

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**November 14, 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; Desiree Moreland, Assistant Town Manager/Treasurer; Chief Neal White, Berryville Police Department; Dave Tyrell, Director of Utilities

**Press:** Cathy Kuehner, Winchester Star

1. Call to Order

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

2. Closed Session

1. **On motion of Council Member Gibson, the Berryville Town Council entered closed session in accordance with §2.2-3711-A-7, Code of Virginia for consultation with legal counsel regarding specific legal matters requiring the providing of legal advice concerning an application for vacation of land described in the application as a public street, a Town easement, and the land use approval process.**

**Council member Kitselman seconded the motion which carried as follows:**

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold, Dickinson

Nay: None

Abstain: None

Reconvene

At 7:40 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.

**On motion of Recorder Arnold, the Council of the Town of Berryville adopted the following resolution certifying it convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with provision of The Virginia Freedom of Information Act. Council Member Kitselman seconded the motion with a roll call vote as follows:**

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold, Dickinson

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

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Harry Lee Arnold, Jr., Recorder

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3. Pledge of Allegiance

4. Approval of Agenda

**On motion of Council member Tollett, seconded by Council member Kitselman, the agenda was unanimously approved with one modification.** Item 17: Report of Harry Lee Arnold’s Personnel Committee was modified by the addition of Attachment 13, which was a motion to reappoint William Steinmetz to the Berryville Planning Commission.

5. Citizens’ Forum

Mayor Dickinson acknowledged the following speakers during the Citizens’ Forum:

Town resident, Norma Slattery, spoke to the Council regarding Wheeler Lane. Mrs. Slattery reiterated her wish that the Town not vacate this strip of land.

Patty Maples, Board President of Berryville Main Street, provided an update on the organization’s activities, including upcoming holiday events.

Town resident, Carl Maples, spoke to the Council regarding Wheeler Lane. Mr. Maples petitioned the Town to vacate this strip of land.

Town resident, Dennis Couture, spoke about his concerns of speeding traffic along South Buckmarsh Street, especially oversized and multi-axle trucks. He also pointed out the noise and vibration generated by large trucks driving in this area as dangerous, unnerving, disquieting and unhealthy.

Town resident, Alton Echols, spoke regarding his concerns with an appeal of the site plan revision submitted by McDonalds, for a restaurant site on McNeil Drive.

6. Consent Agenda

**The Consent Agenda was approved on motion of Recorder Arnold, seconded by Council member Kitselman. The items on the Consent Agenda were:**

**Minutes of Regular Meeting – 10/10/17**

**Minutes of Community Improvements Committee Meeting – 11/06/17**

**Minutes of Budget and Finance Committee Meeting – 10/24/17**

**Minutes of Police and Security Committee Meeting – 11/06/17**

**Minutes of Streets and Utilities Committee Meeting – 10/24/17**

**Minutes of Personnel Committee Meeting-11/7/17**

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson declared October 23-31 as Red Ribbon week.

She said that Red Ribbon Week was established as a time to encourage Americans to wear a red ribbon to show their support for a drug-free environment and read the following proclamation:

## ***Red Ribbon Week***

**WHEREAS,** communities across America have been plagued by the numerous problems associated with illicit drug use and those who traffic them; and

**WHEREAS,** there is hope in winning the War on Drugs, and the hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Shenandoah Valley Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

**WHEREAS,** governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**WHEREAS,** the red ribbon was chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and represents the belief that one person CAN make a difference; and

**WHEREAS,** the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

**WHEREAS,** October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

**NOW, THEREFORE, BE IT RESOLVED, THAT I**, Patricia Dickinson, Mayor of the Town of Berryville, do hereby proclaim **October 23–31, 2017**, as:

## ***Red Ribbon Week***

in this Town, and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout the week, joining me and the rest of the nation in promoting the Red Ribbon Celebration and drug-free communities.

A member of the Young Marines, a youth group that stresses the importance of self-confidence, academic achievement, honoring veterans, good citizenship, community service, and living a healthy, drug-free lifestyle was on hand to give a history of Red Ribbon Week.

The Mayor called upon Chief Neal White, Town of Berryville Police Department, to introduce three members of the Department who had recently received accolades for service:

Officers Brandon Piper and Don Mason were named Meritorious Action Award recipients at the Top of Virginia Chamber of Commerce Valor Award Ceremonies.

Officer Joe Shoremount was recognized at the Horseshoe Curve Benevolent Association Law Enforcement Appreciation Dinner as Law Enforcement Officer of the Year for the Berryville Police Department.

8. Report of Harry Lee Arnold, Jr., Recorder

Recorder Arnold stated a need for prioritizing projects requested by the Town Council in relation to current availability of Town staffing hours. Council Member Kitselman concurred.

Recorder Arnold voiced concerns about delays in garnering a final mapping of finances in the Town's purchasing and accounts payable functions which were being reviewed by the Budget and Finance Committee. Mayor Dickinson said those concerns would be addressed in Council member Gibson's report.

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

Ms. Dunkle said the Planning Commission will be holding its next meeting on November 28, 2017, the Berryville Area Development Authority Meeting was cancelled for November 22, 2017, and the Board of Zoning Appeals has not held a meeting since the last Council meeting. She added that the Architectural Review Board moved its meeting to November 29, 2017 to accommodate Berryville Main Street, with the judging of the Holiday Parking Meter Contest.

10. Report of Keith Dalton, Town Manager

Mr. Dalton said a Petition to Vacate Wheeler Lane was initiated by Carl and Patricia Maples which was depicted by Mr. Maples during the Citizens' Forum. **Recorder Arnold made the motion to deny the Petition to Vacate Wheeler Lane and Council member Kitselman seconded the motion with a roll call vote as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett, Arnold**

**Nay: None**

**Abstain: Dickinson**

Mr. Dalton said he met with Rappahannock Electric Company (REC) representative, Jeff Hinson, to discuss new street light replacement measures. There was a discussion that the new lights seem to be brighter and cast light on a larger area than the old lights. Mr. Dalton explained that LED units are being utilized as replacements when the older high sodium lighting units fail. He also noted that LED units last longer and use less electricity. He said it does not appear that any other alternatives to the new LED lighting system are available through REC, and therefore the Town will continue to utilize the LED units as replacements. Mayor Dickinson and Council Member Tollett stated that there was no reason for another meeting with REC regarding this issue if no other alternatives are available.

Report of Erecka Gibson – Chair, Budget and Finance Committee

Council member Gibson reported that a work plan for a Procurement and P-card policy was drafted in a previous committee meeting, whereby, there was a concern from Mayor Dickinson regarding competitive bidding. Council member Gibson asked for clarification in a written brief to address the concerns and one was presented by Mayor Dickinson. Council member Gibson said she and designated staff members will respond to that brief by December 21, 2017.

She said the next Budget and Finance Meeting is scheduled for January 23, 2018 at 10:30 a.m.

11. Report of Donna McDonald – Chair, Community Improvements Committee

Council member McDonald said the Community Improvements Committee met on November 6, 2017 to discuss the Livery Stable Evaluation with Mike Damron of Damron Engineering. Council Member McDonald said he reported that 80% of the measurements were complete and found nothing catastrophically wrong with the structure. She added that Mr. Damron noted a few areas of minor concern and said he is on schedule to meet the requested due date for the deliverables.

Mr. Dalton explained the need to start budgeting for replacing the play set in the John Rixey Moore Playground in Rose Hill Park.

Council member McDonald noted that the Town will be decorating the tree in Rose Hill Park for the upcoming Holiday Celebration.

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

Council member Tollett said the Police and Security Committee will be meeting on Thursday, November 30, 2017 at 9:00 a.m.

Chief Neal White announced the commencement of the Berryville Police Department’s Holiday Toy Drive. He said unwrapped toys and gift cards can be donated to assist disadvantaged children in the community, adding that donations are currently being collected at the police department.

Chief White said the department received an AED (Automatic External Defibrillator) from the Old Fredericktown Lodge of the Fraternal Order of Police. He said the device will be deployed with on duty officers in the cruiser they are operating so they will be equipped to respond to cardiac emergencies and initiate rapid lifesaving intervention measures.

Chief White said the Committee met on November 14, 2017 and created a final draft to repeal and replace Chapter 4-Animals and Fowl and Chapter 10-Motor Vehicles of the Berryville Town Code. He said each draft will be posted on the Town’s website for public input followed by further discussion at the December 12, 2017 Town Council Meeting. Recorder Arnold suggested that all proposed changes to Chapter 4-1 of the code be publically advertised for further input.

Chief White summarized the recommended revisions to Chapter 4-Animals and Fowl as follows :

- Section 4-1 has been reworked to allow the keeping of laying hens. It prescribes the number of hens and other permitted livestock based upon the lot size of a parcel. It also addresses maintenance, containment, and enforcement of violations.
- Section 4-6 has been revised to change language from destructive cats to “animals”.
- Sections 4-7, 4-8, 4-9, 4-41, 4-50, and 4-51 have all been recommended for repeal as they are part of Virginia Code and routinely prosecuted under Virginia Code.

He said a summary of recommended revisions to Chapter 10-Motor Vehicles included:

- Repeal sections of Article II in Chapter 10 which require the issuance and display of a decal, but the tax would still be administered and collected using the DMV stop as a collection mechanism for unpaid taxes.
- Addition of language in sec. 10-7 (g) to prohibit the installation of signs that mimic and confuse official State and Town signs on private property.
- Corrections and updates of State law references throughout the chapter.
- Addressed parking concerns in the Rixey-Moore Parking lot during special events in sec. 10-65.

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

Mayor Dickinson said the Town is no longer under a water watch restriction.

She said the lighted pedestrian crossings are being installed as well as corresponding signage.

David Tyrell, Public Utilities Director, gave an update on progress of the southwest water tank maintenance project. He said that the interior of the tank has had two ladders and a new roof vent installed. He added that the tank had been entirely sandblasted and an interior base coat of paint applied.

Mayor Dickinson said a response was received for the proposed Utility Rate Study of the Town’s water and sewerage system from Pennoni Associates, Inc. Pennoni Associates is the Town’s consulting engineering firm.

Mr. Dalton said the estimated costs for time and materials totaled \$31,328, not inclusive of the \$5,048 Water System Hydraulic Model Update. He said that the Town's FY2018 budget included \$20,000 for the project. Mr. Dalton said the staff seeks guidance on how the Town Council wishes to proceed.

Council member Gibson asked if there were any items in the proposal that could be removed.

Mayor Dickinson said the Evaluation of Assets was an added feature, and that one had not been created in recent memory.

Mayor Dickinson asked if a better pricing schematic could be obtained if the proposed study went out for competitive bid. Mr. Dalton replied that he did not believe so, as two engineers with Pennoni Associates have a history with the Town and know our systems well. He said they designed the Town's water plant, booster station, distribution and collection systems, and elevated tanks. Mr. Dalton said that if the Town would have to invest in providing another firm with background design and schematics, plus staff time for doing so, that the Town would not be likely to garner a better bid. Mr. Tyrell agreed with this assessment.

Mayor Dickinson inquired as to whether the water or sewer system should take precedence. Mr. Dalton and Mr. Tyrell both agreed that if forced to choose, the water system analysis should be a priority. Mayor Dickinson proposed that the Town ask Pennoni Associates for just a water system analysis. Council member Gibson and Recorder Arnold said that it would be more advantageous to get both the water and sewer analysis done at the same time.

Council member Gibson did not want to exceed the \$20,000 amount currently budgeted for the project and suggested that a full analysis be done when all the necessary funds were budgeted. Council member McDonald did not see an extreme urgency in starting the project until funds were in place.

Mayor Dickinson said that there was consensus in waiting until we had the budgeted amount necessary for the project.

14. Report of Harry Lee Arnold, Jr., Chair, Personnel Committee

**Recorder Arnold made a motion to reappoint William Steinmetz to the Berryville Planning Commission for a term that will begin on January 16, 2018 and end on January 15, 2022.**

**Council member Gibson seconded the motion which carried as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett, Arnold**

**Nay: None**

**Abstain: Dickinson**

15. Other

Mr. Dalton said Ann Phillips has taken a new job as Deputy Clerk for the Frederick County Board of Supervisors and Leslie Kelley, Administrative Assistant for the Berryville Police Department, is assisting this evening.

Mr. Dalton confirmed the Committee meeting schedule as follows:

Budget and Finance: January 23, 2018 @ 10:30 a.m.  
Community Improvements: January 22, 2018 @ 7:00 p.m.  
Police and Security: November 30, 2017 @ 9:00 a.m.  
Personnel: December 7, 2017 @ 6:30 p.m.  
Town Council: December 12, 2017 @7:30 p.m.

16. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 9:15 p.m.

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Harry Lee Arnold, Jr., Recorder

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Leslie Kelley, Recording Secretary

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**POLICE AND SECURITY COMMITTEE**  
**Berryville-Clarke County Government Center**  
**Called Meeting**  
**November 6, 2017**  
**5:00 p.m.**

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

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

**Press:** None

1. Call to Order

The meeting was called to order at 5:24 p.m. by Committee Chair Tollett.

2. Approval of Agenda

The agenda was approved as presented.

3. Department Update

Chief White said the Department received the donation of an AED unit from a local F.O.P. organization, and the unit will float between cruisers.

4. Discussion – Career Development

The Committee and staff discussed proposed revisions to General Order regarding the Career Development Program for the police department. It was agreed to forward the draft General Order to legal counsel for review.

5. Discussion – Berryville Code Chapter 8: Garbage and Refuse, Recyclables, and Yard Waste

Mr. Dalton reviewed nomenclature used in the chapter as well as the general structure and approach. He began review of the chapter with the Committee.

6. Discussion – Town Code Review

The Committee and staff agreed that Chapters 4 and 10 be sent to the Town Council for review and action.

7. Other

The next meeting was set for November 30, 2017, at 9:00 a.m.

8. Adjourn

There being no further business, the meeting was adjourned at 6:33 p.m.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**POLICE AND SECURITY COMMITTEE**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**November 30, 2017**  
**9:00 a.m.**

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

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

**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 as presented.

3. Department Update

Chief White noted that the department is fully staffed, though one officer is on light duty for a few weeks. He informed the Committee that the Department's toy drive was underway and going well.

4. Discussion – Career Development

Chief White reviewed comments received from legal review of the new General Order. The Committee and staff discussed proposed revisions to General Order regarding the Career Development Program for the Department. It was agreed that the General Order was acceptable to the Committee.

The Committee and staff discussed how General Orders will be approved. The Committee agreed that that the General Orders will be approved by the Town Manager and Chief of Police. Once a General Order is approved, the Town Council will be notified of the action and provided a synopsis of the General Order in question.

The Committee and staff discussed how this matter will be presented as a part of the proposed FY2019 budget.

5. Discussion – Berryville Code Review

Mr. Dalton stated that he would have an updated version of Chapter 8: Garbage and Refuse, Recyclables, and Yard Waste for the Committee's next meeting on 25 January 2018.

At the 25 January 2018 meeting Chief White will provide the Committee with a list of Code Chapters the Committee and Council have reviewed over the past few years.

Mr. Dalton informed the Committee that he was exploring whether the Town should engage Municode to review and reformat the Berryville Code.

7. Other

Mr. Dalton informed that Committee that he and Chief White would be taking a look at parking on Swan Avenue now that the SRTS project has been completed. He noted that he is also in conversation with a landowner in the area about street improvements that the Town would like to make as a part of repaving Swan Avenue.

It was confirmed that the next Committee meeting will be on 25 January 2018 at 9:00 a.m.

8. Adjourn

There being no further business, the meeting was adjourned at 9:38 a.m.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**COMMUNITY IMPROVEMENTS COMMITTEE**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**November 6, 2017**

**Committee members:** Present- Donna Marie McDonald, Chair; Allen Kitselman

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Planner; Ann Phillips, Town Clerk

**Press:** None

**Other:** Mike Damron of Damron Engineering, Kara Rodriguez

1. Call to Order

Chair McDonald called the meeting to order at 7:03 p.m.

2. Approval of Agenda

The agenda was approved.

3. Update – Livery Stable Evaluation Project Update

Mike Damron of Damron Engineering provided a progress report on the evaluation project. He said that 80% of the measurements are complete, and he has found nothing catastrophically wrong. He noted a few areas of minor concern and said he is on schedule to meet the requested due date for deliverables. He provided photos showing a few areas of concern (Attachment A).

4. Discussion- John Rixey Moore Playground

Mr. Dalton explained the need to begin discussion and budgeting for replacing the play set in the John Rixey Moore Playground in Rose Hill Park. The Committee discussed the project and agreed the target age group for new equipment should be age two through age five. Mr. Dalton said the current staff proposal will be added to the Town website. It was agreed that public input would be sought on the matter at the next Committee meeting scheduled for December 4, 2017, at 7:00 p.m. Mrs. Rodriguez stated that she would seek input from various interested parties and provide information to the Committee in December.

5. Discussion – Christmas Tree Decoration

Chair McDonald noted the tree lighting ceremony is handled by Berryville Main Street while the Town is responsible for decorating the tree in Rose Hill Park.

6. Adjourn

There being no further business, the meeting was adjourned at 8:01 p.m.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**PERSONNEL COMMITTEE**  
**Berryville-Clarke County Government Center**  
**Called Meeting**  
**November 7, 2017**

**Committee members:** Present- Harry Lee Arnold, Jr., Chair; Patricia Dickinson; Erecka Gibson

**Staff:** Keith Dalton, Town Manager; Ann Phillips, Town Clerk

**Press:** None

1. Call to Order

Chair Arnold called the meeting to order at 2:00 p.m.

2. Approval of Agenda

The agenda was approved as presented.

3. Discussion – Planning Commission: Term of one member to expire 1/15/2018

The Committee unanimously agreed to recommend William Steinmetz for reappointment to the Planning Commission for four year term beginning 1/16/2018 and expiring 1/15/2022.

4. Discussion – Berryville Area Development Authority: Vacancy

The Committee reviewed talent bank forms and asked Mr. Dalton to check with several individuals about their desire to serve on the BADA. It was agreed that interviews could be scheduled on December 7, 2017, beginning at 6:30 p.m.

5. Adjourn

There being no further business, the meeting was adjourned at 2:32 p.m.