

**REGULAR MONTHLY MEETING
OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, October 2, 2018
7:00 PM**

Mayor Grim 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 Mike Grim, Vice Mayor Ronald Bowers, Councilman Linden Fravel Jr., Councilman Joseph Hollis, Councilman Jason Nauman, Councilwoman Regina Swygert- Smith, Councilwoman Kelly Thatcher

Absent: None

Staff present: J. David Griffin, Town Attorney; Steve Rickards, Town Treasurer; Charles Bockey Jr., Chief of Police; Michele Stone, Town Clerk

Absent: Mike Majher, Town Manager

Guests: Michael Diaz 5207 Pan Tops Road Stephens City VA, Jim Vogt 5295 Barley Drive Stephens City VA, Josh Janney; Winchester Star, Paul and Dana Culp Stephens City VA

PUBLIC COMMENT

Mayor Grim asked if anyone in the public had any comments. Mrs. Jim Vogt from Barley Drive addressed Council. Mr. Vogt is the Assistant Scout Master for Troop fifteen, Mr. Vogt stated that the four Scouts attending with him would like a chance to speak with the Mayor after the Town Council Meeting.

MINUTES – REGULAR MEETING OF SEPTEMBER 4, 2018

Councilman Hollis moved for approval of the minutes of the regular Town Council Meeting of September 4, 2018, the Motion carried with the following Recorded VOTE:

Aye - Bowers, Fravel, Hollis, Nauman, Swygert-Smith, Thatcher

Nay - None

Abstain - None

Absent – None

TREASURER'S REPORT

Treasurer Steve Rickards reported that late notices for water bills had been mailed out. Real estate and Personal property tax bills for the second half of the year will be mailed out this week.

POLICE REPORT – Charles Bockey, Jr., Chief of Police

Police Chief Charles Bockey reported that the Sherando Homecoming Parade was a success, there was a great turn out and everything ran very smooth. The Police Department had more help this year from the Frederick County Sheriff's Department.

SCVFD REPORT- John Jones, Fire Chief

Fire Chief John Jones reported that call volume was down for the month of September with a total of one hundred and eighty four calls.

ACTION AGENDA

Appointment of Paul Culp to the Planning Commission to fulfill the vacant and unexpired seat of Ashley Barendse to expire on December 31, 2018. Councilman Fravel made a Motion to appoint Paul Culp to the Planning Commission and the Motion passed with the following recorded VOTE:

Aye - Bowers, Fravel, Hollis, Nauman, Swygert-Smith, Thatcher

Nay - None

Abstain - None

Absent - None

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

No Meeting: No Comment

B. Personnel Committee –Kelly Thatcher, Chair

No Meeting: No Comments

C. Public Safety Committee – Ronald Bowers, Chair

Meeting: Minutes Attached- Mayor Grim commented that Public Safety met with VDOT and made a little progress.

D. Public Works Committee – Regina Swygert-Smith Chair

Meeting: Minutes Attached - No Comment

E. Water /Sewer Committee - Jason Nauman, Chair

Meeting: Minutes- Chairman Nauman commented that negotiations are still underway between the Town and Frederick Water. The Town May need to advertise for two Special Council Meetings. Chairman Nauman requested that two Special Town Council Meeting be scheduled, one on Tuesday October sixteenth 2018, at 6:00 pm and the other on Tuesday October twenty third 2018, at 6:00 pm. Councilman Nauman made a Motion for Council to authorize the elimination of the duplication of work for inspection of water lines and sewer lines in town and to authorize the County Inspections Department to inspect those lines on behalf of the Town so long as the lines stay open for inspection and mapping by the Town prior to burying the lines. And the Motion carried with the following recorded VOTE:

Aye - Bowers, Fravel, Hollis, Nauman, Swygert-Smith, Thatcher

Nay - None

Abstain - None

Absent - None

Town Clerk Michele Stone explained that the thank you letter in the Town Council Packet was from Ms. Ritenour who is a resident in the Town of Stephens City and was having issues with very high water bills. Town Manager Mike Majher along with Public Works Director Bret Swain met Ms. Ritenour at her residence to find the source of the high water bills. Upon inspection it was then determined Ms. Ritenour had indeed had a leak at the property. The Town was able to assist with a reduction in her bill.

F. Parks and Recreation Commission- Ronald Bowers, Chair

Meeting: Minutes Attached- Chairman Bowers commented that the Veterans Ceremony will be held at the Old School on November 12, 2018, at 8 am.

G. Newtown Heritage Festival

Meeting: Treasurer Steve Rickards reported that the Festival Committee has hired a nationally recognized band by the name of Seldom Scene.

APPROVAL OF COMMITTEE MINUTES AND REPORTS

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

TOWN MANAGERS REPORT

Town Manager Mike Majher was not present to give a report.

COUNCIL COMMENTS/CALENDAR

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

Councilman Nauman commented that he would be out of Town for the November Council Meeting.

Finance will move the November meeting to Wednesday, November 28, 2018 and Public Safety will move the November meeting to Thursday, November 29, 2018.

MOTION FOR CLOSED MEETING

DATE: OCTOBER 2, 2018

MOTION BY: COUNCILMAN NAUMAN

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 the County of Frederick where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

VOTE:

Aye - Bowers, Fravel, Hollis, Nauman, Swygert-Smith, Thatcher

Nay - None

Absent/ Abstain- None

ATTEST: _____
Michele Stone Town Clerk

**CERTIFICATION OF CLOSED MEETING
RESOLUTION**

DATE: OCTOBER 2, 2018

MOTION BY: COUNCILMAN NAUMAN

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.

RECORDED ROLL CALL VOTE:

Aye- Bowers, Fravel, Hollis, Nauman, Swygert- Smith, Thatcher

Nay- None

Absent- None

Abstain- None

Town Council Reconvened after Closed Session at 7:30 pm. Councilman Nauman made a Motion to have Town Attorney Dave Griffin follow up on a lease violation by the Frederick County Little League and to renegotiate to a month to month lease. The Motion passed with the following recorded VOTE:

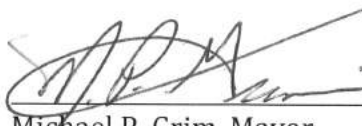
Aye- Bowers, Fravel, Hollis, Nauman, Swygert- Smith, Thatcher

Nay- None

Absent- None

Abstain- None

There being no further business, Councilman Fravel Made a Motion to adjourn at 7:35 pm and the Motion carried unanimously.



Michael P. Grim, Mayor


Michele Stone, Town Clerk

MOTION FOR CLOSED MEETING

Date: October 2, 2018

Motion By: Nauman

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VOTE:

Aye -

Frawel

Hollis

Snygert-Smith

Bowers

Nauman

Thatcher

Nay -

/

Absent/Abstain -

/

ATTEST:

Michele Stone

Michele Stone
Town Clerk

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RESOLUTION

Date: October 2, 2018

Motion By: Nauman

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RECORDED ROLL CALL VOTE:

Aye- Hollis Thatcher
 Swygert-Smith Nauman
 Bowers
 Fravel

Nay-

/

Absent-

/

Abstain-

/

~~No action~~ ^{Action} was taken as a result of the closed session. There being no further business,
Fravel made a motion to adjourn at 7:32 pm.

Michelle Stone
Michele Stone Town Clerk



10/01/2018 - 10/31/2018

REVENUE DESCRIPTION	AMOUNT
Cigarette Tax	\$ 3,562.50
Connection Fees	\$ 575.00
Restaurant Meals Tax	\$ 10,032.78
Newtown Heritage Festival Donations	\$ 2,400.00
Zoning Permit Fees	\$ 50.00
SCC - REAL ESTATE TAX	\$ 298.18
Fines, Forfeitures & Finger Prints	\$ 3,063.97
Consumption Tax	\$ 29.53
State Sales Tax	\$ 13,816.41
Sale of Miscellaneous	\$ 212.00
Utility - Natural Gas	\$ 446.23
Total	\$ 34,486.60
UTILITIES	
Water	\$ 14,730.39
Sewer	\$ 30,798.65
Penalty	\$ 1,884.09
PrePay	\$ 312.19
Reconnect Fee	\$ 701.02
Total	\$ 48,426.34
UTILITY DEPOSITS AND AVAILABILITY FEES (DEPOSITED IN ESCROW)	
Deposits	\$ 3,300.00
Total	\$ 3,300.00
TAXES	
Real Estate Tax	
Principal Real	\$ 9,394.80
Penalty Real	\$ 19.90
Total	\$ 9,414.70
Personal Property Tax	
Principal Personal	\$ 2,758.64
Penalty Personal	\$ 15.66
Business Equipment	\$ 152.45

Decal Fee 1	\$ 226.22
Decal Fee 2	\$ 8.47
Total	\$ 3,161.44

Business Licenses

10005 -- BUSINESS SERVICES	\$ 15.00
Total	\$ 15.00

Vehicle Decals

4TH QTR DISC	\$ 56.25
TRANSFER	\$ 4.00
Total	\$ 60.25

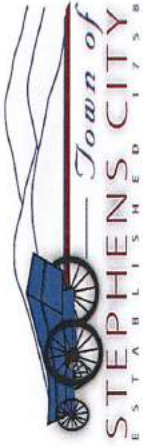
Commonwealth of VA

Communications Tax	\$ 1,930.19
Litter Control Grant	\$ 1,086.00
Total	\$ 3,016.19

EXPENDITURES

Accounts Payable	\$ 110,573.86
Wages	\$ 24,117.21
VRS /ICMA	\$ 10,552.66
Total	\$ 145,243.73

Total Revenue	\$ 101,880.52
Total Expenditures	\$ 145,243.73
Total Net Position	\$ (43,363.21)



REVENUE	PFME		CMTD	
	10/01/2017 - 10/31/2017	10/01/2018 - 10/31/2018		
Cigarette Tax	\$ 7,125.00	\$ 3,562.50		-50%
Connection Fees	\$ 125.00	\$ 575.00		360%
Restaurant Meals Tax	\$ 8,747.06	\$ 10,032.78		15%
Lease Property Payments	\$ 200.00	\$ -		-100%
SCC - REAL ESTATE TAX	\$ 253.46	\$ 298.18		18%
Zoning Permit Fees	\$ -	\$ 50.00		0%
Newtown Heritage Festival	\$ -	\$ 2,400.00		0%
Fines, Forfeitures & Finger Prints	\$ 1,864.48	\$ 3,063.97		64%
Newtown Commons Fee	\$ 200.00	\$ -		-100%
Consumption Tax	\$ 347.06	\$ 29.53		-91%
State Sales Tax	\$ 13,430.35	\$ 13,816.41		3%
Sale of Miscellaneous	\$ 10.00	\$ 212.00		2020%
Utility - Electric	\$ 2,519.36	\$ -		-100%
Utility - Natural Gas	\$ 67.63	\$ 446.23		560%
Total	\$ 34,889.40	\$ 34,486.60		-1%
UTILITIES				
Water	\$ 13,867.89	\$ 14,730.39		6%
Sewer	\$ 30,469.63	\$ 30,798.65		1%
Penalty	\$ 1,004.41	\$ 1,884.09		88%
PrePay	\$ 725.31	\$ 312.19		-57%
Reconnect Fee	\$ 925.00	\$ 701.02		-24%
Total	\$ 46,992.24	\$ 48,426.34		3%
UTILITY DEPOSITS AND AVAILABILITY FEES (DEPOSITED IN ESCROW)				
Deposits	\$ 1,400.00	\$ 3,300.00		136%
Total	\$ 1,400.00	\$ 3,300.00		136%
Real Estate Tax	\$ 15,046.25	\$ 9,414.70		-37%

Personal Property Tax	\$	7,220.83	\$	3,161.44	-56%
Business Licenses	\$	1,612.50	\$	15.00	-99%
Vehicle Decals	\$	75.75	\$	60.25	-20%
Commonwealth of VA					
Communications Tax	\$	2,118.21	\$	1,930.19	-9%
Litter Control Grant	\$	1,006.00	\$	1,086.00	8%
Total	\$	3,124.21	\$	3,016.19	-3%
EXPENDITURES					
Accounts Payable	\$	61,899.51	\$	110,573.86	79%
Wages	\$	26,040.52	\$	24,117.21	-7%
VRS	\$	-	\$	10,552.66	
Total	\$	87,940.03	\$	145,243.73	65%
Total Revenue	\$	110,361.18	\$	101,880.52	-8%
Total Expenditures	\$	87,940.03	\$	145,243.73	65%
Total Net Position	\$	22,421.15	\$	(43,363.21)	-293%

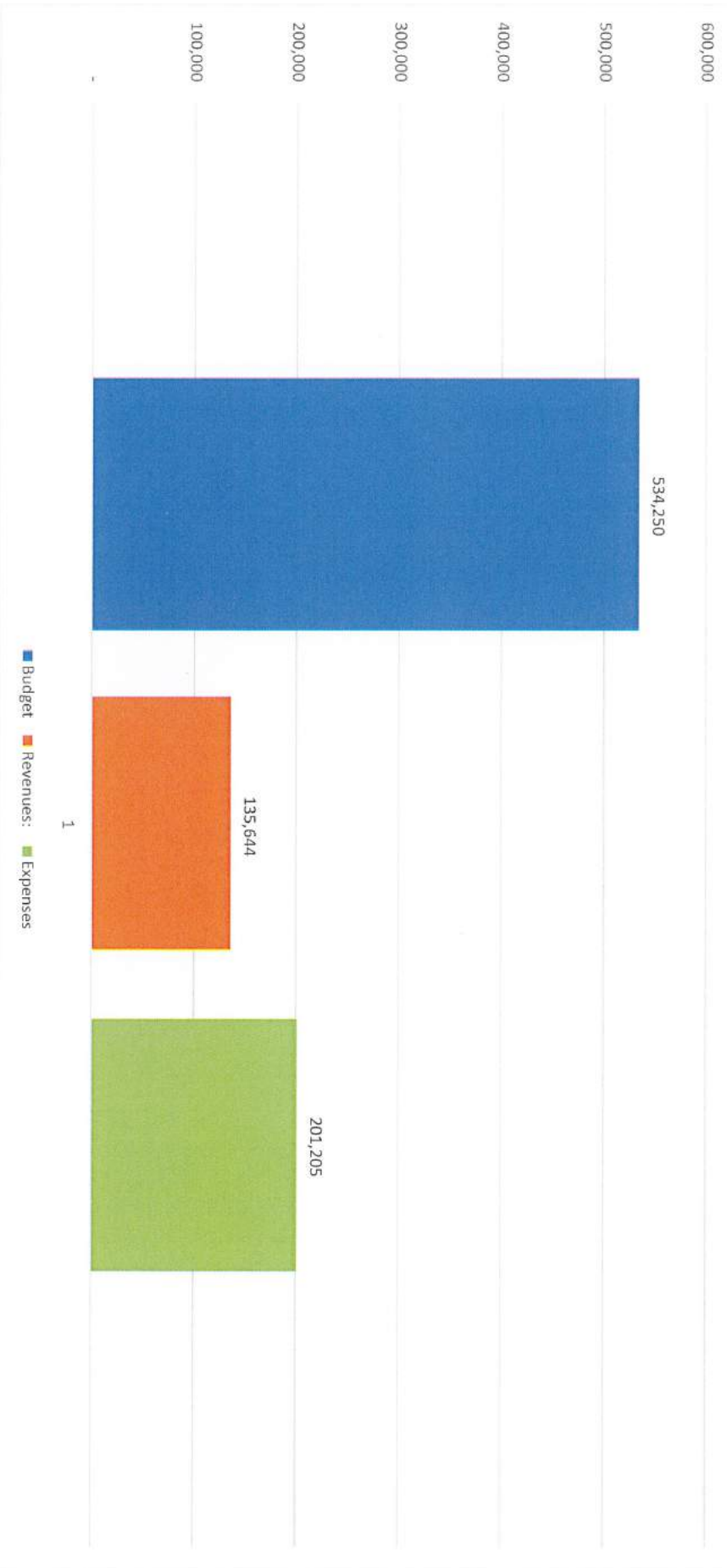
RE Collections: 2017 - 99.17% PP Collections: 2017 - 89.77%

RE Collections: 2018 - 60.01% PP Collections: 2018 - 60.66%

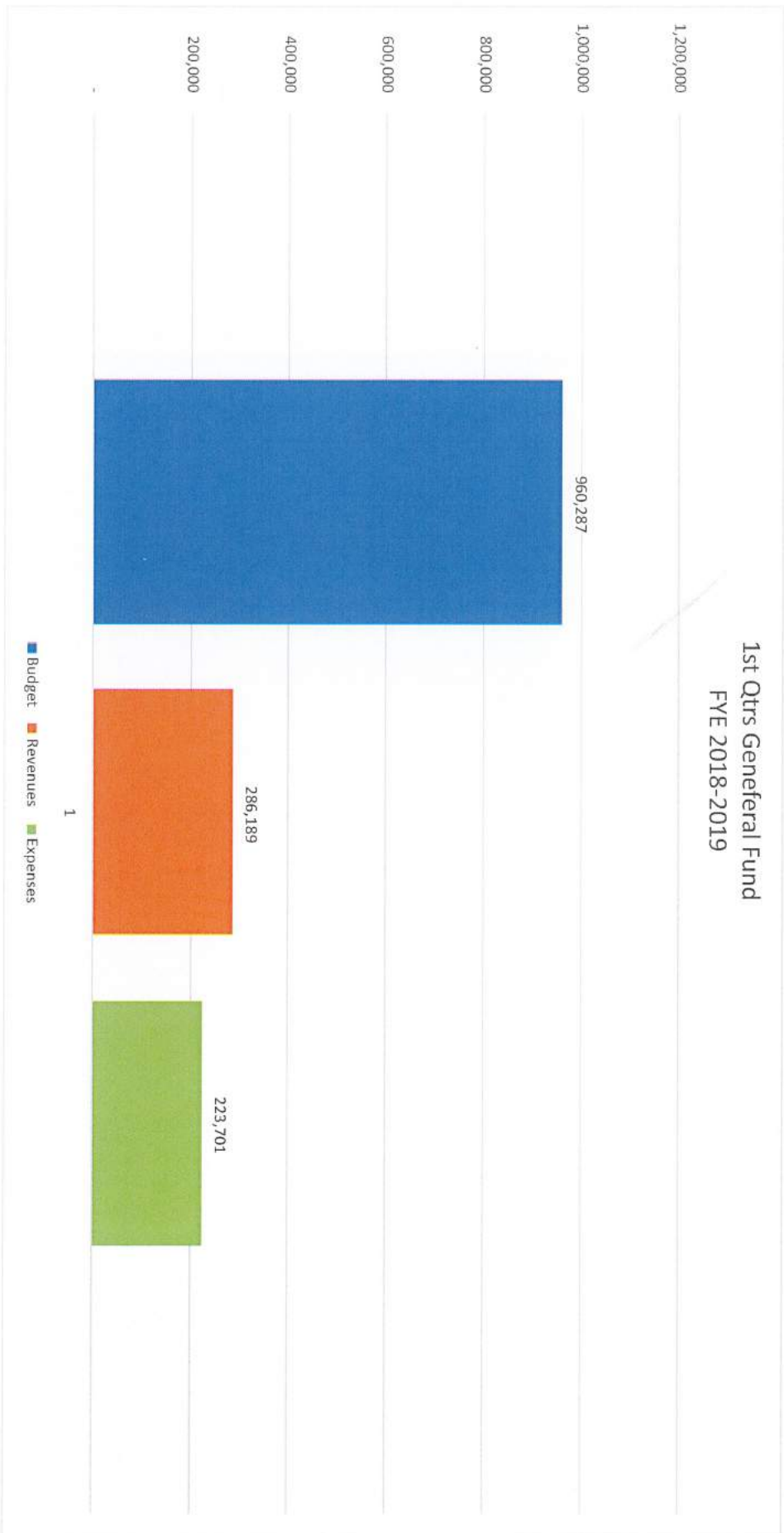
Bank Balances as of 11/02/2018

Bank of Clarke County	3,238.08
Capon Valley Bank General Fund	198,356.50
Capon Valley Bank CIP	116,239.68
Capon Valley Utility Fund	137,906.82
Capon Valley Utility Fund CIP	123,540.21
Capon Valley Bank Mulberry Account	2,165.64
BB&T General Reserve Fund	23,003.31
BB&T Utility Reserve Funds	11,754.36
BB&T Savings Account	9,528.30
BB&T CD (Peter B. Stickley)	11,552.57
Total Bank Fund Balances - Cash On Hand	637,285.47

1st Qtr 2018-2019
Utility Fund



1st Qtrs General Fund
FYE 2018-2019



Recommended changes and/or additions to Chapter 6, Article III of the Stephens City Town Code to support functions of the Office of the Fire Marshal

Sec. 6.62 Definitions-

Modification of (a)-

Wherever in the Virginia Statewide Fire Prevention Code or elsewhere in the Town code the term "chief of the fire department" or "fire chief" appears it shall be construed to mean the chief of the fire department of this Town, or such other person who may be exercising any of the powers and performing any of the duties of the chief of the fire department pursuant to an agreement entered into under the provisions of Section 6-16, or both such persons, as the case may be.

Note- There is no section 6-16 to be found in the Town code. Unsure what it was referencing.

Addition of (c)-

Wherever in the Town code the term "fire prevention code", "statewide fire prevention code", or "VSFPC" appears it shall be construed to mean the Virginia Statewide Fire Prevention Code together with the applicable fire prevention codes established in this chapter.

Sec. 6.63 Permits, inspections, fees

Modification of (a)-

The town council may establish and from time to time amend a schedule of fees to be paid for permits, certificates, and inspection required by the Statewide Fire Prevention Code. Any schedule so established shall be maintained on file in the office of the Town clerk and a true copy thereof shall also be maintained on file in the office of the Fire Marshal and the Town treasurer. When any such scheduled has been so adopted, the fees therein provided shall be payable to the town treasurer prior to the issuance of the applicable permits and certificates or making the applicable inspections.

Note- References below this section to VA state code 15.1-14 and 15.1-15 are unable to be found in the online VA code. Possible the information has changed code sections.

Sec. 6-64 Modifications

Recommend removing this section from town code completely as modifications that are allowed to specific code items are specifically addressed in the Virginia Statewide Fire Prevention code VSFPC Sec 106.5.

Sec 6-65 Appeals

Modification

Appeals concerning the administration, enforcement, interpretation, and/or application of this chapter by the Fire Marshal or Assistant Fire Marshal(s) shall follow procedures outlined in the VSFPC. Appeals from the application of the VSFPC by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

REQUIRED CHANGE TO CHAPTER 6, ARTICLE IV TO ESTABLISH TOWN FIRE MARSHAL OFFICE:

Section 6-88

Modification to section (c)-

There is hereby established for the Town the Office of the Fire Marshal. "Fire Marshal" shall be defined as a sworn law enforcement official responsible for investigating the causes of fires and explosions, enforcing fire-prevention laws set forth in this code and the Virginia Statewide Fire Prevention Code, life-safety inspections, and fire education to the public. The Fire Marshal shall serve as the 'fire code official' for the Town. "Assistant Fire Marshal" shall be defined as a sworn law enforcement officer to serve as the Fire Marshal's designated representative. The Office of the Fire Marshal shall consist of the Town Fire Marshal and a number of Assistant Fire Marshals as deemed appropriate by the Fire Marshal and Town Council. The Fire Marshal and Assistant Fire Marshal(s) shall be appointed by the Town Council. The Fire Marshal and Assistant Fire Marshal(s) for the Town shall have all of the powers, duties, and responsibilities as provided for under the Code for the Commonwealth of Virginia, as amended by the General Assembly from time to time, including those powers set forth in Chapter 3, of Title 27 of the Code of Virginia. The investigation into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed, investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, and environmental crimes shall be the responsibility of the Fire Marshal, his/her designated representative, the Assistant Fire Marshal(s), and legal counsel. The requirements in Chapter 6 of this code shall be administered and enforced by the Office of the Fire Marshal as referred to as the "Authority Having Jurisdiction." Subject to the provisions of Section 6-65 of this code, the Fire Marshal or Assistant Fire Marshal(s) shall interpret this Chapter and the provisions of the VSFPC, where necessary and that interpretation shall be binding and final. This section shall apply to all matters affecting or relating to structures, processes and premises as set forth in Sections 101 and 102 of the VSFPC.

TOWN OF STEPHENS CITY

COMMITTEE MEETING MINUTES

Committee: PARKS + RECREATION

Date: 10-29-18

Time: 5:30 P.M.

Attendance: MAYOR GRIM, RON BOWERS, GEE VAUGHT
LOU BIER, JASON NAUMAN, KELLY THATCHER,
DONNA STEWART, GARY FLETCHER, JACQUETTA OWEN

Approval of Minutes from prior meeting:

APPROVED.

Purposes/Subjects to be reviewed:

1. PROPOSED HOME TOWN CHRISTMAS PROGRAM.
2. VETERANS DAY CEREMONY

Brief of Committee Actions and Recommendations:

1. THE COMMITTEE APPROVED A CHRISTMAS PROGRAM SUBMITTED BY MRS OWEN.
2. NEWTOWN VETERANS CEREMONY IS NOW COMPLETE AND WILL BE HELD ON NOV. 12, 2018 AT 8 AM AT THE MEMORIAL.



Signature of Chairman

November 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 TOWN COUNCIL 7:00 PM	7	8	9	10
11	12 Veterans Day Office Closed	13 Personnel 4:30 pm	14 Public Works Water/Sewer 4:30 pm	15 NHF Committee 7:15 pm	16	17
18	19	20 HPC Meeting 5:00 pm	21 Thanksgiving Office Closes at Noon Finance 4:00 pm	22 Thanksgiving Day Office Closed Public Safety 5:00 pm	23 Thanksgiving Observed Office Closed	24
25	26 Parks & Recreation 5:30 pm	27 Planning Commission 7:30 pm	28 Finance 4:00 pm	29 Public Safety 5:00 pm	30	31

December 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 TOWN COUNCIL 7:00 PM	5	6	7	8
9	10	11 Personnel 4:30 pm	12	13	14	15
16	17 Parks & Recreation 5:30 pm	18 HPC Meeting 5:00 pm	19 Public Works Water/Sewer 4:30 pm	20 NHF Committee 7:15 pm	21	22
23	24 Christmas Eve Office Closed	25 Planning Commission 7:30 pm Christmas Office Closed	26 Finance 4:00 pm	27 Public Safety 5:00 pm	28	29
30	31					

To: Mayor Mike Grim
Members of Town Council

From: Chief Charles E. Bockey, Jr.

Date: November 5, 2018

Subject: Police Report for October 2018

The Stephens City Police Department responded to 673 calls for services during the month of October. We assisted the Frederick County Sheriff's Office with 50 calls, the Middletown Police Department with 7 calls and the Virginia State Police with 3 calls.

We wrote a total of 41 citations for the month. A breakdown of citations follows.

- 23 – Speeding
- 14 – Fail to Obey Signs
- 1 – No Operator's License
- 1 – No Decal
- 1 – Expired State Tags
- 1 – Driving Suspended

We spent approximately 21 hours in court for the month.

We wrote 10 incident reports for the month and had 2 arrests. A breakdown follows.

- 1 – Dog Killed
- 1 – Overdose
- 2 – Shoplifting
- 1 – Vandalism
- 1 – Welfare Check
- 1 – Recovered Stolen Property
- 1 – Assault & Battery
- 1 – Found Property
- 1 – Traffic Accident