

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
August 8, 2017
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett
Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Chief Neal White, Berryville Police Dept.; Ann Phillips, Town Clerk
Other: Brian Lichty, Clarke County EMS Director
Press: Cathy Kuehner

1. Call to Order

Mayor Dickinson called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Council member Kitselman, seconded by Council member Gibson, the agenda was approved as presented unanimously.

4. Public Hearing

No public hearing was scheduled.

5. Citizens' Forum

The speakers were as follows:

Patty Maples, President of Berryville Main Street, provided an update on the organization's activities.

Bob Nunn, Town Resident, said a poll of his fellow citizens indicated that money is a big concern. He said that Berryville is small and must be careful spending what it has. He said the Council had recently cut the contribution to the fire department by \$35,000 and instead considered spending \$9000 to paint the word "Berryville" on a water tower that is only visible for a few seconds by motorists going east to west.

He asked the Council to gather some common sense and think about the best use of the money available. He asked that the Council keep the needs of the Town in mind, and not the whimsical desires of a few.

Dennis Couture, Town resident, said he loves the Town and just moved in to his home which is within 12' of U.S. Route 340. His observation is that there is a lot of speeding, adding that the Police Department is doing a good job with monitoring. He asked if anything is being done to address the problem as it is safety concern.

6. Consent Agenda

The consent agenda was unanimously approved on motion of Recorder Arnold, seconded by Council member Gibson.

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson said she attended a VML leadership academy on budgeting. She offered to share the program materials with anyone interested.

Mayor Dickinson said the State Legislature has started an initiative for 2018 to commemorate the 100th anniversary of the end of WWI, and the 75th anniversary of WWII. She said several organizations have expressed interest in commemorating the event. She proposed an ad hoc committee of up to seven members be formed to plan the events. Mr. Dalton said there is an opportunity to have the Profiles of Honor Tour mobile museum in town as part of the commemoration.

8. Report of Harry Lee Arnold, Jr, Recorder

Recorder Arnold had nothing to report.

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

Ms. Dunkle noted several action items.

Council member Gibson moved that the Council of the Town of Berryville approve the request to set the following bonds for the Connexion development located at 450 Mosby Boulevard and identified as Tax Map Parcel number 14A7-((1))-41 as follows: Public Improvements \$136,727.50, Erosion and Sediment Control \$56,768.75, for a total of \$193,496.25. Council member Kitselman seconded the motion which carried as follows:

Aye:	McDonald, Kitselman, Gibson, Tollett, Arnold
Nay:	None
Abstain:	Dickinson
Absent:	None

After discussion of the site plan including lighting, and comments by Don Riesgraf, Owner, DBSR LLC, regarding his outdoor storage proposal, a public hearing was set by consensus for the September 12, 2017, meeting.

By consensus, a public hearing on text amendments to the Town Zoning Ordinance to remove references to the Town Stormwater Ordinance following the repeal of the Town's Stormwater Ordinance was set for September 12, 2017.

By consensus, a public hearing on text amendments to the Town Zoning Ordinance to repeal and readopt Section 322 to align with State regulations was set for September 12, 2017.

Ms. Dunkle reviewed the items in the Planning and Community Development staff report.

10. Report of Keith Dalton, Town Manager

Mr. Dalton noted the July 24 event at Rose Hill Park where the Democratic Caucus held a news conference and made an announcement. He said he was proud of how Berryville was represented on the national stage and thanked staff members, particularly Christy Dunkle and Chief Neal White, involved in assisting with the event. He added that Berryville is seen by others as a genuine part of small town America, and is a special place.

Mr. Dalton noted there were two outstanding issues related to the Water Tank Project. Mayor Dickinson said the painting of the word Berryville on the tank did not have to be addressed until the next budget year. Recorder Arnold said the topic has been before committees and Council several times and needs to be decided. Council member McDonald said she wanted to re-introduce her motion to add the word Berryville to the northwest water tank. She said painting the name on the tank will attract people to town and benefit the town. Council member Gibson said she had recently seen a television program featuring a Berryville business and the southeast water tank was included in the video. The Mayor asked if there were a second to the motion. There was no second.

The Council discussed funding the tanker task force during the period when the ground reservoir is down for painting. Mr. Dalton noted that the \$15,000 cost is based on the longest expected project duration, and that costs may be lower if the project is completed sooner. He also noted that it could be more if for some reason the tank work takes longer than expected. Council member Tollett inquired about fire protection during the project, and Mr. Dalton provided scenarios. **Recorder Arnold moved that the Council of the Town of Berryville authorize \$15,000 be spent out of the water contingency fund to pay Clarke County for the full time tanker driver during daytime weekday hours during the ground reservoir painting project. Council member Kitselman seconded the motion which carried as follows:**

Aye:	McDonald, Kitselman, Gibson, Tollett, Arnold
Nay:	None
Abstain:	Dickinson
Absent:	None

Recorder Arnold noted the guarantee that if Tanker 1 is down, another tanker would be brought in and based at Enders Fire Company, which was confirmed by Brian Lichty, Clarke County EMS Director.

11. Report of Erecka Gibson - Chair, Budget and Finance Committee

Council member Gibson had no report.

12. Report of Donna McDonald - Chair, Community Improvements Committee

Council member McDonald had no report.

13. Report of David Tollett – Police and Security Committee

Chief White said that National Night Out, organized by Officer Shoremount, was a well-attended success. Recorder Arnold said that he heard from citizens that the band was a popular addition to the event.

14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee

Mayor Dickinson said Carl Maples had made a presentation to the Committee. She said it was the third time he had been before Council. The Mayor quoted letters written in 2014 and 2015 by Mr. Dalton in response to Mr. Maples. She said the question Mr. Maples wants answered is was the 1947 dedication of Wheeler Lane valid. She said she would like the question to be forwarded to Town Attorney Robert Mitchell, and added that if the answer is yes, has the dedication ever been vacated.

Council member Kitselman asked how much the Town has spent in attorneys' fees on this issue thus far. Mr. Dalton said that about \$1200 has been spent. Council member Kitselman inquired whether the attorneys have reviewed the matter and given the Town advice. Mr. Dalton said that the first letter

mentioned by the Mayor was reviewed by attorney Michelle Jones in the absence of Mr. Mitchell, and the second letter was reviewed by Mr. Mitchell. The Mayor said the issue is being revisited because the original question was not answered. Council member Kitselman asked what representation has been offered to the other party involved. Mayor Dickinson said that Mrs. Slattery was at the Committee meeting, and has requested to address the Committee at its September meeting. She said that Mrs. Slattery's attendance at the September meeting should not delay asking a simple question. Recorder Arnold said it may be better to wait and see if Mrs. Slattery has a question that should be posed to the attorney. Council member McDonald asked who owns the property. The Mayor said the explanation of the ownership took an hour to present at the Committee meeting. Council member Kitselman said this sounds like a legal matter between two property owners, and the Council does not need to put the Town in the middle of the issue which will be best resolved by the Court. Mayor Dickinson said the Town is in the middle of it with the question of a dedicated street. She said this is a very simple question and she thinks the Town has the responsibility to seek an answer from Mr. Mitchell. Council member Kitselman said that if the Town is allowing this property owner to ask a question of the Town attorney then it is only fair to wait until the next meeting and let the other property owner have a chance to ask a question. He said grouping the questions together is a more efficient use of the attorney. Mayor Dickinson said the question stands on its own, and if Mrs. Slattery has a question that can be addressed separately. Recorder Arnold said he had the opportunity to hear the presentation at the Committee and he does not see the urgency to contact the attorney before hearing from Mrs. Slattery. He asked whether Clarke County had reviewed the issue, and the Mayor said she had no idea. Mr. Dalton said that included in the Committee agenda packet was a letter written by Mr. Mitchell for the County on September 23, 2016, and he read the letter out loud at the request of Council member McDonald. He said the question at that time was whether the tax map accurately represented the situation. The Mayor said the letter did not answer the original question.

Council member McDonald asked who originally owned the property in question. Mayor Dickinson said she does not want to get down the rabbit hole of who owns it, but wants to know if it was dedicated. She said if it was dedicated in 1947, then ownership is different than if it were dedicated under the subdivision act of 1956. Recorder Arnold said the letter from Mr. Mitchell just read by Mr. Dalton mentioned the parcel being part of a tax map. He said if the area was a street accepted by Berryville, it would not be part of a tax map parcel, and wouldn't be taxed. Mayor Dickinson said tax maps have been wrong in the past. She said the question before the Council is whether the 1947 dedication of Wheeler Lane valid. She said it is a simple question and will not take very long for Mr. Mitchell to answer. Recorder Arnold said he was in favor of waiting to hear from Mrs. Slattery before consulting Mr. Mitchell. The Mayor said she thinks answering the question now could help Mrs. Slattery with her comments in September.

Council member Kitselman said he is in favor of waiting to hear from Mrs. Slattery and he thinks the Council should direct legal counsel to advise how not to put the Town in the middle of a court case. Recorder Arnold asked if the two property owners could work together to get the question answered. The Mayor responded that there is a civic responsibility to get the question answered, because if the dedication was valid, then the Town has a responsibility to see it as a dedicated paper street. Recorder Arnold asked if the answer is yes, then will the Town be maintaining the street. Mayor Dickinson said it is not about ownership and not about maintaining the street, it is about the dedication of the street in 1947. Council member Kitselman asked about all the past taxes paid by the property owner. The Mayor said she would not bring that into the equation. Council member Kitselman said that if the question is going to be asked, then the attorney should advise the Council how to keep the Town and its tax payers out of the middle of this situation. Council member Gibson asked if the other property owner had

comments at the Committee meeting. The Mayor said the other property owner sees this parcel as her driveway, has granted an easement, and pays taxes on the property. Mr. Dalton said the owner contends that it has always been part of her property since she purchased the lot and she has been taxed on it.

Council member Gibson said she was in favor of the question being asked since Mrs. Slattery's comments did not seem to pertain to the question being asked by Mr. Maples.

Council member Tollett said the issue had been going on for years and would be settled in court. He said he was in favor of letting Mr. Mitchell decide which way the Council should go on the issue. He added that the presentation at the Committee was long, and Mrs. Slattery indicated she would like to prepare before coming back to make her statements. Council member Tollett said that he was in favor of hearing from Mrs. Slattery, but he does not think the Council has any business at all in getting into the issue. The Mayor said asking the question and getting an answer would help Mrs. Slattery form her comments. Council member Kitselman asked if the Council was going to pay an attorney to give a statement that could endanger Mrs. Slattery's right to her property and not give her a chance to speak to it before the question is asked. He said there are other questions such as how does the Town of Berryville stay out of the middle of the issue. He concluded saying Mrs. Slattery should be given equal time before the attorney is consulted.

Council member McDonald agreed with Council member Kitselman and asked why the Town was involved in the first place if it is known whose property it is and that taxes are being paid. Council member Kitselman said that previous Councils have put the issue to rest. Mayor Dickinson said that previous Councils have skirted the issue. Recorder Arnold said that he took exception to the Mayor's remark, and asked that a motion on the matter be brought. The Mayor said that typically a motion was not needed to consult the attorney, only a consensus. Recorder Arnold said that if money will be spent with the attorney, a motion is needed. Council member Kitselman agreed. Recorder Arnold said he wished to wait until the other party was heard from. Council members Tollett and McDonald said they also wished to wait until Mrs. Slattery spoke to the Committee. Council member McDonald said that whoever pays the taxes owns the property. Mayor Dickinson said the consensus is to wait until Mrs. Slattery has had a chance to speak, and that if she chooses not to speak, the matter can be addressed at the next Council meeting. Mr. Dalton noted that the meeting Mrs. Slattery will attend is the September Committee meeting, meaning the Council could address the issue at its October meeting.

Recorder Arnold noted that noon is an awkward time for a Committee meeting with staff. He suggested the Committee may want to review their meeting time.

Mayor Dickinson said she had met with Tom Parker of the School Board regarding the crosswalk project at Lincoln and Main. She said she assured him that funding for a crossing guard at the intersection was reviewed annually.

Mayor Dickinson said it is time to put in requests for revenue sharing projects. She said she has had one recommendation for sidewalks on First Street and East Main Street, and is seeking other ideas.

The Mayor said the next agenda item was a request from Enders Fire Company for adjustment of the June water bill. She provided the history of the leak and the initial adjustment on the May bill, and said this would be an exception to the policy which allows one adjustment per 12 months. The Council and staff discussed the adjustment request. Council member Gibson suggested that the explanation for

adjustment require explicit reasons for the water being left on during the leak repair in order not to set a precedent for other similar facilities.

Council member Tollett moved that the Council of the Town of Berryville deny the requested adjustment to the June water/sewer bill for John H. Enders Fire Company, and approve the payment of \$487.60 to the John H. Enders Volunteer Fire Company water/sewer account from the General Fund Contingency. Council member Kitselman seconded the motion which carried as follows:

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold
Nay: None
Abstain: Dickinson
Absent: None

The Council and staff discussed the FY 18 Street Work Priorities. Council member Kitselman moved that the Council of the Town of Berryville approve the attached Street Work Priorities for FY 18. Council member McDonald seconded the motion which carried as follows:

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold
Nay: None
Abstain: Dickinson
Absent: None

VDOT Funded Secondary System Maintenance / Street Work Priorities
FY 2018

<u>VDOT Reimbursement Limit</u>	\$ 513,000
<u>Work Items and Equipment Purchase</u>	
Patch/Repair trouble areas in streets	\$ 20,000
Sidewalk repair	\$ 15,000
Engineering	\$ 5,000
Equipment Purchase/Maintenance/Repair (purchase backhoe (53,040*), tractor (27,722* **), signs (5,000), and safety equipment (1,500). Maintenance (27,738)	\$ 115,000
Routine Street Maintenance (snow removal, tree trimming, drainage ditch cleaning, street cleaning, etc.)	\$ 100,000
<u>Subtotal</u>	\$ 255,000
<u>Funds available within Reimbursement (\$474,787 – 250,000)</u>	\$ 258,000

Specific Street Repair Work Priorities

<i>Summer and fall (2017) Paving</i>	
Jackson Drive	\$ 55,592*
Ewell Court	\$ 13,044*
Total Summer/Fall (2017)	\$ 68,636*

Spring and summer (2018) Paving

Treadwell Street (from Smith Street to Crown Street)	\$ 7,500
Rice Street (from Walnut Street to Academy Street)	\$ 25,800
South Church Street (from Taylor Street to South Buckmarsh Street)	\$ 71,100
Rosemont Circle	\$ 37,000
Swan Avenue (from South Buckmarsh west to terminus)	\$ 47,964

Total Spring/Summer (2018) \$ 141,400

Remaining within Reimbursement \$ 0

* Actual Cost

** Purchase also included bush hog which cost \$3,240

Draft Submitted to Town Council 8/8/17

+ + + + + + + + + + + +

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee

Recorder Arnold said the next Committee meeting will be September 6 at 9:00 am.

16. Other

Mr. Dalton clarified the scheduled committee meetings. Council member McDonald requested that Mr. Dalton send out an update on the Livery Stable RFP.

17. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 9:19 p.m.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk

BERRYVILLE TOWN COUNCIL
Budget & Finance Committee
Thursday, August 24, 2017
Berryville-Clarke County Government Center
10:30 a.m.

MINUTES

Roll:

Town Council:

Present: Erecka Gibson, Chair; Patricia Dickinson

Staff: Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk

Press: None

1. Call to Order

Chair Gibson called the continued meeting to order at 10:39a.m.

2. Discussion – Work Plan Internal Audit of Cash Disbursements and Procurement

Mr. Dalton provided an update on the work plan. The Committee and staff began discussing the draft Procurement Policy Manual update and suggested revisions. The Committee and staff discussed the Summary of Tasks Assigned to Administrative Staff and Police Department Administrative Assistant.

3. Discussion – RFC Engagement Letter

Ms. Dickinson noted two typographical errors needing correction. She inquired about how the current Town auditor, Robinson Farmer Cox, reviewed internal controls. Ms. Moreland explained the processes used by RFC.

4. Discussion – APA Information

The Committee and staff discussed the state's new initiative to develop an early warning system to identify localities in distress. It was agreed that initial scores generated by the Auditor of Public Accounts show that Berryville has a very good number.

5. Adjourn

There being no further business, the meeting was adjourned at 12:01 pm.

MINUTES
BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Berryville-Clarke County Government Center
Regular Meeting
August 24, 2017
9:00 a.m.

Committee members: Present- Dave Tollett, Chair; Pat Dickinson

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk

Press: None

1. Call to Order

The meeting was called to order at 9:00 a.m. by Committee Chair Tollett.

2. Approval of Agenda

The agenda was approved with two additions.

3. Department Update

Chief White provided an update on current department activities.

4. Discussion – Berryville Code Chapter 10, Article 2

The Committee and staff discussed the draft revision of Chapter 10. Chair Tollett suggested adding text addressing the posting on private property of signs mimicking official Town or VDOT signs. Mr. Dalton said that he and the Chief are reviewing VDOT's rules and will consult with attorney Bob Mitchell on the matter.

Ms. Dickinson said she is uncomfortable with section 10-14.1 outlawing personal assistive mobility devices. Mr. Dalton and Chief White said they would review the language.

Ms. Dickinson discussed the language regarding the proximity of crosswalks and parking spaces. Chief White said he would add language to specify the exception of designated parking places.

The Committee and staff discussed the pros and cons of the current vehicle license tax and the associated decal. Chair Tollett asked Ms. Moreland for her opinion. Ms. Moreland said that the decals no longer serve a valuable purpose, adding that if the decal is eliminated there may be a loss in income of about \$10,000 per year. She said the loss would result from the Town not being able to pick up mid-year vehicle additions. Various options including raising the personal property tax rate were discussed. The Committee decided to recommend eliminating the initial decal purchase, but retaining the \$25.00 fee per vehicle which is included in the personal property tax bills.

5. Discussion – Berryville Code Chapter 4 – Laying Hens

The Committee and staff discussed the issue. Chair Tollett stated that a permit requirement must be part of the code to allow enforcement of the code stipulations, and requested a draft be available for review at the next Committee meeting.

6. Discussion – Speeding Concerns on South Buckmarsh and East Main

The Committee and staff discussed speeding concerns on South Buckmarsh and East Main Streets. Chief White provided information on signage options that could be used to address speeding. The Committee decided to consider these options at the next meeting. Ms. Dickinson inquired about camera enforcement options and Chief White said he would research the matter.

7. Discussion – Police Department Career Development

Chief White provided a draft proposal for a training and retention incentive program for the department.

8. Other

Mr. Dalton said there had been no action on the revision of Chapter 8 – Garbage and Refuse since the last meeting because other projects have taken precedence. He offered to develop a schedule for continuing work on the chapter.

Chair Tollett said that the next meeting will be September 28.

9. Adjourn

There being no further business, the meeting was adjourned at 10:30 a.m.

BERRYVILLE TOWN COUNCIL
Streets and Utilities Committee
Friday, August 25, 2017
Berryville-Clarke County Government Center
9:00 a.m.

MINUTES

Town Council:

Present: Patricia Dickinson, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Dave Tyrell, Director of Public Utilities; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk;

Press: Cathy Kuehner, Winchester Star

Others: Harry Lee Arnold, Jr.; Alton Echols

1. Call to Order

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

2. Approval of Agenda

The agenda was approved as presented.

3. Project Updates

Staff provided updates on various projects including the water tank painting project; a new water project on North Buckmarsh; the crosswalks at Main/Hermitage, Main/Lincoln, Buckmarsh/Swan, and Main/Washington Square; the Livery Stable analysis; and the Public Works Pole Barn.

The Committee and staff discussed a proposed alteration of budgeting in the FY 18 Street Work Priorities. Mr. Dalton explained the rationale for the proposed changes. The Committee agreed to present the proposed Street Work Priorities to the Council at the September meeting.

Mr. Dalton noted the memo from Christy Dunkle, Planner, which provided an update on the Swan Avenue Walking Path and the Mario's parking lot projects.

The Committee agreed that the crosswalk at Washington Square be added to the September Town Council agenda.

4. Discussion – Water/Sewer User and Availability Fee Study

The Committee and staff discussed the scope of work for the study. Mr. Dalton said he would incorporate the suggestions. The Committee asked that the scope of services be added to the September Town Council agenda.

5. Adjourn

There being no further business, the committee adjourned at 9:44 a.m.