

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
February 11, 2020
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; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department; Heather DeHaven, Finance Clerk

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

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

4. Presentations, Awards, and Recognitions

Recorder Arnold presented a resolution (attached) honoring Elmodyne Grim Childs on her 100th birthday. Mr. Culp read the resolution aloud.

Council member McDonald moving for approval and Recorder Arnold seconding. The motion passed by unanimous voice vote.

5. Public Hearings

No public hearings were scheduled.

6. Discussion of Public Hearing Items

There being no public hearing, no discussion occurred.

7. Citizens' Forum

The following Berryville residents spoke against the proposed change of Dunlap Drive to Tyson Drive in Phase V of the Hermitage subdivision: Herb Jordan, John Zambanini, Ed Windisch, John Mason, Jim Decker, Samantha Walraven, Peter Lawrence, and Sherif Kaiser.

Brian McClemens obtained an apology from Mayor Dickinson for a controversy of mid-2019 concerning her Facebook posts and his comments thereon.

Mary Ivie said Berryville noted recent heavy rainfall and also complained that documents used by Recorder Arnold for his report in the January regular session had not been in the agenda packet and ought to have been.

Nathan Stalvey of Berryville Main Street briefly described BMS's 2019 activities and its plans for 2020.

George Archibald said a motion by Council member Harrison during the December discussion of a controversy had defamed the mayor. He said Mr. Arnold is engaging in corrupt practices, and named particular individuals associated with the judicial system who he alleged had engaged in irregularities and conflicts of interest that he said played a role in Mr. Arnold being cleared of all malfeasance charges against him. He suggested that Recorder Arnold might be attempting to intimidate Mayor Dickinson into not pursuing a second term.

8. Consent Agenda

The consent agenda comprised the minutes of the January 14 regular session of the Town Council, the minutes of the February 3 Council work session, the minutes of the January 27 Public Safety and Community Development Committee meetings, and the minutes of the January 28 Personnel Committee and Streets and Utilities Committee meetings.

Mayor Dickinson directed Council's attention to a minor revision of the minutes of the Personnel, Appointments, and Policy Committee.

Recorder Arnold requested that the minutes of the January 14 regular session of Council be removed from the consent agenda and discussed elsewhere in the meeting.

Council member Rodriguez moved that the Council of the Town of Berryville approve the consent agenda as revised. Council member Harrison seconded the motion, which passed by unanimous voice vote.

9. Unfinished Business

Solid Waste Management: Ordinances, Policies, and Request for Proposals (RFP)

Amendment of Chapter 8 of Town Code

Mr. Dalton explained that the Public Safety Committee had been discussing matters related to Chapter 8 for a long time. He explained that the language of the Code has been made obsolete by technological changes, and enumerated various other points of concern the Council was considering in this matter. He said staff wished to have a new contract for waste removal services in place as soon as possible.

Request for Proposal

There was a discussion of whether the new contract should allow trash removal as early as 6:30 a.m. instead of 7:00 a.m. in the downtown area as now specified.

Council member Rodriguez asked whether the RFP would include pricing for lidded recycling containers. Mr. Dalton said it would.

Mayor Dickinson and Mr. Dalton discussed verbiage related to recycling services.

Mayor Dickinson said the RFP should assert that materials designated as recyclable will in fact be recycled. Mr. Dalton described verbiage that could be added to assure this.

There was a discussion of verbiage specifying whether the Town or residents would be responsible for the replacement cost for damaged containers.

Council member Harrison and Mr. Dalton discussed commercial and residential collection schedules downtown, and how to achieve a ready differentiation between recycling containers and trash containers.

There was a discussion of commercial entities now receiving service but possibly no longer to receive service if Council so decides.

A discussion established that Council was at present being asked to act only on those aspects of Chapter 8 that were necessary for proceeding with the RFP.

Recorder Arnold made a motion that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 8—"Garbage and Refuse"—of the Berryville Code. Council member Gibson seconded.

Roll call vote as follows:

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

The motion passed.

Council member Rodriguez made a motion that the Council of the Town of Berryville authorize the issuance of a request for proposals for refuse and recyclables collection and allow staff to make the necessary changes to the RFP prior to issuance. Council member Gibson seconded.

Roll call vote as follows:

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

The motion passed.

Discussion of Minutes of January 14 Regular Session of Town Council

Council now took up discussion of the minutes that had been removed from the consent agenda for discussion elsewhere. Recorder Arnold said that Mayor Dickinson's report in the January 14 regular session, which had been attached to the minutes after having been delivered orally in the meeting, had erroneously stated that he had been indicted, when in fact he had been charged with malfeasance, with the charges eventually being dropped.

Mayor Dickinson asked how the suggested correction was to be accomplished. Mr. Dalton said removal of the erroneous remarks was not possible because they constituted part of the record of what had actually occurred. He said Council could clarify that the remarks were in error, and Recorder Arnold said this would suffice.

Council member Rodriguez made a motion that the Council of the Town of Berryville adopt the minutes of the January 14, 2020 regular session of the Town Council with clarification that in the mayor's report it was stated that Mr. Arnold had been indicted when in fact he had been issued a summons by state police to appear before the court to answer charges of malfeasance. Council member Harrison seconded.

Council member McDonald said that if the January 14 minutes had been removed from the consent agenda, Council could strike any contents it wished to remove, inasmuch as the minutes had not yet been approved.

Roll call vote as follows:

McDonald: Nay

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Abstain

Dickinson: Aye

The motion passed.

Council member McDonald said she still wanted a motion to strike the mayor's report and related comments from the record.

10. New Business

There was no new business.

11. Council Member Reports

Ward 1:

Council member McDonald said a resident had complained about an excessively bright light on Church Street. She said some parts of town need a greater police presence. She said residents are concerned about the possibility of being charged for trash collection.

Ward 2

Discussion: Concerns Regarding Posts on Town Council Member Facebook Pages

Council member Harrison said approximately a year had elapsed since Council had approved a social media policy but that problems with posts by members had nonetheless occurred. She said some of the posts were not accurate, and that corrections were not occurring when citizens made inaccurate statements in comments on posts. She said she had discontinued the personal page associated with her Council role and that all such pages should be discontinued and that any Town social media presence be for the Town as a whole.

Recorder Arnold said he had no objection to the pages being discontinued. Mayor Dickinson said there were problems associated with the fact that the social media policy applies to staff as well as elected officials. Mr. Dalton said staff should review the matter and return it to the full Council.

Council member Gibson recommended maintaining a presence for the Town as a whole, possibly in coordination with the County.

Council member Rodriguez said she did not favor a shutdown of individual pages, which she said are valuable as a source of public feedback and as a means of reaching members of the public who do not attend meetings or who do not have her contact information.

Council member McDonald recommended retaining a social media presence but monitoring it with care.

Council member Harrison said that anything members say on social media is taken seriously by the public as the truth, and that there is danger in this.

Discussion: Proposed Town Council Policy Addressing How Citizen Complaints or Concerns Received by Town Council Members Will Be Processed.

Council member Harrison said that Council was overburdening staff in trying to solve everyone's problems, and that a standard process is needed in order to prevent anyone from being blindsided or the Town from incurring unnecessary expense. Council member McDonald concurred. Council member Rodriguez complimented the policy brought to Council by Council member Harrison.

Council member Gibson said the policy was good but warned that sometimes citizens merely want to be heard without their concerns being escalated into formal complaints.

Council member Harrison made a motion that the Council of the Town of Berryville adopt the attached policy concerning requests for service or receipt of concerns. Council member Rodriguez seconded.

There was a discussion of whether the policy was flexible enough and whether it was redundant to the Town Code.

Council member McDonald said Council members must be careful not to speak too freely to citizens concerning matters in which members lack sufficient expertise.

Roll call vote as follows:

McDonald: Abstain

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

The motion passed.

Ward 3

Council member Gibson said citizens want action on debris from loose recyclables. She suggested lidded containers as a solution.

Ward 4

Council member Rodriguez thanked the residents of her ward for locating her dogs before she knew they were missing.

Recorder

Recorder Arnold said that in January and early February Mayor Dickinson had requested from staff extensive documentation of the Town's transactions with his business, Berryville Auto Parts, including detailed P-card information and two years' worth of invoices. He said her actions appeared to constitute an independent investigation of a matter in which he had been cleared of all charges, and said the mayor had violated the Code of Conduct by stating in an email her belief that Mr. Jacobs possibly had edited the records before providing them to her. He said she had impugned the integrity of staff and demoralized them, and that was wasting staff time amid pressing business.

Mayor Dickinson said all members of Council have a right to inspect the treasurer's records. Council member McDonald said no one has the right to impugn Mr. Jacobs' character and expressed dismay that the mayor had accused Mr. Jacobs, a CPA, of editing records.

Mayor Dickinson her remarks had been misread. She said she had been disappointed and surprised that Mr. Jacobs had taken the time to assemble the requested records with greater care and urgency than she had requested.

Mr. Jacobs said he had handled the matter as he did to protect the integrity of the files, because his department had been repeatedly examined for years and that many people had had their hands in the files, killing staff morale in the process.

Recorder Arnold said a request for two years' worth of invoices was not an inspection, as the mayor indicated, but an investigation, noting that the mayor had made copies of the documents.

Mayor Dickinson said she was accustomed to making copies for herself but Mr. Jacobs had insisted on doing it this time. She said she had not looked at the copies yet.

Recorder Arnold explained the role of department heads in the review of P-card purchases and said the mayor's actions constituted a slap in the face to the department heads.

Council member Harrison objected to the mayor's focus on one specific person and business, and suggested that the mayor find better means of resolving any problem she might have with Recorder Arnold.

Mayor Dickinson said she did not have a problem with Recorder Arnold.

Mr. Jacobs said Council should trust the department heads it had hired, and expressed concern about Council's attempt to be involved in day-to-day management of the Town. He noted the extremely large increase in FOIA requests during the current administration and said there are morale problems in his department because of repeated examinations. Mr. Jacobs said this must stop right now. He said time and taxpayers' money are being wasted and told Council to stop bickering.

Council member McDonald said a Council member, though not using her name, had referred to her in a defamatory way in recent a Facebook post. She recommended not defaming people and not accusing, embarrassing, and coercing Town staff. She said large sums of money had been wasted on the activities under discussion.

Mayor

Mayor Dickinson had nothing to report.

12. Staff Reports

Public Works

Mr. Dalton described the progress of the work being done on the John Rixey Moore Playground.

Public Utilities

Nothing was added to the written report submitted to Council.

Police Department

Chief White had nothing to add to his written report.

Community Development

Ms. Dunkle said the Tree Board had met on Wednesday, January 8 and had discussed upcoming events for 2020. She said staff had informed the Board that its portion of the Tree City USA application obtained approval by the Virginia Department of Forestry and that the Arbor Day Foundation would be following up soon for the official notification of designation.

Ms. Dunkle explained that a reconfiguration of Hermitage V occasioned by revised DEQ water-quality regulations had resulted in the street layout being changed from the original T-intersection of Tyson and Dunlap to a continuous road from Tyson to Dunlap, provoking discussion of the possibility of address changes for current residents in the affected area. She noted that Mayor Dickinson had spoken with those residents, and said staff had collected information on the procedure and cost of re-addressing for residents.

Council member Harrison asked when a final decision would be necessary. Mr. Dalton said the Town needs to have further discussions with providers of emergency services and that the final plat might not be ready for several months. He said VDOT was not favorably disposed toward the scenario involving a three-way stop.

There was a discussion of whether the Town could ask the developer to reconfigure the development.

There was a discussion of traffic-control matters and of how the transition from one street name to another could be indicated.

Mr. Dalton asked Council to give staff fully specific direction if Council wishes for staff to ask the developer for reconfiguration. He said the developer had already met all requirements and was not obligated to undertake further adjustments. He noted that the approval by the Planning Commission and BADA would be a ministerial act, i.e. mandated by law if the developer had met all requirements and did not wish to fulfil a request for further reconfiguration.

Administration/Finance

Council member Gibson and Mr. Jacobs briefly discussed the new budget software.

Mr. Dalton noted adjustments to several P-card purchasing limits that he had made at the request of the treasurer, as discussed by the Budget and Finance Committee.

Town Manager

Mr. Dalton had nothing further to report.

13. Committee Updates

Community Development

Committee chair Rodriguez endorsed the RPF for branding as submitted by Ms. Dunkle.

Council member Rodriguez made a motion that the Council of the Town of Berryville approve the proposed RFP and posting of the solicitation. Council member Harrison seconded the motion.

Mayor Dickinson asked the meaning of the expression “leading place to live.” There was a discussion of alternative wording.

There was a discussion of the relationship between marketing and branding and about the need not to steer the consultant excessively.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

The motion passed.

Personnel, Appointments, and Policy

Discussion: Deputy Town Manager Position

Mr. Dalton described the intended organizational structure and the new position’s focus on human resources.

There was a discussion of structure, roles, and physical demands.

There was a discussion of how responsibilities would be apportioned when managerial personnel are absent, specifically when the treasurer is away.

Recorder Arnold moved that the Council of the Town of Berryville approve the attached ordinance amending “Chapter 2: Administration” of the Berryville Town Code in order to establish the position of Deputy Town Manager and amend provisions governing the Community Development and Administration and Finance Departments. Council member Gibson seconded.

Roll call vote as follows:

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

The motion passed.

Recorder Arnold moved that the Council of the Town of Berryville approve the attached organizational chart to serve as a graphical representation of the Town's organizational structure, provided, however, that such graphical representation in no supplants provisions of the Charter of the Town of Berryville or the Berryville Code. Council member Gibson seconded.

Roll call vote as follows:

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

The motion passed.

Discussion: Town Manager Review

Council member Rodriguez prompted a discussion of the suggested timetable for an annual evaluation of the town manager's performance.

There was a discussion of the verbiage pertaining to organizational goals.

There was a discussion of how evaluations should be summarized or compiled and by whom.

There was a discussion of how Council would evaluate the manager's performance as a supervisor of other staff.

Council agreed that the survey should be returned to the Personnel Committee for further revision.

Mayor Dickinson revisited a suggestion she had made in the January 14 meeting that the compensation survey desired by Council be conducted as a project by students from the University of

Virginia or Shenandoah University. A discussion resulted in agreement to revisit the topic in September.

Public Safety

Committee chair McDonald briefly reviewed the committee's activities and recommended budgeting for two additional officers to serve in whatever capacities deemed fitting by Chief White and Mr. Dalton.

Streets and Utilities

Committee chair Harrison noted that the committee had approved a survey for collecting public input on the Town's street light pilot and that the survey now appeared on the Town website.

Discussion: Scopes of Work for Stormwater Management Preliminary Engineering Reports (PER)

Mr. Dalton explained proposed studies on Town Run and Virginia Avenue.

Council member Harrison moved that the Council of the Town of Berryville approve the attached scopes of work and direct the Town Manager to proceed with the projects. Further, the Council authorizes the Town Manager to amend the scopes of work as he deems necessary, provided that no such amendment increases project costs above that which the Council has budgeted. Council member Rodriguez seconded.

Roll call vote as follows:

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

The motion passed.

Budget and Finance

Committee chair Gibson said the committee would meet in two weeks to discuss the budget and the Town's procurement policy.

13. Other

No further business came before Council.

14. Closed Session

There was no closed session.

15. Adjourn

Mayor Dickinson requested a motion to adjourn.

Council member Rodriguez moved to adjourn, seconded by Council member Gibson. The motion passed by consensus at 10:51 p.m.

Harry Lee Arnold, Jr., Recorder

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, February 11, 2020

7:30 p.m.

Name:	Town of Berryville Resident?
✓ KERR JORDAN	<input checked="" type="radio"/> Yes No
✓ Ed Zambini	<input checked="" type="radio"/> Yes No
✓ Brian McClemens	<input checked="" type="radio"/> Yes No
✓ Ed WINDISCH	<input checked="" type="radio"/> Yes No
✓ John MASON	<input checked="" type="radio"/> Yes No
✓ Jim + RONNIA Decker	<input checked="" type="radio"/> Yes No
✓ MARY WIE	<input checked="" type="radio"/> Yes No
✓ Nathan Steyer	<input checked="" type="radio"/> Yes No
✓ Samantha Walraven	<input checked="" type="radio"/> Yes No
✓ George Cichelski 27 West Main St	<input checked="" type="radio"/> Yes No
✓ PETER LAWRENCE	<input checked="" type="radio"/> Yes No
Shawak Kaiser	Yes No
	Yes No
	Yes No

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE, VIRGINIA
HONORING ELMODYNE GRIM CHILDS**

WHEREAS, Mrs. Elmodyne Grim Childs celebrated her one hundredth birthday on February 5, 2020; and

WHEREAS, Mrs. Childs has resided in Clarke County most of her life and currently lives in the Town of Berryville; and

WHEREAS, Mrs. Childs married David Francis Childs May 19, 1945. Mr. Childs passed away in 1981; and

WHEREAS, Mrs. Childs has been blessed with two children, David C. Childs and Ann Tucker Keller; six grandchildren; 13 great-grandchildren; and four great-great-grandchildren; and

WHEREAS, Mrs. Childs worked as a telephone operator prior to her marriage, then was a homemaker and enjoyed sewing and arranging flowers; and

WHEREAS, Mrs. Childs is a life member of the Berryville Baptist Church and has served as a member of the flower committee; and

WHEREAS, Mrs. Childs is a member of the Town & Country Garden Club; and

WHEREAS, Mrs. Childs has volunteered for many years for the Clarke County Ruritan Club;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville congratulates Mrs. Childs on her one hundredth birthday.

By order of the Town Council this eleventh day of February 2020.

Patricia Dickinson, Mayor

Harry Lee Arnold, Jr., Recorder

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Special Meeting
February 26, 2020
1:00 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; Paul Culp, Town Clerk

1. Call to Order

Mayor Dickinson called the meeting to order at 1:01 p.m.

2. Approval of Agenda

Mayor Dickinson invited a motion to approve the agenda.

Ms. Gibson moved to approve the agenda, seconded by Ms. Rodriguez. The motion passed unanimously by voice vote.

3. Unfinished Business

There was no unfinished business.

4. New Business

There was no new business.

5. Other

There was no other business.

6. Closed Session

Mayor Dickinson invited a motion to enter closed session.

Ms. Gibson moved that the Council of the Town of Berryville enter a closed session in accordance with §2.2-3711-A-1 Code of Virginia, for discussion related to specific employees of the Town Council. Ms. Rodriguez seconded the motion.

VOTE:

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

Nay: None

Absent/Abstain: None

The Council entered closed session at 1:03 p.m. and reconvened in open session at 2:35 p.m.

Ms. Rodriguez moved, with Ms. Gibson seconding, that the Council of the Town of Berryville adopt the following resolution certifying it 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:

Resolution

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

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

VOTE:

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

Nay: None

Absent/Abstain: None

7. Adjourn

Mayor Dickinson requested a motion to adjourn.

Ms. Rodriguez moved to adjourn, seconded by Ms. Gibson. The motion passed by unanimous voice vote at 2:37 p.m.

Harry Lee Arnold, Jr., Recorder

Paul Culp, Town Clerk