

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Work Session
March 5, 2018
3 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; Mia L. Jackson, Town Clerk

Press: Cathy Kuehner, Winchester Star

1. Call to Order

Mayor Dickinson called the meeting to order at 3:00 p.m.

2. Approval of Agenda

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

3. Discussion – Repeal and re-adoption of Chapter 8 of the Berryville Code

Mr. Dalton reviewed with Council the staff report related to the repeal and re-adoption of Chapter 8 – Garbage and Refuse of the Berryville Code. Mr. Dalton reviewed the draft of Chapter 8 and asked that Council review the concepts of the code and that those concepts are acceptable and comprehensive. He said that once Council is satisfied that the draft contains the required approach, the Town attorney will review the document and a final version will be submitted to the Police and Security Committee for review and recommendation and then sent to Council for final approval.

Mr. Dalton noted one of the changes within the draft authorizes the Town Manager to require accumulations of trash to be removed after proper notice. He noted that the current ordinance requires the Town Council to take action to have such properties cleaned up.

Council discussed possible revisions to the code including uses, frequency of pick up, number of toters per home and business, number of recycling bins and how requests for additional bins would be handled. Council also discussed how changes would impact commercial businesses and their refuse and recyclable disposal.

Mayor Dickinson said the price per toter is \$8.59 and \$3.03 for recycle containers. She said that an option may be to begin charging for additional toters however recyclable bins would be unlimited to encourage recycling.

Recorder Arnold ask that staff look in to re-negotiating the contract price for emptying the dumpster at the two dumpster sites that the Town pays for.

Mr. Dalton said that the revised code language will need to be a discussed with the service provider to ensure what is adopted is consistent with the parameters of the contract.

Mayor Dickinson said that the committee will continue to look at the code from all aspects.

4. Other

Council member Kitselman said that he would like to have a discussion regarding direction given to staff regarding the ability to have confidential conversations. He said he has a concern with the expectation that staff is not able to have confidential conversations specifically when dealing with potential businesses that are looking to come to the area. Mr. Kitselman said that it is worthwhile to be clear on direction given to staff.

Mayor Dickinson said that she felt that the issue is different if staff provides information as evidence to support a decision in a public forum. She said that opens the information up for questions.

Council member Kitselman said that we cannot micromanage staff and to do so is a clear misunderstanding of the role of a Council member and its boundaries.

Council member McDonald said that it could cause a firestorm with citizens and businesses if staff does not have the ability to have confidential conversations.

Mr. Dalton said that he would like to understand the expectation of Council and if the expectation is staff may not have confidential conversations then staff would honor that. He said that he and his staff will do what Council directs him to do.

Recorder Arnold said that staff does forward planning and they at times have confidential conversations. He said he is comfortable with staff continuing to have those conversations.

Council member Gibson said that she wanted to support staff when they are asked to hold something in confidence and to not blame them when they do not share when they are asked to hold something in confidence.

Council member Tollett said that the greater issue is the micromanagement of staff and the fact that it breeds dissension and conflict within the Council and staff. Mr. Tollett said that we are operating as though we do not trust staff and that Council should trust their staff. He said that Council is not getting anything done for the Town and that is sad for the Town. Mr. Tollett said that Council needs to quit inserting themselves into every decision as that is not Council's role.

Mayor Dickinson said that she sees the role as asking questions and verifying information.

5. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 4:55pm.

**BERRYVILLE TOWN COUNCIL
WORK SESSION
Berryville-Clarke County Government Center
MINUTES
March 13, 2018**

A Work Session of the Berryville Town Council was held on Tuesday, March 13, 2018 at 3:00pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Present: Mayor Pat Dickinson, Recorder Jay Arnold, Donna McDonald, Allen Kitselman, David Tollett. Absent: Erecka Gibson

Staff present: Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Chief Neal White, Berryville Police Department; Rick Boor, Director of Public Works; David Tyrrell, Director of Utilities.

Mayor Dickinson called the meeting to order at 3:00pm.

Approval of Agenda

Council member McDonald made the motion to approve the agenda as presented, seconded by Council member Kitselman, the motion passed by voice vote.

Discussion – FY 2019 Draft Budget

Mayor Dickinson asked Mr. Dalton to review the proposed budget. Mr. Dalton reviewed items in the document and noted changes to the CIP presentation. He asked Ms. Moreland to review budget highlights, identifying the following items:

- No increase in Personal Property tax rate;
- PPTRA remains at 70%;
- No increase in Real Estate tax rate;
- No increase in Machinery & Tools tax rate;
- No increase in Vehicle License Fees;
- No increase in Business & Professional License rates;
- Water Tank Site Lease adjustments per agreements; and
- No increase in Lodging Tax, Meals Tax, or Cigarette Tax.

She added that there are no proposed increases in user rates for both the Water Fund and Sewer Fund. She said that two residential and one commercial Availability Fee are anticipated. Mr. Dalton discussed availability fees stating that he was anticipating two commercial fees in the current FY which did not occur. He said he is anticipating the availability fees for the assisted living facility in this FY but the other commercial fee is not expected.

Ms. Moreland reviewed Operating Expenses identifying highlights as follows:

Expenses

- \$1,000 COLA with Police Department CDP payroll increases are proposed;
- 8.5% increase in Health Care costs;
- TOTAL BUDGET DECREASE of 3.01% due to the water tank project occurring in the current FY.

General Fund

- Increase in Maintenance & Operational expenses of 1.16%;
- Blight Abatement;
- Overlap in Utility Clerk Position;
- Debt Service deposits to RDA Debt Service Reserve Fund which will end 5/18;
- Contingency is 3.04% of Operating Budget;
- Total General Fund increase of 6.58%.

Water Fund

- Decrease in Maintenance & Operation expenses of 1.11%;
- There is currently no Debt Service in the Water Fund;
- Contingency is 3.0% of the Operating Budget;
- Water Fund total decrease of 15.88% due to CIP Tank Maintenance.

Sewer Fund

- Increase in Maintenance & Operational Expenses of 9.60%;
- Debt service reflects payment to VRA;
- Contingency is 3% of Operating Budget;
- Sewer Fund total decrease of 3.01%

Mr. Dalton reviewed CIP requests. Mayor Dickinson identified the staff position proposed for the Police Department which had been frozen and the proposed career development funding in order to stop turnover in the Police Department. She said that the position could be left frozen due to the new retention efforts. There was a discussion about increased enforcement. Mayor Dickinson said that other options including changes to the landscape and to roadways can be implemented which would not require increased enforcement needs. Council member McDonald said that the Town is growing and needs additional enforcement. Recorder Arnold agreed that career development and additional training should retain officers. Council member Tollett recommended unfreezing the position. Recorder Arnold added that traffic and speeding are not the only problems that require law enforcement action.

Mr. Dalton said that rescue services funding dropped to \$16,500. Jason Porter, Chief of John H. Enders Fire Company and Rescue Squad, thanked Council for their continued support. Mr. Dalton said that Enders was anticipating the purchase of an ambulance replacement in the next FY and may call on the Town to utilize funds from the DIP reserve that was established last year.

There was a discussion about the Parks and Recreation funding totaling \$5,000. Mayor Dickinson said that these funds could be moved to Community Development. Council member Arnold asked if they were notified about the elimination of the funding, no Council member had discussed the matter with the Board of Supervisors. Mayor Dickinson said that the funds could be reallocated to Rose Hill Park improvements adding that the Community Development Committee can use the funding. There was a discussion about Hogan's Alley. Council member Kitselman said he would like to continue to support the County Parks and Recreation funding. Council member McDonald said she was fine with reallocating the money to Rose Hill Park improvements. Council member Tollett asked if the County was expecting the money. Recorder Arnold asked if the County was given any indication that the funding would be removed. Mayor Dickinson said that Council member Gibson may have had a conversation with the Board of Supervisors about the matter. Council member Tollett said those whose funding was eliminated should be notified because it would affect their budget. He said that if the County had not been notified, then the money should be left in the proposed

budget. Recorder Arnold agreed with Council member Tollett. Council member McDonald suggested notifying the County of the Town Council's intent to eliminate this line item next year.

There was a discussion about Berryville Main Street funding. Mr. Dalton discussed capital outlay including starting a reserve for the livery stable; public works improvements including an update to the bays including minimal heating; expansion of finished areas; salt storage facilities; and securing additional property to expand the parking area. Mr. Dalton continued, discussing needs for the Berryville Police Department including body cameras; mobile data terminals (MBT); and radar feedback signs. He said funds identified for a Master Plan for Rose Hill Park will include survey work to identify utilities and in-house development of a Master Plan. Mr. Dalton said that additional funds for budget management software that improve budget management and reporting were not included in the budget.

Chief White reviewed the body camera request. He said that the current contract is at the end of the three year period and he has requested an extension to continue using the existing cameras. He said that software and technology has moved forward quickly and it would benefit the Town to get updated cameras. There was a discussion about file storage; the number of products on the market; and the expectations of the courts system for prosecution and defense for entering video into evidence. Council member McDonald said that safety is an important concern. Recorder Arnold said that cameras protect everyone.

There was a discussion about computer replacement and software updates. Council member Kitselman asked about the Rose Hill Park Master Plan. Mr. Dalton said that all utilities would be located; existing facilities (e.g., playground, path) would be identified; and the ability to look at future improvements would be a benefit. He said that Ms. Dunkle can work with the Community Improvements Committee and bring the Plan back to Council for discussion and approval.

There was a discussion about modifications to the proposed budget as follows:

- Reduction of computer replacement to \$3,000;
- Reduction of livery reserve to \$40,000;
- Reduction of MDT to \$17,500.

Council members agreed to retain the \$12,000 for software module updates.

In response to a request from Council, Mr. Dalton reviewed Water and Sewer funds and a proposed pick-up truck for utilities that would be purchased in 2020. He discussed collection system rehabilitation, specifically East Main Street from Church Street to the railroad tracks. He said he will work with public works staff to identify issues after reviewing the video of the system. Mr. Dalton discussed technology within the wastewater treatment plant and possible changes to the proposed paving schedule.

Ms. Moreland asked whether Council would be keeping the patrol car in the proposed budget and they agreed to do so.

Mayor Dickinson asked whether any of the projects discussed in the Town Manager's recent memorandum regarding water projects were included in the budget.

Mr. Dalton reviewed proposed water-related projects to be completed in 2023 and recommended considering annual rate increases to prepare for this work.

Other

There was no other business.

Adjourn

There being no further business, Council member Kitselman made the motion to adjourn the meeting at 4:42pm.

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
March 13, 2018
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Donna Marie McDonald; David Tollett. Absent – Erecka Gibson

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; Chief Neal White, Berryville Police Department

Press: Cathy Kuehner, Winchester Star

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

Council member Kitselman requested a modification to the agenda to discuss staff procedures under “Other.” He made the motion to approve the agenda as amended, seconded by Council member McDonald.

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

4. Public Hearings

Mayor Dickinson opened the public hearing as follows:

The Berryville Planning Commission is sponsoring a text amendment relating to “craft beverage manufacturing” establishing a definition in Article I Definitions of the Berryville Zoning Ordinance in accordance with the Code of Virginia § 4.1-206 and 208, as amended, establishing production amounts; accessory uses (e.g., food service, tasting rooms, retail sales); parking ratios; and storage requirements. TA 01-18

Mayor Dickinson recognized Kara Rodriguez, Berryville resident. Ms. Rodriguez spoke in support of all of the proposed amendments. She recognized Council for being aware of the market and economic development opportunities with this type of business. She recommended reviewing the zoning ordinance that would allow for other opportunities to find areas of market demand.

Mayor Dickinson recognized Diane Harrison, Berryville resident. Ms. Harrison referenced comments she gave at the Planning Commission public hearings. She said she supports the proposed amendments and that this type of business will draw visitors and that it would support downtown businesses and tourism.

Mayor Dickinson asked about treatment of waste from a brewery. Ms. Dunkle discussed MSDS submission requirements referenced in her staff report. Mr. Dalton described the process for reviewing waste from manufacturing facilities for conformity to code requirements and said that pre-treatment may be required depending on what the manufacturer would be putting in to the collection system. He added that a significant amount of waste from breweries is used in the agricultural industry.

There being no other speakers, Mayor Dickinson closed the public hearing.

Mayor Dickinson opened the second public hearing as follows:

The Berryville Planning Commission is sponsoring a text amendment to Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) allowing “craft beverage manufacturing” as a use by Special Permit in the C-1 Commercial Zoning District. TA 02-18

There were no speakers, Mayor Dickinson closed the public hearing.

Mayor Dickinson opened the third public hearing as follows:

The Berryville Planning Commission is sponsoring a text amendment to Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) allowing “craft beverage manufacturing” as a use by right in the L-1 Industrial Zoning District. TA 03-18

There were no speakers, Mayor Dickinson closed the public hearing.

5. Citizens’ Forum

Mayor Dickinson recognized Hazen Wilson, Berryville resident. Mr. Wilson said that he lives on Page Street and was opposed to the installation of dumpsters in lieu of the toters. He discussed taxes and reduction of services from a political and equity standpoint and added that he was concerned about vermin getting into the dumpsters.

Mayor Dickinson recognized Alton Echols, Berryville resident. Mr. Echols said that Council had left off a few items on their Goals and Objectives list. He discussed access and development of a 12 acre parcel north of the Battlefield Shopping area. He said that a sidewalk on the south side of Josephine Street should be constructed due to the large number of elderly residents who shop at the dollar stores downtown and deserve a decent sidewalk.

Mayor Dickinson recognized Elizabeth Ryan, representing Berryville Main Street. Ms. Ryan thanked Council for maintaining the current rate for their rent, extending the lease for three years, and continued support of the organization. She reported that Berryville Main Street had been accredited by Virginia Main Street for 2018. She said the organization is working on events for the coming year and connecting with business owners. Ms. Ryan said that Mr. Capelli will be assisting Berryville Main Street with tourism efforts. She added that the Board is interested in grant writing and fundraising to support the Town’s wayfinding sign effort and bringing people into Berryville is their top priority.

6. Consent Agenda

Council member Tollett made the motion to approve the Consent Agenda as presented, seconded by Council member McDonald. The items on the Consent Agenda were:

Minutes of Work session – 3/5/18

Minutes of Regular Meeting – 2/13/18

Minutes of Budget and Finance Committee Meeting – 2/27/18

Minutes of Streets and Utilities Committee Meeting – 2/27/18

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson said she was unclear as to why Council was reviewing the Goals and Objectives for Fiscal Year 2019 and not sure of the value of reviewing them again. Recorder Arnold asked if Council needed to approve the proposed items. Mayor Dickinson responded that there was no requirement to do so. No action was taken.

Mayor Dickinson said that Julie Abrera had resigned from the Tree Board. She said she has chosen to replace her with Howard Morrison. She recognized Mr. Morrison and thanked him for participating on the Board.

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

Recorder Arnold had nothing to report.

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

Ms. Dunkle referenced action on the public hearings concerning craft beverage manufacturing.

Recorder Arnold moved that the Council of the Town of Berryville adopt the attached ordinance amending Article I Definitions of the Berryville Zoning Ordinance in order to establish a definition for “craft beverage manufacturing”, seconded by Council member Kitselman.

AN ORDINANCE AMENDING ARTICLE I, DEFINITIONS, OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article I, Definitions, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE I – DEFINITIONS

Craft beverage manufacturing: A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 10,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 49% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be

limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

Ms. Dunkle referenced the proposed text amendment to Section 607 C-1 Commercial, of the Berryville Zoning Ordinance.

Council member McDonald moved that the Council of the Town of Berryville adopt the attached ordinance amending Article VI, Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) "craft beverage manufacturing" as a use by Special Permit in the C-1 Commercial Zoning District. The motion was seconded by Council member Kitselman.

SECTION 607 C-1 COMMERCIAL DISTRICT

607.3 SPECIAL PERMIT USES

(w) Craft beverage manufacturing (03/18)

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

Ms. Dunkle referenced the proposed text amendment to Section 609 L-1 Industrial, of the Berryville Zoning Ordinance.

Recorder Arnold moved that the Council of the Town of Berryville adopt the attached ordinance amending Article VI, Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) "craft beverage manufacturing" as a use by right in the L-1 Industrial Zoning District. The motion was seconded by Council member Kitselman.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.2 PERMITTED USES (12/94)

(t) Craft beverage manufacturing (03/18)

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

10. Report of Keith Dalton, Town Manager

Mr. Dalton said that Council had directed him to create a plan for refuse and recyclable collection at the Battletown Subdivision noting that, as the HOA will be holding a meeting on March 27 to discuss this effort with owners and residents, he has stopped the effort until they make a decision whether they wish to replace the toters with dumpsters. Mayor Dickinson added that the HOA has pushed for this change, not the Town.

Mr. Dalton said that there is a temporary cul-de-sac at the end of McNeil Drive that was constructed with the development of the grocery store. He stated that the Town and McDonald's entered into an agreement in accordance with which McDonald's provided funds to the Town to complete the temporary cul-de-sac. He said they will complete punch list items identified such as cracked curb and gutter and mill and pave the street in order for the Town to take it into the secondary system and receive reimbursable funds. He said that McDonald's has funded the project in the amount identified in the agreement. Mr. Dalton said that the project went out to bid and the apparent low bid from Pine Knoll Construction was \$2,084 over the anticipated cost of the project. He said he is seeking either approval to move forward with the apparent low bidder or to reject the bids and postpone the project. Mayor Dickinson asked that if the bids were rejected, would the project need to be rebid. Mr. Dalton said that would be the case. Council member Kitselman asked if funding might come from General Fund Contingency and Mr. Dalton responded that it would. Council member Kitselman said it would make sense to move forward and to get the road into the public system.

Council member Kitselman made the motion that the Council of the Town of Berryville authorize the Town Manager to award the contract to Pine Knoll Construction and sign any and all contract related documents in regard to the rehabilitation of the temporary cul-de-sac at the northern terminus of McNeil Drive. The motion was seconded by Council member McDonald.

Council member Tollett asked whether the Town Manager could contact McDonald's to ask if they would pay the overage. Mr. Dalton said he had already placed the call but wasn't optimistic about getting additional funds. Mr. Dalton said there are three options; Council to authorize him to go forward with the project and take the overage out of contingency; not do the project and return the funds to McDonald's; or wait and re-bid the project. Council member Kitselman said it is not going to get any cheaper if they wait. Mr. Dalton said that the bottom line is that McDonald's will complete and pave the road and the funding would allow for most of the work at the terminus of McNeil, all of which solve the problem of getting the street into the public system.

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

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

Mayor Dickinson said that the Budget and Finance Committee met and made some minor changes which were identified and discussed at the earlier work session. Ms. Moreland requested that Council set a public hearing for tax rates for the next meeting. By consensus, the public hearing was set for the April 10, 2018 meeting.

12. Report of Donna McDonald – Chair, Community Improvements Committee
Council member McDonald said that the Community Improvements Committee had not met in February but they were expected to meet on Monday, March 26 at 7:00pm.
13. Report of David Tollett – Chair, Police and Security Committee
Council member Tollett said that the Committee did not meet in February. He said their next scheduled meeting is set for Thursday, March 22 at 9:00am. Chief White briefed Council on upcoming events.
14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee
Mayor Dickinson asked if anyone had questions about the utility or public works staff reports.
15. Report of Harry Lee Arnold, Jr., Chair, Personnel Committee
Recorder Arnold said he had nothing to report and did not schedule a Personnel Committee meeting for March.
16. Other
Council member Kitselman requested that the agenda be amended at the beginning of the meeting in order to discuss staff procedures. He said that in light of the discussion at the March 5 work session, he wanted to confirm direction given at that time to instruct senior Town staff to receive and retain confidential information. He wants to clarify expectations of Council and direction to staff concerning confidentiality requests. Council member Kitselman said that Council relies on their judgment and that Council members do not need to know all of the information staff receives.

Council member Kitselman made the motion that the Council of the Town of Berryville instruct and confirm that the senior town staff (Town Manager, Town Planner, Assistant Town Manager) may receive and keep confidential information from individuals or businesses that inquire about moving or investing in the Town of Berryville if such persons request anonymity. Council affirms that they rely on Staff’s judgment in such matters as part of their duties. The motion was seconded by Recorder Arnold.

Mayor Dickinson said that she has a concern whenever secrecy in government occurs and it is not a good thing. She added that sharing information is not a major issue. Council member Kitselman said this is not how things work and that sometimes these efforts do not come to fruition. He added that infringing on confidentiality is a liability.

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

Council member Kitselman said that individual Council member requests for studies and other specific projects divert staff from doing their jobs. He said that the Town has a dedicated small staff and recommends giving the Town Manager the ability to determine the effort and time needed by his staff and to notify all Council members of such requests for approval by Council.
Council member McDonald said that everyone is busy and the numerous emails she receives and which

identify the issues and the number of changes to projects becomes redundant. She recommended a monthly report by the Town Manager prior to each Council meeting might be better than the continuous email requests. Mayor Dickinson asked if Council member Kitselman had a motion.

Council member Kitselman discussed elements of a motion in this matter but no acceptable wording was developed. Mayor Dickinson suggested that a motion be drafted and reviewed by legal counsel because she is concerned that such an action tramples on peoples constitutional rights. Council member Kitselman stated that he did not see how this would trample on anyone’s first amendment rights. He stated that he would craft a motion and provide it to staff so that it can be reviewed by legal counsel. Recorder Arnold stated that the Council should see the motion before it goes to legal counsel. Council member Kitselman stated that he in no way wants to stymie information flow to the Council but parameters need to be set. Mr. Dalton confirmed that Council member Kitselman would provide him with a motion then he would send it to Council and seek input from individuals before he forwards it for review.

Council member McDonald inquired as to what rights were being endangered by the action being discussed. Mayor Dickinson stated that we have a right to the Freedom of Information Act and for a public official to deny such rights might be a Class 5 felony. Recorder Arnold stated that he did not agree with the concern. Council member Kitselman asked whether the Mayor’s statement was a threat. Mayor Dickinson stated that it was not a threat and that her statement was intended to make sure the matter was properly reviewed by legal counsel. Council member McDonald stated that this is not about withholding information it is about permitting staff to do its work. Council member Kitselman stated that it is about understanding your role as a member of Town Council. He stated the Council members are not here to manage the daily workings of the Town and that the Council hires staff for that purpose. He expressed concern about a council member attempting to micromanage staff.

Council member McDonald made the motion that the Council direct the Town Manager to compile one report on all committee meetings and Town business once a month, preferably one week (five business days) prior to the Town Council monthly meeting. There being no second, the motion did not carry.

Recorder Arnold said that creating such a report would be a challenge and that Council is supplied with previous meeting minutes in the monthly agenda packets.

17. Adjourn

There being no other business, upon motion of Council member McDonald, seconded by Council member Kitselman, the meeting was adjourned at 8:28 p.m.

Harry Lee Arnold, Jr., Recorder

Christy Dunkle, Recording Secretary

MINUTES
BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Berryville-Clarke County Government Center
March 22, 2018
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 8:59 a.m. by Committee Chair Tollett.
2. Approval of Agenda
The agenda was approved as presented.
3. Department Update
Chief White informed the committee that several officers were working on community projects and the E-citation implementation process was on schedule and under budget.
4. Discussion – Berryville Code Review – Chapter 11
Chief White explained that Berryville Code Chapter 11 – Noise was last reviewed in 2013. He noted that Ms. Gibson received a citizen concern regarding several aspects of the chapter.

The Committee directed staff to review the chapter for inconsistencies and report back with any recommended changes.
5. Discussion – Berryville Code Review – Chapter 20
Chief White explained that Berryville Code Chapter 20 – Assemblies, Demonstrations, and Parades was last reviewed in 2008 and that given all that has happened in the past decade a review of this section was advised. Chief White provided the committee with a copy of Charlottesville’s newly adopted ordinance that addresses assemblies and demonstrations.

The Committee agreed to review the current Chapter 20 and Charlottesville’s new ordinance and provide their comments to staff. The Committee agreed to discuss the matter at its next meeting.
6. Closed Session
No Closed Session Scheduled

7. Other

The Committee set its next meeting on 26 April 2018 at 9:00 am.

The Committee agreed to review and discuss changes to Chapter 8 – Garbage and Refuse at its next meeting.

Mayor Dickinson stated that she would like to see Section 3.12 of Berryville’s Charter amended to remove the requirement that the Council meet every month. She noted that such a change would not necessarily eliminate meetings but would give the Council the option to not hold a meeting in August or September if it so chose. Mr. Dalton stated that such a change would be helpful and that the process of getting a Charter amendment approved by the General Assembly should not be too arduous. The Committee directed staff to examine the matter more fully, including timing with such items being approved by the General Assembly, and report to the Town Council at its April meeting.

8. Adjourn

There being no further business, the meeting was adjourned at 09:35 a.m.

BERRYVILLE TOWN COUNCIL COMMUNITY IMPROVEMENTS COMMITTEE
Berryville-Clarke County Government Center
MINUTES
March 26, 2018

A meeting of the Berryville Town Council Community Improvements Committee was held on Monday, March 26, 2018 at 7:00pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Donna McDonald, Chair; Allen Kitselman

Staff present: Keith Dalton, Town Manager, Christy Dunkle, Assistant Town Manager/Planner

Others present: Bradly Braithwaite

Chair McDonald called the meeting to order at 7:00pm.

Approval of Agenda

Mr. Kitselman made the motion to approve the agenda as presented.

Discussion – Lighting at Rixey Moore Parking Lot

Chair McDonald asked Mr. Dalton to discuss the matter. Mr. Dalton said that the recent wind storm damaged the electrical pole on the east side of the Rixey Moore Parking Lot. He said that the fixture had blown off and the pole was deemed a safety hazard and was removed. He said he would like to replace both poles and fixtures with shorter poles and LED lights. He added that he would like to have the work completed by the time the Farmers’ Market opens on Saturday, May 5. There was a discussion about the pole height, shielded LED lighting, additional outlets on the western side of the parking lot, and an emergency declaration from the Governor’s office. Mr. Dalton suggested that a discussion occur with Town Council about replacement of the poles occur and that the Community Improvements Committee move forward to determine which lights be installed. Chair McDonald and Mr. Kitselman agreed to the path forward and reiterated the importance of completing the work prior to the start of the Farmers’ Market and will ask that Town Council authorize Committee members to make determinations about the fixtures and installation.

Discussion – Tesla/Cripple Creek Charging Stations

Ms. Dunkle said that the Town had applied for and received a grant from Tesla to install electric vehicle chargers at the Berryville Clarke County Government Center. She said that Mr. Dalton had discussed the matter with the Building Committee which includes County representatives. There was a discussion about the process for installing the Tesla/Cripple Creek charging stations, locating facilities at the Rixey Moore Parking Lot, and associated costs for the project including installation and electricity usage. Committee members directed staff to continue discussions with Tesla and the County and to determine costs.

Discussion – Pollinator Project

Ms. Dunkle introduced Mr. Braithwaite to Committee members. Mr. Braithwaite discussed efforts for crowd funding and business sponsorships to pay for the garden installation. Mr. Dalton referenced Town Code sections concerning high grass and said that a possible solution would be to reference approved naturalized areas in the Code concerning current maintenance requirements. Ms. Dunkle identified parcels proposed by Mr. Braithwaite and discussed Town-owned parcels. Mr. Dalton said that DEQ and VDH would need to review and approve any plantings at the wastewater treatment plant and the water plant, respectively.

Chair McDonald and Mr. Kitselman thanked Mr. Braithwaite for his efforts and indicated they were supportive of his efforts.

Mr. Kitselman left the meeting at 7:33pm.

Discussion – Tree Board Tree Planting

Ms. Dunkle said that the Tree Board has scheduled a tree planting that coincides with opening day of the Farmers' Market on Saturday, May 5.

Other

Chair McDonald asked about the status of playground equipment. Mr. Dalton said that no funds were identified in the proposed budget specifically for equipment adding that the funding for a Master Plan for Rose Hill Park is identified in the proposed budget.

There being no further discussion, Chair McDonald adjourned the meeting at 7:50pm.

MINUTES
BERRYVILLE TOWN COUNCIL
STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
Tuesday, March 27, 2018
12:00 p.m.

Committee Members: Present: Patricia Dickinson, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Christy Dunkle, Town Planner; Mia L. Jackson, Town Clerk

Press: None

1. Call to Order
Chair Dickinson called the meeting to order at 12:00 p.m.
2. Approval of Agenda
The agenda was approved as presented.
3. Discussion – Water distribution system improvement projects / paving
Mr. Dalton provided an overview of two water projects.

Mr. Dalton reviewed the Rice Street water project and staff's recommendation that necessary water distribution system work be completed on the street prior to paving in order to improve fire protection and to reduce water leak risk. Mr. Dalton reviewed the options for repair for Rice Street. He said the first option is to extend an 8" main north from West Main Street to Academy Street, replacing six laterals between West Main Street and Academy Street, installing a fire hydrant in the vicinity of the intersection of Rice and Academy Streets, and replacing three laterals in the block of Rice Street between Academy and Treadwell Streets. He said the second option is to replace the six laterals between West Main Street and Academy Street and replace three laterals in the block of Rice Street between Academy and Treadwell Streets. He noted that work would occur in the summer of 2018 including paving Rice Street from Walnut Street to West Main Street after completion of the water project.

Mr. Dalton then reviewed the Rockcroft subdivision water project. Staff recommends extending an 8" main into the subdivision, installing a fire hydrant, relocating water meters when possible, and abandoning the majority of the existing water mains. Mr. Dalton said that the first step for the Rockcroft project would be to complete resistivity testing in the near term and evaluate new water main locations further with testing results in hand. Mr. Dalton said that staff would like to take a proactive approach to Rockcroft prior to an emergency and would like to fund the resistivity testing out of this year's budget.

Mr. Dalton noted affects to the budget based on the proposed projects and associated options. He also discussed how staff recommends proceeding with secondary street paving in the second half of FY 18 and in FY 19. If the committee decided to move forward with

the Rice Street water project, Rice Street paving would be moved from FY 2019 to FY 2018 and Rosemont Circle paving moved to FY 2019. He noted that Ridge Road, Rockcroft Drive and Circle Drive paving projects would be added to FY 2019.

Mr. Dalton asked for guidance from the committee as to how to proceed with the proposed water projects.

The committee agreed that the best course of action would be to focus on the Rockcroft water project and to begin the resistivity testing. The committee recommended proceeding with option two for the Rice Street water project, to replace the six laterals between West Main Street and Academy Street, replace three laterals in the block of Rice Street between Academy and Treadwell Streets and to pave Rice Street from Walnut Street to West Main Street.

Mr. Dalton asked the committee to review his February memo regarding the necessity of having to borrow money in the future to complete water projects. Mr. Dalton stressed the importance of a proactive approach as the annual debt service would have to be addressed in water rates. He added that it would be advisable to begin adjusting the rates well before debt service began.

4. Closed Session – No Closed Session Scheduled

5. Other

Mr. Dalton reviewed future paving and utility projects including a proposal to pave Hermitage Blvd and updating utilities on Osbourne Street.

6. Adjourn

There being no further business, the committee adjourned at 1:16 p.m.