

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 10, 2019
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: Present--Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department; Greg Jacobs, incoming Assistant Town Manager/Treasurer

Press: Mickey Powell, The Winchester Star

1. Call to Order

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

2. Pledge of Allegiance

Following the Pledge, Mayor Dickinson extended her condolences, on behalf of the Council, to Council member McDonald regarding the recent death of Mr. McDonald. She then invited Town Manager Dalton to explain the new agenda format, the rationale behind certain of its features, and further changes he expects as the Town adopts the CivicClerk agenda-creation package.

3. Approval of Agenda

Mayor Dickinson asked for a motion to approve the agenda.

Council member Harrison made the motion to approve the agenda, seconded by Council member Rodriguez.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

4. Public Hearing

Four public hearings were scheduled:

Town Planner Dunkle presented the first item:

Special Use Permit—Home Occupation

Julie Wheeler Abrera (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19

Ms. Abrera described her business, which creates floral arrangements for weddings and special events and also teaches floral design. She said she wanted to conduct workshops, no more than six annually, ranging from a half-day to two days each and with no more than 12 participants each, during the hours between 9:00 a.m. and 9:00 p.m. She said she has a limited number of clients and wants to have client-vendor meetings between 9:00 a.m. and 5:00 p.m., for which she needs permission.

Referring to documents submitted to the Council and incorporated into the agenda, Ms. Dunkle described potential problems and remedies: Parking is the largest issue, and Ms. Abrera said her property can accommodate six cars in the driveway in addition to parking on the street. She also said a landscape architect had devised a landscape screening plan and that a lighting plan had also been developed. She said the business does not use a sign except for one at the top of the driveway directing workshop participants.

Council member McDonald asked the applicant about the expansion of her business. Ms. Abrera said she would like for the workshops to grow large enough that she no longer holds them at home. Council member McDonald asked if it would be possible for attendees to park at another site and be shuttled to the Abrera property. Ms. Abrera said she had not considered this but that it was an option. Recorder Arnold asked whether a two-day workshop counted as one workshop in Ms. Abrera's estimate of six workshops per year, and she said it did and that six workshops could add up to 12 days. Recorder Arnold expressed concern about access to the area by fire and rescue vehicles and asked whether Ms. Abrera could notify clients to park on only one side of the street. She said she had addressed the matter in her application and that her understanding was that there was a grassy public right of way where people could park clear of the street. Recorder Arnold said the police had been summoned to the property, and Ms. Abrera said the occasion was a private party, not a business function, that neighbors had complained about cars being parked on their grass, and that the cars had been moved off the grass and into the street as requested.

Mayor Dickinson, referring to the documents submitted by Ms. Abrera, asked what a style dinner is. Ms. Abrera explained, and they discussed it briefly.

Mary Veilleux of 100 Battletown Drive spoke on Ms. Abrera's behalf, stating that Ms. Abrera had exercised proper due diligence, that a gathering of as many as 20 people on the property would not present problems and that the business provided good exposure for Berryville and enhanced economic development. She commended Ms. Abrera's involvement in the community.

Tim Mercer said he is a longtime resident whose mother lives across the street from Ms. Abrera, whom he said he does not know, and that nearby residents have already been adversely affected by Ms. Abrera's business. He said that the accessory structure on her property, a reconstructed log cabin, sets a bad precedent regarding what other residents may now be allowed to put in the back yards. He said parking on Battletown Drive creates traffic problems because of the narrowness of the road, and that Ms. Abrera sometimes has the driveway coned off instead of having cars parked there, resulting in cars being parked in the street. He said as many as 20 cars had been parked there on July 14. Mr. Mercer also asked about enforcement and whether Ms. Abrera would police herself regarding the number of meetings and attendees.

Mr. Mercer also expressed concern about fire and emergency access. He said Brian Lichty, director of the Clarke County Department of Fire, Rescue and Emergency Management, had visited the site and determined that the width is inadequate. Mr. Mercer recalled that a trench had collapsed on a worker several years ago and that the rescue team had been forced to take a complicated roundabout route to reach him. He asked the Council to reject Ms. Abrera's application and said the new structure on her property is only the beginning.

Sara Mitchell said she agreed with Mr. Mercer and that a special use permit in a specifically residential neighborhood has the potential for negative impacts, noting that the street had been blocked for several hours when the trench collapsed on the worker. She said that approval of the application would set a negative precedent for all neighborhoods.

There being no other comment, Mayor Dickinson closed the first hearing.

Town Planner Dunkle presented the second item:

Rezoning—Hermitage Phase V

The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

Ron Mislowsky, representing Pennoni Associates, explained that Section V is the last phase to be developed. He said the original plan had been approved 13 years ago when the lots were configured differently and that the state has since passed new stormwater management laws requiring more open space for water quality treatment, necessitating a new layout. He said that two lots have been lost and that to keep rezoning lines from going through properties, a shift of line is needed. He said an HOA will be created for the purpose of maintaining stormwater management facilities in this phase of the development.

Council member McDonald asked whether the HOA would apply to the entire development or just to Section V, and Mr. Mislowsky said Section V only. Council member McDonald voiced concern about the HOA being in Phase V only.

David Bowen of Tyson Drive asked when the changes would occur and how residents would be affected. Ms. Dunkle and Mr. Mislowsky said an additional public hearing would be necessary and that it would be a joint meeting of the Berryville Planning Commission and the Berryville Area Development Authority. Mr. Mislowsky said he hoped construction could proceed on the first phase this fall, that the only changes to layout would be internal to Phase V and that road patterns would be only minimally affected except for construction traffic. He said Dunlap Drive or Alexander Drive would be most affected but that more discussion with the Town was needed.

Mayor Dickinson recommended that Mr. Bowen confer with Ms. Dunkle for further details.

Mr. Dalton said stormwater would go to the same place as called for in the earlier plan but that it would travel more slowly. He also said that the Planning Commission and Berryville Area Development Authority would be discussing traffic routing. He said that three roads provide access to Phase V, with Alexander being the most likely starting point for construction activities because of the configuration of utilities. He asked when the groundbreaking would be.

Property owner Richie Wilkins said groundbreaking likely would not occur until 2020 or 2021.

Mr. Bowen said trucks damage roads and asked whether an allowance would be made for that. He asked what the maintenance and drainage arrangements would be. Mr. Wilkins said that when water reaches a certain volume it is piped to a storm pond. He said he was open to discussion about roads. Ms. Dunkle said the public hearing on the final plan would establish which roads would be used. Mr. Wilkins said that most large equipment is brought in one time and stays on-site.

Jean Kelly asked whether future meetings would discuss how many builders would be involved. Mr. Dalton and Ms. Dunkle said the Town does not regulate this.

There being no further comment, Mayor Dickinson closed the second hearing.

Mr. Dalton read the third item:

The Council of the Town of Berryville will take public comment on the submission of an application to the Virginia Department of Transportation's Transportation

Alternatives Program in order to fund the construction of unfinished sidewalk sections on the north side of Mosby Boulevard.

Ms. Dunkle described the Transportation Alternatives Program (TAP) grant intended to fund construction of sidewalk sections on the north side of Mosby to accommodate safe pedestrian access by residents of new and existing multi-family developments and existing single-family homes to businesses and services on McNeil Drive.

Mr. Dalton asked how much was the total match needed. Council member Gibson said \$29,843. Ms. Dunkle said she would meet with the engineer and finalize plans next week.

There being no further comment, Mayor Dickinson closed the public hearing.

5. Discussion of Public Hearing Items

In discussing the special use permit, Recorder Arnold said he was supportive of business but that parking and street width presented challenges. He said he was satisfied with Ms. Abrera's proposal except for the parking problem and that he would support the opinion of the fire and rescue director.

Council member Harrison said Ms. Abrera had addressed the parking issue in her presentation and that it did not constitute a problem. She said it was sufficient to have a driveway accommodating six cars and the opportunity to park in the right of way. She said open communication among neighbors is important.

Council member Gibson said she was concerned about fire and rescue and that safety comes first. Council member Harrison said that cars park along that street daily and asked whether no cars should be permitted there. Council member Gibson said that would be fine. Council member Harrison said there were two separate issues, parking and the business itself. She said it would not be acceptable to single out Ms. Abrera if people park along the street already.

Council member McDonald asked how the Town could know whether Ms. Abrera increased the number of workshop participants beyond 12. Ms. Dunkle said that enforcement is complaint-driven and that she would provide enforcement in her capacity as zoning administrator.

Mr. Dalton asked Chief White if parking on the pavement was a violation of the law and could result in ticketing. Chief White said that this is the case on that street. Mayor Dickinson asked whether cars must be off the paved street, and Chief White said yes. He explained that there is a 50-foot right of way and a travel way of approximately 18 feet. He said enforcement begins with locating the vehicle's owner and asking that the vehicle be moved, and can escalate to ticketing, and that in an emergency the vehicle can be towed. Mr. Dalton asked whether the police might do nothing or issue a warning in a mild case and take a more active role in an egregious case or in

answer to a complaint. Chief White said it was a matter of a judgment call by the officer in question.

There was a brief discussion of the requirement that all four wheels be off the pavement, and the possibility that residents might stop maintaining the grass right of way if it is used for parking. Council member McDonald asked how it would be maintained in such a case, and Mr. Dalton said the right of way would be mowed twice annually by the Town.

Council member Harrison asked whether, if events on site were reason for concern, there would be any reservations about clients and vendors visiting the house.

Ms. Dunkle said a home office is permissible. She and Mr. Dalton explained that approval can be conditional, and Mr. Dalton made recommendations about the process.

Recorder Arnold asked Ms. Abrera if she had room for six cars and if some vehicles could be parked at the neighbors' homes. Ms. Abrera said she had identified some such opportunities. Recorder Arnold asked if she could rework her parking plan, and she said she was not sure what other plan she could devise. Recorder Arnold said keeping cars off the street should be the starting point. Ms. Abrera asked whether it would be acceptable to have attendees park only in front of her house.

Mayor Dickinson said her main concern was with enforcement. She said if enforcement is complaint-driven, and there is already some opposition to the permit, animosity could ensue. She said that people had purchased homes in the expectation that the neighborhood would be purely residential. She suggested that such an area might not be the right place for the log cabin, and also expressed concern about fire and rescue matters.

Mayor Dickinson asked for a motion to approve the special use permit. Recorder Arnold asked whether the matter might be postponed. Mr. Dalton asked Ms. Dunkle about the maximum allowable time for review. She said there is no specific time-frame for approval. Mr. Dalton said that there is a statutory limit but that a decision could be postponed pending further review.

Council member Rodriguez asked whether an immediate decision was necessary. Ms. Abrera said she had made her application in a timely manner and in good faith, also citing delay caused by the Council not meeting in August. She said she has holiday workshops coming up and will soon need to proceed with promoting them. She said she had expected a decision at this meeting.

Council member Rodriguez moved that the Council of the Town of Berryville approve the request for a Special Use Permit (SUP 01-19) in order to allow a home occupation at the property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A, zoned DR-2 Detached Residential with the following conditions:

1. Workshops on site are limited to no more than six (6) per year with a maximum of 12 participants attending each workshop;
2. Hours of operation shall be limited to the hours between 9:00 a.m. and 9:00 p.m.;
3. Participants shall park in the driveway of the property referenced above until it has reached its capacity;

Council member Harrison seconded.

Roll call vote as follows:

McDonald: Nay

Harrison: Aye

Gibson: Nay

Rodriguez: Aye

Arnold: Nay

Dickinson: Nay

The motion failed.

The Council then discussed the Hermitage Phase V rezoning request. Council member McDonald asked for clarification of the HOA's duties. Mr. Dalton and Ms. Dunkle said all streets would be Town-maintained. Mr. Dalton said the HOA is the only vehicle available for the developer to maintain Best Management Practices and that the HOA's only responsibility will be for BMPs in conservation areas.

Council member McDonald asked whether residents in Phase V would be responsible for HOA fees, and Mr. Dalton said yes. Ms. Dunkle said buyers would be aware of this in advance. Council member McDonald expressed concern about the HOA fee for a new section. Mr. Dalton explained that new buyers would know about it up front and that lots in other areas would be unaffected.

Council member Gibson asked whether residents of the new section would help defray the cost of stormwater-related problems in other parts of the development. Mr. Dalton said the HOA is an overlay on Section V, which is also obligated to the development as a whole. The mayor and Council member McDonald asked for clarification that residents of Section V would be paying for maintenance of their own section. Mr. Dalton explained that stormwater regulations have become more rigorous, especially regarding water quality, and that the HOA is the best vehicle available.

Recorder Arnold moved that the Council of the Town of Berryville approve the request to align zoning with the proposed lot configuration for Phase V of the Hermitage subdivision on Tax Map Parcel number 14A3-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-23 zoned DR-1 Detached Residential. Council member Rodriguez seconded the motion.

Council member McDonald said she would not want to pay an HOA fee and also be assessed for a catastrophe elsewhere. She said residents' obligations must be made clear.

Roll call vote as follows:

- Harrison: Aye**
- Gibson: Aye**
- Rodriguez: Aye**
- Arnold: Aye**
- Dickinson: Aye**
- Abstaining: McDonald**

There was no discussion of the TAP grant.

Council member Harrison moved that the Council of the Town of Berryville adopt the attached resolution of support in order to request VDOT Transportation Alternatives grant funds for the completion of sidewalk sections and associated ADA facilities on the north side of Mosby Boulevard. Recorder Arnold seconded. [Motion attached.]

Roll call vote as follows:

- McDonald: Aye**
- Harrison: Aye**
- Gibson: Aye**
- Rodriguez: Aye**
- Arnold: Aye**
- Dickinson: Aye**

6. Citizens' Forum

Mary Ivie of 11 Dorsey Street thanked the Town Council for its attention to stormwater matters. She said all her neighbors know it is a work in progress. She asked what would come next and whether residents would be notified of inspections. She said she also spoke on behalf of Chris Crawford.

7. Presentations/Awards and Recognitions

Town Manager Dalton recognized Assistant Town Manager/Treasurer Desiree Moreland, who is retiring at the end of the month after 43 years of service to the Town. He thanked her on behalf of the elected and appointed officials and Town staff, commending her unmatched dedication and loyalty and saying that she had always represented the Town well.

Council member McDonald moved to approve a resolution honoring Ms. Moreland, with Council member Gibson seconding. [Resolution attached.]

Roll call vote as follows:

- McDonald: Aye**

Harrison: Aye
Gibson: Aye
Rodriguez: Aye
Arnold: Aye
Dickinson: Aye

The Council then presented the resolution to Ms. Moreland.

8. Consent Agenda

Mayor Dickinson requested a motion for approval of the consent agenda comprising the minutes of the July 9 Town Council work session and regular meeting, the minutes of the July 22 Community Development Committee, and the minutes of the August 27 Streets and Utilities Committee meeting.

Council member McDonald moved that the consent agenda be approved, seconded by Council member Harrison.

Roll call vote as follows:

McDonald: Aye
Harrison: Aye
Gibson: Aye
Rodriguez: Aye
Arnold: Aye
Dickinson: Aye

9. Unfinished Business

The first item being approval of the minutes of the June 11, 2019 Town Council regular meeting, the Council discussed the minutes as amended, as provided in a markup copy in the agenda packet. Council member Harrison moved to approve the amended minutes as provided in the markup copy, seconded by Council member Rodriguez.

Council member McDonald moved that minutes of the June 11, 2019 regular meeting of the Town Council be approved as amended, seconded by Council member Rodriguez.

Roll call vote as follows:

McDonald: Aye
Harrison: Aye
Gibson: Aye
Rodriguez
Arnold: Aye
Dickinson: Aye

Mr. Dalton then discussed the proposed downtown street light pilot project.

Mayor Dickinson asked if the locations of the lighting had been changed. Mr. Dalton said the project was moved farther to the east because of other lighting that might conflict with results. Mayor Dickinson said she did not support a change from 70 to 135 watts, as this would nearly double the current light output and would create light pollution. She said that with such bright light the sudden contrast between lighted and dark areas would be undesirable. She said street-level lighting is poor and that the Town is trying to compensate. She said residents and business owners should be consulted regarding changes.

Council member Harrison noted that the project is not a permanent measure. She said that there are no residents in this area and that the Town would know soon if the new arrangements were feasible. Mr. Dalton said there would be multiple types of lights in the same area for comparative purposes. Council member Harrison suggested that longer arms would help distribute light to both sides of the street.

Council member Gibson asked whether there are any residents in the Masonic building. Mr. Dalton and Ms. Dunkle confirmed that there are residents but no windows on the west side of the building. There was a brief discussion of other buildings in the area.

Council member McDonald said that downtown at night is generally dark, that the sidewalks are uneven, and that improved lighting of some kind is needed.

Council member Harrison said the Town should try a 70-watt light on a ten-foot arm to compare it with a 135-watt light.

Council member Harrison moved that that the Council of the Town of Berryville direct staff to contact Rappahannock Electrical Cooperative and request that they begin the Downtown Street Light Pilot, which will include the following changes to the area's lighting:

Pole number N 59259 to a 70 W LED

Pole number N 2634 to a 135 W LED on a 10' arm

Pole number N 2633 to a 70 W LED on a 10' arm

Council member McDonald seconded the motion.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Nay

The final item of unfinished business being the utility rate study conducted by Pennoni Associates, Mr. Dalton said no further action was to be taken at present. He announced the public input session on proposed utility rate adjustments scheduled for the following evening, Wednesday, September 11, at 7:00 p.m.

10. New Business

There was no new business.

11. Council Member Reports

Council member Gibson asked whether staff had received any comment from the public about the executive summary of proposed utility rate adjustments that had been included with the most recent bills. Mr. Dalton, Ms. Dunkle, and Mr. Jacobs said the staff had received no comments.

Council member McDonald noted that the Council had selected the tenth scenario of those provided by Pennoni Associates in its report on possible utility rate adjustment options, and asked whether commitment to that scenario was permanent. Mr. Dalton said staff had been directed to create an executive summary and fee schedule based on that scenario, and that the Council had agreed to enter tomorrow's public input session with that particular proposal. There was a discussion of process and procedure.

Council member McDonald said she had nothing to report on Ward 1.

Mayor Dickinson asked Mr. Dalton to clarify the purpose of the member reports section in the new agenda format, and he explained that it replaced the practice of members using committee report time to speak out on issues of importance to them.

Council member Harrison had nothing to report from Ward 2.

Council member Gibson had nothing to report from Ward 3.

Council member Rodriguez of Ward 4 said she had been pleased by the number of Ward 4 residents at the August 27 Streets and Utilities Committee meeting at which stormwater problems and possible solutions had been discussed.

Neither Recorder Arnold nor Mayor Dickinson had anything to report.

12. Staff Reports

The Public Works, Public Utilities, and Police Departments had nothing to report.

Mayor Dickinson thanked Officer Joseph Shoremount of the Police Department for his rapid response and intervention resulting in the successful outcome, under extraordinary circumstances, of an EMS call in the Battlefield Subdivision.

Ms. Dunkle said in her Community Development report that the farmers' market had requested an additional market after the conclusion of the regular season on October 26.

Mayor Dickinson asked if the request is for only one market, and Ms. Dunkle said it is. The mayor said the motion calling for up to two additional markets must be changed. Ms. Dunkle said the farmers' market had changed its request after she had prepared her written report for the Council.

Mr. Dalton asked whether there had been an extra market last year and said there would be no problem with more than one. Ms. Dunkle said they had held a market last year on the same day as the Christmas parade and that there had been conflicts including street closings and vendor setup. Mr. Dalton asked whether the organization would be content with one market or needed to leave the number open, and Ms. Dunkle confirmed that only one additional market had been requested.

Council member Harrison said that as a potential vendor she would abstain from voting on the motion.

Council member Rodriguez moved that the Council of the Town of Berryville allow one additional Saturday market in the Rixey Moore parking lot on November 30 from 10 a.m. to 2:00 p.m.

Roll call vote as follows:

McDonald: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstaining: Harrison

There was no report for Administration/Finance. Council member Harrison asked whether workers compensation had doubled, and Mr. Dalton said he would speak with Ms Moreland and report back to the Council tomorrow.

The Town Manager's report by Mr. Dalton addressed Berryville Main Street's (BMS) rental of the old Town office at 23 Main Street, the current lease having been finalized in February 2018. He said the first floor has housed the Fire House Gallery and the BMS office, with BMS renting the two second-story office spaces as part of the Town/BMS effort to incubate new businesses.

He said BMS now wants to close the Gallery, put its office on the second floor, and sublease the first floor, and that it needs the Town's permission for the sublease.

The mayor recognized BMS president Nathan Stalvey.

Council member Gibson asked Mr. Stalvey how long the lease would run if BMS subleased the Gallery area. He said this had not yet been determined. She asked whether this was within the confines of his lease. He said yes. Mayor Dickinson asked if other businesses had shown interest, and Mr. Stalvey said they had. Council member Gibson asked how BMS would choose between them. Mr. Stalvey said BMS would have to discuss this as a board and that retail businesses were desirable. Mr. Dalton said the motion should direct the town manager to provide written approval of the Town Council's decision regarding the subleasing of the first floor of 23 Main Street.

Recorder Arnold moved that the Town Council of the Town of Berryville direct the town manager to provide written approval of the Town Council's decision regarding the subleasing of the first floor of 23 Main Street. Council member Harrison seconded the motion.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Mr. Dalton then addressed maintenance of conservation areas and §13-32 and §13.32.1 of the Berryville Town Code. He said that he and Ms. Dunkle had encountered the term "conservation areas" in discussion with developers and had determined that a conservation area is part of a Best Management Practice (BMP). Mayor Dickinson asked whether conservation areas were in people's back yards. Mr. Dalton and Ms. Dunkle explained their understanding of these areas. The mayor said something more attractive than weeds would be required. Mr. Dalton said that it would be a controlled planting but that there was cause for concern, hence the placement of the matter before the Council. Mr. Dalton said it was impossible to tell what DEQ would do.

13. Committee Updates

Council member Gibson said the Budget and Finance Committee would meet on September 22 at 10:30 a.m.

Council member Rodriguez said the Community Development Committee would meet on Monday, September 23 at 2:00 p.m.

Recorder Arnold said the Personnel, Appointments and Policy Committee would meet on September 24 at 9:00 a.m. and would discuss openings on the Tree Board and Architecture Review Board.

Council member McDonald said the Public Safety Committee would meet on Wednesday, September 25 at 2:00 p.m. The mayor asked if chapter 20 is ready for review, and Council member McDonald said yes. Council member Gibson requested an overview or executive summary. Mayor Dickinson noted that Chief White had undertaken the revisions and had based them on the Charlottesville code. She recommended that further discussion be postponed, and Recorder Arnold concurred.

Council member Harrison said the Streets and Utilities Committee meeting on August 27 had been good and that the committee would next meet on Tuesday, September 24 at 10:30 a.m. She asked Mr. Dalton whether scopes for the next projects were ready. He said he would provide one for the Town run before the next meeting and suggested having Ron Mislowsky of Pennoni Associates there. Council member Harrison agreed and said that the lighting standard should be discussed at that time also.

There was a brief discussion of the agenda format.

Council member McDonald praised the recent improvements to Washington Square.

14. Closed session

No closed session was scheduled.

15. Adjourn

Council member Gibson moved for adjournment, seconded by Council member Rodriguez. The motion passed by consensus.

The meeting adjourned at 10:13 p.m.

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Public Input Session
September 11, 2019

A public input session of the Berryville Town Council was held on Wednesday, September 11, 2019 at 7:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia, for the purpose of discussing proposed adjustments to water and sewer rates.

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

Staff: Present: Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Christy Dunkle, Town Planner; David Tyrrell, Public Utilities Director; Jodi Kern, Utilities Clerk; Paul Culp, Town Clerk; Greg Jacobs, incoming Treasurer

Press: Mickey Powell of The Winchester Star

1. Call to Order:

Mayor Dickinson called the meeting to order at 7:01 p.m.

2. Approval of Agenda:

The mayor acknowledged that September 11 is Patriots Day and the anniversary of the 2001 World Trade Center attacks. She then asked for a motion to approve the agenda. Council member Rodriguez moved to approve the agenda as presented, seconded by Council member Harrison. The motion was approved unanimously by voice vote.

3. Unfinished Business: Public Input Session—Water and Sewer Schedule of Fees

Mayor Dickinson recognized Tom Frederick of Pennoni Associates, which had prepared a report analyzing the Town's water and sewer needs and providing fifteen scenarios for fee structures to address those needs.

Mr. Frederick noted that water is vital for all aspects of life and that assets pertaining to it must be maintained so as to be reliable and resilient. He said assets wear out over time or are compromised by disastrous events, and that backup systems are necessary.

Mr. Frederick summarized the analysis and recommendations in the Pennoni Associates study. He said the Berryville area could expect population growth at a rate of one-half of one percent annually

and that the system in its present condition was more than adequate to cope with population growth for at least 20 years. He said Town staff had asked Pennoni Associates to look at existing assets, including vertical ones—meaning buildings, pumping stations, and storage tanks—and horizontal ones such as underground pipes. He said Pennoni was able to project the remaining useful life of those assets and determine what the replacement budget would be and the probable capital costs involved, and from there construct a more accurate capital improvement model than the Town has had previously, with an eye to keeping the system resilient. Mr. Frederick said Pennoni had done this for both water and sewer and then developed a 20-year plan for maintaining the system.

He said Pennoni had then compared Berryville's water and sewer rates with those of eight nearby communities and that Berryville's water rates are average to slightly below average while its sewer rates trend toward the high end of the scale. He said the Town had performed a large amount of work on its sewer system in the last decade, particularly its construction of the wastewater treatment plant, with some of this work having been required by state regulations. He said the Town's sewer system, particularly its vertical assets, is relatively new and therefore will not need as much attention in the near future as would be the case with an older system. He said sewer rates would not need a significant increase and could remain stable, while the water system's assets are older, especially the treatment plant, and that the Town should take steps to assure future maintenance, including sufficient attention to fire protection.

Mr. Frederick said Pennoni recommended adjustments to availability fees. He said the current availability fee for water is \$5,250 per equivalent residential unit for a new connection while the equivalent fee for sewer is \$22,750. He said Pennoni recommends adjustments according to which the total amount for a new connection would not change, but the charge for water would increase while the charge for sewer is reduced by a corresponding amount. The water charge per ERU would then be \$12,100.

Mr. Frederick said the Council and Town staff had been given spreadsheets taking into account projected growth, inflation, and asset replacement projected over eight years, with five years of water and sewer rate projections. He said total water revenue from rates should be adjusted by 10.1 percent per year, and total sewer revenue from rates by 2.2 percent per year. He said the nationwide average currently is 5 to 6 percent when water and sewer are combined. He said water and sewer systems throughout the country generally have not kept pace in terms of asset replacement, and that more stringent regulations are also placing heavier fiscal demands on systems. He said the rates recommended by Pennoni are in line with national averages overall but added that the water rates recommended for Berryville would be above average and its sewer rates below average.

Mr. Frederick said the Pennoni study had employed three methodologies in determining how to distribute the necessary rate increases: 1) maintaining current flat rates, 2) inclining block rates, meaning a customer's cost per unit would rise with increased use, and 3) declining rates, with the customer paying less per unit for higher quantities.

Mr. Frederick said Pennoni's recommendation for Berryville was that the Town maintain flat rates, meaning the unit rate would remain the same for all levels of consumption. He said Pennoni had been asked to consider billing for administrative or fixed costs, or minimum charges on bills, and that it recommended a fixed administrative fee on each bill to cover costs such as management, billing of accounts, meter reading, and personnel, those being costs that do not vary with consumption. He contrasted non-variable costs with variable ones such as the amount of electricity used in pumping, the increased use of equipment when flow rates are high, and chemical costs that tend to vary with demand. He said that for billing purposes variable costs should be reflected in unit cost components, meaning the cost per thousand gallons, while fixed costs could be reflected in administrative charges.

Mr. Frederick said the Town's fixed costs were sufficient to justify an administrative fee that would be raised over time. He said the initial rate could be \$2.50 per bill, increasing to \$7.50 the following year, and possibly reaching \$22.50 in the fifth year. He said the effect of this on the rate per 1,000 gallons would be fairly constant, that five years from now the rate for water would be the same as today and the rate for sewer slightly lower. The increased revenue would be generated via the gradual increase in the administrative fee.

Mr. Frederick having completed his summary, Mayor Dickinson invited the Council to ask questions. She asked Mr. Frederick whether the percentages of the proposed rate increases might change if the Town secured another source of revenue, such as a grant or loan program. Mr. Frederick said this was possible and recommended that the Town aggressively pursue such opportunities.

Town Manager Dalton said a loan might make a rate adjustment possible, depending on the structure of debt servicing. Mr. Frederick said Pennoni recommends a limit of 4 percent on borrowing, and that the Town undertake a significant borrowing for its water system, associated with the treatment plant, and smaller amounts for the sewer system. He said it is wise to look at utility rates every year to determine whether they are in line with what is happening to interest rates.

There being no further questions from the Council, the mayor opened the public session.

Wayne Webb said he had read in the Town budget that Berryville is paying half a million dollars annually for debt servicing, and asked when the debt for the sewage treatment plant would be paid off. Town Manager Dalton said it would be in 2037. Mr. Webb said he hoped the Town would revert to the practice of billing four times annually, to reduce administrative costs. He said the savings would offset costs associated with undetected leaks occurring between more widely spaced billings. He said administrative fees were hurtful to lower-income residents because small users must pay the same amount as large users. He said the budget for fiscal year 2019 included \$150,000 for contingencies and that he wondered how that funding is used. He said the budget also included line items related to money being made by money and facilities, and asked whether the Town has this money in the bank and could apply it to utility upgrades.

Lonnie Grimes asked why there would be separate administrative fees of \$2.50 each for water and sewer if both services appear on the same bill. He said the prospect of a \$22.50 administrative fee would discourage people from living in Berryville.

Mayor Dickinson said she thought the current administrative fee is \$20. Mr. Dalton explained that there is no administrative fee at present, only a minimum charge intended to recoup some of the cost of operating the system regardless of usage. He cited billing, meter reading, collection operations, and personnel performing cutoffs as activities that occur and create operating expenses whether usage is high or low. He said the engineers had determined that low-end users are paying a lower percentage of these monthly recurring costs. He said the intent was to bring some of those costs to bear at that usage level but not abruptly. He said the addition of administrative fees would allow rates to remain essentially static, and that the intent was to provide for collection of recurring costs in a way that distributes them over all users and not just heavier users.

Mr. Grimes asked if he had understood correctly that the administrative fee would be \$22.50. Mayor Dickinson explained that this was in the proposal but that the Council had not decided the matter. He asked what the Town would do to add more users to the system. Town Planner Dunkle said more than 200 units were on the way.

Council member Gibson explained that there are two charges of \$2.50 because water and sewer services are provided by separate self-funding revenue streams and must be treated accordingly as a matter of accounting procedure. She said each service has its own fixed costs.

Mr. Grimes suggested billing via email. Council member Gibson explained that there would still be recurring costs. Council member Harrison said that more was involved than paper usage, citing salaries. Council member Gibson suggested that an explanation of fixed costs be posted on the website so residents would understand what expenses are covered by administrative fees.

Mr. Grimes indicated that he understood most of the billing to be automated. Utilities Clerk Kern said this was not the case. She said the Town incurs expenses in sending technicians out to investigate possible leaks, and that services of that nature creates operating expenses that are addressed by the \$2.50 charges. She said the Town goes above and beyond in many ways on behalf of residents but that this carries a cost.

Mayor Dickinson explained that the Town does not have a fully automated system, which while desirable would entail replacing all meters at a cost of \$800,000 to \$1 million.

Mr. Dalton said that even with full automation it would be desirable to have boots on the ground periodically because human observers can detect problems in a way that saves money in the long term.

The Council remained in session to provide any late arrivals an opportunity to speak.

Mayor Dickinson said the Council needed to set a public hearing on rates for the October regular meeting of the Council, for publication of the rates contained in tonight's packet. There being no objection, the hearing was set for that time.

Council member McDonald asked whether the new rates would go into effect after that meeting. Council member Gibson said they would if the Council voted on them and approved them. Mr. Dalton said the Council would vote and establish an effective date for the new rates. He directed the Council's attention to the proposed date of November 22 in the packet. Council member McDonald indicated her understanding that a vote in October would mean new rates going into effect in November. Mr. Dalton said it would be possible to delay approval until November but that proceeding in October would be best. He said November 22 is the day of meter reading. Mr. Grimes suggested that the holidays would not be a beneficial time for a rate increase. Mr. Dalton said that since the rate adjustment has been advertised as occurring on November 22, putting it into effect sooner is not possible but doing so later is permissible.

Mayor Dickinson noted that it would be possible to set the effective date for later in order to avert negative impacts on residents during the holidays.

Council member McDonald asked why the rate adjustment could not occur before November 22, and Mr. Dalton said that he believed that the Council's advertisement of that date bound it to implement the changes no earlier than November 22. The mayor reiterated that a later date would be permissible.

Mr. Dalton warned against a situation in which a new, higher rate might be combined with an estimate if snow or ice prevents meter reading. Council member McDonald agreed that many residents would be displeased by such a development.

There being no further discussion, Mayor Dickinson closed the public input session and asked for new business.

4. New Business:

There was no new business.

5. Other:

No other business came before the Council.

6. Closed Session:

No closed session was scheduled.

7. Adjourn

Mayor Dickinson asked for a motion to adjourn. Council member McDonald so moved, seconded by Council member Gibson. The motion passed unanimously by voice vote at 8:30 p.m.

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 26, 2019

A meeting of the Berryville Town Council Budget and Finance Committee was held on Thursday, September 26, 2019 at 10:30 a.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Erecka Gibson, Chair; Mayor Pat Dickinson; Kara Rodriguez

Staff present: Keith Dalton, Town Manager; Desiree Moreland, Treasurer/Assistant Town Manager; Greg Jacobs, incoming Treasurer/Assistant Town Manager; Heather Halterman, Finance Clerk; Paul Culp, Town Clerk

Press present: None

1. Call to Order

Chair Gibson called the meeting to order at 10:31 a.m.

2. Approval of Agenda

Ms. Rodriguez moved to approve the agenda as presented, seconded by Mayor Dickinson. The motion was approved by consensus.

3. Unfinished Business

Online Payments

Ms. Halterman said she had evaluated a vendor, Payment Services Network, Inc. (PSN), recommended by Southern Software, and that she believed it superior to the other vendor she had considered. She said she recommended that the Town purchase the base-model service package, which would enable residents to make payments with Visa, MasterCard, and Discover, and by check. She said there would be a convenience fee that the Town could pass on to customers and that the Town can add taxes and other charges. She said there would be a termination fee if the Town discontinued use of PSN but that PSN had agreed to reduce the initial term from three years to one.

Ms. Halterman said payment would go through PSN but the Town will retain its swipe-only credit card capability. She said there would be a yearly security compliance fee and that the other fees are in line with what the Town currently has. She said PSN would help with notifying residents of the availability of the new service.

Ms. Halterman said it might be possible in June of 2020 to begin adding tax payments and real estate to the ordinary bill-paying capability but that the inclusion of personal property tax payments would not yet be advisable. She said she would put together a plan of execution if the new service is approved.

Mr. Dalton asked about chip technology and cards and swipe machines. He asked whether the proposed service would make the Town compliant with chip requirements. Ms. Halterman said the Town's swipe integration would be with Sturgess and would be available in the fourth quarter of this year. She said the Town is not likely to be doing in-house swipe payments with PSN.

Mr. Dalton confirmed that the PSN arrangements would be for telephone or online transactions but not for in-house payments, which would be via Sturgess integrated with Southern Software. Ms. Halterman said handling in-house transactions via PSN would be problematic because card information would go through the PSN portal, as opposed to the Town's in-house system not retaining that information.

Mr. Jacobs said keeping the two separate was preferable in any case because doing so would provide a clearer audit trail.

Mr. Dalton asked what the process would be like if the Town Council gave the go-ahead at its regular meeting on October 8. Ms. Halterman said the rollout would take 60 days at most and that a target date of January 1, 2020 would be realistic. Mr. Dalton asked whether any types of payments the Town is currently receiving could not be taken via PSN. Ms. Halterman said anything owed to the Town could be processed that way but that there would be a fee for ACH payments. She said utilities transactions are the most numerous, and recommended starting there and bringing in more complex transactions over time.

Ms. Halterman said the purchase of business licenses through PSN is possible but would be complicated and not practical. Mr. Dalton asked whether the Town could be processing utilities and tax transactions within 60 days, and Ms. Halterman said utilities were possible but that May 1 of 2020 would be a realistic start date for real estate taxes and November of 2020 for personal property taxes.

Ms. Rodriguez asked whether fees would be the same regardless of payment method, and Ms. Halterman said the fee would vary according to whether payment was by credit card, check, or phone. Ms. Rodriguez asked whether payments would post on the due date if paid that day, and Ms. Halterman said they would post by 8:00 p.m.

There was a discussion of potential abuses of the system.

There was a discussion about security compliance, chargeback fees, and disputed transactions.

Chair Gibson asked whether the Town attorney would be reviewing the agreement. Mr. Dalton said that would be possible and probably advisable, considering the unfamiliar nature of the subject matter.

There was a discussion of the accessibility of the portal from the Town website.

Mayor Dickinson asked how the auditing and reconciliation processes would be managed. Mr. Jacobs said separate accounts would help with tracing transactions and that the requirements would not differ substantially from the Town's current processes.

Chair Gibson asked Ms. Halterman to notify the committee when she has researched the chargeback fee fully.

Mayor Dickinson said the committee would need to move forward with crafting a policy in order to be ready when the staff is ready. Mr. Dalton asked what policies are needed. The mayor recommended seeing what other towns do. Ms. Halterman said the Town could expand its check and credit card policies and modify existing policies. Mayor Dickinson and Ms. Rodriguez expressed approval.

Mayor Dickinson moved that the committee forward the proposed online payment arrangements to the full Town Council for approval. Ms. Rodriguez seconded the motion, which passed unanimously.

4. New Business

Long-term Financial Sustainability Plan

Ms. Rodriguez provided an example from Leesburg as a model for how to forecast the future and plan for it.

Chair Gibson said the Town does not have budgeting software and that it is needed for department heads to see the history of expenses and make forecasts. She suggested not trying to develop a long-range plan until the Town has the tools to do so efficiently, lest the process create an inordinate drain on staff time.

Mayor Dickinson asked what Leesburg's process had been like. Chair Gibson asked what sort of guidance department heads had received. The mayor recommended creating a structure before assigning the task to the staff and then acquiring the needed budgeting software.

There was a discussion of software types and how to explore options. Chair Gibson explained the enhanced precision made possible with the right software.

Mayor Dickinson said she supports the development of a plan and would like to begin the pre-software phase. Mr. Jacobs said it must begin with the departments. The mayor and Chair Gibson said that department heads must be given guidance from the Town Council first. The mayor said a vision for the Town must inform the process. Mr. Jacobs suggested that the Town's comprehensive plan should do this, but she said it is insufficient for her.

There was a discussion of budgeting methods.

Mayor Dickinson said the Council must create a vision as staff looks for the tools necessary to implement it.

The committee agreed to meet again on Thursday, November 4 at 10:30 a.m.

5. Other

There was no other business.

6. Closed Session

There was no closed session.

7. Adjourn

Chair Gibson invited a motion to adjourn. Ms. Rodriguez so moved, seconded by Mayor Dickinson. The motion passed by consensus and the meeting adjourned at 11:44 a.m.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 23, 2019

A meeting of the Berryville Town Council Community Development Committee was held on Monday, September 23, 2019 at 2:00 p.m. 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; Donna McDonald

Staff present: Keith R. Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk

Press present: Mickey Powell of The Winchester Star

1. Call to Order

Chair Rodriguez called the meeting to order at 2:05 p.m.

2. Approval of Agenda

Council member Harrison moved for approval, seconded by Council member McDonald. The motion passed.

3. Unfinished Business:

A. John Rixey Moore Playground / Rose Hill Park Improvements

Mr. Dalton directed the committee's attention to a memorandum of November 2017 in which the proposed improvements to the playground were enumerated. He said the budget has been raised from an estimated \$41,855 in 2017 and that the fiscal year 2020 budget provides up to \$60,000 for this work.

Mr. Dalton said it would be necessary to replace some of the sidewalk leading to the fall zone and that two trash cans also would require replacement. He said that in addition to new equipment for children aged five to 12 the improvements would include a new shade structure, costing \$3,700, that would be flush-mounted on the slab and removable for the winter months. He said the basketball court would need sealant for cracks, a surface overlay, and repainting, and that the fencing and the gazebo also needed repair.

Chair Rodriguez asked about drainage in the park. Mr. Dalton said some work has been done, that it drains well now but is in a flood plain. He said another pipe might be desirable but that some flooding would occur regardless.

Mr. Dalton said a third-party inspection had indicated that the Saddle-Mates and spring riders and the Buck-A-Bout are in proper repair. He stated that the proposal provides for this equipment to be painted. He said the diggers would be replaced and pea gravel added.

Chair Rodriguez asked about a matching grant, and Mr. Dalton said the grants are not available for the discounted equipment.

Chair Rodriguez asked Mr. Dalton whether it would be advisable to place the proposal before the Town Council for a vote in November, and he yes, that the project should have a lead time of 10 to 12 weeks in order to insure completion by spring.

Mr. Dalton said it would be necessary to occupy the parking lot behind 23 Main Street to use as a staging area for construction and that he had discussed this with Berryville Main Street.

Ms. Harrison asked whether the umbrella pole would present a hazard, and asked if padding would be possible. Mr. Dalton said he would inquire with the shade provider. There was a brief discussion of what might be available, the possible placement of a bench around the pole, and the color of the umbrella.

The consensus of the committee was that it should recommend the new estimates to the Town Council. Chair Rodriguez asked whether the estimate for repair of the gazebo would be available in time for the next Council meeting, and Mr. Dalton said this would depend on what measures the Public Works Department recommends for restoring the gazebo to a suitable condition.

Chair Rodriguez asked whether it would be acceptable, because of time constraints, to deviate from the order of the printed agenda and discuss branding and marketing before discussing the economic development MOU. Committee and staff agreed to this.

B. Branding and Marketing

Chair Rodriguez explained that she had made changes to the email identifying the scope of work she had originally submitted at the committee's previous meeting, placing marketing before branding in response to the committee's consensus regarding priorities.

Ms. Dunkle asked what the Town is trying to promote and to whom, for businesses or for residents. Chair Rodriguez said the intent is to increase commercial investment and present Berryville as a desirable destination for business, but also to attract visitors.

Ms. Harrison said the study is mainly to evaluate the Town's present and future commercial direction. Ms. McDonald asked whether it would be desirable to consider why businesses leave Berryville. Ms.

Dunkle recommended against delving into that issue, because of the variety of reasons for businesses leaving.

Ms. Harrison said the Town needs to be more specific about its economic development aims than it has been in the past. There was a brief discussion of other Virginia towns that have issued RFPs of this kind.

Chair Rodriguez asked when the matter could be brought before the full Town Council. Ms. Dunkle said the RFP, including the scope, should be created first. Mr. Dalton said the scope is necessary.

Ms. McDonald asked about progress toward encouraging the construction of a hotel in Berryville. Mr. Dalton said he and Ms. Dunkle had discussed the matter extensively and had laid the groundwork but needed more direction from the Council, that they need to know whether a hotel is really a high priority. He said a hotel would be conducive to the economic health of the Town and County, supporting existing businesses and encouraging new ones, and that it would be important for tourism and for local residents hosting visitors. He said he and Ms. Dunkle needed guidance as to whether this was a high priority.

Chair Rodriguez asked whether Mr. Dalton would require a formal motion. He said yes, and that he would like to see the same level of commitment from the County. Ms. McDonald asked about funding. Mr. Dalton said the goal is to incentivize and facilitate, referencing tourism zone incentives. He said that this will be a project funded by the private sector.

Ms. Harrison and Mr. Dalton discussed the matter of a marketing packet. She suggested putting one together, including study results and available properties. Mr. Dalton said he recommends that this be a high priority for the Town Council.

Ms. McDonald asked whether Mr. Dalton and Ms. Dunkle had spoken with any hotel chains. Ms. Dunkle explained that large hotel chains often do not have small-hotel brands. She said the feasibility studies identify the need for a 50-room hotel, while chains typically have a lower limit of 80. She said she and Mr. Dalton had discussed possibilities with investors.

Ms. Harrison said she wanted a motion to place the hotel matter before the full Council and make it a high priority for staff. By consensus the committee agreed to discuss this matter with the Council at its next meeting.

There was a discussion of the need for one more month to work on the scope of work for the branding and marketing study. The committee agreed to meet again on October 28 at 2:00 p.m.

Ms. McDonald asked whether branding and marketing would include a website and email campaign. Chair Rodriguez said these were not included in the 2019 budget.

C. Economic Development Memorandum of Understanding with Clarke County

Discussion of the MOU having begun in the committee's previous meeting, Chair Rodriguez directed attention to item number 10, which addresses the need for technical guidance and support for tourism efforts by a staff member, consultant, or designated group, as decided by the Joint Committee.

Ms. Dunkle said the economic development and tourism websites appear not to be active and that the county is working on a new website.

There was a discussion of the role of social media in promoting economic development. Ms. McDonald said social media use is not necessary and could lead to additional controversy. Chair Rodriguez said social media should be overseen by one person.

Ms. Harrison said technical guidance/support and the management of websites and social media would require the creation of a new position. Chair Rodriguez said the relevant section of the MOU should be rewritten to stipulate oversight by one person.

Ms. McDonald asked whether the Town could have a policy forbidding social media use by public officials in their official capacities, as Clarke County does. Mr. Dalton said this option had been offered when staff developed a social media policy for the Town Council and that such a ban had been rejected. Ms. McDonald said it should be revisited. Ms. Harrison said the current policy does have rules regulating social media use by officials, but Ms. McDonald said the rules had not been followed and that the Town needs additional protection. The consensus of the committee was that this is a matter for the Personnel Committee.

There was a discussion of the current transient occupancy tax.

There was a discussion of the proposed branding and marketing study as an aid to identifying new revenue sources for economic development and tourism.

The committee briefly discussed the need to create business retention strategies. Ms. Harrison said it would be important for businesses and Town officials to communicate regularly.

Chair Rodriguez suggested finishing the committee's discussion of the MOU in its October meeting, revising it, and presenting it to the full Council in December. Mr. Dalton said it is necessary to be specific about the Town's financial commitment.

There was a discussion of the County and Town funding the new position discussed previously. Ms. Dunkle recommended looking at the County's economic development strategic plan. Ms. Harrison said the MOU has been too vague so far.

4. New Business

There was no new business.

5. Other

There was no other business.

6. Closed Session

There was no closed session.

7. Adjourn

Chair Rodriguez invited a motion to adjourn. Ms. Harrison so moved, seconded by Ms. McDonald. The motion passed and the meeting adjourned at 3:28 p.m.

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 24, 2019

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee was held on Tuesday, September 24, 2019 at 9:00 a.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

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

Staff present: Keith R. Dalton, Town Manager; Desi Moreland, Assistant Town Manager/Treasurer; Greg Jacobs, incoming Assistant Town Manager/Treasurer; Heather Halterman, Finance Clerk; Paul Culp, Town Clerk

1. Call to Order

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

2. Approval of Agenda

Ms. Gibson made the motion to approve the agenda with a change of order to permit the discussion of employee handbook updates before discussion of Council policies. The motion was approved by consensus.

3. Unfinished Business

A. Employee Handbook Updates

Mr. Dalton said the committee and Town staff had provided input on multiple sections of the employee handbook and that the most significant unresolved issue was how to address the payout of holiday leave. He said Mayor Dickinson had also been concerned about the Town's liberal leave policy, particularly with regard to the Friday of the Apple Blossom Festival.

Mr. Dalton said it had also been proposed that the terminology in the handbook referring to annual leave and sick leave be changed to "paid time off" and that the section on compensatory leave had been updated in the proposed changes so as to be clearer about when compensatory leave is paid. He said the proposed changes also include verbiage stipulating that changes in an employee's job description must be signed by the employee and kept in his or her file.

Ms. Gibson suggested that the phrase "eligible for PTO" in the section on employees' introductory period should be changed to "eligible to use PTO." Mr. Dalton concurred.

Ms. Halterman drew the meeting's attention to the handbook section on holidays and said that only Streets and Utilities and Police Department employees accrue holiday time, inasmuch as those departments continue to function on holidays, meaning that a day off at that time is an ordinary day off. She said the Town needs for employees not to exceed the holiday leave cap of 96 hours per annum.

Ms. Halterman and Mr. Dalton discussed the need for verbiage giving Mr. Dalton flexibility to deal with exceptional circumstances related to accrued leave. There was a discussion of work load and short-staffing in the Utilities and Police Departments leading to employees not taking time off.

Chair Arnold said that the town manager should have the flexibility to permit accruals greater than 96 hours if needed and that the town manager should report these situations to the Town Council.

Mayor Dickinson, with reference to the holiday leave section, said Lee-Jackson Day should be removed from the calendar of holidays. Ms. Moreland said Lee-Jackson Day is still on the state calendar. Mayor Dickinson said she did not expect this to remain the case much longer.

There was a discussion of the Town's military leave policy. Ms. Halterman said that for periods of up to 30 days an employee is required to pay only the normal employee share of health insurance premiums but for longer leaves must pay the entire premium. Mr. Jacobs asked whether an employee in the latter case remained on the Town's books rather than being on COBRA, and Mr. Dalton and Ms. Halterman said that this is the case. Mayor Dickinson asked for clarification of the passage stating that "[a]nnual leave and holiday benefits will continue to accrue during a military leave of absence." She said she did not believe this is standard. Ms. Halterman said she would investigate.

Mr. Dalton said liberal leave has customarily been declared at midday on the Friday of Apple Blossom weekend but that some employees decide to continue working and are permitted to do so. He said the mayor had expressed concern about liberal leave and that he would like the Council to consider the matter.

Mayor Dickinson said liberal leave is acceptable but that closing the office is not appropriate, as doing so does not put the needs of citizens first. Ms. Gibson asked how the announcement of a closure occurs. Mr. Dalton said it is made to employees and posted on the website and on the doors of the Government Center. The mayor said residents would not expect the office to be closed on such an occasion. Chair Arnold said that it depends on how long someone has lived here, and that closing for Apple Blossom is customary. Mayor Dickinson said it should be made official in that case.

Ms. Gibson said people are accustomed to it and that it does not have a significant customer service impact. Chair Arnold said that some people leave town. He said there is no need to declare a holiday

for Town employees but that they should be polled to see how many plan to take time off, with the idea of keeping the office open if possible. He said that no matter what means of notification is used, some people still do not get the word.

Mr. Dalton asked Mayor Dickinson whether she opposed liberal leave in general or only for Apple Blossom. The mayor said her objection was to closing the office and thereby violating citizen expectations.

Chair Arnold said he has no objection to closing the office for Apple Blossom. Mayor Dickinson said the handbook passage under discussion was generic and not merely for that occasion. There was a discussion of other examples of office closures.

Chair Arnold asked for a motion to forward the proposed handbook changes to the full Council. Ms. Gibson moved that the Personnel, Appointments, and Policy Committee forward the attached amendments to the employee handbook, to include the points just discussed, to the Town Council for consideration. Mayor Dickinson seconded the motion, which passed by unanimous vote.

B. Council Policies

Mr. Dalton said Mayor Dickinson earlier this year had expressed concern about the use of voice vote as the Town Council's default voting method. He presented to the committee a draft policy calling for elimination of the voice vote and its replacement by a show of hands for most Council business.

Ms. Gibson said that a show of hands would not register on the audio recording of the meeting. Mr. Dalton said that the town clerk could announce the results of a vote. Chair Arnold said he preferred retaining the voice vote, with a roll-call vote only if the results are not clear. Ms. Gibson said Council Member Diane Harrison had suggested using the roll call for only some business. She said it would be possible to request a roll-call vote and that it would be a good idea to have guidelines regarding which matters should require one.

Mayor Dickinson said that matters such as approval of the agenda, approval of the consent agenda, and adjournment were examples of things that can be handled with a voice vote.

Mr. Culp asked whether the silence of a show of hands would actually present a problem, considering that the Town does not retain the audio recordings in perpetuity. Mayor Dickinson said she keeps copies of them.

Ms. Gibson said the Council probably would agree to the midway approach of having voice votes for some business and roll-call votes for others.

Recorder Arnold asked whether the committee was ready to forward the matter to the full Council. Mayor Dickinson said it would be necessary to see the draft policy first. Ms. Gibson said that with

only two weeks remaining before the next Council meeting, a short deadline would put pressure on staff. She suggested dealing with the matter at the next committee meeting.

The committee agreed to meet again on October 22 at 9:00 a.m.

Mr. Dalton said Mayor Dickinson had expressed a desire for more definite guidelines, policies, and procedures for responding to public requests for official recognition of people, causes, and events.

There was a brief discussion of Mr. Dalton's draft policy related to congratulatory letters and who would write them, and proclamations and resolutions. Mayor Dickinson asked why it would be necessary for a request to be made four weeks in advance. Mr. Dalton said this would be necessary for reviewing requests and composing the documents in question, taking into account other elements in staff work load. The mayor asked how the policy would be published, if adopted. Mr. Dalton said it could be published on the website, with application form. Mayor Dickinson said she did not care for "must" in the four-week stipulation and that she would prefer "requested."

With reference to the hierarchy of recognitions—resolutions being reserved for instances of the highest honor and importance, followed by proclamations and letters of congratulation—Mayor Dickinson said she usually provides what people ask for. She said anyone on the Council can produce a letter, while proclamations are mayoral, with resolutions being for Council. Mr. Dalton concurred.

Mayor Dickinson said that proclamations and resolutions should not be lumped together.

There was a discussion of the circumstances in which each type of recognition is appropriate. Chair Arnold said the Council needs to see a list of everything issued up to this point. Mayor Dickinson said she believed she has shared everything except letters of congratulation, of which she said there have been only a few. She said the town clerk gets a copy of each document and that sharing with Council can be made an official policy.

The consensus of the committee was that the matter needs further attention at committee level before being forwarded to the full Council.

Mayor Dickinson said she needed more guidance with regard to the circumstances in which each type of recognition should be issued. She said six weeks should be allowed for resolutions and that allowances could be made for emergencies.

C. Town Manager Performance Assessment

Mr. Dalton said he would look for an instrument for the Council to review. He said he would prefer a formal assessment by the Council late in the calendar year as a tool for budgeting and compensation, with another, less formal, discussion about expectations near the end of the fiscal year. Mayor Dickinson said she agreed regarding the timing.

Ms. Gibson said that expectations and goals should be set before the assessment, which should be forward-looking. She said things should be addressed as they occur, with no surprises occurring at the time of the assessment.

Mr. Dalton asked whether the committee would play a role in this or if it would be a matter solely for the full Council. Ms. Gibson said the committee can establish guidelines but that beyond this it is a Council matter. Mayor Dickinson said the committee could review a template and then turn the matter over to the Council.

4. New Business

A. Appointments

Mr. Dalton noted that the term of H. Allen Kitselman III on the Berryville Area Development Authority (BADA) will expire on November 13 and that Mr. Kitselman would like to be considered for reappointment. He said there is a vacancy on the Architectural Review Board (ARB) because of the resignation of Gene Williamson and that there is a vacancy on the Tree Board.

There was a discussion of the application of Mary Serock for the ARB vacancy and the application of Derek Sprincis for the Tree Board vacancy.

Mr. Dalton asked the committee whether the appointment of persons too young to vote is acceptable. There was a discussion of whether to create an age limit or possibly maintain a seat on the Board for a student member, the Tree Board being strictly advisory in nature.

The committee agreed that an interview would be desirable and that Mr. Sprincis and Ms. Serock should be interviewed when the committee meets on October 22.

There was a brief discussion of the reappointment of H. Allen Kitselman III to the BADA. Ms. Gibson said it was necessary to change the language regarding the starting date of the position. The committee agreed that the position should be said to run from November 13, 2019 through June 30, 2022.

Ms. Gibson moved that H. Allen Kitselman III be reappointed to the Berryville Area Development Authority for the specified term. The motion passed unanimously by voice vote.

B. Administration Intern Program

Mayor Dickinson said she had received multiple requests for internships. She said other communities offer them and that they would be helpful to students and staff. Mr. Dalton asked whether the mayor desired the creation of a policy. She said she just wanted to start a discussion of how to get high school students involved.

Chair Arnold said the concept was acceptable but the timing is not good because the Town is planning to create a new assistant town manager position at a time when it also has a new treasurer and clerk. Mr. Dalton raised the issue of sensitive information routinely handled in the Town offices.

Mayor Dickinson said the internships could be offered in the Public Works, Streets and Utilities, and Police Departments. Chair Arnold said liability would be a problem and the need for safety training extensive.

There was a brief discussion of how long an internship would be and how it would be scheduled. Mayor Dickinson suggested that interns work after school.

5. Other Business

There was no other business.

6. Closed Session

There was no closed session.

7. Adjourn

Ms. Gibson moved for adjournment, seconded by Mayor Dickinson. The motion passed unanimously and the meeting adjourned at 10:26 a.m.

BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 25, 2019

A meeting of the Berryville Town Council Public Safety Committee was held on Wednesday, September 25, 2019 at 2:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the Committee present: Donna McDonald, Chair; Diane Harrison; Mayor Pat Dickinson

Staff present: Keith Dalton, Town Manager; Christy Dunkle, Town Planner; Paul Culp, Town Clerk

1. Call to Order

Chair McDonald called the meeting to order at 2:02 p.m.

2. Approval of Agenda

Mayor Dickinson moved to approve the agenda, seconded by Ms. Harrison. The motion was approved by consensus.

3. Unfinished Business

Review of Chapter 8 of the Berryville Code

Mr. Dalton said he had examined areas of the Town Code needing amendment, specifically those related to dumpsters. He said he and Chief White need guidance regarding the section requiring that dumpsters visible from the right of way be screened. He said Chief White had said that the dumpsters could be visible from someone's property or after development occurs. Mr. Dalton said screening helps with litter control and that the screening requirement could be extended to all dumpsters within the corporate limits. He said the drafting of revisions should involve Ms. Dunkle as planner in order to avert flood plain problems. He said that if dumpsters are buoyant and contained, they are acceptable in that regard. He said that in some cases walls and gates must be strengthened and that this should be approached on a case-by-case basis. Mayor Dickinson and Ms. Harrison concurred, citing the unattractiveness of unscreened dumpsters.

Mr. Dalton described problems involving certain businesses that have needed either to construct enclosures or revert to using totes.

Mr. Dalton said the committee should provide guidance to staff regarding how to proceed with dumpster regulation. He said the process would involve development of new standards and the requirement that dumpsters already in use be brought into compliance with those standards with a prescribed period.

Mr. Dalton said the revised code would also stipulate that no commercial, business, or industrial entities would receive service outside downtown, the boundaries of which Ms. Dunkle said should be defined by zoning. There was a discussion of downtown boundaries.

Chair McDonald asked how long curbside cans should be left on the street, and exactly where they should be placed. Mayor Dickinson recommended allowing residents to decide where to put them and then formulating a preference on the basis of that observed preference. There was a discussion of location and duration. The mayor said that business owners, in the interests of making their establishments as attractive as possible, would remove their refuse in a timely manner. Chair McDonald requested clarification about businesses outside downtown not receiving service. The mayor said they would not and that trash removal would be a business expense for them.

Ms. Harrison asked how people would benefit from purchasing business licenses if this were the case. Mayor Dickinson said they would gain the privilege of doing business in Berryville. Mr. Dalton cited police protection, street lights, and planning services as benefits. The mayor mentioned water and sewer services and said that public works functions benefit them and are subsidized by Town taxes.

Chair McDonald said people would be displeased by the changes and would want to know why the Town was not collecting their trash anymore.

Mayor Dickinson suggested a phasing-in of regulations for outside-town and downtown areas.

Mr. Dalton asked whether a 60-day period for dumpster compliance would be desirable. The mayor expressed a preference for 30 days. Chair McDonald asked about dumpster enclosures, and Mr. Dalton said one year would be appropriate.

Mr. Dalton recommended 60 days for dumpster compliance and a year for the construction of an enclosure. It will be presented as Phase 1 outside town, Phase 2 downtown, and Phase 3 residential.

The committee agreed to meet again on November 25 at 12:30 p.m. to finish constructing a policy to present to the full Council.

There was a discussion of composting.

4. New Business

Report of Chief White

Chief White was unable to attend.

5. Other

There was no other business.

6. Closed Session

There was no closed session.

7. Adjourn

Mayor Dickinson moved to adjourn, seconded by Ms. Harrison. The motion passed by consensus and the meeting adjourned at 2:55 p.m.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 24, 2019

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, September 24, 2019 at 10:30 a.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee present: Diane Harrison, Chair; Mayor Pat Dickinson

Other Council member present: Recorder Jay Arnold

Staff present: Keith R. Dalton, Town Manager; Rick Boor, Director of Public Works; Neal White, Chief of Police; Paul Culp, Town Clerk

Others present: Representing Pennoni Associates, Inc.: Ron Mislowsky

Press present: Mickey Powell, Winchester Star

1. Call to Order

Chair Harrison called the meeting to order at 10:36 a.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Unfinished Business

Stormwater Preliminary Engineering Reports

Mr. Dalton said staff had provided scopes of work based on Pennoni Associates' preliminary engineering reports (PER) for the Town Run and Virginia Avenue. He explained that Mr. Mislowsky was present to provide insight regarding the Town Run and also for his opinion regarding what could be done prior to work on the Town Run. Mr. Dalton said the Town Council has not yet discussed the nature of needed improvements and the precise goals. He said his impression was that the Council wanted to ensure that stormwater moves freely and without obstruction, but he does not know how the Council wishes to proceed.

Mr. Mislowsky said parts of the channel are piped, while others are riprapped or natural or have driveways crossing them. He said the most serious problems are where there is a culvert with a larger

passage that must be channeled into it. He said culverts at large crossings cause the major obstructions and that what is needed is a smooth, uniform channel with minimal changes in size and texture.

Mr. Dalton said permanent easements, or possibly temporary ones, would be needed for construction. He asked Mr. Mislowsky what models he had encountered, and Mr. Mislowsky said there should always be a permanent easement on property. Chair Harrison said this would give the Town control of maintenance. Mr. Dalton said that maintenance responsibility would be a big issue to clarify.

Mr. Mislowsky said it would be possible to create a model for the Town Run matching FEMA's model and identifying constrictions caused by culverts and channel sections. A cost estimate for the Town Council's consideration would then be possible.

Mr. Dalton presented three maps for discussion.

Mr. Dalton also noted that this is an opportunity to study ways of dealing with water quality. He said that the Town could look into working with Clermont in this regard.

Mr. Dalton and Mr. Mislowsky discussed the level (frequency) of storm the channel should accommodate.

There was a discussion about Phase V of Hermitage and two other subdivisions currently under review.

Mayor Dickinson took issue with the portion of the draft scope that stated that the Town Run functions relatively well channeling water through the Town. She pointed out areas where problems had been reported.

Mr. Mislowsky said the proposed study would identify problem areas.

There was a discussion of the sequence of improvements and the need to take a holistic approach, to consider how an improvement in one area would affect others.

Mayor Dickinson drew the meeting's attention to verbiage in the Virginia Avenue scope calling for a visual inspection of the area. She said this had not been required before in the new portion of town. Mr. Mislowsky said it had been done. The mayor said it is difficult to distinguish between the Town Run and what flows next to her house. She said that properties in the first study had not been visually inspected and asked how this might affect future work. She expressed concern about a domino effect of compromised reports.

Mr. Mislowsky said Pennoni Associates had employed the most up-to-date topography and that the study was based on worst-case scenarios.

Mr. Dalton said the two projects are different inasmuch as one deals with ponding in a flat area and the other with obstructions.

Mr. Mislowsky said a standard is necessary in order to proceed, in terms of working according to two-year or 10-year possibilities, for example. He said a two-year standard was the minimum.

Mr. Dalton said the goal is to have a channel that moves well and is easily maintained. Chair Harrison said consistent flow in all areas is desirable.

Mayor Dickinson, referencing the stormwater master plan, said that as of 1991 culverts were undersized for a 10-year event.

Mr. Dalton asked whether he should provide a revised scope for the committee's next meeting. Mayor Dickinson and Chair Harrison said the matter could proceed to the full Town Council and should do so as soon as possible.

Mr. Dalton directed the meeting's attention to photos of a pooling problem on Virginia Avenue. He said no road work should occur until the drainage issues are abated. He said the Town should get an easement and cut ditches in a very localized area. The necessary work being a budgeted item, the committee told Mr. Dalton he could proceed.

Chair Harrison returned to the topic of the Town Run and the need to know the impacts of each component of the proposed work. She said she needed information as soon as possible for budgeting purposes. Mr. Mislowsky said it would be a six-month project. Mr. Dalton said borrowing would be necessary in any case.

Mayor Dickinson said a strategic approach to stormwater is necessary, that the Council must consider goals and guiding principles, hard and soft costs, current and future needs. She said it is necessary to assume that it will not be possible to solve all problems.

4. New Business

Street Lighting Standard

Chair Harrison said priority-setting is crucial for budgeting and that the committee or the Public Safety Department must establish standards. She said the Town as a whole must be considered and that exceptions for all citizen complaints are not possible. She said light pollution is a major problem and that the Town must consider not only lighting on the streets but also what residents are permitted to put on their property. She said the Town is compliant with Dark Sky or is becoming so as it implements street-lighting changes.

Mayor Dickinson said there is a great deal of light trespass into homes and that shielding is needed. She said Round Hill has a pilot program and is inviting citizen input and that Portland, Oregon, has a shield request process.

Chair Harrison said a code is necessary, that the Town does not have a right to do something that affects someone other than the person making the request. She asked whether a policy or ordinance would be required.

Mr. Dalton and Mayor Dickinson said the matter can remain with the committee and begin with a policy.

Ms. Harrison said lighting in new developments is a concern, citing Darbybrook as dark. She asked Chief White for his opinion. He said the Police Department would need time to consider the matter but would be pleased to participate.

Mayor Dickinson asked for clarification regarding the goal of lighting changes, whether the Town is striving for ambience or safety, for example.

Mr. Dalton said he has asked Town Planner Christy Dunkle to bring Rappahannock Electric Cooperative (REC) into the early stages of planning processes and that this will allow the administrative body to see plans and review them.

Mayor Dickinson asked whether the Town has criteria in its subdivision ordinance. Mr. Dalton said no and that the Town has criteria for commercial development but not for public property. The mayor said criteria for subdivisions would be desirable.

Chair Harrison said the committee should begin work on developing lighting standards for Town street lights. Mr. Dalton said towns do this many different ways and that Berryville should consider their examples.

Mayor Dickinson asked whether the downtown pilot had begun, and Mr. Dalton said not yet.

The committee agreed to meet again on October 22 at 10:30 a.m.

5. Other

Mr. Dalton said staff had been considering standards for street signs and will be forwarding something to the Town Council soon.

6. Closed Session

There was no closed session.

7. Adjourn

Chair Harrison invited a motion to adjourn. Mayor Dickinson so moved. The meeting adjourned at 11:53 a.m.