a wagon was moved into the old school and would be on display during the festival and may be a permanent display. Vice Mayor Fravel said that Dennis Clem bought it and it was supposedly made in the area of Boyce about the civil war period. He added that it was not a Newtown Wagon but it was certainly a period wagon. Mr. Kehoe requested that for anyone who was free that weekend, help was always appreciated. He said the Festival would feature the Second Annual 5K race and a new Cornhole Tournament would be held at the ball field. He said the butter crock was the commemorative and it would be in this week. Another commemorative was a pewter wagon pin to be available at a cost of \$8.00.
2. Mr. Kehoe reported that the Planning Commission met to consider a special use application by New Beginnings Church that wanted to expand into the adjoining building at the north end of town. He advised that the Planning Commission recommended that Council approve the special use and a public hearing would be set for Council at the June meeting. A decision could be made at that time to allow the Church to move forward with their plans.
3. Mr. Kehoe reported that last month REO Properties appealed the Zoning Administrator's opinion to the BZA. The appeal was turned down which meant the Board upheld the

opinion of the Zoning Administrator that condominiums were not a proffered use and therefore were not allowed in the subdivision in the Newtown District. He stated that REO has now appealed that decision to the Circuit Court.

4. The Town Manager said that Council member Bowers had not mentioned the proposed ground breaking for the Veterans Memorial for the 6th of June. Council member Bowers said a time would have to be set.
5. Mr. Kehoe said Anderson & Associates had almost completed the West Fairfax Street sewer line project plans, so additional CIP projects were down the road. He said these were mounting up and the Town needed to get some completed. Mr. Kehoe reported that he had discussed with a VML/VACO representative about potential financing for the projects including North Main Street. He said that the representative wanted to come back to talk to the Finance Committee in the near future.
6. He let Council know that on Crooked Lane there were two inoperative fire hydrants. One would be replaced and one would be rebuilt.

COUNCIL COMMENTS/CALENDAR

The Mayor asked for changes to the calendar and Council comments. Council member Nauman asked to change the Water/Sewer Committee to 22nd at 4:00 pm. The Personnel Committee was moved back to 4:30 pm on the 13th to allow for Finance Committee at 5:00 pm on the 13th. Parks and Recreation Commission was rescheduled to Monday, May 19th at 5:00 pm. The Mayor stated that all remaining committee meetings would stand as shown on the calendar unless otherwise notified.

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

Joy B. Shull-Gellner, Mayor

Dianne L. MacMillan, CMC, Town Clerk