

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 11, 2018
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

Staff: Keith Dalton, Town Manager; Heather Halterman, Finance Clerk; Tim Bristol, Sergeant; Karen Johnson, Front Desk Clerk

Press: Mickey Powell, The Winchester Star

1. Call to Order

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

Mayor Dickinson requested a moment of silence be given to remember the September 11 attacks to The World Trade Center, The Pentagon and Flight 93.

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Council member Harrison, seconded by Council member Rodriguez, the agenda was approved.

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

4. Public Hearing

Jon Erickson, Agent, is requesting amendments to Proffers originally approved on August 9, 2009 as part of a rezoning in order to construct a 120-unit age-restricted apartment complex and associated improvements on 10.98 acres identified as Tax Map Parcel number 14-5-251B and zoned Older Person Residential (OPR).

Mayor Dickinson recognized Alton Echols, Berryville resident and Trustee for the project, who stated Robert Regan Village is intended to set a new standard for senior living. He said the 4 senior facilities in the area will employ 90+ people. Mr. Echols stated he was hoping that the majority of Americans from middle and lower classes have the same opportunity for senior living standards as the upper class. Mr. Echols thanked Wilson Kirby, David Tollett, Donna McDonald, Erecka Gibson, Pat Dickinson, and Reverend Garrett that made this project possible.

The public hearing was closed.

The Berryville Town Council is proposing a text amendment to Article III, Section 321 Public Tree Ordinance, of the Town of Berryville Zoning Ordinance in order to allow for Town Council appointment of Tree Board members under Section 321.2. TA 04-18

There were no public comments. The public hearing was closed.

5. Citizens' Forum

Mayor Dickinson recognized Mary Ivie, town resident. Ms. Ivie stated that she has discussed the flooding and lack of storm drainage for the past couple of months. She said she has spoken to a neighbor who said she has constant flooding in her basement. She stated there is 3 to 6 inches of standing water in the road on Academy and Dorsey. Ms. Ivie said she had a copy of the Storm Water Management Flood Ordinance from 1997 signed by Mr. Dalton defining flooding. Ms. Ivie said a neighbor said the flooding on Walnut Street is from water flowing from houses on Ashby and Archer Courts. She said the neighbors have contacted the Town on numerous occasions and are getting no relief or response. Ms. Ivie said before the Town does any more building and expansion it should take care of the lack of storm water drainage and take care of the residents that are living in the Town that have been paying taxes.

Mayor Dickinson recognized Mr. Bob Nunn, town resident, who thanked Recorder Arnold and others who worked on and helped make the Cruise-In successful and said this event gave great exposure to the Town.

6. Consent Agenda

The Consent Agenda was approved, with removal of the Minutes of Streets and Utilities Committee meeting of 08/28/18, on motion of Recorder Arnold, seconded by Council member Harrison. The items approved on the Consent Agenda were:

Minutes of Regular Meeting – 08/14/18

Minutes of Work Session – 08/20/18

Minutes of Community Development Committee – 08/27/18

Minutes of Personnel, Appointments, and Policy Committee – 08/28/18

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

Mayor Dickinson asked why the minutes of the Budget and Finance committee meeting of 8/23/18 were not included in the agenda packet. Mr. Dalton said he wrote an email to that affect and the reason why they were not included was because there were significant changes that had not been discussed with all members of the Committee. Mayor Dickinson asked when she would receive the minutes. Mr. Dalton said they would be discussed at the next Committee meeting and then added to the next Town Council meeting packet.

7. Report of Patricia Dickinson, Mayor

The attached Resolution of Appreciation of Thanks was presented to former Council member Allen Kitselman. Mr. Kitselman was congratulated and thanked for his service by Mayor Dickinson and the current members of Town Council.

Mayor Dickinson noted the appointment of Mr. William Bigelow to the Berryville Tree Board and said she was impressed by his enthusiasm and commitment to improving Berryville. She noted the term of office begins immediately and expires April 30, 2021.

Mayor Dickinson said her final comment is about conversations that have been taking place on how individual Council members vote as well as the process Council uses for voting. She said it is her firm belief that each member of Council has the right, the obligation to vote as he or she decides. She said no member of Council should be allowed to intimidate or coerce a fellow Council member's choice. Additionally she believes it is disrespectful for a member of Council to ask that a fellow Council member explain or justify his or her vote. She stated that debate in discussion is held before votes are cast and if a member of Council wishes to share a position in a matter, it is their opportunity to do so. She said if a member of Council wishes to find out where another member of Council stands on a matter, a polite inquiry before votes are cast is appropriate but to demand an explanation after the vote has been taken is inappropriate. She added it is her desire that members of the Council are comfortable with the voting process.

Mayor Dickinson suggested considering a roll call vote and thinks that this will address the concerns of the voting process expressed by members of Town Council. She said each member of Town Council will be required to declare his or her vote and the audio recording will accurately capture each vote.

Mayor Dickinson said if there were no objections she would like to try this method today to see how it works and if it doesn't work they could try something else.

Reporter Arnold said he is ok with trying.

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

Recorder Arnold said in July he expressed the need to better communicate and provide information to the citizens regarding water and sewer, specifically how it is billed, how meters are read, how the system and funding works. He said Town staff and Council have been working on the Town and utility brochures since July. Recorder Arnold suggested approving the brochures as presented. Council member Harrison suggested that the picture be replaced and the color and the type on the graph be improved on the water brochure. Council member Gibson agreed with Council member Harrison. Council member Gibson suggested that there be fewer categories listed on the graph on the water brochure and any category under 10% be listed as other with a description of that category. Council member McDonald suggested creating the graph in greyscale. Mr. Dalton said staff can update the graph and exchange the picture. Council member Gibson suggested sending the finals to Council via email for approval. Council member Rodriguez was fine with the Town brochure but suggested adding Council member's photos and bios to the www.berryvilleva.gov website. Mr. Dalton suggested that a group photo of Council be taken at the next Town Council meeting.

9. Report of Christy Dunkle, Assistant Town Manager/Planner

Ms. Dunkle was not present at the meeting so Mr. Dalton addressed the Council on her behalf.

Mr. Dalton said the reason for the public hearing for Modification to Robert Regan Village Proffer Statement was the Planner determined that the project, as submitted, did not meet the Proffers previously adopted.

Mr. Dalton recognized Jon Erickson, Agent. Mr. Erickson proposed that part of Chamberlain Street become a private entrance with onus of upkeep and maintenance on the owner instead of the Town. He said the lots off of Chamberlain will no longer be subdivided but will remain with parent parcel. He said it allows for pedestrian access from Mosby, through the assisted care facility, continuing down to the private section of Chamberlain and then onto the public part of Chamberlain. Mr. Erickson said the site plan had been submitted to the BADA with revisions forthcoming and that the Public Hearing is scheduled for September 26, 2018.

Recorder Arnold stated he was looking forward to the upgrade in this area due to challenges that Fire and Rescue trucks have had maneuvering their equipment. Mr. Erickson said the proposed private Chamberlain access will be upgraded and built to VDOT shoulder and ditch section standards.

Council member Harrison asked whether sidewalks will be included in the upgraded plan. Mr. Erickson said that there would be a standard 5 foot sidewalk included.

Mayor Dickinson asked if there was any discussion from Council members on the motion. Council member McDonald asked where the Mayor stood. Mayor Dickinson replied that Robert Regan Village will be one of the biggest benefits to the Town in a long time and thinks that this is a wonderful project and if this motion moves it forward she is fine with it.

Mayor Dickinson said there are four choices to the roll call vote which are yes, no, pass, or abstain. Recorder Arnold and Council member McDonald stated that they were not comfortable with the pass vote. Recorder Arnold questioned the meaning of "pass" in this setting. Mayor Dickinson said that if Council member McDonald was not comfortable with the pass vote it can be taken off the table. Mayor Dickinson stated there will now be three choices which are yes, no, or abstain.

Council member Gibson moved that the Council of the Town of Berryville approve modifications to the proffer statement for the property identified as Tax Map Parcel number 14-5-251B located on Mosby Boulevard and zoned OPR Older Person Residential as attached.

Council member Rodriguez seconded the motion.

The roll call vote was as follows:

- McDonald – Aye**
- Harrison – Aye**
- Gibson – Aye**
- Rodriguez – Aye**
- Arnold – Aye**
- Dickinson – Aye**
- Absent – none**

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Mr. Dalton reviewed the public hearing request for modification to the Zoning Ordinance that would allow for Town Council to appoint members of the Tree Board. Mr. Dalton referenced the action item in the agenda packet.

Mayor Dickinson said there had been prior discussion and this motion aligns with how all board appointments are made.

Council member Rodriguez requested the need to update section 323.3 of the Zoning Ordinance where appointments are made by Town Council as opposed to the Mayor.

Mayor Dickinson asked if there was any discussion on the motion. No discussion was noted.

Council member McDonald moved that the Council of the Town of Berryville adopt the attached ordinance amending Article III, Section 321 of the Berryville Zoning Ordinance, modifying the appointment process for Tree Board members.

Council member Rodriguez seconded the motion.

AN ORDINANCE AMENDING ARTICLE III, SECTION 321 PUBLIC TREE ORDINANCE, OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

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

SECTION 321 Public Tree Ordinance

321.2 Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the Town of Berryville which shall consist of five members, citizens, and residents of the Town of Berryville, who shall be appointed by the Town Council.

A roll call vote was as follows:

- McDonald – Aye**
- Harrison – Aye**
- Gibson – Aye**
- Rodriguez – Aye**
- Arnold – Aye**
- Dickinson – Aye**
- Absent – none**

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Mr. Dalton noted a discussion regarding a resolution for a Traffic Calming Study. He said that citizens had approached the Town in November 2017 regarding concerns of speeding on South Buckmarsh Street. He stated that in accordance with the requirements of the Neighborhood

Traffic Calming Program, citizens met, discussed, and signed a petition which constituted Step 1 of the Program. Mr. Dalton said Step 2 requires the Council to adopt a resolution requesting that a traffic calming study be completed.

Mayor Dickinson asked if there was any discussion from Council members on the resolution. Council member McDonald asked if there was a cost involved for the study. Mayor Dickinson replied there was no cost to the Town. Council member McDonald asked where the Mayor stood on the motion. Mayor Dickinson replied that she supports the people who have worked hard to try to calm traffic on Route 340 and applauded their efforts trying to make the Town a better place.

Council member Gibson said she understood there was no cost to perform the study but was concerned with costs in implementing and maintaining facilities as it relates to currently budgeted items.

Council member Harrison said there is a second phase and when VDOT makes recommendations then Council must approve.

Recorder Arnold said the study will reveal different phases and they will not all fall in the same budget year.

Council member Harrison moved that the Council of the Town of Berryville approve the attached resolution requesting that VDOT complete a traffic Calming Study on South Buckmarsh Street.

Recorder Arnold seconded the motion.

A roll call vote was as follows:

**McDonald – Nay
Harrison – Aye
Gibson – Aye
Rodriguez – Aye
Arnold – Aye
Dickinson – Aye
Absent – none**

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10. Report of Keith Dalton, Town Manager

Mr. Dalton noted that the proposed Charter and Town Code amendments from the Town Council Work Session held on August 20, 2018 were included in the agenda packet. Mr. Dalton stated that Mr. Mitchell, legal counsel, worked on changes and additions which were reflected in the packet. Mr. Dalton said he will continue with the schedule established and set the public hearing for October 9, 2018.

Mayor Dickinson said she would like to see the following changes/additions/requests:
Town Charter – find a home for the old section 3.8

Town Code:

2.4 – make gender neutral

2-34- replace coordinate with assume duties

2-53 – add snow removal to duties

2-76 - make sure Council is comfortable with planning department description of functions

2-77.1 - make sure Council is comfortable with zoning administrator description of functions

2-77.3 – replace coordinate with assume duties

Town Council unanimously agreed to schedule the public hearing for October 9, 2018.

Mr. Dalton noted that there was a motion included in the agenda packet to direct the Town Manager to Evaluate Budget Goals for FY 2020. He stated that a Town Council Work Session was held on September 5, 2018 to discuss the goals.

Mayor Dickinson asked if there was any discussion.

Council member McDonald asked what the thoughts were from Council on effective Social media presence. Council member Rodriguez replied that the Town needs its own identity and there is a need to develop a plan beyond Facebook.

Council member Rodriguez stated that she has concerns about excluding the storm water management challenges goal. She noted that the Town would be working on this matter even though it was not a defined goal.

Mayor Dickinson requested the Committees take active roles and assist Mr. Dalton with the FY2020 goals.

Council member Gibson moved that the Council of the Town of Berryville direct the Town Manager to provide analysis and additional detail to the Council on the following budget goals for fiscal year 2020.

- **Complete a traffic analysis for the planned southeast collector in partnership with Clarke County.**
- **Complete a salary survey and revise employee classification system.**
- **Complete a fixed assets inventory for areas not addressed in the water and sewer study that will be completed in FY19.**
- **Receive accreditation of the Berryville Police Department from the Virginia Department of Criminal Justice.**
- **Develop branding, a marketing strategy, and a communication strategy for the Town (that will include enhancing www.berryvilleva.gov and developing an effective social media presence).**
- **Perform a payroll audit.**

I further move that for each goal listed above, the Town Manager is to provide project scope, approach, cost estimates, risks, and benefits.

Council member Rodriguez seconded the motion.

A roll call vote was as follows:

- McDonald – Aye**
- Harrison – Aye**
- Gibson – Aye**
- Rodriguez – Aye**
- Arnold – Aye**
- Dickinson – Aye**
- Absent – none**

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Mr. Dalton discussed the Sewer Main Repair and Rehabilitation project. He said there are three areas on East Main Street where the sewer main is in need of repair. He said the project would be completed by different contractors. Mr. Dalton stated the total estimated project costs including contingency is \$117,444.60. He proposed funding be allocated from the Sewer System Rehab line item in the amount of \$110,000. Mr. Dalton said there would be a shortfall of \$67,444 which he proposed transferring from the Sewer System Rehab Reserve Balance. Mr. Dalton noted that the change in the budget was just under the percentage that requires a public hearing. He also noted that the cooperative procurement portion fell just under the amount that would require the Town Council's approval. Mr. Dalton stated that even though these measures were not required, the Council could, of course, use any process it saw fit. Mr. Dalton said the point and asphalt repair would most likely fall during the day and the lining repair would most likely occur at night. Mr. Dalton said a similar project was done a couple years ago on North Buckmarsh Street. He said this project addresses two main goals: 1) to sure up the stability of the line and 2) to decrease inflow and infiltration.

Mayor Dickinson stated that she doesn't want to see the project negatively impact businesses and access to residences. Mr. Dalton replied there might be times where access is restricted but that Public Works does their best to keep disruptions to a minimum.

Council member McDonald questioned whether this would have a positive impact on storm water issues. Mr. Dalton replied it would not affect the storm water system.

Council member Rodriguez asked staff to explain what riding on a contract meant. Mr. Dalton replied cooperative procurement will permit another public body to save on procurement policy administrative costs and they can utilize the pricing that other jurisdictions have received.

Mayor Dickinson asked if the lining repair of \$96,344.60 included a contingency. Mr. Dalton replied that it did not but he felt good with the estimate.

Mayor Dickinson said she felt uncomfortable with approving a cost over \$100,000 for a contract that she has not seen. Recorder Arnold stated that typically Council does not get involved approving contracts and that that is the responsibility of the Town Manager.

Mayor Dickinson asked if there was any discussion on this motion. Council member McDonald asked where the Mayor stood. Mayor Dickinson replied that she is a little uncomfortable with

the \$100,000 but thinks this is something that needs to be done and recommends moving forward.

Recorder Arnold moved that the Council of the Town of Berryville approve the transfer of \$67,444.60 from the Sewer System Rehab Reserve into line item 502-4094200-8134 of the FY19 Budget.

Council member Harrison seconded the motion.

A roll call vote was as follows:

- McDonald – Aye**
- Harrison – Aye**
- Gibson – Aye**
- Rodriguez – Aye**
- Arnold – Aye**
- Dickinson – Aye**
- Absent – none**

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Mr. Dalton noted that the Town has worked intensely over the last 2 days preparing for the approaching hurricane and will continue to do so over the next few days.

11. Report of Erecka Gibson - Chair, Budget and Finance Committee
Council member Gibson noted the next Budget and Finance Committee meeting is scheduled for September 27, 2018 at 10:30 a.m. where discussion will take place on a policy for checks and bank account management. Council member Gibson requested an update from staff, when possible, of the disputed transaction on the Bank of America statement.
12. Report of Kara Rodriguez - Chair, Community Development Committee
Council member Rodriguez recognized Ms. Lizzie Ryan from Berryville Main Street. Ms. Ryan discussed the Hogan’s Alley project where there are plans to install planters with future goals of lighting, painting/texturing the sidewalk, and placing vintage signage. Ms. Ryan discussed the Virginia Main Street Feasibility Grant application. She said the Committee was interested in applying for a feasibility study for the Livery Stable which is done through Berryville Main Street. Ms. Ryan said they were hoping phase one plans for the alley would begin late October/early November.

Mr. Dalton said since Hogan’s Alley is owned by the Town, he would need to seek approval for modifications from Town Council. Mr. Dalton said he plans to examine lighting and hopes the Town, with approval of Town Council, commission a plaque to honor John Hogan, former Town Manager. He said he would request the Architectural Review Board’s assistance and would also need the adjoining property owners’ approval. Mr. Dalton said he will coordinate Berryville Main Street with the ARB and involve the Community Development Committee for further development and participation from the Town if approved by Council. Mayor Dickinson asked Council member Rodriguez if she was ok with taking on this project. Council member Rodriguez

replied yes. Town Council agreed by consensus. Mr. Dalton said he would discuss the details of the dedication plaque with Ms. Ryan.

Mr. Dalton said if Council approved, he would direct a letter to the Berryville Main Street Board of Directors requesting that the organization apply for a feasibility study for the Livery Stable. Mayor Dickinson asked if this study would encompass the entire building. Mr. Dalton replied that he thinks that the entire building should be considered. Town Council agreed by consensus.

Council member Rodriguez noted the next Community Development Committee meeting is scheduled for September 24, 2018 at 4:30 p.m.

13. Report of Donna McDonald – Chair Public Safety Committee

Council member McDonald noted the next Public Safety Committee meeting is scheduled for September 26, 2018 at 6:30 p.m.

Council member McDonald asked Sergeant Bristol if the department had any calls regarding storm water issues in the past years. Sergeant Bristol replied that there have not been a lot of calls this year but in past years there have been a few. Sergeant Bristol said typically they would respond to the call but then notify the Fire Department for assistance.

14. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison said the Committee discussed having a storm water survey completed before the water policy became a topic of discussion. Council member Harrison stated there are two meetings scheduled where there will be a forum for citizens to discuss storm water issues. Council member Harrison confirmed the public input Streets and Utilities Committee meetings as follows:

October 23, 2018 at 5:00 p.m. in Main Meeting Room

October 25, 2018 at 7:30 p.m. in Main Meeting Room (Committee members will arrive at 7:00 p.m. to discuss budget goals.)

A notice will be sent out in the water bill regarding these meetings which will also include a survey for citizens to fill out and return or discuss at the meeting.

Council member Harrison asked Mr. Dalton based on Dave Tyrell's report, if the air conditioning being out at the plant poses a problem. Mr. Dalton replied that it is being repaired but there should be no ill effects from the outage.

Mayor Dickinson asked, based on Dave Tyrell's report, if not being able to pull the membranes for service would pose a problem down the road. Mr. Dalton said that to his knowledge this should not be a problem.

Council member Harrison asked about the salt buildup in the hypochlorite feed lines at the water plant. Mr. Dalton said there is still investigation being done to find out why the buildup is occurring. He noted that all chlorination requirements are being met.

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

Recorder Arnold noted the next Personnel, Appointment and Policy Committee meeting is scheduled for October 23, 2018 at 9:00 a.m. Mayor Dickinson said there are at least two people

who have told her that they have submitted talent bank forms and are interested in filling the unfilled BADA appointment.

16. Other

Council member Rodriguez asked if there was support from Council members and requested that the agenda packets be distributed on Thursdays. Council member Gibson said she does not look at the binder until Monday or Tuesday. Mayor Dickinson would like to receive the packet earlier. Council member Harrison said she has no preference. Council member McDonald said she has no preference but suggested postponing the request until full staffing is maintained.

Mr. Dalton said he and Ms. Dunkle are reviewing agenda and minutes management systems. Mayor Dickinson said she and Mr. Dalton have had discussions about the schedule as to when to expect first draft minutes and when approvals are expected. Mr. Dalton said that he hopes to have the Town Clerk position filled by the next Town Council meeting and then to establish a schedule.

17. Closed Session

No closed session scheduled.

18. Adjourn

There being no other business, upon motion of Council member Rodriguez, seconded by Council member McDonald, the meeting was adjourned at 9:42 p.m.

Harry Lee Arnold, Jr., Recorder

Karen Johnson, Front Desk Clerk



**COUNCIL OF THE TOWN OF BERRYVILLE
RESOLUTION OF APPRECIATION AND THANKS**

WHEREAS, H. Allen Kitselman, III was first appointed to the Berryville Town Council on May 8, 2001; and

WHEREAS, Mr. Kitselman was subsequently elected for four additional terms serving on the Council for 17 years; and

WHEREAS, Mr. Kitselman continues to serve on the Berryville Area Development Authority where he has served since 1999; and

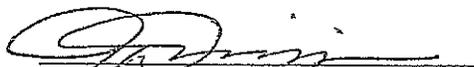
WHEREAS, During his tenure on Council, Mr. Kitselman has faithfully served the citizens of the Town of Berryville, utilizing his expertise to guide and manage many projects including the construction of the Berryville – Clarke County Government Center and serving as a member of the Community Improvements Committee and the Building Committee; and

WHEREAS, Without fail, in all of his dealings with the public and other public officials, Mr. Kitselman executed the duties of his office in a fair, thoughtful, and just manner; and

WHEREAS, Through his dedication to the Berryville Town Council, Mr. Kitselman has served as an exceptional example of a citizen's concern for his community and has positively affected the lives of Berryville's residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, that H. Allen Kitselman, III's extensive and distinguished service to this community is recognized and that he is thanked for his hard work and dedication.

By Order of the Council of the Town of Berryville on this the tenth day of July, 2018.


Patricia Dickinson,
Mayor


Harry Lee Arnold, Jr.,
Recorder

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Robert Regan Village Proffers

August 6, 2018

1. Master Development Plan
 - 1.1 The development of the Property shall generally conform to the Robert Regan Village Concept Plan dated August 3, 2018, a copy of said Concept Plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.
2. Land Use Restrictions
 - 2.1 Multi-family residential uses on the Property shall not exceed 120 units and shall be limited to areas containing 11 +/- acres subject to revisions which may be approved by the Town in final Site Plan review.
3. Real Estate Tax
 - 3.1 The Owner, the Owner's successors and assigns, shall pay the usual and customary real estate tax to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.
 - 3.2 Neither the Owner nor the Applicant, not their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec. 58.1- 3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.
4. Cash Proffers
 - 4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue [purposes], a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.
5. Deed
 - 5.1 Any deed conveying the Property, or any portion thereof, shall affix as attachment incorporation into said deed, a full copy of these proffers in order to advise any subsequent purchaser of the proffered terms and conditions.

43760 Trade Center Place, Suite 110, Sterling, VA 20166 (703) 674-0161 Fax: (703) 478-0137 www.mragta.com

OWNER:

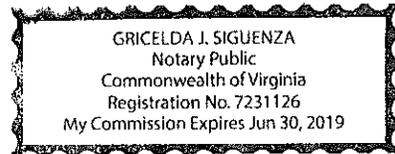
**A.C. Echols, Jr., Trustee of the Battlefield Center
Trust Under A Trust Agreement Dated June 15, 2001**

By: A.C. Echols, Jr. - Trustee
A.C. Echols, Jr., Trustee

COMMONWEALTH OF VIRGINIA;
City / County of Clarke, to wit:

The foregoing instrument was acknowledged before me, in the aforesaid jurisdiction, this 11th day of September, 2018 by A.C. Echols, Jr., Trustee of the Battlefield Center Trust Under a Trust Agreement Dated June 15, 2001.

My commission expires June 30, 2019.



Griceida Siguenza
NOTARY PUBLIC

**AN ORDINANCE AMENDING
ARTICLE III, SECTION 321 PUBLIC TREE ORDINANCE, OF THE
TOWN OF BERRYVILLE ZONING ORDINANCE**

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

SECTION 321 Public Tree Ordinance

321.2 Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the Town of Berryville which shall consist of five members, citizens, and residents of the Town of Berryville, who shall be appointed by the Town Council.

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder



RESOLUTION TO REQUEST VDOT TRAFFIC CALMING STUDY
SOUTH BUCKMARSH STREET | US 340

WHEREAS, Public safety is a priority for the Council of the Town of Berryville; and

WHEREAS, Citizens are concerned about speeding on South Buckmarsh Street; and

WHEREAS, A sufficient number of signatures have been submitted to Town Council to warrant a request for a study; and

NOW, THEREFORE, BE IT RESOLVED The Council of the Town of Berryville supports and requests a Traffic Calming Study be conducted by VDOT on South Buckmarsh Street.

By Order of the Council of the Town of Berryville on this the eleventh day of September, 2018.

Patricia Dickinson, Mayor

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
Monday, August 27, 2018

A meeting of the Berryville Town Council Community Development Committee was held on Monday, August 27, 2018 at 4:30pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Kara Rodriguez, Chair; Diane Harrison

Member absent: Donna McDonald

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

Press present: Mickey Powell, Winchester Star

Others present: Lizzie Ryan, Berryville Main Street

Chair Rodriguez called the meeting to order at 4:30pm.

Approval of Agenda

The agenda was approved by consensus.

Updates

Hogan's Alley

Chair Rodriguez recognized Lizzie Ryan, director of Berryville Main Street (BMS). Ms. Ryan updated the Committee on the design of Hogan's Alley and presented drawings and photographs of the concept. She said the Board was hoping to have an event in the alley in October. She presented drawings of the planters and gates which were from the Berryville Train Station and cost estimates for the project. She said BMS has allocated \$3,000 for the project. There was a discussion about lighting, future phasing, signage, maintenance, and trash totes which are currently placed in the alley.

Chair Rodriguez asked how much funding was expected from the Town. Ms. Ryan said the benches were not identified in the current budget and would be an amenity that should be included in the project. Mr. Dalton suggested Town and BMS staff meet with the County Building Official to discuss proposed uses in the alley.

Mr. Dalton said the request to use the alley will need to be included on the September 11 agenda in order to meet the estimated timelines for use.

Livery Stable

Ms. Harrison said she had spoken with Virginia Main Street staff about a financial feasibility study grant available through the organization. She said that BMS would be the grant applicant and that funding of up to \$25,000 is available through May of 2019. Mr. Dalton recommended that Council formally request BMS apply for the grant that would include a resolution of support and agree, as the property owner, to the effort.

Discussion - Committee Charge

Chair Rodriguez said she would like to begin the discussion with a new focus as the committee's parameters have changed. She discussed sharing efforts without overlapping with other Town Council committees. Ms. Harrison suggested Hogan's Alley; Rose Hill Park storm water management; and the Page Street median be considered as priorities.

Chair Rodriguez said the discussions should begin with the Community Development Committee and then shift to Streets and Utilities for implementation. She added that beautification enhancements can lead to economic development benefits.

Ms. Harrison said developing a social media presence and updating the web site are priorities adding that branding should be part of this effort. There was a discussion about standing committees of Council and their respective tasks.

Discussion – FY 2020 Budget Goals

There was a discussion about establishing two or three goals based on economic development efforts and including Clarke County and Berryville Main Street in the effort. Chair Rodriguez reiterated that a social media presence and updating the web site were important and Ms. Harrison said that hiring a consultant for branding should be considered. Ms. Harrison added that hiring a part-time position by the Town and County to take on these tasks should also be discussed.

Ms. Rodriguez said that with consumer taxes increasing, earmarking these funds for tourism and economic development should be considered. She said creating a reserve of specific fund should be discussed. There was a discussion about future funding for economic development.

There was a discussion about hiring a part-time position for branding and marketing versus contracting with a consultant. Committee members determined that the priorities would be to inventory other jurisdictions to see how they earmark tax revenues for economic development; create a social media presence and enhance the existing web site; and consider creating a part-time position or hiring a consultant for marketing and branding. Mr. Dalton reiterated that partnering with the County and Berryville Main Street should be considered during this process.

Other

There was a discussion about the budget goals meeting set for Wednesday, September 5 at 3:00pm. Chair Rodriguez said the next Community Development meeting was scheduled for Monday, September 24 at 4:30pm.

Chair Rodriguez suggested that BMS and the Town create a Memorandum of Understanding. There was a discussion about the Berryville Main Street director position becoming a Town employee. Mr. Dalton suggested discussing the matter with the BMS Board and letting the Board approach the Town on the matter.

There being no further discussion, the meeting was adjourned at 5:22pm.

BERRYVILLE TOWN COUNCIL PERSONNEL COMMITTEE
Berryville-Clarke County Government Center
MINUTES
August 28, 2018

A meeting of the Berryville Town Council Personnel Committee was held on Tuesday, August 28, 2018 at 9:00am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Jay Arnold, Chair; Pat Dickinson; Erecka Gibson

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

Chair Arnold called the meeting to order at 9:00am.

Approval of Agenda

Ms. Gibson made the motion to approve the agenda as presented, seconded by Ms. Dickinson, the motion was approved by voice vote.

Discussion – Social Media Policy

Mr. Dalton described the updated Policy. He said he also included the County's recently adopted policy for review adding that he thought there were good aspects of both. Ms. Gibson recommended modifying the order of several items. There was a discussion about having separate policies for staff and elected and appointed officials. Chair Arnold and Ms. Gibson said they felt like one document would suffice.

Mr. Dalton said he would like to define certain terms to clarify requirements. Ms. Dickinson liked the layout of the County's policy. Ms. Dickinson made specific requests including clarification of terminology and that no sharing of passwords occur when archiving and FOIA officers are retrieving postings.

Discussion – Job Descriptions

Mr. Dalton provided job descriptions for the Town Manager and two Assistant Town Manager positions. Committee members made comments on the documents. Mr. Dalton said that he would reformat the job descriptions to be consistent. There was a discussion about evaluations that were sent by Council member Harrison.

Discussion – Meeting Procedures

Ms. Dickinson was unsure what this discussion entailed. Mr. Dalton said he was directed to add this item to the agenda concerning the adoption of voting procedures or the use of Roberts Rules of Order at Council meetings. Ms. Dickinson said she was concerned about the cost and staff workload and said there were higher priorities than this. Chair Arnold said this should be discussed. Ms. Gibson

said that not having procedures in place has been disruptive at meetings and she felt this should continue to be discussed.

Discussion – FY 2020 Budget Goals

Ms. Gibson said she would like to see the salary studies be completed within this timeframe.

Other

Ms. Dickinson said she would like to appoint Mr. Bigelow to the Tree Board. The Committee said they were fine moving that ahead. She said the Procurement Policy published on the web site is not the correct version. Staff said they would post the correct document on the web site.

Adjourn

There being no further business, the meeting was adjourned at 10:43am.