

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**October 8, 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--Kelth Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

**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**

**3. Approval of Agenda**

Mayor Dickinson asked whether there were any amendments or revisions to the agenda. Mr. Dalton drew the attention of the Council to three sets of amended minutes and said the clerk would address the revisions when the time came to deal with the consent agenda.

**Council member Gibson moved to approve the agenda, seconded by Council member Harrison. The motion passed unanimously by voice vote.**

**4. Public Hearing**

Mayor Dickinson called the public hearing to order. Ms. Dunkle read the notice:

The Town Council proposes to approve a revised Schedule of Water and Sewer Fees and Charges to implement recommendations of its consulting engineer's utility rate schedule.

As no one present wished to comment, the mayor closed the public hearing.

**5. Discussion of Public Hearing Items**

Mr. Dalton explained that Tom Frederick of Pennoni Associates, Inc., the consulting engineering firm, was present to answer questions.

Mayor Dickinson invited discussion, of which there was none, before proceeding to make the attached remarks.

Recorder Arnold asked for clarification of Mayor Dickinson's point about the \$45 monthly administrative fee. Council member Gibson said it would actually be \$44. Council member Harrison said she understood that this would be the eventual result of incremental increases. Council member Gibson said that amount was what the Town ultimately would need to cover fixed costs. Recorder Arnold said that only \$5 per month was at issue, and Council member Gibson confirmed that this is the case currently.

Council member Harrison said the mayor had had ample opportunity at many meetings to voice the misgivings she had just expressed and that much of what the mayor had said was flawed. She said that the survey had been conducted in the manner assigned. She said the wastewater treatment situation had been examined a number of years ago and that the current circumstances are not unusual. She said Berryville utilities are not out to gouge consumers and that she reads every month about infrastructure failures. She said action could not be put off by the Council and that a suitable course of action has been figured out for them. She said a way forward with the least impact over time had already been determined and that yearly evaluations would be possible. She said she was confused by the mayor's remarks because she had believed the Council was unified in its view of how to proceed.

Mayor Dickinson said she had expressed concern and attempted to slow things down at every meeting. Council member Harrison said the mayor had expressed concerns but had not advanced any solutions. She said the Town had paid Pennoni Associates a large sum to explore solutions on the Town's behalf from an impartial point of view.

Council member McDonald said the Council had considered multiple scenarios provided by Pennoni and that the mayor had joined in selecting a particular one. She said the Council had decided on a certain structure and had discussed it many times, and that further discussion of something that must happen is not advisable. She said further delay would raise the cost of addressing problems, that no one on the committee was trying to gouge consumers, and that the Pennoni study found Berryville's rates to be comparable with those of other jurisdictions. Council member McDonald said she was puzzled by the mayor's remarks.

Recorder Arnold said the mayor had treated the Pennoni study as an urgent matter and had pushed to get it done, but now complains about gouging. He said the mayor had wanted lower utility rates and an expedited report when an apartment building was under review. He said the plan under discussion is a good one, that raising rates is necessary, and that the report is based not on a profit motive but on the need to replace equipment and facilities. He said the main transmission line has leaked on multiple occasions this year and that the need for action is immediate.

Council member Rodriguez said she is proud of the process the Council has undertaken, that it has taken its time, asked good questions, and tried to distribute impacts equitably. She said she thinks no one takes pleasure in raising rates but there are capital needs requiring attention. She said she hopes for the discovery of other revenue sources to prevent further increases when the Council develops a new schedule in five years.

Council member Gibson said the Council had agreed to annual reevaluations of rates and that next year's rates will not necessarily be applicable in future years. She said she understood that the Council wished to continue seeking other revenue sources. She said the Pennoni plan is intended to cover costs including debt service and does not call for increases above what is needed. She said it was possible that if the Town had acted sooner the rate increase would not have seemed like so much in such a short time.

There being no other comments, Mayor Dickinson requested a motion.

**Council member Harrison moved that the Council of the Town of Berryville approve the attached Schedule of Water and Sewer Fees and Charges and that the new schedule become effective November 22, 2019. Council member McDonald seconded the motion.**

Council member Rodriguez asked Mr. Dalton when the public would be affected by the change in rates. Mr. Dalton said this would occur with the January billing.

Mayor Dickinson asked why consumers in approved annexation areas would pay at the same rate as those within the corporate limits. Council member Harrison said those areas would become part of the Town. The mayor said that persons in annexation areas do not pay Town taxes. Council member Harrison said those areas have not yet been developed and would not be annexed until development occurs. Mr. Dalton said there had been instances of new developments that were not in Town but that generally properties in annexation areas were undeveloped or had development plans in process, with annexation occurring once the plan is approved.

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Nay**

**The motion passed.**

## **6. Citizens' Forum**

No one signed up.

## **7. Presentations/Awards Recognitions**

None.

## **8. Consent Agenda**

There was a discussion of the amended minutes provided to the Council. Amendments reflected correction of the omission of a word on page 13 of the minutes of the September 10 regular meeting of the Council in the discussion of the Budget and Finance Committee's next meeting date; the provision of additional detail, on page three of the minutes of the September 23 Community Development Committee meeting, of the progress toward the full Council of that committee's work on matters related to the Town's effort to attract a hotel and of its work on a branding and marketing scope of work; and the correction, on page two in the minutes of the September 24 Personnel Committee meeting, of two instances in which remarks made by Finance Clerk Heather Halterman were misattributed to Council Member Harrison.

Mayor Dickinson invited a motion to approve the consent agenda.

**Council member Rodriguez moved that the Council of the Town of Berryville approve the consent agenda as amended. Council member Harrison seconded the motion.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

## **9. Unfinished Business**

Repeal and re-adopt Chapter 20 of the Berryville Code and amend Chapters 10 (Section 10-7) and Chapter 9 (Section 9-34).

Mr. Dalton said the section in question was originally titled Assemblies, Demonstrations, and Parades. He said the Town's code and the policies written in accordance with it should comply with law and provide for safe exercise of 1st Amendment rights. He said the Public Safety Committee had looked at the codes of other jurisdictions and had kept the Berryville code basic, with provision of regulations

to address specifics. He said the Town is striving to streamline the application process for special events of all kinds and needs to repeal the existing ordinance and adopt a new special events section.

Mr. Dalton said Section 10-7 needed modification to make clear the authority of the town manager to restrict traffic during special events.

Chief White said Chapter 9 had been changed to include fees associated with licensure for circuses and carnivals.

Mr. Dalton explained the steps that would follow approval of the motion and said the fee schedule would take effect on November 1.

Mayor Dickinson said the process had been lengthy, and complimented the new ordinance. She invited a motion.

**Council member Rodriguez moved that the Council of the Town of Berryville adopt the attached ordinance repealing and readopting Chapter 20 and amending Chapters 10 and 9 of the Berryville Code effective November 1, 2019, approve the attached Special Events and Demonstrations Fee Schedule effective November 1, 2019, and direct the Town Manager and Chief of Police to finalize and cause [to] be published on the Town's website, Regulations for Special Events and Demonstrations, prior to November 1, 2019. Recorder Arnold seconded the motion.**

Council member McDonald thanked Chief White and Mr. Dalton for their efforts.

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

## **10. New Business**

### **Proposed Amendments to the Employee Handbook**

Mr. Dalton said the Personnel, Appointments, and Policy Committee had been considering revision of several sections of the handbook and that those sections were now ready for review by the full Council. He said there had been expressions of concern about Section 605, which deals with military

leave, and that this would require additional research, but that he recommended approval of the other sections submitted to the Council.

Council member Harrison asked for clarification of terminology, in Section 188 on drivers policy, regarding what constitutes a Town driver, whether this means anyone working for the Town or anyone driving Town vehicles. There was a discussion of what the expression means and how optimal wording could be achieved. Council members Harrison and McDonald recommended that "drivers" be changed to "employees."

There was a discussion of abbreviations and typographical errors.

Council member Harrison asked how the Town handles the accrual of employee leave in its accounting procedures. Mr. Dalton said all leave appears on the books as a liability.

Council member Harrison asked for clarification of passages addressing family medical leave and personal leave and the individual's responsibility for health insurance premiums after 30 days. Mr. Dalton said he would need to review the matter. There was a discussion of the Family Medical Leave Act.

Council member Harrison suggested that the verbiage in the Town's bereavement leave policy be amended to add "partner" to "spouses, children, and parents" and that suitable language be used regarding gender. Council member McDonald concurred. Council member Harrison also recommended that "fiancé" be included among the closest relationships in terms of number of hours of bereavement leave permitted.

Mr. Dalton said his concern was that there is no way to establish after the fact whether a person was actually a fiancé. The mayor said there is no legal document to establish this.

Council member Harrison reiterated her point about partners, and Mr. Dalton asked how that term is to be defined. Council member Harrison suggested cohabitation as the criterion. Mr. Dalton said the term was still nebulous and difficult to define. Council member Harrison suggested definition according to whether the decedent and the employee are on the same insurance policy. Recorder Arnold asked what was to be done if they had no insurance. Council member Harrison asked that the Town attorney review the matter.

Ms. Dunkle asked whether engagements and partnerships are covered by the Town policy's stipulation that special consideration may also be given to other persons whose association with the employee is similar to the familial relationships enumerated in the policy. Mayor Dickinson said special consideration could lead to charges of favoritism or bias.

Council member Harrison said the policy on compensatory leave does not state how many hours an employee must work before compensation begins and that this should be clarified in job descriptions or in the handbook. She said the handbook does not define what constitutes full-time employment

for exempt employees. Mr. Dalton said he believed it had been defined elsewhere in the handbook and that he would look into it.

There was a discussion of the computation of annual leave in half-hour increments. It was established that the Town treasurer maintains records regarding the accumulation and usage of hours.

There was a discussion of the requirement that an employee's direct supervisor be contacted on each day of an unscheduled absence.

Mayor Dickinson asked whether the policy according to which an employee is paid for unused annual leave at termination of employment would also apply in the case of an employee who quits without notice. Mr. Dalton said leave time must be paid for in the same manner as hours worked.

Mayor Dickinson asked for clarification about holiday pay for police officers. Mr. Dalton said a police officer still receives holiday pay if the holiday is an officer's regular day off. The mayor said the policy is not clear in the handbook. Mr. Dalton said he would look into the matter.

There was a discussion of the town manager's authority to see that employees in departments that must work on a holiday receive time off equal to that of employees in other departments. Mayor Dickinson said the policy should be made definite and not left to the town manager's discretion. Mr. Dalton said he would look into the matter.

There was a discussion about non-exempt employees and authorization of comp time.

Council member Harrison asked whether Lee-Jackson Day could be dropped from the calendar and converted to a floating holiday. Council member McDonald said it is a state holiday and mandatory. Mayor Dickinson said observance of Lee-Jackson Day is not mandatory and that many localities do not observe it. She and council member Harrison said it is not really a holiday. The mayor concurred with council member Harrison's suggestion of a floating holiday. Mr. Jacobs said a floating holiday would create significant administrative difficulties.

Mr. Dalton said that one of the Town's reasons for observing Lee-Jackson Day was the sharing of the Government Center with the County, which observes the holiday. He said the Town had sought to avoid confusion by joining the County in strict adherence to the state calendar.

Council member McDonald recommended continuing to observe the holiday until the state stops doing so. She said Town officials serve the Commonwealth in the performance of their duties.

Recorder Arnold said citizens would be confused if the Town offices remain open when County offices close.

Council member Harrison said the County has considered discontinuing the Lee-Jackson Day observance and asked whether the Town could follow suit if this occurs. Council member McDonald said discontinuation would not be appropriate as long as the holiday remains on the state calendar.

Mr. Dalton said he would consult the County administrator regarding the County's intentions and report his findings to the committee.

#### **Proposed John Rixey Moore Playground/Rose Hill Park Improvements**

Mr. Dalton said the playground had been constructed in 1998 and that the Community Development Committee had provided recommendations for the replacement of the playset, refurbishment of existing equipment, and addition of new equipment for younger children. He said the estimated cost would be \$46,970, with an additional \$3,700 for a shade structure that could be removed and stored in winter. He said this would be a reasonable cost estimate but that it has not been made final with the vendor.

Mr. Dalton said the estimated cost is well under budget and that leftover funds could be used for work on the basketball court, fencing, and gazebo.

There was a discussion of security needs and of measures to enforce prohibitions against skateboarding in the park and especially in the gazebo.

There was a discussion of the color of the shade structure.

Mayor Dickinson asked Mr. Dalton to clarify the cost of freight and installation. Mr. Dalton identified these items in his written staff report.

**Council member McDonald moved that the Council of the Town of Berryville authorize the Town Manager to proceed with work on the John Rixey Moore Playground in a manner consistent with the recommendations of the Community Development Committee that the cost of the project not exceed \$50,670. Council member Rodriguez seconded the motion.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

Mr. Dalton noted that winter weather could create delays in the installation of the equipment but that winter is a slow season for the vendor and therefore helpful for scheduling the work.

#### **Award of Contracts for Concrete Work**

Mr. Dalton said the Council in its July meeting had authorized issuance of an invitation for bid for concrete work including demolition and the construction of improvements. He said unit pricing was provided and that Mr. Jacobs and Ms. Halterman had recommended the approval of all three firms bidding for the work. He said the bids were for unit pricing and not for specific projects and that the Town would be able to do business with the contractors as needed rather than treating each project separately. Mr. Jacobs said the arrangement was an enhancement to flexibility.

Council member Harrison asked about the duration of the arrangement and Mr. Dalton said it would extend through June 30, 2020, and then for three additional one-year periods.

**Council member Harrison moved that the Council of the Town of Berryville approve the award of contracts for concrete new installation and repair work, to the first, second, and tertiary bids, and that the Town Manager is hereby authorized to execute contract documents related to this matter. Recorder Arnold seconded the motion.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

#### **Award of Contract to Provide Online Payment Services**

Mr. Dalton said the Budget and Finance Committee had been working for some time on the creation of an online payment option for citizens. He said the committee's choice of a contractor had been strongly influenced by the convenience of the contractor's interface with the Town's financial software. He said the agreement was for one year, that the committee had asked that the final contract be reviewed by legal counsel, and that this is in progress. Mr. Dalton said the Town would incur minimal direct costs, as most costs would be paid by users.

Council member Gibson asked whether conflicting figures related to chargeback fees had been resolved, and Mr. Dalton and Mr. Jacobs said they would look into this.

Mayor Dickinson said she was concerned by verbiage indicating that the contractor, Payment Service Network (PSN), can change fees at any time. She also expressed concern about language addressing the matter of when the agreement may be terminated. She said the proposed system likely would be helpful but that apparent liabilities and risks inherent in the contract make a legal opinion desirable.

Council member Rodriguez said she was in favor of the online payment system but that she did not see any harm in postponing a decision for another month, pending clarification.

Council member Harrison asked whether it would be possible to generate enclosures for e-bills. Council member Gibson said the Town is concerned at present with online payment and not with online billing, that it will proceed in baby steps and consider additional services over time. She said the primary concern is with a large number of people who need to pay bills quickly in order to forestall discontinuation of service, given the fact that the Town cannot take credit card information over the telephone. She said the rollout of the new system would include reminders that ACH payments are now an option. Council member Harrison asked whether the Town's return on investment would be sufficient if implementation is in a baby-steps fashion. Council member Gibson said the initial cost is \$250, plus annual security compliance fees, and that an incremental approach was desirable during the process of establishing confidence in the vendor. Council member Harrison expressed concern about the amount and cost of labor involved in continuing to process payments by conventional means when electronic processing is available.

Mayor Dickinson said Ms. Halterman has outlined a schedule for the addition of services over time if the vendor proves to be a good fit for the Town. Council member Gibson said the plan is to begin with utilities and add taxes later.

Recorder Arnold said most aspects of the system will be operational by the end of next year. Mr. Dalton said this might not include e-billing.

Council member McDonald expressed concern about e-bills and citizens who do not own computers. Council member Harrison explained that e-billing would not be mandatory but that customers may opt in.

The Council agreed to discuss online bill payment again at its next meeting.

#### **Reappointment of H. Allen Kitselman to the Berryville Area Development Authority**

Recorder Arnold said the Personnel, Appointments, and Policy Committee had agreed on the reappointment of Mr. Kitselman, a long-time Council member who wishes to continue in public service.

**Council member Gibson moved that Council of the Town of Berryville reappoint Allen Kitselman to the Berryville Area Development Authority for a three-year term to end on June 30, 2022. Recorder Arnold seconded the motion.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

**11. Council Member Reports**

**Ward 1:**

Council member McDonald had nothing to report but asked for a discussion of social media policy.

**Ward 2**

Council member Harrison explained that the Town's social media policy had been discussed by the Personnel Committee. She said transgressions carry consequences for employees but not for Council members and that liability problems are possible. She suggested a policy similar to that of the County, which prohibits the use of social media by officials in their official capacities. She said a Town Facebook account as part of the Town's proposed branding and marketing initiative would be desirable but that no individual accounts should be permitted because of the possibility of indiscretions.

Council member McDonald concurred regarding the appropriateness of the County policy.

There was a discussion of whether to return the policy to the committee. Council member Harrison recommended that the committee meet with Cathy Kuehner, public information officer for the County.

Council member Gibson noted the importance of social media for communication with the public and said that a Town social media presence is needed but that the Town lacks the personnel to manage it. She said she was not prepared to prohibit individual accounts outright inasmuch as they have sometimes served a useful purpose. She said the committee should discuss how to progress toward a Town social media presence.

Council member Harrison concurred regarding the desirability of a Town social media presence.

The consensus was that the matter be returned to committee.

### **Ward 3**

Council member Gibson had nothing to report.

### **Ward 4**

Council member Rodriguez said she and three other Council members had attended the annual conference of the Virginia Municipal League and that she would email Mr. Dalton regarding matters of interest and suggestions for the Town.

### **Recorder**

Recorder Arnold had nothing to report.

### **Mayor**

Mayor Dickinson said she had recently issued a proclamation to the American Legion in celebration of its centennial. She said the theme for Veterans Day this year would be "Our Veterans, Our Heroes" and that the committee had decided to hold the event on Sunday the 10<sup>th</sup> at the high school, with the high school jazz ensemble playing at 1:00 p.m. and the program beginning at 2:00. She said the keynote speaker will be Dr. Richard Siemens, chief of staff of the Martinsburg, West Virginia, Veterans Administration hospital. She said Medal of Honor recipient Col. Harvey Barnum, USMC (Ret.) will be an honored guest and that the Clarke County band and Clarke County high school chorus will perform. She said the Clarke County honor guard will post the colors and that the Veteran of the Year will be announced. The mayor said Berryville Graphics will sponsor the event this year, along with Am-Liner East and the Bank of Clarke County. She said the VFW post will host a community luncheon after the event at the post on South Buckmarsh.

Mayor Dickinson said the Northern Shenandoah Valley Regional Commission has plans for an initiative to address the need for recycling of glass and plastic.

The mayor said she is leaving the Personnel Committee, on which Council member Rodriguez will replace her.

## **12. Staff Reports**

### **Public Works**

Nothing was added to the written report submitted to the Council. Mayor Dickinson asked whether homeowners would incur the expense of providing expansion tanks on their water heaters to accommodate the new meter setters to be installed in some areas. Mr. Dalton said they would. He said code has required expansion tanks for some years, but the Town will provide notices 40 days in advance by mail and hand-delivery to homeowners with water heaters requiring modification.

Mr. Dalton explained why the expansion tanks are necessary. He said about 300 property owners would be affected, mainly in areas of older construction. He said he believed the cost of installing an expansion tank would be approximately \$200. The mayor asked whether people who cannot afford this could get help through some agency. Mr. Dalton said the Town had never encountered this when replacing setters previously but that one option would be to refer them to any number of organizations including FISH of Clarke County.

Mr. Dalton said the modifications are needed for the wellbeing of the entire system and will be for the good of everyone, and that the process of sending notices had begun on Monday, October 7.

#### **Public Utilities**

Nothing was added to the written report submitted to the Council. Mayor Dickinson asked whether the recent failure of a tank mixer would be covered by warranty. Mr. Dalton said yes.

#### **Police Department**

Chief White said the date and hours for trick-or-treating had been set for October 31 from 6:00 p.m. to 8:30 p.m.

**Council member Gibson moved that the Council of the Town of Berryville, in accordance with Section 13-38 of the Code of the Town of Berryville, designate the date and hours for trick-or-treating within the Town of Berryville as October 31, 2019 between the hours of 6:00 p.m. and 8:30 p.m. Council member Rodriguez seconded the motion.**

**The motion passed by unanimous voice vote.**

#### **Community Development**

Ms. Dunkle asked the Council to set bonds for the Shenandoah Crossing subdivision for public improvements and erosion and sediment controls. She said the bond for erosion and sediment control would be \$217,361 and that the bond for public improvements would be \$5,155,365.

**Council member Rodriguez moved that the Council of the Town of Berryville approve the Erosion and Sediment Control and the Public Improvement bonds, including 25 percent contingencies for both, as follows:**

<b>Erosion and Sediment Controls:</b>	<b>\$217,361</b>
<b>Public Improvements:</b>	<b>\$5,155,365</b>

**Council member McDonald seconded the motion.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

The Council had no questions about the Construction Project Update Ms. Dunkle had provided in the agenda.

#### **Administration/Finance**

Mr. Jacobs said he had completed the September statements but that recently retired treasurer Desi Moreland would be looking over them to assist him with his first experience of that task. He said he would distribute them later in the week.

#### **Town Manager**

Mr. Dalton had nothing further to report.

### **13. Committee Updates**

#### **Budget and Finance**

Ms. Gibson said the committee would meet again on October 24 at 10:30 a.m. and that Mr. Jacobs had invited a representative from Southern Software to give a demonstration of budgeting tools. She said she hoped legal counsel would have completed its review of the online payment agreement by that time and that the committee could discuss it again.

#### **Community Development**

Council member Rodriguez said that the committee in its last meeting had discussed moving forward with the Town's branding and marketing scope of work and that Mr. Dalton had recommended a motion authorizing staff to treat the siting of a hotel in Berryville as a high priority.

**Council member Rodriguez moved that the Council of the Town of Berryville confirm that siting a hotel in Berryville is a high priority and authorize Town staff to work with community partners to formulate and implement a strategy to site and locate a hotel in Berryville. Council member Harrison seconded the motion.**

Council member Rodriguez asked Mr. Dalton what process should ensue if the motion passed. Mr. Dalton said the first step had been a feasibility study, which eventually needed updating inasmuch as staff had been talking with hotel chains, boutique hotel developers, and local property owners since 2013. He said Berryville Main Street had worked with the Industrial Development Authority (IDA) on a new study and that staff now needs to work closely with the County on a package addressing siting. He said it is necessary to begin proactively attempting to generate interest and that staff needs to be certain it has the backing of the Council. He said the formalization of that support would help staff be more proactive in seeking potential stakeholders.

Mr. Dalton said the community should assemble a packet including the feasibility study; information on siting, utilities, and traffic; and tourism and zoning incentives. He said that what would work best would be an investors' group then showing interest, followed by interest from a suitable developer.

Mr. Dalton said the staff believes a hotel is needed to accommodate wedding guests and business travelers who at present must find lodging in other towns. He said a hotel would help with local efforts to advance tourism and that hotel guests would boost other elements of the local economy.

Council member Gibson asked whether the hotel had been among the 2020 goals approved by the Council. Mr. Dalton said he was not sure.

There was a discussion of what was in the 2020 goals. Council member Gibson said that if a hotel had been included therein, she did not see the need for concern about it. She said a hotel is not her number-one priority but that she would support what the Council decides.

Mayor Dickinson said a previous action of the Council had supported the study, not the actual hotel, and that she needs to see the new study. She said hotels operate on thin margins and that the prospect of an unprofitable, eyesore hotel is a concern. She said she needs to be confident regarding profit margin and that the Town is forcing the issue.

Council member Harrison said the Town is not putting a consortium together but merely allowing staff to prepare a framework that would enable an interested party to proceed quickly. She said a hotel has been under discussion for years and has never had sufficient backing from the Town. She said she doubted that a bank would lend money for a hotel without data supporting such a decision.

Recorder Arnold said the IDA had been concerned because of a lack of support from the Town. He said the Town does not decide on the viability of a particular business but that it can make preparations that would keep interested parties from being discouraged by delays in planning and zoning.

Council member McDonald said citizens have expressed concerns about cost to the Town. Mr. Dalton said this would not be exclusive to a hotel. He said public funds had been expended on the two studies, in addition to the expense of staff time.

Ms. Dunkle said the Town had received a USDA grant to fund the original study and that the Industrial Development Authority had funded the most recent study.

Council member McDonald said citizens are asking why the Town is spending money for a hotel when it is raising water and sewer rates. Mr. Dalton said the Town has spent little, citing staff time and the funding of the studies. Ms. Dunkle said the Town has a transient occupancy tax in place. Mr. Dalton said the hotel and the ripple effect of its guests add to the Town's tax base and that guests would spend money at other businesses in Berryville, which would help everyone.

Council member Harrison said a hotel would pay water and sewer availability fees. Mayor Dickinson said a hotel would also mean having another major user on the utilities system, which would help in reducing costs.

Recorder Arnold said the Town had worked for two years to bring McDonald's to Berryville and had spent Town money doing so. He said there are Town costs associated with all developments. He said the motion under discussion was not approval of a hotel but an endorsement of staff's efforts to place the Town in readiness for one. He said spending money on two studies and not proceeding would be a waste.

Ms. Dunkle said she did not believe modification of current zoning would be necessary. She and Mr. Dalton said there are multiple properties that could accommodate a hotel. Mr. Dalton said staff's thinking continues to evolve as discussions with interested parties occur.

Mayor Dickinson reiterated her desire to see the study.

Mr. Dalton said the hotel does not constitute a financial commitment in the manner alluded to by Council member McDonald but concurred with Recorder Arnold's assessment of processes and costs. He said the Town does not intend to subsidize a hotel or any other specific business.

Council member McDonald asked about plans to reopen the Battletown Inn. Ms. Dunkle said it was in progress but behind schedule. Council member McDonald asked whether the bed-and-breakfast establishments would be opened again. Ms. Dunkle said this had been delayed.

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Nay**

**Rodriguez: Aye**

**Arnold: Aye**

**Abstaining: Dickinson**

**The motion passed.**

Council member Rodríguez said the committee would meet again on October 28 at 2:00 p.m.

#### **Personnel, Appointments, and Policy**

Recorder Arnold said the committee would meet on October 22 at 9:00 a.m. to conduct interviews for the Architectural Review Board and Tree Board and to discuss the Town's social media policy and Employee Handbook.

#### **Public Safety**

Council member McDonald said the committee had met in September and discussed the Town Code as it applies to garbage and refuse. She said the committee had discussed dumpsters and dumpster enclosures and would next consider residential garbage collection. She said the committee's next meeting will be on November 25 at 12:30 p.m.

#### **Streets and Utilities**

Council member Harrison said the committee had discussed stormwater and the Virginia Avenue scope of work. She said the Town Run study would be complete in approximately six months. She said the committee had begun work on a lighting policy for the Town, addressing street lighting and residential lighting, and that the next meeting would be on October 22 at 10:30 a.m.

#### **Other**

Mayor Dickinson said the Virginia Municipal League conference had included a session on stormwater and that she would inform the committee of what other communities are doing to manage stormwater.

Council member McDonald said she would not be able to attend the next Community Development Committee meeting.

#### **14. Closed Session**

There was no closed session.

#### **15. Adjourn**

Mayor Dickinson requested a motion to adjourn.

**Council member Harrison moved to adjourn, seconded by Council member Rodríguez. The motion passed by consensus at 10:10 p.m.**

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

## Water and Wastewater Rate Increase

I want to applaud town council for taking the initiative to engage engineers in providing us with a clearer picture of current and future needs for the town's water and wastewater treatment plants. The engineer's report clearly states that our current operating environment is not sustainable and that we need to prepare ourselves for costly maintenance on the wastewater treatment plant and for replacement of our water plant. The report presented a rather bleak outlook for the town. Action now, by this council, will help ensure our citizens have a viable, affordable, and ecologically responsible utility.

The engineers advised town council that we must run our utility as we would a business. And I agree with their recommendation. The question becomes, what type of business are we? A monopoly refers to a market structure where a single firm controls the entire market. We know that a monopoly is out to maximize profit and they can set the price because there is nowhere else to do business. A monopoly doesn't care if people can pay the price – they know they will have to because there is nowhere else to go.

A public utility is a type of monopoly, however, instead of focusing on profit, a public utility is meant to focus on serving the consumers. We need to be sure that our water and wastewater treatment plants are adequately maintained, however, it is equally important that these services are provided at reasonable rates.

As I review the utility rate proposal before us and this council's stated intention to have year over year increases, I am concerned that it gives the appearance that we care more about profit than we do about our citizens. I am concerned that we have lost sight of what constitutes a reasonable rate.

I have comments for council.

### **First is the cost of services.**

On many occasions during my business career, I have worked for companies that had to face the difficult situation of how to meet increasing costs and dwindling profit margins. At no time in my experience was the first course of action to raise prices. Typically, the first action taken is to identify opportunities to reduce costs. Over the course of this process several citizens have shared with this council ways in which they believe expenses could be reduced. Whether their suggestions are viable or not is not the point. The point is, this council has never asked town staff to even consider this option. I believe this is a mistake.

### **Second is the concept of the administrative fee**

In the public hearing of September 11, Mr. Frederick of Pennoni Associates said the Town's fixed costs were sufficient to justify an administrative fee of \$45.00 per month.

The rationale presented seems quite straightforward – we each should pay our fair share of the fixed costs in the form of a universal administrative fee. While this may appear on the surface to be equitable, in reality it is not. Services are not billed per household or per person, but rather per billing address. This means an individual living in a single family home will pay an administrative fee of \$45 per month, while an individual living in Mary Hardesty House will pay 1/60th of the \$45, or 75 cents. The comparison holds true with businesses as well. The individual living in a single family home will pay just as much in a monthly administrative fee as a large business. Remember, one of the operating principles of a public utility is that our rates must be reasonable. How can we say this is reasonable?

### **Third is increasing the number of users so rates can go down**

At the September public hearing a resident asked what the town was doing to get new users on the system. The reply was that construction of 200 new homes will soon be built. The construction of these new homes has been on the table for over a decade. It is only through a change in market forces that has made it profitable to begin construction. This council did nothing to encourage or expedite construction. Instead I would direct this gentleman's attention to the work of the Community and Economic Development Committee. Last year Town Council funded the committee's efforts to set the groundwork needed for the creation of an economic development plan.

Additionally, the town and county are pursuing a traffic study to connect Jack Enders Blvd with 340. This effort must be completed before the industrial park can be expanded.

Unfortunately, these things take time. Fortunately, we have started the ball rolling.

### **Fourth is the misconception that rate increases are necessary**

I call Council's attention to page 33 of the engineer's report, page 51 of the meeting agenda. In the second paragraph the engineer states the following:

**"This analysis should be viewed as a starting point for further discussion and may inform but not fully represent the final decisions made by the Town over the next 8-10 years. First, the analysis in this report assumes that the only source of revenue for this asset program will be local water and wastewater revenues from fee increases."**

The report goes on to state that we have options other than year over year rate increases. And in the September 11 public hearing Mr. Frederick of Pennoni stated that the Town should aggressively pursue other sources of revenue, such as a grant or loan.

We all know that long term assets should be paid for using long term debt. And we know the water and sewer plants need significant capital improvements. These capital improvements are long term

assets, and yet we are trying to pay for them with short term revenue streams. This is not good financial management. Before we raise rates we need to have a financial plan.

If our financial plan includes grants, then rate increases would not be necessary. If we borrow money then rate increases will only need to be increased to cover the debt obligation. Not developing a financial plan before raising rates is a mistake.

It seems to me we are moving forward in panic mode, when there is no need to panic.

#### **Conclusion**

Again, I applaud council for taking the initiative to better understand the current state of our utilities. This report has told us what needs to be done, however, this report has not given us a viable approach on how to do it. The report clearly states that Town Council needs to do more planning. We need to a schedule for improvements and from that a financing plan. With these two documents in hand, then, and only then, should we decide to change our rates?

**TOWN OF BERRYVILLE**  
**SCHEDULE OF WATER AND SEWER FEES AND CHARGES**

Effective November 22, 2019

**I. USER FEES**

**A. WATER**

1. Within corporate limits or the limits of an approved annexation area: \$8.15 per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$10.18 per 1,000 gallons of usage. Minimum charge \$6.25 per month for usage under 1,000 gallons during billing period.

**B. SEWER**

1. Within corporate limits or the limits of an approved annexation area: \$17.27 per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$21.58 per 1,000 gallons of usage. Minimum charge \$18.75 per month for usage under 1,000 gallons during billing period.

**II. ADMINISTRATIVE FEES AND DEPOSITS**

**A. ADMINISTRATIVE FEES**

Monthly Administrative Fees, charged with usage:

Water \$2.50

Sewer \$2.50

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

## B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: \$235

Residential: multi-family with master meter: \$188 per unit

Business/Commercial excluding restaurants and laundries: \$235

Restaurant: \$845\*

Laundry: \$4,660\*

Institutional: \$1,610\*

Industrial: \$5,715\*

\*Town Manager may increase or decrease on the basis of actual usage.

Note: Town Manager may establish reasonable deposit amounts for use types not anticipated by this schedule.

## III. AVAILABILITY FEES

### A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 13,500.00	\$ 16,875.00	Meter Fee
3/4	1.5	\$ 20,250.00	\$ 25,312.00	Meter Fee
1	2.5	\$ 33,750.00	\$ 42,187.00	Meter Fee
2	4.375	\$ 59,063.00	\$ 73,828.00	Meter Fee
3	8	\$ 108,000.00	\$ 135,000.00	Meter Fee
4	16	\$ 216,000.00	\$ 270,000.00	Meter Fee
5	25	\$ 337,500.00	\$ 421,875.00	Meter Fee
6	50	\$ 675,000.00	\$ 843,750.00	Meter Fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

Notes:

(a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.

(b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying the unit charge of \$10,800 for a multi-family residence times the total number of residential and commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

(c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

## B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 14,500.00	\$ 18,125.00
3/4	1.5	\$ 21,750.00	\$ 27,187.00
1	2.5	\$ 36,250.00	\$ 45,312.00
1.5	4.375	\$ 63,438.00	\$ 79,297.00
2	8	\$ 116,000.00	\$ 145,000.00
3	16	\$ 232,000.00	\$ 290,000.00
4	25	\$ 362,500.00	\$ 453,125.00
6	50	\$ 675,000.00	\$ 843,750.00

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

## IV. LATERAL OR CONNECTION FEES

Connection to the Town's water distribution and/or/sewer collection system may be completed only if the following conditions are met:

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or other applicable agency.

## V. INSPECTIONS

### A. Sanitary Sewer Camera Service and Storm Sewer Camera Inspection Service

#### 1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: \$300

Camera Fee: \$2.50 per linear foot

#### 2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$150

Laterals 50 Feet in Length or Greater: \$150 plus \$2.50 per linear foot

#### B. Inspections

Town staff: \$65 per hour

Licensed professional engineer or approved third-party inspector: Cost

Notes: Cleaning of lines will be required prior to camera use. Line cleaning is the responsibility of the applicant. If lines are not clean and camera crew must remobilize later to perform the inspection, a second mobilization fee will be charged.

### VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

### VII. WATER METER TESTING

5/8" meter: \$100

All other meters: \$100 + cost

Note: Fee is refunded if meter is found to be over-registering.

### VIII. HYDRANT METERS

Nonrefundable account establishment fee      \$50

Deposit      \$1,200

Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

### IX. UNAUTHORIZED USE OF SERVICE

For unauthorized water withdrawals from fire hydrants or any other part of the Town water system, or when a customer willfully takes steps to reactivate service after service has been disconnected by the Town because of nonpayment of any charge owed to the Town, and the Town must take action to discontinue service again by removal of the meter or any other necessary measures, a \$250 charge for unauthorized use of services will be imposed. This charge will be in addition to any other charge for

water and sewer services owed to the town, and in addition to any legal remedies the Town may pursue for unauthorized use of service.



**BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**October 24, 2019**

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A meeting of the Berryville Town Council Budget and Finance Committee was held on Thursday, October 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: Erecka Gibson, Chair; Mayor Pat Dickinson; Kara Rodriguez

Staff present: Keith Dalton, Town Manager; Greg Jacobs, Treasurer/Assistant Town Manager; Paul Culp, Town Clerk

Press present: None

**1. Call to Order**

Chair Gibson called the meeting to order at 10:33 a.m.

**2. Approval of Agenda**

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

**3. Unfinished Business**

**A. Budget Software**

Marci Lewandowski of Southern Software gave a presentation on budgeting software under consideration by the committee for purchase by the Town, followed by a discussion of how staff should proceed. Mr. Jacobs being new in his position, he and Chair Gibson discussed whether it would be advisable to proceed immediately according to new procedures associated with new software or to work according to established practices before introducing new ones. Mayor Dickinson said it should be Mr. Jacobs' decision, and he said he would consider the matter.

Chair Gibson said the proposed software would increase efficiency. Mr. Jacobs said it would promote accuracy as well.

Mr. Dalton said staff would formulate a plan to be submitted to the full Town Council.

## **B. Online Payments**

Mr. Dalton said the Town attorney had finished reviewing the contract with Payment Services Network (PSN) for online bill payment services discussed by the committee and the full Council in their September meetings with a view to offering such services in the near future.

There was a brief discussion of passages requiring minor revision. Mr. Dalton said some of these had already been taken into account and would be reflected in the contract's final version.

Mr. Jacobs said the Virginia Risk Sharing Association had expressed concern about whether the contract would require PSN to assume as much responsibility for security as the Town would prefer, but said there likely is no alternative to the provisions stipulated in the contract.

There was a discussion of the desirability of the Town having a separate account as a repository for funds to be forwarded to PSN.

Mr. Dalton said staff would finish with revisions and legal matters and proceed if no difficulties arise with the interface of the PSN platform with the Town website.

## **C. Long-term Financial Sustainability Plan**

The committee agreed to defer further discussion until budgeting software is in place.

## **4. New Business**

### **A. Budget Calendar**

Mr. Dalton said staff would like to proceed soon with budgeting if the committee approves of the calendar. Ms. Rodriguez asked whether each committee would formulate goals as it did last year. Mayor Dickinson said goal-setting is important but that adhering to goals is a challenge. She recommended revisiting last year's goals as a starting point.

Mayor Dickinson asked whether staff needs action from the Council by January. Mr. Dalton and Mr. Jacobs said this would be desirable. Mayor Dickinson said a work session of the full Council is needed, as opposed to discussions by individual committees. Mr. Dalton said he would confer with Council members and staff regarding a suitable meeting time in mid-November.

### **B. Utility Improvement Financing**

Mr. Dalton directed the committee's attention to the asset replacement schedule provided by Pennoni Associates. He said it would be helpful to include as many components as possible in one offering and that he and Mr. Jacobs would be meeting with Virginia Resources Authority to discuss

their pool borrowing program. He said it would be important to schedule projects with an eye to minimal disruption and that the effect of debt servicing on rates must be taken into consideration.

There was a discussion of whether the figures on water meter replacement include installation. Mr. Jacobs said he would research this.

Mayor Dickinson said she would like more information on smart meters, which she said have paid for themselves in some jurisdictions. She said they could help the Town reduce billing frequency to every other month and save on administrative costs. Mr. Dalton said topography can create problems with continuous meter reading.

#### **5. Other**

There was no other business.

#### **6. Closed Session**

There was no closed session.

#### **7. Adjourn**

Chair Gibson invited a motion to adjourn. Mayor Dickinson so moved, seconded by Chair Gibson, with the meeting adjourning by consensus at 12:06 p.m.

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**October 28, 2019**

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A meeting of the Berryville Town Council Community Development Committee was held on Monday, October 28, 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

Member of the committee absent: Donna McDonald

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

Press present: none

**1. Call to Order**

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

**2. Approval of Agenda**

Ms. Harrison moved for approval of the agenda as submitted, seconded by Chair Rodriguez. The motion passed by consensus.

**3. Unfinished Business:**

**A. John Rixey Moore Playground / Rose Hill Park Improvements--Update**

Mr. Dalton briefly updated the committee on his discussions with the vendor and said that all the equipment previously selected is still available. He mentioned excavation and wood fiber materials as items that had been factored into the cost.

Ms. Harrison asked whether it would be possible for the gazebo pickets to be replaced with metal for the sake of durability. Mr. Dalton said this would be possible and that another option would be to have steps on all sides of the gazebo.

Mr. Dalton said he believed the Memorial Day observance would benefit from a reorienting of the gathering's location and that he would discuss this with Mr. Ferree.

Chair Rodriguez asked Mr. Dalton whether the playground improvements could begin after Christmas. Mr. Dalton said he would discuss this with the vendor and that prompt commencement of the work would be desirable for assuring a spring completion date.

There was a brief discussion of public works activity at this time of year.

Chair Rodriguez asked that the order of the next two agenda items be inverted so branding and marketing might be discussed before the economic development MOU with Clarke County. Ms. Harrison and the staff members agreed to this.

### **B. Branding and Marketing**

Chair Rodriguez said a recent discussion with Mr. Dalton and Ms. Dunkle had been helpful and that the request for proposal was also helpful. She said the committee had agreed to send the scope of work to the full Council in November, after which it would be returned to staff, with the Council then voting on the RFP in its December meeting,

Chair Rodriguez said the marketing study should focus on commercial development in Berryville before addressing branding. She said it should be as specific as possible and that she is refining it and will submit it to the committee soon. Mr. Dalton asked when it would be available to staff, and she said by the end of the week. Mr. Dalton asked Ms. Dunkle whether the Town has a precise community profile, and Ms. Dunkle said she had included one in the draft tourism plan from 2014.

### **C. Economic Development Memorandum of Understanding with Clarke County**

Mr. Dalton said the MOU committee had asked for a meeting with him and Recorder Jay Arnold. Chair Rodriguez said it would be good if she or Ms. Harrison attended.

Ms. Harrison asked about the southeast collector study. Ms. Dunkle said that staff had set a meeting but that the consultant did not attend. She said she would contact Mr. Stidham to set another time. Ms. Dunkle said that after discussion with Norfolk Southern the consultant had confirmed that the at-grade crossing originally anticipated will not be permitted.

Chair Rodriguez directed the meeting's attention to a passage in the MOU addressing new revenue sources for economic development and tourism. There was a discussion of the County's attempt to increase the transient occupancy tax. Ms. Dunkle said the General Assembly must approve such a measure.

There was a brief discussion of the Town's effort to attract a hotel to Berryville.

Chair Rodriguez and Ms. Harrison discussed the need to reorganize the MOU into sections, combining interrelated items instead of having a large number of separate points. Communication, coordination, finance, tourism, economic development, and staffing were among the categories suggested.

Chair Rodriguez said she would bring the results of the MOU committee's efforts to the November meeting of the Community Development Committee.

There was a discussion of meeting schedules and Christmas preparations.

#### **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, with the meeting adjourning by consensus at 2:43 p.m.

**BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**October 22, 2019**

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A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee was held on Tuesday, October 22, 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: Recorder Jay Arnold, Chair; Erecka Gibson; Kara Rodriguez

Staff present: Keith R. Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Town Planner; Paul Culp, Town Clerk; Neal White, Chief of Police

**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, seconded by Ms. Rodriguez. The motion passed by consensus.

**3. Unfinished Business**

**A. Closed Session**

Recorder Arnold asked that the committee enter closed session in order to interview candidates for appointment to the Tree Board and Architectural Review Board.

Ms. Rodriguez moved that the Personnel, Appointments, and Policy Committee of the Berryville Town Council enter closed session in accordance with §2.2-3711-A-1, Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment. Ms. Gibson seconded the motion.

The motion passed by consensus.

The committee entered closed session at 9:02 a.m.

## **B. Appointments**

The committee reconvened in open session at 9:58 a.m. Mr. Dalton read the Certification of Closed Session:

**WHEREAS, the Personnel, Appointments, and Policy Committee of the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,**

**NOW, THEREFORE, BE IT RESOLVED that the Committee hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.**

**Roll call vote as follows:**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Abstain: None**

## **C. Council Policies**

Mr. Dalton said the Town Council in its October regular meeting had discussed voting policy. He said he had drafted a policy enumerating which actions can be handled by voice vote and which by roll call vote.

Ms. Gibson said the draft policy is a good middle way between having only voice votes on the one hand and requiring a roll call for everything on the other. Ms. Rodriguez said she approved of the draft policy, that clarity had been needed.

Mr. Dalton said he had also provided a draft revision of the Council policy for official recognitions, with resolutions and proclamations being treated as separate categories instead of being combined.

Recorder Arnold said he would prefer that 50<sup>th</sup> wedding anniversaries not be included among the occasions meriting letters of congratulation.

Ms. Rodriguez said she approved of the curtailment of proclamations that are political in nature.

#### **D. Employee Handbook**

Mr. Jacobs directed the committee's attention to proposed changes related to background checks, drivers policy, paid time off, job descriptions, annual leave, holidays, workers' compensation, bereavement leave, compensatory leave, personal leave, and military leave. He asked what the Town Council would do regarding Lee-Jackson Day, which had been discussed at the Council's most recent regular meeting, and Columbus Day.

Recorder Arnold said he thought the Town should align its policies with those of the Commonwealth. Ms. Gibson and Ms. Rodriguez concurred. Ms. Rodriguez recommended following the practices of the County.

There was a discussion of whether to continue offering liberal leave and closing the Town offices at midday on the Friday of the Apple Blossom Festival. Recorder Arnold said this is acceptable to him. Ms. Rodriguez said this would be acceptable if the public is given sufficient advance notice.

There was a discussion of holiday leave and accruals in excess of 96 hours.

There was a discussion of the proposal, pursuant to a discussion in the most recent regular meeting of the Council, that domestic partner and fiancé be added to the uppermost tier of bereavement leave categories. Mr. Dalton said that if the Council adds such language he will need for those terms to be clearly defined.

Ms. Rodriguez said the addition of domestic partner would be acceptable but that "fiancé" is ambiguous and that the discretion given to Mr. Dalton in current policy would address this.

Recorder Arnold said the Town should follow the Commonwealth's policy and "domestic partner" would need to be clearly defined in a way that aligns with state law.

Mr. Jacobs said the discretion of the town manager is sufficient.

Ms. Rodriguez said she does not want the language in the handbook to appear discriminatory against gay couples or domestic partnerships.

Recorder Arnold said the Town should not establish a definition if the Commonwealth does not.

Ms. Gibson said that the death of a spouse or child differs from that of a partner or fiancé in terms of the financial entwinements that create difficulties for the bereaved person to address. She said the Town should not specifically add references to domestic partners and fiancés without clear definitions and questioned whether it is the place of the Town to determine the extent of oneness that has occurred in a relationship.

Mr. Dalton said that if the Council supports the addition of domestic partners and fiancés he can take up the matter with the Town attorney with reference to Commonwealth practices and definitions. He said the proposed revisions governing bereavement leave may be deferred for now while the Council proceeds with the other proposed revisions.

There was a brief discussion of military leave.

#### **E. Town Manager Performance Assessment**

Mr. Dalton said he had provided a schedule for the process and that he recommends that the Council begin by establishing a list of goals and objectives for the town manager.

Ms. Gibson asked whether the evaluation forms filled out by the Council should be sent directly to the town manager as indicated in the proposed schedule. Mr. Dalton said it is a personnel matter and would become public unless channeled into a closed session, which can be accomplished by individual Council members submitting the forms to him for that purpose.

There was a discussion of the drawbacks and benefits of hand-written assessments.

Ms. Rodriguez asked whether having Council members sign the forms, as indicated in the proposed procedure, would be the best practice. Ms. Gibson said the evaluation should not be anonymous.

There was a discussion of the timing of various steps in the evaluation process.

The committee agreed to bring the matter to the full Council.

#### **4. New Business**

##### **Social Media Policy**

The Council having discussed at its most recent regular meeting the possibility of prohibiting the use of social media by Town officials in their official capacities, Mr. Dalton directed the committee's attention to the County policy, which carries such a ban.

Ms. Rodriguez asked whether the restriction is reduceable to officials not being permitted to use their titles on their social media pages. Mr. Dalton answered in the affirmative. Ms. Rodriguez said this is acceptable but that every official should be permitted to have a social media presence.

There was a discussion of what would constitute acceptable social media use during an election campaign.

Ms. Rodriguez said it would be sufficient for Council members using social media to provide a disclaimer to the effect that their views did not represent those of the Council as a whole.

Ms. Gibson asked whether it would be possible to return the matter to those members of the Council who had expressed the most concern. Mr. Dalton said this can be done. Ms. Gibson said a social media presence is important but should be via a Town account managed accordingly. She said the mere removal of individual officials' titles would not alter citizens' perceptions of those officials' accounts. Ms. Rodriguez concurred.

There was a brief discussion of the Police Department's social media presence, which is in the planning stages.

#### **5. Other**

Ms. Gibson recommended that the Council consider using the Polco online polling platform as an efficient means of soliciting public input on matters of importance such as stormwater remediation measures.

The committee agreed to meet again on December 16 at 9:00 a.m.

#### **6. Closed Session**

There was no closed session.

#### **7. Adjourn**

Ms. Rodriguez moved for adjournment, with Ms. Gibson seconding and the committee adjourning by consensus at 10:37 a.m.

**BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**October 22, 2019**

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A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, October 22, 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; Christy Dunkle, Town Planner; Rick Boor, Director of Public Works; Neal White, Chief of Police; Paul Culp, Town Clerk

Press present: Mickey Powell, Winchester Star

**1. Call to Order**

Chair Harrison called the meeting to order at 10:45 a.m.

**2. Approval of Agenda**

The agenda was approved by consensus.

**3. Unfinished Business**

**A. Downtown Street Light Pilot**

Mr. Dalton said Rappahannock Electric Cooperative (REC) had advised him of a mid-November starting date.

**B. Lighting Standards**

Chair Harrison directed the meeting's attention to the document she had distributed outlining a policy framework and classifying specifications according to type, height, and distance. Ms. Dunkle said it would be necessary to keep specifications in mind and involve REC thoroughly. Mr. Dalton said lighting specifications could be linked to street standard, taking into account street width and whether the section is urban or rural. Chair Harrison said that it would be helpful to review a zoning map. Ms. Dunkle said she was not sure how the typology would work.

Chair Harrison acknowledged that light pollution is a major concern that must be addressed but cautioned that the granting of exceptions would be expensive. She said it would be necessary to have a formula for such cases, taking into account who will pay for and carry out evaluation and remediation. She said developing standards first is crucial, and asked Mr. Dalton how this might be accomplished.

Mr. Dalton said it would be necessary to discuss the matter with REC and that the committee and/or Town staff probably would need to consult with a specifications engineer.

Ms. Dunkle said standards are crucial for providing a basis. Mr. Dalton said standards would help limit subjectivity. Ms. Dunkle said input from law enforcement would be important. Mr. Dalton noted that lighting is a health, safety, and welfare issue.

Mr. Dalton, Ms. Dunkle, and Chair Harrison agreed on consulting REC.

Mayor Dickinson said the Town should establish goals before proceeding, that it should determine what it intends to accomplish with lighting in town.

Chair Harrison said lighting in Berryville has evolved, that citizens are complaining, and that the Town is trying to be responsive. She said a definite standard would help determine how to address complaints.

Mayor Dickinson reiterated the importance of having clear goals. She said lighting is subjective and that the Town must be definite about what it wishes to achieve.

Chair Harrison reiterated her point about standards as an aid to addressing complaints. Mayor Dickinson said addressing complaints is different from designing lighting. Chair Harrison asked the mayor what she wanted the Town to achieve. The mayor said the Town should apply its efforts to health, safety, and welfare, and to the elimination of light pollution and light trespass.

Chair Harrison said complaints have not been numerous but that it has not been possible to address all of them. She said the ability to do so was the purpose for developing lighting standards.

Mayor Dickinson said the proposed framework is good but that it should not be a high priority. She asked whether the Town could handle problems on a case-by-case basis. Chair Harrison asked who would perform evaluations and at what cost. The mayor reiterated her suggestion of a case-by-case approach.

Chair Harrison asked Mr. Dalton if such an approach would be possible. He said he would look into the matter and that he presumed Chair Harrison would not approve of any solution that would produce warranty problems. She confirmed that this would be the case.

#### **4. New Business**

##### **A. Street Sign Standards**

Chief White said the appearance of the Town's streets signs is not optimal because of variations in type and quality. He said that with three new subdivisions in progress there should be a uniform standard and an effort to get the best product. He said factors to take into account include color, reflectivity, height, extension of pole above sign, breakaway posts, and safety and uniformity. He said the uniform standard should apply within the corporate limits and annexation areas.

Mayor Dickinson asked how the proposed standard compares with County standards. Chief White said it aligns with County, state, and federal standards. Mr. Dalton clarified that the Berryville standard would reflect the Town's 25 m.p.h. speed limit.

Chief White and Mr. Dalton explained the role of color and shape in different types of signs and the specifications for various types.

Chair Harrison asked whether the historical district designation could be added to signs. Chief White said this is possible, noting that such signs are generally not reflective. Mr. Dalton noted that portions of some streets are in the historical district while other portions of those same streets are not.

Mr. Dalton said the goal is to replace the Town's street signs, according to a uniform standard, over a period of several years.

Chair Harrison asked whether the Town could remedy the overpopulation of signage in some areas. Mr. Dalton said much of this is because of VDOT requirements. He asked that members identify any specific areas of concern and staff would review the matter. Chair Harrison noted that the intersection of Main and Buckmarsh Streets was an area of concern.

Mr. Dalton said he would like to add photos to the specifications manual provided to the committee and place the matter before the full Council. Chief White said a reference to the standards would be included in the Subdivision Ordinance. The committee agreed that the matter should be placed before the full Town Council in November.

##### **B. Hermitage Phase V Street Name Change**

Mr. Dalton showed the committee maps of the subdivision's original layout and new layout. He said it would be sensible to rename a portion of Tyson Drive or a portion of Dunlap Drive, especially Dunlap to Tyson from Hermitage Boulevard southward.

Ms. Dunkle said there are 13 lots and 12 homes in that section. Chair Harrison asked whether those residents would have to change their addresses. Ms. Dunkle said they would. Mayor Dickinson said this involves more than just a change of address at the post office, adding that deeds, licenses, and

multiple other changes would be necessary. Ms. Dunkle said emergency services would be adversely affected by one street having multiple names along its course. Chief White concurred.

Chair Harrison asked whether those residents could be compensated for the expense of making the necessary changes. Mr. Dalton said this would be up to the Town Council but that it is not something he would recommend. He said the reason for the proposed name change is important: Emergency services and the public good are involved, and state regulations governing stormwater control and treatment have necessitated adjustments by the developer.

Mayor Dickinson suggested redesigning the subdivision. She said she wanted a better understanding of what the name change would require of residents and expressed concern about legal implications.

Mr. Dalton said staff would seek further information about what is involved. The committee and staff agreed that prompt action by the Council is necessary.

Chair Harrison asked whether a public hearing would be required. Mr. Dalton said no, but that a hearing and comment period in a Town Council meeting would give the Council the opportunity to exercise its responsibility for explaining why the proposed change is needed.

#### **C. Discussion of Stormwater Management—Mayor Dickinson**

Mayor Dickinson said she had attended a session on stormwater management during the recent Virginia Municipal League annual conference and had learned about the possibility of grants from the Stormwater Local Assistance Fund. She said one municipality had obtained a grant from Fish and Wildlife. Ms. Dunkle said the staff is already discussing a grant with the Northern Shenandoah Valley Regional Commission.

The mayor described the basis of and tax rates for a stormwater utility created by the City of Roanoke. Ms. Dunkle said that Berryville's much smaller population does not confer the same economies of scale enjoyed by Roanoke.

#### **5. Other**

There was a discussion about the Town Run preliminary engineering report. Mayor Dickinson asked Mr. Dalton whether the study would be presented to the full Council at its December regular meeting. Chair Harrison said the study will take at least six months to complete.

The committee agreed to meet again on January 28 at 10:30 a.m.

#### **6. Closed Session**

There was no closed session.

## 7. Adjourn

Chair Harrison invited a motion to adjourn. Mayor Dickinson so moved. The meeting adjourned by consensus at 11:46 a.m.