

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**July 9, 2019**  
**7:30 p.m.**

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

**Staff:** Present--Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

**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 noted that the agenda had been amended, and inquired regarding whether there were any further amendments or revisions. Mr. Dalton said that several sets of amended minutes had been provided at the afternoon work session and that those minutes were the ones included in the agenda. The mayor asked for a motion to approve the agenda.

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

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

4. Public Hearing

None scheduled

5. Citizens' Forum

No one signed up.

6. Consent Agenda

Mayor Dickinson explained that any member of Council could ask for the removal of an item from the consent agenda, with no explanation being necessary. She said she would like to remove the minutes of the June 11 regular meeting.

**Council member Rodriguez made the motion to approve the other items on the consent agenda: the minutes of the June 25 work session and the June meetings of the Community Development, Public Safety, and Streets and Utilities Committees, seconded by Council member Gibson.**

Council member McDonald asked why the minutes of the June 11 regular meeting were being removed. The mayor said that the matter would be addressed separately, after the consent agenda, that she wished to make edits to the June 11 minutes.

**Roll call vote as follows:**

**McDonald: Abstain**

**Harrison: Abstain**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

Mayor Dickinson said that in the second paragraph of the description of the June 11 mayor's report, she wished to replace "intended" with "suggested" in "The mayor said she had wanted to be sure of obtaining all of the needed information and that she intended the FOIA request as an example of how the process currently works." She said she had not made the FOIA request specifically to test the process, but that she had suggested the Town use her request as an example. Recorder Arnold asked whether "intended" and "suggested" were the same thing, and they mayor said she did not think so.

Mayor Dickinson said that on page three "most appropriate" should be replaced with "most cost-effective" in "The mayor said the Town was losing money and that this was her concern, suggesting that Leslie Kelley in the Police Department would have been the appropriate person to act as FOIA officer." She said she had reviewed the recording and that she had used the expression "cost-effective" at that juncture in the June 11 meeting.

The mayor asked that an unnecessary "not" be removed from "Council member Gibson said online payment was badly needed and that plans for a September discussion did not constitute not an overly aggressive timetable" on page seven.

She also asked that “the Public Safety Committee” be substituted on page nine for “Public Safety” in “Mayor Dickinson said that she would step away from Public Safety until matters related to trash were again the topic,” as a matter of clarification. She said that she was still an advocate for public safety but would no longer be on the committee.

Mayor Dickinson asked for a motion to approve the minutes with changes. Council member McDonald asked whether discussion would occur. The mayor said that the motion must be made and seconded prior to discussion.

**Council member Rodriguez made the motion for approval of the modified minutes of the June 11 regular meeting of the Council, seconded by Council member Gibson.**

Council member McDonald said she was confused on multiple points. She said the adjustment to the “Public Safety” passage was unnecessary, as no one would assume that Mayor Dickinson was no longer interested in that topic. She said the mayor had clearly stated her intention to return to the committee when the committee again addressed matters related to trash. Council member McDonald said she wished to make sure the mayor did not think anyone believed she was no longer in favor of public safety.

Council member McDonald said that what she had heard in the June 11 meeting was the mayor saying that she had used her FOIA request as an example of the process because she had wanted to see what was not being produced in a correct fashion. Mayor Dickinson said she had listened to the recording, which confirmed that her intention was quite clear in terms of it never having been to test the process. She said her intention was to acquire the needed information but that lessons could be derived from her experience, which could be used as an example in that sense.

Council member Harrison said she would like to hear the recording. Council member Gibson said she did not wish to hear it. Recorder Arnold said it was not necessary to approve the minutes tonight, that this could wait until the next meeting.

Mayor Dickinson said that it was necessary to resolve a motion that has been seconded, and that the matter could be tabled and addressed in the next regular Council meeting in September. Council member Rodriguez said she would withdraw her motion. The mayor said this was not permissible, inasmuch as the motion had been seconded, and that the correct course of action was to move that it be tabled for September. Council member Gibson asked what would happen between now and the September meeting. The mayor replied that anyone with questions could request the audio recording. Recorder Arnold asked if the mayor was certain that the motion could not be withdrawn, and the mayor said that once a motion is seconded it belongs to the Council and not to the individual movant. She said it was possible to make a motion to withdraw a seconded motion but that the most expeditious course of action would be to move to table until the next meeting. The mayor said a motion to

withdraw a motion must be seconded and voted on, with a two-thirds majority required for passage.

**Council member Rodriguez moved to withdraw her original motion to approve the modified minutes of the June 11 regular Council meeting. Council member McDonald seconded.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

7. Presentations

No presentations were scheduled.

8. Report of Patricia Dickinson, Mayor

Mayor Dickinson read into the record a note from Mary Keith Lilly, mother of recently deceased Utilities employee Stephen Lilly, thanking the mayor and Council for their tributes to his memory.

The mayor also provided for the record a proclamation for the Centennial Committee's gift of the Veteran of the Year perpetual plaque dedicated at the Berryville-Clarke County Government Center earlier in the evening.

9. Report of Harry Lee Arnold, Jr., Recorder

Recorder Arnold said that the Town-County MOU committee, comprising Mr. Weiss and Mr. Ash from the County and Mr. Dalton and himself from the Town, had reconvened on Monday, July 1, at the request of the Council, with good results. He said Council member Harrison had also attended, with Council member Rodriguez contributing an email that Recorder Arnold read to the committee. He said he had shared the Council's desire for more clarity and improved communications in the Town's joint economic development efforts with the County and that the attendees all agreed on this. He said the number-one goal should be the establishment of a hotel, which would attract business travelers and tourists, and that the hotel study was in the process of being updated by Berryville Main Street. Recorder Arnold said the number-two goal should be expansion of the business park and that this was in process to some extent via the southeast collector road study. He said the committee had discussed funding for the Town and had reviewed the current MOU with an eye to making changes. He asked that the Community Development Committee review the current MOU and remove dated material.

Recorder Arnold then brought up the mayor's letter to the editor, published in *The Winchester Star* on June 20, about the *Star's* coverage of the discussion of her FOIA request in the June 11 regular Council meeting. He said she was incorrect in having described the Town's FOIA process as inefficient, fiscally irresponsible, and not in compliance with the law. He said that Town Manager Dalton's involvement in the FOIA process would be appropriate even after the appointment of a FOIA officer, especially given the town manager's responsibility for communicating with the Council, and that there had been no alternative when the Town was without a clerk, who normally is the FOIA officer. Recorder Arnold said he took exception to the mayor's assertion that the Council had failed to be the eyes and ears of the people.

Recorder Arnold asked who Mayor Dickinson had thought would fulfill her FOIA request at a time when there was no clerk and therefore no designated FOIA officer. Mayor Dickinson said she was not going to be interrogated on the matter, that it had been addressed and she was finished with it.

Recorder Arnold said that the FOIA request under discussion had not been the mayor's first. He reiterated that he took exception to the portion of her article that questioned the Council's level of vigilance.

#### 10. Report of Christy Dunkle, Assistant Town Manager for Community Development

Ms. Dunkle requested that the Council set two public hearings for its September meeting:

The first is for a home occupation for Julia Abrera, owner of Beaumont House Design, who requests a special use permit to operate a home occupation at 204 Battletown Drive. She said the Planning Commission has set a public hearing for its July 23 meeting.

The second hearing is for a rezoning request, sponsored by the Planning Commission, for Phase 5 of Hermitage, where parcels are being reconfigured because of updated stormwater management regulations. Mayor Dickinson asked why Council, rather than the developer, was sponsoring this. Ms. Dunkle said that the Planning Commission is sponsoring it and that such an arrangement is not unusual.

There were no objections to setting either hearing.

#### 11. Report of Keith Dalton, Town Manager

Town Manager Dalton announced the hire of Gregory C. Jacobs as Assistant Town Manager for Administration/Treasurer, effective October 1, and presented a motion that the Town of Berryville, in accordance with §5.1 of the Town Charter, appoint Gregory C. Jacobs to the position of Assistant Town Manager for Administration / Treasurer, with such appointment becoming effective on October 1, 2019.

Council member Gibson moved that the Town of Berryville, in accordance with §5.1 of the Town Charter, appoint Gregory C. Jacobs to the position of Assistant Town Manager for Administration / Treasurer, with such appointment becoming effective on October 1, 2019. Council member Rodriguez seconded the motion.

Mr. Dalton clarified that Mr. Jacobs would join the staff on September 3 for a period of overlap with current Treasurer Desiree Moreland, but that he would officially become treasurer, assuming the duties particular to that role, on October 1.

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

Mr. Dalton asked for authorization of the issuance of IFB #03-19, which he said had been sent to the Council last week. He said it would allow the Town to use recommended firms for various projects involving installation and repair of concrete.

**Recorder Arnold made a motion for authorization of issuance, seconded by Council member McDonald.**

Mayor Dickinson asked when work was scheduled to begin. Mr. Dalton said there was no specific project but that the measure would allow contractors to submit per-unit pricing. He said he would like to have some work done before winter, and more in the spring.

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

**12. Report of Erecka Gibson – Chair, Budget and Finance Committee**

Council member Gibson said the committee would next meet on September 26 at 10:30 a.m.

She presented a resolution for the charging off of delinquent personal property taxes for tax year 2013:

WHEREAS Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for tax year 2013, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this ninth day of July, 2019, that the attached list of delinquent personal property taxes for tax year 2013 shall be charged off the tax records of the Town of Berryville as uncollectible.

**Council member Gibson moved that the resolution be accepted, seconded by Council member McDonald.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

Council member Gibson also presented a resolution authorizing the Town to publish the names of persons delinquent on their personal property and real estate taxes:

I hereby move that the Council of the Town of Berryville authorize publication of the names of those delinquent for personal property and real estate taxes pursuant to Section 58.1-3924 of the Code of Virginia, As Amended.

**Council member Gibson moved for acceptance of the motion, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

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

**Dickinson: Aye**  
**Abstain: None**

13. Report of Kara Rodriguez – Chair, Community Development Committee

Council member Rodriguez said the committee had met in June and discussed the MOU and that it would be working on a scope for the branding and marketing study included in the recently adopted budget.

Council members agreed that the committee would next meet as regularly scheduled on Monday, July 22 at 2:00 p.m. Council member Rodriguez said the committee would begin its revisions to the MOU, and that it would like for the Council to be comfortable with the branding and marketing scope before issuing it.

14. Report of Donna McDonald -- Chair, Public Safety Committee

Council member McDonald said the committee had met and discussed Chapter 20 of the Town code, which deals with assemblies and parades. She praised Chief White and Town Manager Dalton for the straightforwardness of the permit forms, and said that the chapter is ready for re-adoption. She said the committee had also discussed the high number of calls, including lift-assist calls, for police lately, the large number of alarms, and the need to consider budgeting for a new officer, considering the increased activity and the influx of new residents.

Chief White addressed the Council, explaining that the code revision enabled events of all types to be handled with one type of permit, and that legal counsel as well as the committee had reviewed the changes. He said that §10-7 had been revised to allow the town manager to manage traffic for special events, and that §9-34 had been amended, using verbiage taken from the state code, to provide regulations applicable to carnivals and circuses.

Chief White noted the large number of mental health calls and said he would be providing more specific data on that. He said there had been 49 such calls in two months and that each call can consume eight to twenty hours for two officers. He said that the Crisis Intervention Team was now operational, as of July 8, and that 19 agencies were involved.

Council member McDonald asked Chief White how the July 29 bike safety event had gone, and he said it had been a success. He also mentioned National Night Out, which is scheduled for August 6.

15. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison said that the main point of discussion in the committee's June meeting had been Rappahannock Electric Cooperative and a pilot project for improving



lighting conditions downtown. She said there had also been a discussion of adjusting lighting for LED's and the possibility of a uniform lighting standard for the Town. She said that the stormwater reports had not been ready, that the discussion of them had therefore been postponed, and that the committee would next meet on August 27 at 10:30 a.m. She said the Town had applied for a Transportation Alternatives Program grant for dealing with sidewalk gaps on Mosby Boulevard.

16. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointments, and Policy Committee  
Recorder Arnold had nothing to report.

17. Closed Session

No closed session was scheduled.

18. Other

Mayor Dickinson reminded the Council that there would be no regular meeting in August.

Council member McDonald said that the Public Safety Committee would next meet on August 28 at 2:00 p.m.

Council member McDonald said that she had been embarrassed by Mayor Dickinson's newspaper article and that the article had made the Council seem irresponsible.

19. Adjourn

There being no further business, **Council member Harrison made the motion to adjourn the meeting, seconded by Council member McDonald. The motion passed by consensus.**

The meeting adjourned at 8:16 p.m.

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

June 14, 2019

Dear Mayor + Town Council,

Thank you so much for honoring my son Stephen by the tributes you bestowed upon his memory.

My son, John and I and the rest of our rather large extended family were deeply touched.

He will be sorely missed and will forever be in our hearts. He was one of the good ones!

Thank you - 1/1/11

TOWN OF BERRYVILLE, VIRGINIA

# Proclamation

**WHEREAS**, 2018 marked the Centennial of World War One and the 75<sup>th</sup> Anniversary of World War Two; and

**WHEREAS**, many citizens of Berryville, Boyce and Clarke County served with distinction in our nations armed forces during these wars, with many killed or wounded; and

**WHEREAS**, we live in freedom because of the contributions and sacrifices made by those who have served and by those who continue to serve; and

**WHEREAS**, the Berryville - Clarke County Centennial Committee was established and designated as the organizer and coordinator of commemorative events and activities; and

**WHEREAS**, the Committee fulfilled its mission to raise awareness of the service and sacrifice of both World Wars; and

**WHEREAS**, the committee presented to our citizens exceptional programs on Memorial Day, Lloyd Williams Day and Veterans Day; and

**WHEREAS**, the local Veterans of Foreign Wars, American Legion and Marine Corps League organizations financed these programs; and

**WHEREAS**, the committee generously donated a perpetual plaque, placed this day in the Berryville – Clarke County Government Center, recognizing recipients of the annual Veteran of the Year Award; and

**NOW, THEREFORE, BE IT PROCLAIMED** that I, the Mayor of the Town of Berryville, do hereby congratulate and recognize the following members of the Centennial Committee for their outstanding contribution:

Will Watson, Committee Chair; Tom Vorisek, Committee Vice Chair;  
Kathy Birch, Jim Bogaty, Tom Dickinson, Robert Ferree, Diana Kincannon, Daniel Marsden,  
Phil Parsons, the Honorable Franklin Roberts, Nathan Stalvey and Jim Wink.

Signed this 9<sup>th</sup> day of July, 2019.

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Patricia Dickinson, Mayor

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Work Session**  
**July 9, 2019**

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A work session of the Berryville Town Council was held on Tuesday, July 9, 2019 at 1:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

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

**Staff:** Present: Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Christy Dunkle, Town Planner; David Tyrrell, Public Utilities Director; Paul Culp, Town Clerk

**Press:** Mickey Powell of The Winchester Star

**1. Call to Order:**

Mayor Dickinson called the meeting to order at 1:00 p.m.

**2. Approval of Agenda:**

Council member Rodriguez made the motion to approve the agenda as presented, seconded by Council member Harrison. The motion was approved unanimously by voice vote.

**3. Discussion:**

Town Manager Dalton discussed the amended agenda for the Town Council meeting this evening, referencing modifications to items 11 and 14. He added that he would distribute Town Code Chapter 20 after the work session.

Mr. Dalton identified late corrections to minutes included in the consent agenda for the meeting this evening and said he would distribute these after the work session.

Mr. Dalton and Treasurer Moreland distributed an analysis of the Pennoni rate study by Council member Harrison and a number of scenarios created by Pennoni per Town Council's request. Council member Harrison said she had reviewed base rates in surrounding communities and compiled information accordingly.

Council member Harrison said she proposed setting the base rate at 1,999 gallons and under, as opposed to Mr. Dalton's proposal to set it at 3,000. The consensus of the Council was to proceed in this manner.

Council member Harrison said she believed it advisable to keep availability fees the same. Mr. Dalton proposed keeping availability fees the same, while Pennoni recommended a decrease.

Ms. Moreland introduced a document providing 15 different scenarios that would net the Town the same revenue as it is currently receiving. She said some of the scenarios provide for fixed administrative fees and others do not. She said some have minimum allowances and others do not. She said that fixed administrative fees lower the rate per thousand. She said availability fees are calculated independently of this and that going along with Pennoni's recommendation of \$25,200 in availability fees would require that water rates be annually increased by 10.2 percent and sewer rates by 2.3 percent, whereas leaving the availability fees at \$28,000 would reduce the increases to 10.1 and 2.2 respectively.

She directed the Council's attention to a document displaying a range of fixed administrative fees, with a breakdown of how each of them would affect revenues in combination with usage fees. Council member Gibson asked what the difference is between a fixed administrative fee and a minimum allowance. Mr. Dalton and Ms. Moreland explained that a fixed administrative fee would entail a monthly charge per account, regardless of usage, while a minimum allowance would apply to consumers who use less than a thousand gallons. Council member Gibson asked whether different fees for water and sewer would be possible. Mr. Dalton said he would not recommend this, as confusion might occur.

A discussion ensued regarding what the Town might call a fixed administrative fee and the importance of communicating clearly with consumers about what fixed operating costs the fee would cover. Council member McDonald said she would like for the meeting to result in an understanding that rates would be increasing. She said that going ahead and setting a rate was necessary and that further delay would create potential for controversy with a public that for the most part would be inclined at this point to understand the necessity for a rate increase.

The Council then discussed several of the 15 scenarios. Council member Rodriguez expressed concern about scenarios that called for increases of 100 percent or more for low-end users. Council member Gibson said that revenue derived from consumption did not address fixed costs, which must be covered in the bill and which are easy to explain. Council member Harrison said billing only for usage would create problems for the Town if consumers conserved diligently, and that everyone would be treated equally by the imposition of a fixed-cost fee. Council member Gibson said that a low-use consumer now paying a minimum usage fee would pay much more if charged a fixed administrative fee plus a fee for actual usage.

Council member McDonald asked whether the scenarios took into account projections for new housing, and Mr. Dalton said that an assumption of annual availability fees had been built into them.

Recorder Arnold said that the present work session was the third to have been devoted to water and sewer rates and that the Council now has sufficient information to make a decision. Mayor Dickinson said she needed time to consider the new information. Council member McDonald asked the Council

and the mayor in particular what had changed and what was cause for concern. Recorder Arnold asked the mayor what she would propose if she had not just been given new data. The mayor reiterated her wish to consider the information she had just received. She said she would not support anything that imposed a 100 percent rate increase on someone, and that her challenge now was to look through the new information and consider what the other members had said.

Mr. Dalton said it would be necessary either to front-load the acquisition of revenue with a higher administrative fee for the fixed costs that everyone generates or keep the front end low and spread the rate increase farther down. The mayor reiterated her desire for more time to consider the report and said that the Council needed a gradual plan for arriving at an equitable position where everyone pays fixed costs but not right out of the gate.

Recorder Arnold recommended adjournment if the discussion could not lead to a proposal. Council member McDonald disagreed, saying that while the Council repeatedly met and deliberated, the cost of materials, labor, and equipment for the project was increasing. She said she believed she had enough information to know what is fair, that it is necessary to consider every citizen. She said a fixed-cost scenario was the most equitable and that the Council had begun educating the public. She said the Council had considered the matter sufficiently and must move forward.

Mr. Dalton said that a public input session had been suggested in the past, and Council member Rodriguez said that September 11 had been the date considered, and a public hearing for October 8, with Council voting on that occasion and the new rates going into effect later in the month. Council member McDonald said rates must be established before the input session.

Council member Rodriguez said she believed the Council should go into the input session with a plan on which the majority has agreed, instead of presenting a large number of scenarios. She said that everything under discussion is public information and that people can read it for themselves, and that the Council should approach the meeting in a fully organized manner. Recorder Arnold said the Council should be unanimous. Council member Gibson said a decision by the majority would suffice.

Council member Gibson then redirected the discussion to further detailed consideration of particular scenarios, how best to achieve fairness, and how various measures would affect particular groups of people, especially low-end users. Annual increases were discussed, and Mayor Dickinson said that the public input session must include projected future increases and not just a presentation of short-term effects. Council members Gibson and McDonald concurred. Council member Gibson said it was important not to draw a direct correlation between usage and income.

Recorder Arnold said that annual rate increases had occurred before. Council member McDonald said that it was essential to communicate clearly about the prospect of annual increases and that the Council had sufficient information for an immediate decision. She reiterated her point about delay causing expense.

Mayor Dickinson said she favored Scenario 10 as a first step, with a yearly \$5 increase in the base fee, so the contribution toward fixed costs would rise and the overall rate increase would not all come from usage. She said she would like to see the fixed-cost figure of \$50 per person reached over a five-year span, with an annual \$5 increase in the administrative fee, and the usage fee also changing annually. The mayor clarified that usage rates could be changed as needed, but that as the administrative fee goes up the reliance on usage will go down. She said the plan would avert a situation in which a low-end user might see a 200 percent increase while a high-end user experiences only a 2 percent increase, and that the gradual approach would give residents time to adjust their budgets.

The mayor said that Scenario 10 would be the only acceptable option for her. Recorder Arnold and Council members Rodriguez and Harrison said Scenario 10 was acceptable. Council member McDonald did not agree.

Mr. Dalton said there had been no rate adjustments for water and sewer since 2014, when rates had been raised annually for four years after the construction of the sewer plant. Council member Gibson said the proposed changes would be made more palatable than previous ones by holding a public input session and that the public would be given a one-page executive summary. She said communication was essential. Council member McDonald said it was essential to approach the meeting with detailed information about what people would have to pay and why the increase is necessary.

Mayor Dickinson and Mr. Dalton clarified for Council member McDonald that there would not be a vote in the current work session. They explained that the Council was agreeing on a proposal, which Pennoni would help create and which the Council would present at the public input session.

A discussion of availability fees followed. Recorder Arnold said decreasing them was not desirable. Mr. Dalton said keeping them the same would keep the rate increase slightly smaller. Recorder Arnold said the timing is not right, but that a reduction might be feasible at some point when the Town wants to encourage housing construction. Mayor Dickinson said the only way to show people that the Town is trying to reduce costs for individuals would be to have more people on the system, and that keeping availability fees higher than the rate recommended by Pennoni would discourage development.

Council member McDonald disagreed and asked Town Planner Dunkle about current and upcoming development. Ms. Dunkle said that three subdivisions were on the way. Council member McDonald cited this as a source for the desired increase in revenue.

Council member Rodriguez said she agreed that lowering the availability fee would be inadvisable and that she would be firmly against raising it. She said Berryville was a desirable location and that the economy is favorable. Recorder Arnold said that the number of available lots is limited and that the three new developments would largely exhaust the supply.

Council member McDonald asked what would happen if the input from the citizens was to the effect that they did not wish to pay any more. The mayor reiterated her point about the need for more users as the only means of reducing rates. Council member McDonald and Reporter Arnold agreed that the Council cannot control future residential development.

**4. Closed Session:**

No closed session was scheduled.

**5. Other:**

No other business was discussed.

**6. Adjourn:**

Mayor Dickinson asked for a motion to adjourn. **Council member Gibson so moved, seconded by Council member Rodriguez. The motion passed by consensus.**

Meeting adjourned at 2:35 p.m.



**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**July 22, 2019**

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A meeting of the Berryville Town Council Community Development Committee was held on Monday, July 22, 2019 at 2:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

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

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

Press present: none

**1. Call to Order**

Chair Rodriguez called the meeting to order at 2:01 p.m.

**2. Approval of Agenda**

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

**3. Discussion: Branding and Marketing Scope of Work**

Chair Rodriguez provided committee members and staff with a draft scope of work of matters the Town Council will need to consider in soliciting and evaluating proposals for a branding and marketing study for the Town of Berryville.

Chair Rodriguez said she had not intended the summary to be overly specific or to provide excessive guidance, but as a means of giving shape to an unfamiliar subject.

Town Planner Dunkle asked to whom specifically the Town was to be marketed. Chair Rodriguez said the summary was a starting point and was of a general nature.

Ms. Harrison recommended doing the study and then the branding, saying it was important that identification of the target market occur first. Chair Rodriguez concurred.

Chair Rodriguez asked about the status of the hotel feasibility study. Ms. Dunkle said the survey has been distributed and that the study likely would be ready soon. Town Manager Dalton asked what was to be done with the draft scope of work Chair Rodriguez had provided.

Chair Rodriguez suggested that the full Council should see it and that Council wants the scope of work in order to prepare a request for proposal. Mr. Dalton said the Council should be very involved in the scope and suggested that it be discussed in the Council's regular meeting on September 10. He said that staff would generate the RFP if given the scope by the Council. Ms. McDonald asked how much money was available, and Chair Rodriguez and Mr. Dalton said \$15,000. Ms. Harrison said the RFP should be done in such a way that marketing and branding could be kept separate. She said the marketing study is the key, and Chair Rodriguez concurred.

Ms. McDonald asked Ms. Dunkle about new businesses in Berryville within the last six months. Ms. Dunkle said that two had relocated to Berryville and that two more were coming up.

#### **4. Discussion: Economic Development/MOU with Clarke County**

The committee began a point-by-point discussion of an update to the MOU between the Town and County that had been adopted in September 2014.

Chair Rodriguez asked whether point one, which calls for the establishment of joint management of economic development and tourism, had been acted upon. Ms. Dunkle said it had not, and Chair Rodriguez said that such joint management was essential. Mr. Dalton said the Town and County administrative officials must be able to provide clear direction and oversight, and that periodic meetings of staff are needed. Ms. McDonald expressed concern that upcoming personnel changes in County administration could cause delay.

Ms. McDonald asked whether the Town had established that the County is interested in economic development and tourism. She said that the County wants green space very much, and asked how an increase in other types of development could be achieved. Ms. Dunkle said that the input of the Town was necessary on this point and that the two must work together.

Ms. Harrison said that point one in the update to the MOU was too vague and that it did not provide sufficient detail regarding how the joint management of economic development and tourism was to be achieved. Chair Rodriguez said periodic meetings would be good and that they should occur quarterly at a minimum.

Mr. Dalton said the Town must bring funding to the project and that the committee must convince the Council of this necessity. He said the business park was important, that it had diversified the tax base, increased employment, and enabled the area to retain businesses that might otherwise have moved. He said the expansion of the business park should be treated seriously in the economic development plans of both the Town and County.

Ms. Dunkle suggested a review of the business partnership district to update the current and future anticipated uses.

Ms. Harrison said it was necessary to consider technological and internet capabilities, and to have someone involved who can negotiate with technology companies. Mr. Dalton and Ms. Dunkle said that coordination with state agencies is also crucial. Ms. Dunkle said that clarity is necessary first.

Ms. McDonald asked whether joint development by the County and Town depended on the funding the Town brings to it. Mr. Dalton said that the Town was responsible for a \$90,000 reduction in the County's revenue and that it is likely that they will need funding to address this need.

Point two in the MOU updates calls for the establishment of single points of contact for economic development and tourism. Mr. Dalton said it needed more nuance and more emphasis on team effort. He said the Town and County can understand only so much about each other's systems and that the County economic development director could draft a portfolio or inventory with input from the Town and use it as a selling tool.

Ms. McDonald asked whether the County would expect the Town to contribute 50 percent. Mr. Dalton said he hoped not but that the Town must provide more than a token amount of funding as the price for having a role in the process. Ms. McDonald said the new water plant might be helpful.

Point three in the update to the MOU calls for the creation of a joint committee for economic development and tourism. Chair Rodriguez said that such a committee exists but does not meet regularly. She asked whether it should continue meeting after the new committee is created. Ms. Harrison said more frequent meetings were necessary and that the current committee should meet twice annually. Chair Rodriguez concurred. Ms. Harrison asked about the possibility of joint work sessions every six months by the Town Council and County Board of Supervisors instead of having a committee.

Point four of the MOU updates calls for the hire of an economic development director. Ms. Harrison said it should not be a contractor, but an outright hire. Chair Rodriguez suggested the possibility of someone semi-retired. A brief discussion of full-time versus part-time occurred, with the consensus being that a full-time position was desirable in order that the director's energies not be divided. Mr. Dalton said that the director must have something definite to sell. Chair Rodriguez asked whether the director could help promote downtown events.

The committee skipped to point seven, which calls for the identification and mitigation of real and perceived barriers to economic development. There was general agreement that this point should come first. Ms. Dunkle said it should be carried out by a professional with a perspective from outside the community. Mr. Dalton reiterated the importance of an expanded business park, and Ms. Dunkle emphasized the importance of the hotel.

Point eight calls for joint regulatory review by planning directors, and Ms. Dunkle said discussion is occurring and is working well.

Due to time constraints, the committee moved on to the next agenda item.

## **5. Discussion: John Rixey Moore Playground**

Mr. Dalton provided the committee with photos, specifications, and prices for various playground accessories the Town is considering purchasing from GameTime. He said the total budget is \$60,000 and that the total for the items he had asked GameTime to price would be approximately \$45,000. A

discussion of the suggested equipment options occurred. Mr. Dalton said it was desirable to minimize expansion of the fall zone in order to hold down the cost. He also said that if Town Public Works removed the existing playset it would save \$3,000. He noted that this work and savings are factored into the current estimate. He the parking lot could be used as a staging area for playground construction instead of being refurbished at the next opportunity.

Chair Rodriguez and Mrs. Harrison provided information on playground equipment that they would like taken under consideration as the next plan and estimate are developed.

## **6. Closed Session**

There was no closed session.

## **7. Other**

The committee briefly discussed two Clarke County tourism brochures.

Chair Rodriguez asked about a desirable date for the next meeting. She said the committee could collaborate with Mr. Dalton on the scope and provide it to the Council for its September regular meeting. Ms. Dunkle said another month might be needed for creation of the draft RFP.

The committee agreed to meet next on August 26 at 2:00 p.m.

## **8. Adjourn**

There being no further discussion, the meeting was adjourned at 3:35 p.m.

**BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**August 27, 2019**

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A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, August 27, 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 member of Town Council Present: Kara Rodriguez

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

Press present: Mickey Powell, Winchester Star

Also present: Ron Mislowsky, representing Pennoni Associates

**1. Call to Order**

Chair Harrison called the meeting to order at 10:29 a.m.

**2. Approval of Agenda**

The agenda was approved by consensus.

**3. Discussion: Pennoni Associates Stormwater Study**

Chair Harrison introduced Mr. Mislowsky, who had been invited to give a presentation on Pennoni Associates' Northwest Quadrant Storm Study. She said the report should be viewed as preliminary, that it was an evaluation intended to identify basic elements of improvements that might mitigate some aspects of stormwater drainage and provide elected officials with cost estimates for those improvements. She explained that the initial estimates in the report would likely require further refinement. She said the routing identified in the report is schematic and might require modification as work proceeds. She said the process likely would involve discussions between the committee, Town Council, staff, and property owners; additional refinement to the designs and cost estimates if needed; and budgeting by the Town Council. She said that if the Council decides to proceed, the process will then involve creation of engineering plans and acquisition of easements, placing the project out to bid, and contracting with a firm to complete the work. She explained that members of the public present at the meeting would have an opportunity to ask questions following the engineer's presentation and

committee/staff discussion, and asked that members of the public withhold their questions and comments until then.

Mr. Mislowsky began by explaining that the Town had contacted Pennoni Associates about how to alleviate drainage problems in the northwest quadrant and what the associated measures would cost. He cited three study areas: the end of Ashby and Archer Courts, Dorsett and Treadwell Streets, and the Jackson Drive pond and drainage area. He said the schematic drawings and cost estimates were provisional.

Mr. Mislowsky said that for Ashby/Archer the study recommends altering the level spreader that is now in place. He said some fill on a lot has diverted water from a drainage swale. He proposed that discharge be rerouted from south to east, but said the flow would empty to Walnut Street where there is no room for creating a ditch without impinging on the front yards of residences on the north side of Walnut. He said a French drain is possible to link the discharge with an existing storm sewer. He said the estimated total cost of the project was \$78,000.

Mayor Dickinson pointed to a particular lot and asked whether the proposed changes would increase the amount of water there. Mr. Mislowsky said the water would continue to pond but in a different direction. The mayor asked whether this was just moving the problem from one place to another, and Mr. Mislowsky replied that extending the underdrain should reduce ponding on the lot in question.

For the Dorsey/Treadwell area, Mr. Mislowsky said the Pennoni study recommends replacing two culverts. He said the Town has cleaned the pipes but there is not a ditch adequate for the discharge, and that traffic and a power pole would create problems in the construction zone. He said a best-case scenario would involve replacing corrugated metal with concrete, regrading ditches, and discharging the water to a level spreader. He added that the underdrain would pick up the flow from the level spreader and carry it to the main swale. He said an alternative would be having a storm sewer to avoid yards, but the culvert is at a low point, with a hill nearby that likely is mostly rock, which would lead to significant expense. Mr. Mislowsky said the total cost would be \$50,111 without diversion and \$88,000 for full construction.

Chair Harrison asked how much impact the project would have in comparison with what has been done already. Mr. Dalton asked about the depth of the ditches. Mr. Mislowsky said they would be 15 to 18 inches deep. Mr. Dalton said grading of easements in front yards would be necessary and a challenge. He noted that property owners would likely be displeased with the appearance of the ditches and that maintenance might be a challenge.

Mayor Dickinson asked whether there might be options other than open ditches, such as underdrains. Mr. Mislowsky said pipes are a possibility, adding that velocities would be higher and that some

environmental impacts would occur. He said pipes would not be as good as a level spreader and would be more expensive. Mr. Dalton said pipes would exacerbate the problem posed by the power pole.

Mr. Mislowsky said that where Academy Street Extended intersects with Dorsey there is no culvert to the southeast or southwest but there is one between Academy and Main Street. He said water could be directed to a culvert via an 8" pipe down the right of way to a pipe halfway between Academy and Main.

Mr. Mislowsky said water from Jackson Pond is discharged via two pipes through an easement to Dorsey Street, then through a pipe across the street to a ditch, then through a swale to the main swale. He said the slope is not ideal. He said the pond had been designed to drain 109 acres of Battlefield Estates, an area which subsequently became the new high school and which no longer drains into Jackson Pond.

Mr. Mislowsky discussed the time it takes for the pond to empty. He said time and volume could be reduced by increasing the orifice from three inches to six, which would increase the speed of outflow with minimal impact downstream. He said another possibility would be a new structure by West Main to connect to the new storm sewer installed by the high school. He said it was two feet higher than the bottom of the pond, so half the flow could be diverted to the other side of Main.

There was a discussion of two-, 10-, and 100-year storm events.

Mr. Mislowsky noted that last year's rainfall had exceeded the known record.

Chair Harrison asked about the condition of the swale just east of Dorsey Street near Ms. Ivie's home. Mr. Mislowsky said cleaning out along the fence would be the first step, or possibly reaching an agreement with property owners to move the fence.

Mayor Dickinson asked about the possibility of a drain to remove water from the area. She said she had seen standing water in Jackson Pond only once or twice and that water runs out of it without delay. She asked why a larger orifice to speed drainage would be desirable. Mr. Mislowsky said that if the pond works well, no modifications should be necessary.

Mr. Dalton clarified that the measures under discussion would not address groundwater issues.

Chair Harrison recognized George Dellinger, who discussed his property on West Main Street. He and Kathleen Dellinger noted that water was causing a portion of their parking lot to heave. They stated that development of a lot north of their location might have caused their problem.

Chair Harrison and Mr. Dalton discussed whether runoff from one house could have such a strong localized effect on groundwater and said it would be necessary for engineers to study it.

Chair Harrison recognized Tony Reynolds, who said he has witnessed standing water along lots on Dorsey and Treadwell.

Chair Harrison recognized Claudia Vivanco, who recommended the use of a water wheel in Jackson Pond to control the flow as needed.

Mr. Mislowsky and Mr. Dalton said a gate valve was theoretically possible but someone must make the decision to open a valve and send water somewhere, and people downstream might not be appreciative.

There was a discussion about the expense and process of modifications along Main Street.

Chair Harrison recognized Jerry Van Voorhis, who said water sits and accumulates around his property. He said a real solution and not just remediation was necessary and that the problems in his locale were being ignored.

Mr. Dalton asked Mr. Van Voorhis why he thought his problems were being ignored. Mr. Van Voorhis explained that we must look beyond remediation and pursue larger solutions. Mr. Dalton said that citizens and elected officials ultimately would determine whether measures beyond remediation would occur. He said the Pennoni report's recommendations were intended to be low-impact, that stronger measures might not be attractive, and that a series of tradeoffs was involved. He noted that the schematic plans did address conditions on the property in question.

Chair Harrison recognized Steve Wisecarver, who asked whether underground drains would be under a swale or flatted on top. Mr. Mislowsky and Mr. Dalton described the conditions proposed.

Mr. Dalton said the information in the study was all schematic and very basic, a tool for staff, Town Council, and citizens to use in deciding how best to proceed. He said the process would involve the committee discussing the possibilities further, including discussions with engineers, and making recommendations to the Council, which also would discuss matters and confer with engineers. After budgeting is in place, staff would deal with plans, estimates, and easements before accepting bids.

Chair Harrison recognized Alton Echols, who said that if there are no problems with the pond, water should be kept there longer. He said the pipes are too small all the way up Route 340 and that the plan proposed by Pennoni is as good as possible.



Chair Harrison recognized Mary Ivie, who said ditches are not properly maintained and that silting-over is a problem. She asked whether the proposed changes would enhance flow. There was a discussion about ditch maintenance.

Chair Harrison recognized Chris Crawford, who thanked the Town for taking action and asked what else could be done with the current easements. Mrs. Crawford asked whether neighbors could be prevented from draining pump water onto each other's properties and said that water is never getting to Jackson Pond.

Mr. Dalton said that sump pump water will follow its own laws of movement.

Chair Harrison, Mr. Dalton, and Ms. Mislowsky discussed differences in the design of the Jackson and high school ponds.

Mr. Dalton concluded the discussion by stressing the importance of not taking measures that merely transfer a problem from one place to another.

#### **4. Closed Session**

There was no closed session.

#### **5. Other**

There was no other business.

#### **6. Adjourn**

The meeting adjourned by consensus at 12:56 p.m.