

MIDDLETOWN TOWN COUNCIL  
MEETING MINUTES  
NOVEMBER 10, 2014

The Middletown Town Council Meeting was held in the Council Chamber, 7875 Church Street, Middletown, VA on Monday November 10, 2014 at 7:00 p.m.

**Town Council Present**

Mayor Charles Harbaugh, IV  
Councilor Carolyn Aliff  
Councilor John Copeland  
Councilor Tom Simon  
Councilor George Smith  
Councilor Carole Snyder  
Councilor Jeff Pennington

**Staff Present**

Municipal Clerk Christina Smith  
Chief of Police Phil Breeden

**1. Call to Order**

Mayor Harbaugh called the meeting to order at 7:00 p.m.

**2. Moment of Silence**

Mayor Harbaugh asked for a moment of silence.

**3. Pledge of Allegiance**

Mayor Harbaugh led those present in the Pledge of Allegiance.

**4. Roll Call**

All Councilors were present.

**5. Set Agenda**

Mayor Harbaugh made a motion to set the agenda. Councilor Simon amended the agenda under Public Works Committee asking for a vote to request a proposal for a water and sewer rate study. Councilor Aliff seconded the motion. All Councilors were in favor with the exception of Councilor Copeland.

**6. Citizen Comments**

Sherry Bohnenkemp at 90 Reliance Road states the parking ordinance is not business friendly and it is a government putting regulations telling me who can and cannot park in my lot and targeting a certain group of people, truck drivers for no reason. Liberty has been here longer than the people living behind the store. They knew that they were living behind a 24 hour convenience store with truck parking. If the ordinance is passed this encroaches on my rights as a business owner. Truck drivers spend money at the store in the upwards of \$40,000 and brings revenue to the Town. Some of the drivers are residents of the Town. It is law that drivers take a break. Liberty allows a safe place for drivers to rest and eat a good meal. A parking ordinance is not going to stop littering, peeing in a parking lot or prostitution if it is going on. This ordinance is nowhere on the agenda in August, September or October. She ask that the Council vote on the best interest of the Town and vote against this ordinance.

David Harrison at 305 Reliance Road Middletown states he is a truck driver that parks over there (Liberty) and has been for 25 years. Liberty is a good place to stop. He states he has been over there when Yancey has been over there confronting people and he has confronted him before and gotten in fights with truck drivers. Yancey has had his dog over there urinating on peoples wheels. You can get on Google map and look their property up (Yancey). His understanding is they (Yancey) lived up in Stephens City behind Athey trucking and they also complained about trucks up there but yet they move down here and by a place right by a place that has truck drivers. They live right on top of the interstate and you can hear the interstate 24 hours a day. It seems to me that the issue is the trucks not the noise. If you guys pass this ordinance you are going to have guys out on the interstate sleepy wrecking and killing people. He states he is not in favor of this ordinance.

Chuck Gurtler at 104 Anderson Avenue Winchester states he is here to represent Sherry and her business. He states there is a noise issue but Liberty has been there before them houses. He lives in a noisy area and you just have to get use to it if you choose to live near a 24 hour convenience store with truck parking. If this is passed (inaudible) He states as far as he is concerned this business should be grandfathered in and the ordinance should not be passed. He states he is not a truck driver but goes there to eat because the food is good.

Cecelia Orebaugh at 105 Clark Road Stephens City states she is her to speak for the truckers. The truckers are hard working men and women that haul items we need and use every day. Where would we be if we did not have them transporting our goods? She states she worked at Liberty and the guys would come in and ask “can we stay” I know the signs say 1 hour but our trucks are down and I am tired, hungry and will fall asleep out there. If those complaining don’t like the trucks why don’t they move instead of walking around the parking lot harassing the truckers? If you don’t like it then why move into a place where they have truck parking? Are you going to install parking meters and put 9 people in a kiosk to say how long someone has been here? There is nothing wrong with the store parking lot and it is business for the Town. The Town needs to drum up business not run businesses out of town. Is the Town going to allow one or two people who do not like the noise speak for the whole Town and pass this ordinance? The ones complaining use to come in to the store and laugh with the truckers so why the change? Is it personal?

Yancey Sine at 2130 Mark Drive states he wants to respond. He states he has nothing personal against her or the store. The problem started when the barriers were removed. This stuff about beating on doors and yelling at people is a lie. I had one driver cuss me and I was in my yard. I had one driver out there at 3 in the morning yelling helping someone back up. I went in that store for 6 years and yes I stood in there and talked to them people and I do not have anything against that store or the truckers and my dog never peed on anybody’s tires. I have more respect than to get up here and lie and I clean after my dog.

#### **7. Approval of Previous Council Meeting Minutes**

Mayor Harbaugh made a motion to approve the minutes from the October 14, 2014 Town Council meeting. Councilor Aliff seconded the motion. All Councilors were in favor and the Town Council minutes were approved.

#### **8. Report of the Facilities Committee**

Nothing to report at this time

**9. Report of the Personnel and Finance Committee**

Councilor Snyder Jones stated the Treasurer report is in the packet. Councilor Snyder Jones made a motion to approve the Town of Middletown Legal Notebook from Attorney David Griffin. Councilor Pennington seconded the motion. Mayor Harbaugh asked for a roll call vote.

Councilor Aliff – Yes  
Councilor Pennington – Yes  
Councilor Copeland – Yes  
Councilor Smith – Yes  
Councilor Simon – Yes  
Councilor Snyder – Yes

Motion carried 6-0

**10. Report of the Public Works Committee**

Councilor Simon made a motion to request a proposal for a formal rate study for our water & sewer rates. Councilor Smith seconded the motion. Mayor Harbaugh asked for a roll call vote.

Councilor Aliff – Yes  
Councilor Pennington – Yes  
Councilor Copeland – No  
Councilor Smith – Yes  
Councilor Simon – Yes  
Councilor Snyder Jones – Yes

Motion carried 5-1

**11. Report of Public Safety Committee**

Councilor Aliff stated nothing to report except for what is included in the packet.

**12. Report of the Ordinance Committee**

Councilor Pennington made a motion to approve “AN ORDINANCE TO AMEND SECTION 13-11 OF ARTICLE 1 OF CHAPTER 13 OF THE CODE OF THE TOWN OF MIDDLETOWN, VA for the purpose of establishing out of town water & sewer use requirements. Councilor Simon seconded the motion. Mayor Harbaugh asked for a roll call vote.

Councilor Aliff – Yes  
Councilor Pennington – Yes  
Councilor Copeland – Yes  
Councilor Smith – Yes  
Councilor Simon – Yes  
Councilor Snyder – Yes

Motion carried 6-0

Councilor Pennington made a motion to approve a motion to approve “AN ORDINANCE TO AMEND CERTAIN TOWN CODE SECTIONS PERTAINING TO PARKING and IDLING OF LARGE VEHICLES AND CAMPERS. Councilor Aliff seconded the motion. Mayor Harbaugh asked for a roll call vote.

Councilor Aliff – Yes  
Councilor Pennington – Yes  
Councilor Copeland – Yes  
Councilor Smith – No  
Councilor Simon – Yes  
Councilor Snyder Jones – No

Motion carried 4-2

**13. Report of the Planning and Zoning Committee**

Councilor Copeland made a motion to amend the Land Proffer Agreement with Frederick County. Councilor Aliff seconded the motion. Mayor Harbaugh asked for a roll call vote.

Councilor Aliff – Yes	Councilor Smith – Yes
Councilor Pennington – Yes	Councilor Simon – Yes
Councilor Copeland – Yes	Councilor Snyder – Yes

Motion carried 6-0

**14. Report of Special Committees**

Tree Lighting Ceremony November 28, 2014  
Christmas Parade December 7, 2014  
Gingerbread House Competition December 11, 2014  
Middletown Garden Club Holiday Home Tour December 14, 2014

**15. New or Unfinished Business**

Committee Meeting will be November 17, 2014 @ 7:00 p.m.  
Work Session Meeting will be December 1, 2014 @ 7:00 p.m.

**16. Petitions and Communications**

**17. Adjournment**

Mayor Harbaugh adjourned the meeting at 7:20 p.m.

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Christina Smith  
Town Clerk

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Charles H. Harbaugh, IV Mayor