

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
March 8, 2022
7:00 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Donna McDonald; Diane Harrison; Grant Mazzarino; Kara Rodriguez.

Staff: Present--Keith Dalton, Town Manager; Christy Dunkle, Community Development Director; Cynthia Poulin, Treasurer; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

Also present: Matt Bass, Clarke County Board of Supervisors.

1. Call to Order

Mayor Arnold called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

Recorder Gibson moved to approve the agenda as presented. The motion passed by unanimous voice vote.

4. Presentations/Awards/Recognitions

Mayor Arnold asked the clerk to read the **attached** resolution honoring Margaret Barthel on the occasion of her retirement from public service after more than forty years on the Board of Zoning Appeals.

Recorder Gibson moved that the Council of the Town of Berryville adopt the resolution honoring the service of Margaret Barthel. The motion passed by unanimous voice vote.

Ms. Barthel briefly addressed the meeting, expressing gratitude for having been given the opportunity to assist in the development of Berryville and encounter many pleasant people.

5. Public Hearings

Mayor Arnold called to order at 7:10 p.m. the scheduled public hearing on an ordinance for adjustment of the Town's election ward boundaries in order to achieve an even distribution of the population as established by recent census data. No one addressed the meeting, and the mayor closed the hearing at 7:11 p.m.

6. Discussion of Public Hearing Items

Ms. Rodriguez asked whether members of the public would be permitted to address the Council at its special meeting on March 14. Mr. Dalton said no, that the hearing just concluded was for such a purpose, but the public could comment via email, mail, or fax as advertised until March 11, with the Council's decision becoming effective on April 13.

Recorder Gibson moved that the Council of the Town of Berryville set a special meeting for March 14, 2022 at 6:00 p.m. The motion passed by unanimous voice vote.

7. Citizens' Forum

Mitch Hoff of 16 Virginia Avenue said his property was affected by drainage problems. He invited the Council to view his property and urged the Council to involve him in any solution.

8. Consent Agenda

The consent agenda comprised the minutes of the February 8 Town Council regular meeting, the February 3 meeting of the Personnel Committee, and the February 28 meeting of the Community Development Committee.

Ms. McDonald moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

9. Unfinished Business

Utility Projects Funded Under the American Rescue Plan of 2021

Mr. Dalton said the first projects would be bid soon. He said they would begin with drainage improvements on Virginia Avenue, followed by water projects and some sewer work on Josephine, North Church, Bundy, and Osborne Streets. He reminded Council that he had hosted informational meetings during the previous week for residents of the areas in question.

Directing Council's attention to a map, Mr. Dalton described the drainage problem on Virginia Avenue. He said a resident had objected to the proposed solution, and described other options.

Mr. Dalton explained plans for a new twelve-inch water main on Josephine Street, which he said would improve fire protection. He said repaving will occur after this is completed.

Mr. Dalton said a twelve-inch main had been installed on Liberty Street a few years ago and that this was to be continued, with multiple new hydrants to be added also, along with a new manhole at Liberty and Church Streets and a new pump station on Osborne Street and replacement of a two-inch water main. He said repaving would occur after the completion of these projects.

Mr. Dalton said he would like to address these matters again in the special meeting scheduled for March 14.

10. New Business

None.

11. Council Member Reports

Ms. Harrison of Ward 2 noted an upcoming cookie sale at Sweet Elephant to benefit victims of the recent Russian invasion of Ukraine. None of the other members had anything to report.

12. Staff Reports

Public Works

Mr. Dalton said the Ridge Road project was nearing completion and that the department would soon proceed with spring cleaning after a suitable interval to allow for the possibility of further winter weather problems.

Public Utilities

Nothing was added to the written report.

Police

Nothing was added to the written report.

Community Development

Ms. Dunkle updated the Council on construction projects and on the activities of the various boards associated with planning, with particular attention to the Planning Commission's upcoming hearing on March 22 at 7:00 to address the blight abatement matters discussed in previous Council meetings, and the March 9 meeting of the Berryville Area Development Authority for a public hearing related to site plans for a warehouse at 56 Jack Enders Boulevard.

Ms. Rodriguez, as chair of the Community Development Committee, said the special committee devoted to the Town's upcoming 225th anniversary celebration had held its second meeting a few days previous and was inclined to pursue multiple small events rather than one large celebration. She said they had determined that solicitation of sponsors would be advisable.

Ms. Dunkle said the Community Development Committee in its February meeting had discussed applications for the Town's annual bestowal of funds associated with the Virginia Commission for the Arts Creative Communities Partnership Grant, for which the Town had budgeted \$4,500, to be matched by the state if the Town receives the grant this year. She said the Town had received six applications, two of which had been incomplete according to stated requirements and another of which had been from an organization that is not a stand-alone arts entity. She said the committee had agreed to give \$500 each to the Community Music School of the Piedmont and the Main Street Chamber Orchestra, and \$3,500 to Barns of Rose Hill.

Ms. Rodriguez said she would abstain from voting on the matter, as a family member is associated with one of the applicants.

Recorder Gibson moved that the Council of the Town of Berryville approve subrecipients and amounts for the Creative Communities Partnership Grant as follows: \$500 for the Community Music School of the Piedmont, \$500 for the Main Street Chamber Orchestra, and \$3,500 for Barns of Rose Hill. The motion passed by unanimous voice vote, with the exception of the abstention by Ms. Rodriguez.

Ms. Dunkle noted a high level of commercial activity in the downtown area.

Ms. McDonald prompted a brief discussion of arts organizations serving the handicapped.

Administration and Finance

Nothing was added to the written report.

Town Manager

Blight Abatement

Mr. Dalton updated the Council on developments related to the blighted properties discussed in previous meetings and the schedule for carrying out the abatement process. He said the Planning Commission and Architectural Review Board, respectively, had discussed the matter in their last two meetings, that he had supplied the Planning Commission with spot blight abatement plans as the Town Code requires, and that the Planning Commission would render its determination on April 26 and forward it to the Council.

Update on American Rescue Plan Act of 2021

Mr. Dalton said work is continuing on the acquisition of a security camera system for the water and sewer facilities. He said the application period for housing assistance grants has closed, and that the Town has received two applications for the commercial building and site improvement grants.

In matters not related to ARPA, Mr. Dalton noted that the Town was receiving applications for tourism zone incentives, and said he hoped that Town staff and engineers could soon give further consideration to the capital improvement projects beyond those requiring immediate attention. These would comprise the second tranche of ARPA projects.

13. Committee Updates

Budget and Finance

Recorder Gibson moved that the Council of the Town of Berryville set a public hearing on the 2022 tax levies for April 12, 2022 at 7:00 p.m. or as soon thereafter as the matter may be heard. The motion passed by unanimous voice vote.

She noted the Council's budget work session scheduled for March 9 at 3:00 p.m.

Community Development

Ms. Rodriguez thanked Ms. Harrison and the Town staff for their work on the new Town website.

Personnel

Mayor Arnold said the committee would still welcome suggestions for appointees to fill a vacancy on the Tree Board.

Public Safety

Ms. McDonald said the committee would meet on April 25 at 3:00 p.m.

Streets and Utilities

Ms. Harrison said the committee would meet again on March 28 at 10:00 a.m.

14. Closed Session

No closed session occurred.

15. Other

No other business came before the Council.

16. Adjourn

The Council adjourned by consensus on a motion by Recorder Gibson at 7:53 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk



BERRYVILLE
EST. 1798 *Genuine* VIRGINIA

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE HONORING
MARGARET BARTHEL**

WHEREAS Margaret Barthel joined the Bank of Clarke County as a bookkeeper in 1945; and
WHEREAS she became vice president for customer service in 1983 and served the bank for a total of 47 years before retiring in 1992; and
WHEREAS she served under six of the seven presidents of the Bank of Clarke County; and
WHEREAS as archivist she played a crucial role in documenting the bank's history; and
WHEREAS she became a member of Berryville Presbyterian Church in 1936; and
WHEREAS she has served as a Sunday school teacher and deacon and has been a member of the board of trustees, the stewardship committee, and the Women's Circle; and
WHEREAS she was awarded lifetime membership in the Presbyterian Women's Circle; and
WHEREAS she was appointed to the Board of Zoning Appeals in 1980 and continued to serve the Town of Berryville in that capacity until her recent retirement from public office;
WHEREAS she chaired that quasi-judicial board for decades, and in all her conduct displayed logic, decency, and fidelity to the BZA's calling;
NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Berryville honors Margaret Barthel for her more than seventy years of service to Berryville in business, church, and government.

By order of the Town Council this eighth day of March 2022.

Harry Lee Arnold, Jr., Mayor

Erecka L. Gibson, Recorder

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Recorder

Donna Marie McDonald
Ward 1

Council Members
Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE TOWN COUNCIL

MOTION TO SET PUBLIC HEARING FOR APRIL 12, 2022 ON
PROPOSED TAX RATES 2022

Date: March 8, 2022

Motion By: *Gibson*

Second By:

I move that the Council of the Town of Berryville set a public hearing for its April 12, 2022 meeting to hear public comment on the proposed Tax rates for 2022.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Absent:

ATTEST:



Erecka L. Gibson, Recorder

**BERRYVILLE TOWN COUNCIL
PUBLIC HEARING NOTICE**

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on **Tuesday, April 12, 2022**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

1) Proposed Tax Rates for 2022

Listed below are the proposed tax rates for the tax year beginning January 1, 2022, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

- A. \$.20 per \$100 assessed valuation on real estate, including real estate of public service corporations;
- B. \$1.25 per \$100 assessed valuation on tangible personal property except machinery and tools;
- C. \$1.30 per \$100 assessed valuation on tangible machinery and tools.

The proposed real estate tax rate reflects no increase in the real estate rate that was adopted for the year 2021. The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2021. The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2022.

Copies of materials may be examined at the Town of Berryville Business Office, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia during regular business hours. Additional information may be obtained by calling the Town Business Office at 540/955-1099.

Any person desiring to be heard regarding the above matter should appear at the appointed time and place. Written copies of statements at public hearings are requested but not required.

The Town of Berryville does not discriminate against disabled people in admission or access to its programs and activities. Accommodations will be made for disabled people upon prior request.

By order of the Town Council
Keith R. Dalton, Town Manager

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Work Session
March 9, 2022
3:00 p.m.

Town Council: Present--Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Donna Marie McDonald; Diane Harrison; Kara Rodriguez. Absent—Grant Mazzarino

Staff: Present—Keith Dalton, Town Manager; Cynthia Poulin, Finance Clerk; Paul Culp, Town Clerk.

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 3:02 p.m.

2. Approval of Agenda

Mayor Arnold invited a motion to approve the agenda.

Ms. Rodriguez moved to approve the agenda. The motion passed by unanimous voice vote.

3. Unfinished Business

None.

4. New Business

Discussion of Fiscal Year 2023 Budget

Ms. Poulin introduced the various components of the agenda packet and then summarized the contents of the **attached** draft list of budget highlights.

There was a brief discussion of assessments and the contingency fund.

The meeting then proceeded to a closer examination of the draft budget, with particular attention to noteworthy changes from previous years.

There was a discussion of an increase in demand for business licenses and of increased revenues from lodging and meals taxes.

Ms. McDonald and Ms. Poulin briefly discussed the penalties for delinquent accounts.

There was a discussion of sources of revenue for the fire fund.

There was a discussion of funding for the celebration of the 225th anniversary of the Town's founding.

Mr. Dalton briefly addressed the upcoming changes to election procedures requiring that voting for Town Council members be within wards rather than at large, noting that costs associated with elections would rise.

There was a discussion of annual budgeting for new in-car cameras for all police vehicles.

Mr. Dalton noted that the budget calls for resumption of the Rich Rau Safety Fund.

Mr. Dalton noted an increase in budgeting for street maintenance, and the provisions for new Christmas decorations and Rose Hill maintenance.

There was a brief discussion of expenses associated with economic development.

Mr. Dalton noted the line item for receipt of approximately \$2.3 million in funds obtained through the American Rescue Plan Act of 2021.

There was a discussion of the redistribution of personnel costs to draw equally from the water, sewer, and general funds.

Mr. Dalton then covered anticipated capital improvement matters, including continued computer replacement; the acquisition of a dump truck, three-quarter-ton truck, backhoe, and mower; new Christmas decorations; site improvements at the Public Works facility; repair of Second Street, which he said has not been paved since 1996; acquisition of Transportation Alternatives Program grant funds for ongoing sidewalk projects on East and West Fairfax Streets and Mosby Boulevard; and water system upgrades.

Mr. Dalton said he would soon provide the Council with additional documents associated with the creation of a deputy town manager position.

Mr. Dalton said he would like to add to the budget sufficient funding for the Town to begin digitizing its records, plus funding for street trees and sidewalk repair.

Mr. Dalton noted that the five-year increase in water and sewer charges agreed upon in 2019 would lead to another annual adjustment to take effect on November 17, 2022, and directed Council's attention to the **attached** schedule of fees and charges.

Mr. Dalton commended Ms. Poulin for her performance in the budget process.

Mr. Dalton and Ms. McDonald briefly discussed budgeting for membrane replacement at the wastewater treatment plant.

5. Other

No other business came before Council.

6. Closed Session

There was no closed session.

7. Adjourn

Mayor Arnold requested a motion to adjourn.

Ms. Rodriguez moved to adjourn. The motion passed by consensus at 4:21 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

FY 2022-2023 DRAFT BUDGET PREPARATION HIGHLIGHTS

REVENUES

GENERAL FUND

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

WATER FUND

- Revenues reflect programmed increase in Admin/Facility fees in late November 2022.
- Fifty residential Availability Fees projected. (15 under current rates)

SEWER FUND

- Revenues reflect programmed increase in Admin/Facility fees in late November 2022.
- Fifty residential and Availability Fees projected. (15 under current rates)

OPERATING EXPENSES

ALL FUNDS

- 5.64% increase in payroll.
- Police Dept CDP payroll increases included.
- Police Sgt Position remains funded.
- 8.56% increase in Health Insurance costs.
- Employer contribution to VRS did not increase.
- TOTAL BUDGET increase of 4.47%.
- New Deputy Town Manager position created.

GENERAL FUND

- Increase in Maintenance & Operational Expenses of 58.96%.
- Contingency is 3% of the Operating Budget.
- General Fund total increase of 55.59 %.

WATER FUND

- Increase in Maintenance & Operational Expenses of 45.32%.
- There is currently no Debt Service in the Water Fund.
- Contingency is 3 % of the Operating Budget.
- Water Fund total decrease of 3.1%.

SEWER FUND

- Decrease in Maintenance & Operational Expenses of 9.23%.
- Debt service reflects payments to VRA.
- Contingency is 3% of the Operating Budget.
- Sewer Fund total Increase of 16.90%.

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Special Session
March 14, 2022
6:00 p.m.

Town Council: Present--Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Donna Marie McDonald; Diane Harrison; Kara Rodriguez. Absent—Grant Mazzarino

Staff: Present—Keith Dalton, Town Manager; Paul Culp, Town Clerk.

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 6:00 p.m.

2. Approval of Agenda

Mayor Arnold invited a motion to approve the agenda.

Ms. Rodriguez moved to approve the agenda. The motion passed by unanimous voice vote.

3. Unfinished Business

Proposal that the Council of the Town of Berryville Adopt an Ordinance Adjusting the Boundaries of its Election Wards to More Equally Apportion Population

Mr. Dalton noted that the Council had held a public hearing on the matter in its regular meeting on March 8. Displaying a map, he briefly explained the boundary changes again, explaining that if the Council were to act in the present meeting, the decision must be publicized on the Town website and via news release. He said the adjustments would take effect on April 13, the interim period being allowed for filing of appeals in the circuit court.

Ms. McDonald moved that the Council of the Town of Berryville adopt the **attached ordinance amending the boundaries of the Town's wards and that the new ward boundaries become effective on April 13, 2022. She further moved that the Town Manager be hereby directed to complete required public notification of the Council's decision. The motion passed by unanimous voice vote.**

Utility Projects Funded via the American Rescue Plan Act of 2021

Mr. Dalton said he hoped to prepare an invitation for bids in time for the Council's April regular meeting, and that he might be in a position to discuss Virginia Avenue in the March 28 meeting of the Streets and Utilities Committee.

4. New Business

None.

5. Closed Session

The Council entered closed session at 6:04 p.m. on the **attached** motion by Recorder Gibson and returned to open session at 6:16 p.m. with the **attached** certification read by Recorder Gibson.

6. Other

Ms. Harrison asked for clarification on the boundaries of wards 2 and 3. Mr. Dalton reviewed the revised map with the Council.

Ms. McDonald asked why the line item for blight abatement in the proposed budget was \$70,000. Mr. Dalton said the Council had directed him to proceed with blight abatement efforts and that the request was intended to aid in that effort.

Ms. McDonald expressed concern about the amount to be expended. Ms. Gibson pointed out that if the Town had to complete work to abate blight, then a lien would be filed and the Town should eventually recover the preponderance of the expended funds.

7. Adjourn

Mayor Arnold requested a motion to adjourn.

Ms. Harrison moved to adjourn. The motion passed by unanimous voice vote at 6:32 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

**TOWN OF BERRYVILLE
WARD BOUNDARY ORDINANCE**

AN ORDINANCE ESTABLISHING BOUNDARIES FOR THE DIVISION OF THE TOWN OF BERRYVILLE INTO FOUR WARDS PURSUANT TO SECTION 1.3 OF THE CHARTER OF THE TOWN OF BERRYVILLE, VIRGINIA

WHEREAS, the Charter of the Town of Berryville, Chapter 1, Section 1.3, provides that the Town of Berryville shall be divided into four Wards, and further, that the boundaries of such wards shall be established by the Town Council by Ordinance; and

WHEREAS, the Charter of the Town of Berryville, Chapter 3, Section 3.1 provides, in pertinent part, that the Mayor and Recorder shall be elected from the Town at large, and further that the four Council members shall reside one in each ward of the Town, but shall be elected at large by all of the qualified voters of the Town; however, the Virginia Assembly has determined that only qualified voters living within a ward may elect the Council member from each respective ward; and

WHEREAS, federal and/or state constitutional requirements and legislation require that the ward boundaries effect an even distribution of population within a permitted deviation of plus or minus five percent of such population within each such ward; and

WHEREAS, the Town Council of the Town of Berryville finds it necessary to revise the boundaries of the four wards because of the population data received as a result of the 2020 U.S. Census; and

WHEREAS, the proposed ward boundaries would effect an even distribution of population within a permitted deviation of plus or minus five percent of such population within each such ward;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Town of Berryville, that the boundaries of the four Wards of the Town of Berryville shall be, and hereby are established, as set forth herein following and as set forth on the map of the Town of Berryville attached hereto (Exhibit A):

WARD ONE (1): All that property contained herein: beginning at the northeastern corner of the corporate limits and extending southward along the corporate limits to Business Route 7 (Main Street) then extending west along the northern side of Main Street to the corporate limits along Main Street at the rear property lines of lots along the east side of Blue Ridge Street then crossing to the southern side of Main Street then extending west along Main Street to First Street then extending north along First Street to Cameron Street then extending west along Cameron Street to Second Street then extending south along Second

Street to Liberty Street then extending west along Liberty Street to Church Street then extending north along Church Street to Bundy Street then extending west along Bundy Street to U.S. 340 (Buckmarsh Street) then extending north along U.S. 340 (Buckmarsh Street) to Bypass Route 7 following the corporate limits along a generally easterly direction to close the loop at the northeastern corporate limits.

WARD TWO (2): All that property contained herein; beginning at the corporate boundary at the southeast corner extending generally in a westerly direction to follow the corporate limits to U.S. 340 (Buckmarsh Street) then extending north along U.S. 340 (Buckmarsh Street) to Taylor Street then extending east along Taylor Street to Church Street then extending north along Church Street to Liberty Street then extending east along Liberty Street to Second Street then extending north along Second Street to Cameron Street then extending east along Cameron Street to First Street then extending south along First Street to Business Route 7 (Main Street) then extending east along Business Route 7 (Main Street) to the corporate limits then extending generally in a southerly direction along the corporate boundaries to close the loop at the southeastern corporate limits.

WARD THREE (3): All that property contained herein; beginning at the southwestern corner of the corporate limits and extending generally in a northerly direction along the corporate limits to Business Route 7 (Main Street) then extending east along Business Route 7 (Main Street) to Dorsey Street then extending north along Dorsey Street to Treadwell Street then extending east along Treadwell Street to Smith Street then extending south along Smith Street to Academy Street then extending east along Academy Street to U.S. 340 (Buckmarsh Street) then extending south along U.S. 340 (Buckmarsh Street) to Academy Street then extending east along Academy Street to Church Street then extending south along Church Street to Taylor Street then extending west along Taylor Street to U.S. 340 (Buckmarsh Street) then extending south to the corporate boundary on the west side of U.S. 340 (Buckmarsh Street) then extending west along the corporate limits to close the loop with the southwestern corner of the corporate limits.

WARD FOUR (4): All that property contained herein; beginning at the northwestern corner of the corporate limits and extending generally in an easterly direction along the corporate limits parallel with Bypass Route 7 to U.S. 340 (Buckmarsh Street) then extending south along U.S. 340 (Buckmarsh Street) to Bundy Street then extending east along Bundy Street to Church Street then extending south along Church Street to Academy Street then extending west along Academy Street to U.S. 340 (Buckmarsh Street) then extending north along U.S. 340 (Buckmarsh Street) to Academy Street then extending west along

Academy Street to Smith Street then extending north along Smith Street to Treadwell Street then extending west along Treadwell Street to Dorsey Street then extending south along Dorsey Street to Business Route 7 (Main Street) then extending west along Business Route 7 (Main Street) to the corporate limits then closing the loop by extending generally in a northerly direction along the corporate limits to the northwestern corner of the corporate limits.

APPROVED:

Harry Lee Arnold, Jr., Mayor

DATE: _____

ATTEST:

Erecka L. Gibson, Recorder

DATE: _____

Motion to Enter Closed Session

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-7 of the Code of Virginia, to consult with staff regarding a pending lawsuit.

DATE: March 14, 2022

MOTION: Gibson

VOTE:

Aye: Unanimous voice vote

Nay:

Absent/Abstain:

ATTEST: _____

Erecka Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: March 14, 2022

MOTION BY: Gibson

SECOND BY:

I move 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: Unanimous roll call vote

Nay:

Absent/Abstain:

ATTEST: Erecka Gibson, Recorder

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
March 28, 2022

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Monday, March 28, 2022 at 10:00 a.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

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

Staff present: Keith Dalton, Town Manager; Paul Culp, Town Clerk; Christy Dunkle, Community Development Director; Neil White, Chief of Police

Media: Mickey Powell, *The Winchester Star*

Also present: Matt Bass, Clarke County Board of Supervisors

1. Call to Order

Ms. Harrison called the meeting to order at 10:01 a.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Rodriguez.

3. Unfinished Business

Request for Installation of a Four-Way Stop at the Intersection of Academy and Rice Streets

Chief White directed the committee's attention to the documents he had submitted for the agenda packet as requested by the committee in response to residents' requests for additional stop signs to address speeding concerns, intersection visibility, and pedestrian-motorist conflicts. He explained that the police department's study had concluded that traffic volume, average speeds, and incidence of collisions at the two intersections did not meet minimum state and federal criteria for multi-way stops.

Ms. Rodriguez suggested the desirability of warning signage pertaining to children and speed because of the combination of the sun's glare and the slope of the street, but noted that installation of such signs could set an undesirable precedent. Ms. Harrison suggested that extra caution by the drivers during the relevant season would suffice.

Chief White said that the Virginia Department of Transportation had discontinued the use of signs warning of children playing, and that play in the streets was forbidden by state code.

Ms. Rodriguez suggested that the lack of accidents was an indication of suitable precautions being taken by drivers.

Chief White said the police department would be particularly vigilant at the locations under discussion, particularly during school arrivals and dismissals.

Ms. Harrison asked whether the matter must be put before the full Council. Mr. Dalton said it was an administrative decision and that the Council should consider the staff's recommendation, which would be against installation of signage.

Play Equipment in Street Rights-of-Way

Mr. Dalton requested that any ordinance in this arena be very specific, as in the Buena Vista code that staff had shown the committee as a model.

Chief White reiterated that the state code already forbids play in the roadway. He said local enforcement would need to be complaint-driven and focused on the level of the hazard and whether the play equipment interfered with snowplows.

Mr. Dalton and Ms. Harrison discussed play equipment that is not properly maintained or that is allowed to fall over. They agreed that an all-or-nothing approach would be most tenable.

Ms. Rodriguez asked about the frequency of complaints. Chief White said two or three annually, usually regarding noise.

Ms. Harrison said equipment near intersections is especially problematic, and asked whether the permissible distance from an intersection could be specified.

There was a discussion of the undesirability of the proliferation of exceptions.

Ms. Rodriguez asked if enforcement should continue to be complaint-driven if Council acts on the matter, and Chief White said yes.

Ms. Harrison said the committee should bear the matter in mind but not recommend immediate action.

Truck Restrictions

Mr. Dalton said he was awaiting further information from VDOT for consideration of truck restrictions on Byrd Avenue and South Church and Josephine Streets. He said localities may restrict trucks but

must identify reasonable alternative routes. He said that restriction according to length of the truck is permissible but that this could create problems for contractors on Town projects and construction lots and for moving-company trucks. He noted that a large amount of specificity in restrictions could also complicate signs unduly.

There was a discussion of GPS providing incorrect or unhelpful information, and Mr. Dalton concurred with Ms. Harrison's suggestion of changes being made to Google Maps.

There was a discussion of contacting the shipping departments of businesses running trucks on the affected streets.

Ms. Harrison recommended that the committee await further details from VDOT.

Projects to Be Undertaken Under the American Rescue Plan Act of 2021

The committee briefly looked at maps provided by Mr. Dalton of proposed work to alleviate drainage problems on Virginia Avenue. There was a discussion of required easements and of the effects of flooding at a particular residence. Mr. Dalton said he would be having further discussions with the Town engineer.

Mr. Dalton said the Town had options to consider, all of which were more expensive than estimates had indicated. He said he would brief the Council and seek guidance in this regard.

There was a brief discussion of spring street cleaning.

4. New Business

None.

5. Other

No other business came before the committee.

6. Closed Session

None.

7. Adjournment

The meeting adjourned at 10:42 a.m. on a motion by Ms. Rodriguez.