

**REGULAR MONTHLY MEETING
OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, MAY 7, 2019
7:00 PM**

Mayor Diaz called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

Councilman Fravel offered the Invocation

Roll was called with the following members present:

Mayor Michael Diaz, Vice Mayor Nauman, Councilman Bowers, Councilman Linden Fravel Jr., Councilman Joseph Hollis (by phone), Councilwoman Regina Swygert-Smith, Councilwoman Kelly Thatcher

Absent: None

Staff present: J. David Griffin, Town Attorney; Chief Charles Bockey Jr. Michele Stone, Town Clerk

Absent: Steve Rickards Town Treasurer

Guests: Winchester Star; Josh Janney, Ty Lawson; Lawson and Silek Law Firm, Gary Oates; Frederick Water, Eric Lawrence; Frederick Water, Stan Crockett; Frederick Water, Paul Culp; Stephens City resident

PUBLIC COMMENT

Mayor Diaz asked if anyone in the public had any comments. There were none

MINUTES – REGULAR MEETING OF APRIL 2, 2019

Councilman Fravel moved for approval of the minutes of the regular Town Council Meeting of April 2, 2019 and Councilman Hollis second the Motion. The Motion carried with the following Recorded VOTE:

Aye - Nauman, Bowers Fravel, Hollis (By Phone), Swygert-Smith, Thatcher

Nay - None

Abstain - None

Absent - None

TREASURER'S REPORT

Treasurer Steve Rickards was absent no report was given.

POLICE REPORT – Charles Bockey Jr., Chief Of Police

Chief Bockey Reported that in his absence, Sgt. Scott Baber attended the FBI leadership class from April 29 through May 1, 2019.

SCVFD REPORT- John Jones, Fire Chief

Fire Chief John Jones reported that the Fire Department had responded to two hundred and twelve calls in Frederick County and eleven calls within the Town of Stephens City with a total of two hundred and twenty nine calls for the month of April 2019. There will be a BBQ chicken dinner on Saturday May 25, at the Newtown Heritage Festival.

ACTION AGENDA

MOTION FOR CLOSED MEETING

Vice Mayor Nauman made a Motion to enter a Closed Meeting. I move that the Town Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia,

1950, As Amended for the purpose of consultation with legal counsel and briefings by staff members pertaining to ongoing litigation between the Town of Stephens City and Frederick Water where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. And the Motion carried with the following recorded VOTE:

Aye - Nauman, Bowers, Fravel, Hollis (by Phone), Swygert-Smith, Thatcher
Nay - None
Abstain - None
Absent - None

CERTIFICATION OF CLOSED MEETING

Vice Mayor Nauman made a motion to exit and certify the closed meeting

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 matter as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.
And the Motion carried with the following recorded VOTE:

Aye - Nauman, Bowers, Fravel, Hollis (by Phone), Swygert-Smith, Thatcher
Nay - None
Abstain - None
Absent - None

Town Council entered Closed Session at 7:19 pm and came into Open Session at 8:23 pm.

RESOLUTION TO APPROVE SETTLEMENT AGREEMENT

A motion was made by Vice Mayor Nauman to adopt the following resolution.

1. Whereas, the Town of Stephens City and the Frederick County Sanitation Authority (now trading as Frederick Water) have been engaged in water and wastewater services for many years;
2. Whereas, the parties have had multiple disagreements during those years which led to litigation between them;
3. Whereas, the Town and the Frederick Water voluntarily entered into mediation in an effort to resolve the pending litigation and address other issues. The Town Council appointed Council members Linden "Butch" Fravel, Jason Nauman, and Town Manager Mike Majher, along with counsel to negotiate on

their behalf. Frederick Water was represented by Board members Gary Oates, Tom Simon, and Executive Director Eric Lawrence, along with their counsel.

4. Whereas, on October 9, 2018 the Town's mediation representatives and the Frederick Water mediation representatives approved the term sheet ("Final Term Sheet Between the Town of Stephens City and Frederick Water") dated October 9, 2018 that would resolve the parties' differences, result in the dismissal of the Town's lawsuit and Frederick Water's counterclaim suit, as well as generate substantial benefits for both parties and the customers they serve. Frederick Water's Board on October 16, 2018 approved the Term Sheet, and the Town of Stephens City's Council on October 23, 2018 approved the Term Sheet,

5. Whereas, the Term Sheet calls for a detailed agreement between the parties to implement this resolution, and the parties have worked since October 23, 2019 to craft language acceptable to all to resolve their differences in accordance with the Term Sheet,

6. Whereas, the Town of Stephens City understands that the Frederick Water Board met earlier today and approved the joint agreement,

NOW THEREFORE, BE IT RESOLVED that the Town of Stephens City Virginia's Common Council approves, conditioned on and based upon the prior approval by the Frederick Water Board of the exact same document presented here known as the Settlement Agreement between Frederick Water and the Town of Stephens City dated May 7, 2019 and authorizes Linden "Butch" Fravel to sign the Agreement on behalf of the Town.

And the Motion carried with the following recorded VOTE:

Aye - Nauman, Bowers, Fravel, Hollis (by Phone), Swygert-Smith, Thatcher
Nay - None
Abstain - None
Absent - None

ORDINANCE TO REPEAL PUBLIC WATER SUPPLY PROTECTION DISTRICT

A motion was made by Vice Mayor Nauman to adopt the following amendment to the town ordinance.

AN ORDINANCE TO REPEAL THE TOWN'S PUBLIC WATER SUPPLY PROTECTION DISTRICT, ALSO KNOWN AS THE GROUNDWATER PROTECTION ORDINANCE.

BE IT ORDAINED, by the Common Council of the Town of Stephens City, Virginia, that Article IV Chapter 22 of the Town Code known as the Public Water Supply Protection District is hereby repealed in its entirety, in conformity with the agreement reached with the Frederick County Sanitation Authority.

And the Motion carried with the following recorded VOTE:

Aye - Nauman, Bowers, Fravel, Hollis (by Phone), Swygert-Smith, Thatcher
Nay - None
Abstain - None

Absent - None

Mr. Diaz asked Mr. Hollis for clarification for the minutes as to why he was unable to attend the meeting in person and instead participated via telephone. Mr. Hollis explained that he was out of the state on vacation in Destin, Florida.

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

Meeting: Minutes Attached- No Comments

B. Personnel Committee –Ronald Bowers, Chair

Meeting: Minutes Attached- No Comments

C. Public Safety Committee –Jason Nauman, Chair

No Meeting: No Comments

D. Public Works Committee – Kelly Thatcher Chair

No Meeting: No Comments

E. Ordinance and Governments Committee- Regina Swygert- Smith Chair

No Meeting: No Comments

F. Parks and Recreation Commission- Ronald Bowers, Chair

Meeting: Chairman Bowers commented that there will be a Veterans Memorial Service at the Veterans Memorial located at the Old School on Saturday May 25, 2019 at 10:00 am.

G. Newtown Heritage Festival

Meeting: Mayor Diaz reported that everything is falling into place for the upcoming festival. We look forward to another successful year. All members of council are encouraged to attend and enjoy the event.

TOWN MANAGERS REPORT

Town Manager Mike Majher gave the report.

1. The Town will be celebrating its 27th Heritage Festival May 24th and 25th
2. Lenny statue dedication ceremony 11:30am on Saturday of Festival
3. I&I Study Meeting with Peed & Bortz later this month
4. Spectrashield rehab project completed on 7 manholes prioritized by public works staff
5. Next smoke testing location will be Barley Drive Subdivision and will coordinate with SCVFC
6. Tax information received from Frederick County and has been sent to software company
7. Water Bills have been sent out and are due June 3rd

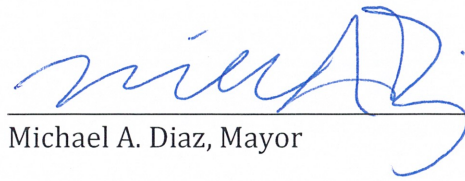
APPROVAL OF COMMITTEE MINUTES AND REPORTS

Councilwoman Swygert-Smith made a Motion to approve the committee minutes and Councilwoman Thatcher second the Motion, all were in favor.

COUNCIL COMMENTS/CALENDAR

Mayor Diaz asked if there were any adjustments to the calendar or Council Comments.

There being no further business, Councilman Bowers Made a Motion to adjourn at 8:40 pm and the Motion carried unanimously.



Michael A. Diaz, Mayor



Michele Stone, Town Clerk