

**MINUTES**  
**BERRYVILLE TOWN COUNCIL & CLARKE COUNTY BOARD OF SUPERVISORS**  
**Berryville-Clarke County Government Center**  
**Joint Meeting**  
**April 12, 2016**  
**7:00 p.m.**

**Town Council:** Present-Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; David Tollett; Bryant Condrey; Doug Shaffer

**Clarke County Board of Supervisors:** Present-Terri Catlett; Barbara Byrd; Bev McKay; David Weiss, Chair; Mary Daniel

**Town of Berryville Staff:** Present- Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Finance; Neal White, Chief of Police; Ann Phillips, Town Clerk

**Clarke County Staff:** Present- Davis Ash, County Administrator; Brandon Stidham, Director of Planning; Lora Walburn, Deputy Clerk- Board of Supervisors

**Press:** Adrian O'Connor and Josh Janney, Winchester Star

1. Call to Order

Mayor Kirby called the Town Council meeting to order at 7:00 p.m.

Chair Weiss called the County Board of Supervisors meeting to order at 7:00 p.m.

2. Closed Session

**Recorder Arnold moved that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711-A-5 Code of Virginia, in order to discuss a business that is considering locating in Berryville. Council member Shaffer seconded the motion which carried on the following vote:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain – None

**Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A-5 Code of Virginia, in order to discuss a business that is considering locating in Berryville. The motion carried on the following vote:**

Aye - Terri T. Catlett  
Barbara J. Byrd  
Beverly B. McKay  
David S. Weiss

Nay - None  
Absent - Mary L.C. Daniel  
Abstain - None

Citing conflict of interest, Supervisor Byrd recused herself from the closed session.

At 7:05 p.m., Supervisor Daniel joined the meeting.

At 7:43 p.m., the members of the Town Council being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened.

**Recorder Arnold moved that the following Resolution Concerning Certification of the Closed Session be adopted. Council member Shaffer seconded the motion which carried on the following roll call vote:**

Aye - Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay - None  
Absent - None  
Abstain - None

#### CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, 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 Committee 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 matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

  
\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

At 7:43 p.m., the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman McKay moved to reconvene in open session. The motion carried as follows:**

Aye- Terri T. Catlett  
Mary L.C. Daniel  
Beverly B. McKay  
David S. Weiss

Nay – None  
Absent – None  
Abstain – Barbara J. Byrd

**Vice Chairman McKay further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

**The motion was approved by the following roll-call vote:**

Aye- Terri T. Catlett  
Mary L.C. Daniel  
Beverly B. McKay  
David S. Weiss

Nay – None  
Absent – None  
Abstain – Barbara J. Byrd

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3. Pledge of Allegiance

4. Joint Public Hearing

**The Berryville Town Council and the Clarke County Board of Supervisors will hold a Joint Public Hearing to consider formal action on a revised Berryville Area Plan.**

Christy Dunkle, Assistant Town Manager/Planner and Brandon Stidham, Clarke County Planning Director provided an overview of the plan update process and PowerPoint presentation highlighting major changes in the Berryville Area Plan.

Public hearing speakers were as follows:

George Ohrstrom, 726 Wrights Mill Road, Berryville, said the Berryville Area Development Authority, of which he is a member, thinks the revised plan is a good plan. He thanked staff for the work in completing the update.

Bonnie Echols, 400 Custer Court, Berryville, read from a handout citing flaws in the Berryville Area Plan. She said the plan should be referred back to the BADA and Planning Commission to address local shopping, affordable housing, and discrimination against seniors.

Alton Echols, 400 Custer Court, Berryville, said a comprehensive plan is mandated to provide affordable housing. He added that retail growth has been excluded at Food Lion and encouraged Council to seek an Attorney General opinion on the matter.

Sharon Strickland, 312 Early Drive, Berryville, read remarks from Daniel Garrett of 303 Archer Court, Berryville, who was unable to attend the meeting. The remarks referenced a discriminatory provision against affordable senior housing and the belief that a 60-unit project is not buildable because of economy-of-scale in construction costs.

Robina Bouffault, 1823 Old Winchester Road, Boyce, said she was a BADA member from 2002-2008. She said this plan is a huge improvement over the previous version, and complemented staff on the good work in drafting the plan. She cautioned that the wastewater treatment plant capacity may play a role in limiting future development.

No others wished to speak. Chairman Weiss praised the staff for the good work on the plan. He said he views the plan as a road map to future development.

**At 8:18 p.m. the public hearing was closed on a motion by Council member Kitselman, seconded by Council member Shaffer, and passed.**

5. Board of Supervisors Adjourn

At 8:20 p.m., Chairman Weiss adjourned the Board of Supervisors meeting.

Mayor Kirby noted the flower arrangement placed at the Press table in honor of late Winchester Star reporter Val Van Meter. He said Val had been a faithful attendee at Council meetings, and that she was being honored and remembered by the Council.

The Board of Supervisors left the meeting room.

6. Public Hearing

**Proposed Tax Rates for 2016**

Public hearing speakers were as follows:

Pat Dickinson, 413 Montgomery Court, Berryville, said the Budget and Finance Committee has proposed a budget of \$6,207,349 with a revenue deficit of about \$19,000 that requires an increase in tax rates.

Ms. Dickinson said that not all assessments had gone down and that some residents would be paying more in taxes.

Alton Echols, 400 Custer Court, Berryville, said that taxes have gone up the last two years. He questioned the \$25,000 allotted to Berryville Main Street and the \$70,000 allotted to the County for an EMS position which he said is not the Town's job to fund. He repeated his request for Council to seek an Attorney General opinion regarding retail growth at Food Lion.

Wayne Webb, 510 Ewell Court, Berryville, said he was going to whine and complain about the tax increase. He said the Town does not need this much money and that this is an insult to folks in the community.

Erecka Gibson, 409 Montgomery Court, said she was not pleased with the tax rate increase or the way it was advertised. She thanked Council member Condrey for his efforts on this matter.

The public hearing was closed on a motion by Council member Tollett, seconded by Council member Condrey, and passed.

7. Approval of Minutes

**Upon motion of Recorder Arnold, seconded by Council Member Tollett, the minutes of the March 8, 2016 meeting were approved as follows:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain - None

**Upon motion of Recorder Arnold, seconded by Council Member Kitselman, the minutes of the March 15, 2016 work session were approved as follows:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain - None

**Upon motion of Recorder Arnold, seconded by Council Member Kitselman, the minutes of the March 16, 2016 work session were approved as follows:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain - None

8. Citizens' Forum

Citizens' Forum speakers were as follows:

Kimber Herron, 1146 John Mosby Highway, said he was representing the Farmers' Market which will operate on Saturdays from May 7 through October 29, and this year will include Hill High BBQ as a regular vendor along with many other meat and vegetable producers. He said the Farmers' Market will be featured as part of the Top of Virginia Artisan Trail. He thanked the Town for assigning a street address to the Market location which will help with visitors wanting to find the Market.

Alton Echols, 400 Custer Court, Berryville, said he was appearing on behalf of his client, Mr. Wang, regarding the property in front of Food Lion. He thanked the Town Planner and Town Manager for placing his concern about convenience store square footage on the agenda, saying he has an operator who will work with 3000 square feet. He again suggested the Town seek an Attorney General opinion.

Donna McDonald, 101 Cameron Street, asked what we are doing for our citizens. She said lots of people want things including lighting and safety. She spoke about taxes saying she had been told Town taxes were for trash pickup and police. Ms. McDonald said she did not personally need the police, and she takes her trash to the landfill herself.

Elizabeth Mock, 10 Farmers Lane, said she is the owner of Modern Mercantile, but was representing Berryville Main Street. She said an upcoming event is a Classic Car Cruise-In on August 27. She added that Berryville Main Street has participated in economic vitality training, re-published the Go-To Guides for residents, and produced a newsletter. Ms. Mock added that Berryville Main Street volunteers will be preparing the planters around Town with plants donated by Rivers Edge Landscaping, and will have a booth at the Blandy Farm Mothers' Day festivities handing out literature and information about Berryville and its merchants. She noted that classes are available at the Fire House Gallery, and that the Gallery's sales are up.

9. Report of Wilson Kirby, Mayor

The Mayor said when a party performs work in the VDOT right-of-way, they are required to provide surety and proof of adequate insurance, and if the party is a local government, VDOT addresses this matter in a blanket resolution. He said VDOT requests that the Town adopt the suggested resolution. **Recorder Arnold moved that the Council of the Town of Berryville adopt the following VDOT Land Use Permit Resolution. Council member Kitselman seconded the motion which carried as follows:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain - None

**VDOT Land Use Permit Resolution  
Town of Berryville**

**WHEREAS**, it becomes necessary from time to time for the Town of Berryville to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

**WHEREAS**, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Berryville by the Virginia Department of Transportation of said permits for the work aforesaid;

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Berryville Town Council this 12th day of April 2016:

**Section 1** : That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Berryville does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Berryville and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the Public Works Director or designee, be, and hereby is authorized to execute on behalf of the Town of Berryville all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the Town of Berryville shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

**BE IT STILL FURTHER RESOLVED** that the Town Treasurer or designee, be, and hereby is authorized

and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the Town of Berryville Town Council at its regular meeting held on 12 April 2016 in Berryville, Virginia.

  
Wilson Kirby, Mayor

  
Harry Lee Arnold, Jr., Recorder

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10. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle said Hip and Humble Interiors (Tom McFillen, Agent) has requested a Special Use Permit for retail sales incidental to manufacturing, production, or related use as regulated in Section 609.3(h) of the Berryville Zoning Ordinance for the property located at 401 East Main Street. She said the Planning Commission held a Public Hearing on March 22, 2016. By consensus, Council set a public hearing for May 10, 2016.

Ms. Dunkle said per Council’s request, the Planning Commission has continued the discussion on the convenience store use in the BC district, and have set a public hearing to consider the updated uses in the Business Commercial Zoning District under Section 610.2(b) and a definition of “convenience store” for their next meeting scheduled for April 26, 2016. By consensus, Council set a public hearing on this matter for May 10, 2016.

Ms. Dunkle said the applicant of the original text amendment concerning convenience stores has requested Town council action at this meeting for a maximum of 3,000 square feet which was the original recommendation made by the Planning Commission in September. **Council member Kitselman moved that the Council of the Town of Berryville adopt the attached ordinance amending Article VI, Section 610.2(b) of the Berryville Zoning Ordinance in order to allow up to 3,000 square feet of gross floor area for a convenience store as an accessory use to auto service and repair (including gas stations). Council member Shaffer seconded the motion which carried as follows:**

- Aye – Wilson Kirby
- Harry Lee Arnold, Jr.
- Bryant Condrey
- Allen Kitselman
- Douglas Shaffer
- David Tollett

- Nay – None
- Absent – None

AN ORDINANCE AMENDING  
ARTICLE VI, SECTION 610.2(B)  
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Additional Districts, Business Commercial (BC) Zoning District, Section 610.2(b), of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI

610.2 PERMITTED USES

- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than 3,000 square feet of gross floor area) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.

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Ms. Dunkle noted the Artisan Trail mentioned earlier and said that she, Peter Miller, and Len Capelli are now on the Artisan Trail Board representing Berryville and Clarke County.

Ms. Dunkle said that a new 60 unit senior multi-family project plan is going before the Planning Commission.

Ms. Dunkle noted that work continues on the Tourism Zone with a final draft of Tourism Zone documents and a first draft of proposed modifications to Section 609 L-1 Industrial of the Berryville Zoning Ordinance scheduled to be presented at the May Council meeting.

11. Report of Keith Dalton, Town Manager

Mr. Dalton noted the sudden loss of Winchester Star reporter Val Van Meter. He said he had known Val for many years and that she will be sorely missed by the Town and County.

12. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison

Council member Kitselman said the next BADA meeting will be May 4, 2016.

13. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee

**Recorder Arnold moved that the Council of the Town of Berryville adopt the following Ordinance setting the tax levies for tax year 2016 amending the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property. Council member Shaffer seconded the motion.**

TOWN OF BERRYVILLE  
TOWN COUNCIL  
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2016

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2016 there is hereby levied:

(1) A tax of \$.19 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;

(2) A tax rate of \$1.25 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;

(3) A tax rate of \$1.30 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

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Council member Condrey made a presentation regarding the amount of contingency in the proposed budget. **Council member Condrey moved that the previous motion be amended by changing the tax on all real estate from \$.19 to \$.186 per \$100 assessed value. Council member Tollett seconded the motion.** There was a brief discussion of the contingency funds and the tax rates. The motion failed on the following vote:

Aye – Bryant Condrey  
David Tollett

Nay – Wilson Kirby  
Harry Lee Arnold, Jr.  
Allen Kitselman  
Douglas Shaffer

Absent – None  
Abstain – None

**Recorder Arnold's original motion setting tax levies was voted on:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Allen Kitselman  
Douglas Shaffer

Nay – Bryant Condrey  
David Tollett

Absent – None  
Abstain – None

**Recorder Arnold moved that the Council of the Town of Berryville adopt the attached resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2016. Council member Kitselman seconded the motion which carried as follows:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain – None

Town of Berryville  
Resolution  
To Provide for the Implementation of the 2004-2005  
Changes to the Personal Property Tax Relief Act of 1998  
For the Tax Year 2016

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 505) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act ("the 2005 Appropriations Act"); and

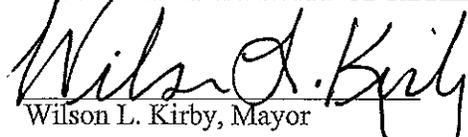
WHEREAS, the legislative enactments require the Town to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the Town of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

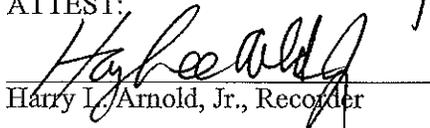
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2016, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at less than \$1,000 will be eligible of 100 percentage of tax relief set by the Town Council during its annual budget deliberations.
2. Personal use vehicles valued between \$1,001 and \$20,000 will be eligible for 70 percentage of tax relief set by the Town Council during its annual budget deliberations.
3. Personal use vehicles valued at \$20,001 or more will be eligible for 70 percentage of tax relief on the first \$20,000 of assessed value set by the Town Council during its annual budget deliberations.
4. All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal property tax relief under PPTRA.

PASSED THIS 12th DAY OF APRIL 2016.

  
Wilson L. Kirby, Mayor

ATTEST:

  
Harry L. Arnold, Jr., Recorder

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Recorder Arnold moved that the Council of the Town of Berryville set a Public Hearing on the FY 16-17 Budget for May 10, 2016. Council member Kitselman seconded the motion which carried as follows:

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain - None

There was a discussion of VRS Employer Retirement Contribution Rates.

14. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee

On a motion by Council member Condrey, seconded by Council member Kitselman, the minutes of the Community Improvements Committee meeting on March 29, 2016 were approved.

15. Report of Douglas A. Shaffer – Planning Commission Liaison

Council member Shaffer had nothing to add.

16. Report of David Tollett – Chair, Police and Security Committee

Council member Tollett said the Police and Security Committee will meet again on April 28, 2016.

17. Report of Wilson Kirby – Chair, Streets and Utilities Committee

On a motion by Council member Shaffer, seconded by Mayor Kirby the minutes of the Streets and Utilities Committee meeting on March 24, 2016, were approved.

Mr. Dalton noted that after winter some streets were identified as needing more immediate repair as reflected in the Street Work Priorities draft. **Council member Shaffer moved that the attached Street Work Priorities for FY 17 be approved and that the Streets and Utilities Committee be authorized to make adjustments as needed throughout the year. Council member Condrey seconded the motion which carried as follows:**

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain – None

Street Work Priorities FY 2017  
3/15/16 Draft

<u>VDOT Reimbursement Limit</u>	\$ 474,787
 <u>Work Items</u>	
Patch/Repair trouble areas in streets	\$ 20,000
Sidewalk repair	\$ 10,000
Engineering	\$ 5,000
Public Works Improvements	\$ 63,563
Equipment Purchase/Maintenance/Repair (purchase dump truck & 10' Plow (115,000), 8' plow (6,000), and dump bed (4,500). Maintenance (23,500)	\$ 150,000
Routine Maintenance (snow removal, tree trimming, drainage ditch cleaning, street cleaning etc.)	\$ 100,000
 <u>Subtotal</u>	 \$ 348,563
<u>Available within Reimbursement (\$474,787 – 348,563)</u>	<u>\$ 126,224</u>
 <u>Specific Repair Work Priorities</u>	
 <i>Summer and fall (2016)</i>	
Academy Court	\$ 16,224
Total Summer/Fall (2016)	\$ 16,224
 <i>Spring and summer (2017)</i>	
Jack Enders Blvd. (Williamstead Lane to ETM)	\$ 110,000
Total Spring/Summer (2015)	\$ 110,000
 <u>Remaining within Reimbursement</u>	 \$ 0

Note: Proceeds from sale of three Public Works trucks will return to the General Fund.

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18. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee  
Recorder Arnold reported that all positions are currently filled.

19. Other

Council member Kitselman voiced his displeasure with campaign pamphlets for Town Council candidates which are being circulated around Town. He said the pamphlets were full of inaccuracies and suggested that the candidates learn more about the Town's vision and planning. He explained the basis for the water and sewer rates being the Chesapeake Bay initiative and its requirement for water treatment standards in the region.

20. Closed Session

At 9:26 p.m., Recorder Arnold moved that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711-A-6 Code of Virginia, in order to consult with legal counsel and staff regarding probable litigation. Council member Shaffer seconded the motion which carried on the following vote:

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None  
Absent – None  
Abstain - None

At 10:10 p.m., the members of the Town Council being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened. Recorder Arnold moved that the following Resolution Concerning Certification of the Closed Session be adopted. Council member Shaffer seconded the motion which carried on the following roll call vote:

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Bryant Condrey  
Allen Kitselman  
Douglas Shaffer  
David Tollett

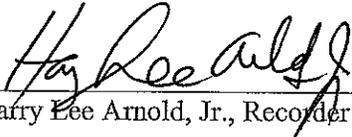
Nay – None  
Absent – None  
Abstain – None

#### CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, 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

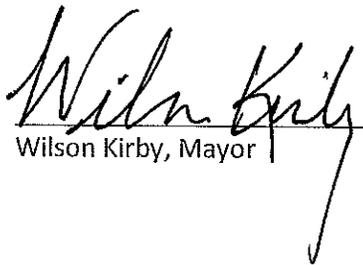
WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

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 matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

  
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Harry Lee Arnold, Jr., Recorder

21. Adjourn

There being no other business, upon motion of Council member Tollett, seconded by Council member Kitselman, the meeting was adjourned at 10:11 p.m.

  
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Wilson Kirby, Mayor

  
\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL**  
**Streets and Utilities Committee**  
**Wednesday, April 27, 2016**  
**Berryville-Clarke County Government Center**  
**9:00 a.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Wilson Kirby, Chair; Doug Shaffer

**Staff:** Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Dave Tyrell, Director of Public Utilities

**Press:** None

**Pubic:** Alton Echols

1. **Call to Order**

Chair Kirby called the meeting to order at 9:00 a.m.

2. **Discussion – Update, Public Utilities**

Mr. Tyrell updated the Committee on the recent accident involving a Dept. of Utilities dump truck. He then provided an update on the GE Conference and on energy saving changes that he wants to employ at the waste water treatment plant. He discussed the water plant roof and skylights. Mr. Tyrell completed his update with discussion of variable frequency drive on water treatment plant finish pumps.

3. **Discussion – Update, Public Works**

Mr. Dalton said the Battletown Drive water main upgrade is expected to begin within 60 days. He provided an update on the Academy Court water main project. He updated the Committee on paving work on the following streets: South Church between Swan Avenue and Taylor Street; Byrd Avenue (a small portion); Ashby Court; Stuart Court; and Lincoln Avenue.

Mr. Boor updated the Committee on the South Buckmarsh Street water system work. He said work on crosswalks at Main and Buckmarsh Streets and Main and Church Streets will start soon, perhaps in May.

4. **Closed Session**

No closed session was scheduled.

5. **Other**

Mr. Shaffer asked about the Swan Avenue sidewalk project. Mr. Dalton said the bids had come in well over budget and the schools were reviewing their options.

Mr. Dalton discussed the Clarke County Transportation Plan. The Committee agreed to further discuss the Plan at its next meeting.

Mr. Shaffer asked about on-going work at Clarke County High School. Mr. Dalton stated that a sinkhole was being remediated.

Alton Echols asked to be recognized and Chair Kirby permitted Mr. Echols to address the Committee. Mr. Echols said the Town needs to permit one availability fee for each block of senior quadplexes that he wishes to develop. Chair Kirby asked Mr. Echols to make a formal request and submit it to Town Council.

Mr. Dalton updated the Committee on two easement issues.

The committee adjourned at 10:05 a.m.

**BERRYVILLE TOWN COUNCIL**  
**Police and Security Committee**  
**Thursday, April 28, 2016**  
**Berryville-Clarke County Government Center**  
**6:00 p.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Dave Tollett, Chair; Bryant Condrey

**Staff:** Keith Dalton, Town Manager; Neal White, Chief of Police

**Press:** Jim McConville, Winchester Star; WHAG staff

The meeting was called to order at 6:00 pm by Committee Chair Tollett.

Chief White updated the committee on department staffing, saying Investigator Greg Frenzel will retire from the department at the end of May 2016, and that he has already begun the process of filling Frenzel's position. Chief White also advised that Don Mason will graduate from the basic law enforcement academy on May 25, 2016. He said all positions in the department, with the exception of a frozen position, are currently filled.

Chief White briefed the committee on a project the department is working on to outfit officers with injectable Naloxone, a medication used to reverse the effects of opioid overdoses. He said the Virginia Attorney General's Office has a revolving grant to supply law enforcement departments with Naloxone for rapid intervention during overdose emergencies. He said the grant supplies the department with the medication and auto-injector, all 100% paid through the grant, and includes a one hour training session at no additional cost other than employee time. Chief White said the Clarke County Sheriff's Office has already received twenty kits, which have two medication doses each. He said in working with the Sheriff's Office, they would give the Town police department eight of the units and moving forward, the Sheriff's Office and the Town police department would apply for grants as a joint effort. He added that the medication does expire, so the grant cycle is constantly open and applications would be sent a few months before in stock units are set to expire. Chief White said the training has been set for the third week in May so that all sworn officers in the department and Sheriff's Office would be ready to deploy with the devices. He added that liability is covered under the Good Samaritan Act in the Code of Virginia, which was recently updated to include a subsection specifically concerning the administration of opioid reversal medications by law enforcement.

Chief White noted one potential concern of cost to the agency if grant funding expires. He said in conversations with the Attorney General's Office, the funding is through the manufacturer of the devices whom also sell the product to the general public. He said the funding for this initiative seems to be long term, but the cost of the units to the public is around \$750.00. He added if the funding were to expire and the project continued at the department, there could be significant annual expenses. The committee was briefed that in the past eighteen months, the department has responded to six opioid overdose injuries, none of which was fatal. It was recommended that this project be put forth to the entire Council at the next meeting for discussion and action.

Chief White briefed the committee on steps taken so far to secure automatic external defibrillators (AED) for deployment on patrol. This item was discussed during the last budget sessions for the current budget, and deemed to be a high priority. Chief White said he has been searching for grant opportunities for funding, but to this point has been unsuccessful. The AED sought would be a Physio Control Life Pak, which is a derivation of the devices used by EMS in the area. He said this is important because the device and accessories would be interchangeable between law enforcement and EMS. He added the cost for a unit is \$2,500.00. Chief White said the AED comes with a five year warranty, and he does not feel that an additional maintenance program is necessary based on the warranty provisions and internal diagnostics that the device runs. He said a general order has already been developed for this program where the AED would be part of the equipment that officers would daily check out from the office and place in their cruiser. He added that all officers already receive training on the use of AED and CPR every two years from the American Heart Association. It was recommended that this item be put before the Council at the next meeting for discussion and action. Chief White will continue to look for potential grant funding as another opportunity was recently brought to his attention.

Chief White updated the committee on progress with the new regional law enforcement academy. He said on May 12, 2016 Sheriff McEathron (WCSO) and Sheriff Roper (CCSO) will be in Richmond before the DCJS Board for final approval, and all indications are that they will come back from this meeting with formal approval for the split from Rappahannock and creation of the new academy. He said work is still being done on the construction of the new academy and the project timeline would have the academy ready to open in July of 2017.

The committee was then presented documents concerning grade and step programs from other jurisdictions in the region. The committee continues to investigate and research the potential to institute a grade and step program for the police department. The committee reviewed the documents briefly and wanted to take more time to absorb the information. This item will be further discussed at the next committee meeting.

The committee discussed revisions to Chapter 8 of the Town of Berryville Ordinances. This chapter deals with garbage and refuse. Chief White had prepared a document which outlined some of the text within the ordinance that needs revision. The chapter has not been reviewed since the town went to private contractors for collection. Chief White and Mr. Dalton had also reviewed several ordinances from other jurisdiction looking at best practices that may be worth including into the Berryville Ordinance. Chief White supplied a list of these sections for review by the committee. After some brief initial discussions, the committee decided to continue to work on the ordinance and supply comments to Chief White in thirty days. Chief White and Mr. Dalton will work on a draft revision for presentation at the next meeting.

In other business, Councilman Condrey reported that he has received some concerns about speeding along South Buckmarsh Street and East Main Street. He inquired if there were any passive measures that should be considered for implementation along these areas such as additional speed limit signage and in the case of South Buckmarsh Street, lane markings. It was noted that after the most recent paving and re-marking on South Buckmarsh Street left the lanes with a wider appearance and potentially give motorists the impression that they are not driving as fast as they actually are. It was noted that both of these roadways are under the

control of VDOT, so they will be consulted about the potential for the institution of some passive measures to help in the reduction of speeds.

The committee will meet again on June 30, 2016 at 06:00 pm.

With no further business, the meeting was adjourned at 7:15 pm.