

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Work Session
August 20, 2018
5:00 p.m.

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

Staff: Keith Dalton, Town Manager; Karen Johnson

Legal Council: Robert T. Mitchell

Press: Mickey Powell, The Winchester Star

1. Call to Order

Mayor Dickinson called the meeting to order at 5:00 p.m.

2. Approval of Agenda

On motion of Council member Harrison, seconded by Council member Rodriguez the agenda was approved unanimously with one addition.

Aye: Harrison, McDonald, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

3. Discussion – Amendments to Town Charter and Town Code Chapters 1-3

Mr. Mitchell stated that the draft Town Charter being reviewed at this time includes many updates and amendments including; updating Code of Virginia references, introducing gender neutral language where appropriate, and changing the title of the recorder position to that of vice mayor.

Mr. Mitchell stated that provisions in the Charter and the Code should be consistent with current practices and current administrative structure.

Mr. Mitchell, Mr. Dalton and Town Council discussed the following updates to the Town Charter:

Chapter 1

1.2 - inserting boundaries of the Town that were changed and updated since 1972. Staff is researching whether there were any additions other than Annexation Areas A and B.

Chapter 2

2.2 - changing the Code of Virginia references from 15.1 to 15.2 and updating proposed amendments to the Charter that will take effect January 1, 2019

Chapter 3

3.1 – updating title of recorder to vice mayor and updating language to gender neutral

3.2 – updating date to July 1, 2022 to cover transition date of vice mayor and office of recorder

3.3 – updating terms of office of mayor, vice mayor and council members

3.4, 3.5, 3.6, 3.7 – updating title from recorder to vice mayor and updating language to gender neutral

3.9 – consolidating language on mayor having the right to speak and vote therein as other members of the town council, including which administrative position is responsible for journaling and preserving records, and updating current signing process

3.10 – updating title of recorder to vice mayor

3.13 – setting town council meeting to a fixed time for the regular meeting

Chapter 4

4.1 – updating language to gender neutral

Council member Rodriguez asked if the Charter would have to change if at any point a decision was made that the requirement of the residency of the town manager changes. Mr. Mitchell stated the Charter would not have to change, the town manager would have to live in Clarke County but the Council could be more restrictive in a hiring agreement if it chose.

4.2 – updating language to gender neutral and including (f) that the town manager be responsible for supervision of all town employees

4.3 – changing language to advising town council promptly versus advising town council at the next meeting for removing appointments of officers or employees of the town

4.5 – updating language to gender neutral and updating the change of title from recorder to vice mayor

4.7 – updating language to gender neutral

Chapter 5

5.1 – updating the wording to reflect that appointed officers are being appointed for an indefinite term removable at any time of the pleasure of the town council

5.2 – updating language for town council to establish deputy positions

5.3 – deleting 5.3 and incorporating into 5.1

Chapter 6 - Eliminating old Chapter 6

6.2 (a) eliminating old language and including that a written notice shall be given to the town in accordance to VA code 15.2-209

6.3 (b) including stormwater system and a phrase to include other town facilities

Chapter 7

7.2 – deleting section

7.3 – deleting section

Mr. Mitchell stated that the draft of the Town Code being reviewed at this time includes updates to the language and catchlines to resemble the Code of Virginia.

Mr. Mitchell, Mr. Dalton and Town Council discussed the following updates to the Town Code:

Chapter 1

1-3. – including state code references

1-10. – housing a copy of the town code in town clerk's office as well as the website

Chapter 2

2-1.1 – consolidating (a) and (b) and requiring the town manager to conduct criminal background checks on all town employees

2-6. – updating language to disbursement of town funds which includes electronic transfers

2-7. – eliminating the reference to a specific bad check fee and providing that town council will establish such a fee

2-9. – deleting entire section from charter

2-20. – updating language regarding regular and special meetings

2-30. – adding new article establishing administration department and setting forth responsibilities of that department and deleting council from the responsibility of assigning duties

2-33. - updating title of assistant town manager

2-34. – eliminating the reference to a specific bond amount and providing that the town council will establish the level of bonding required

2-35. – having the Budget and Finance Committee establish a policy and procedure with regards to changing banks and establishing, closing, and maintaining the number of accounts within a bank set forth by the treasurer and with approval of town council

- 2-40. – adding language regarding audit of books by certified public accountant
- 2-53. – deleting council from the responsibility of assigning duties
- 2-63. - deleting council from the responsibility of assigning duties
- 2-67. – updating language to law and department regulations from rules and regulations and deleting council from the responsibility of assigning duties
- 2-68. – adding language from code section for unclaimed property
- 2-69. – (a) deleting language regarding not to exceed four (4)
- 2-76. - adding additional descriptive language for responsibilities of the planning department, that the town manager shall act as zoning administrator in the absence of the assistant town manager and deleting council from the responsibility of assigning duties
- 2-79. – updating language to nine members versus fifteen

Chapter 3

- 3-4. – deleting section

Mr. Dalton said the plan was to review changes and updates at the Town Council meeting scheduled for September 11, 2018. He said at that time a public hearing would be set for the Town Council meeting in October. He said action would be taken at that meeting and at the November Town Council meeting final minutes would likely be approved from the October meeting and the final package would be sent out to the state elected officials.

- 4. Other
Mr. Dalton, Mr. Mitchell and Town Council discussed voting procedures and the use of Roberts Rules of Order at Council meetings.
- 5. Closed Session – No closed session scheduled
- 6. Adjourn
There being no other business the meeting was adjourned at 7:12 p.m.

Harry Lee Arnold, Jr., Recorder

Karen Johnson