

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, January 13, 2015
Berryville-Clarke County Government Center
Regular Meeting
7:30 p.m.

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Mary Daniel; David Tollett, Douglas Shaffer

Staff: Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Neal White, Chief of Police; Ann Phillips, Town Clerk

Press: Val Van Meter, Winchester Star

1. Call to Order

Mayor Kirby called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Approval of Minutes

Upon motion by Council member Tollett, and seconded by Council member Kitselman, the minutes of the December 9, 2014, meeting were approved by the following vote:

Wilson Kirby	- Aye
Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye
Allen Kitselman	- Aye
Douglas Shaffer	- Aye
David Tollett	- Aye

4. Citizens Forum

Mayor Kirby recognized Dan Garrett of 303 Archer Court, Berryville. Mr. Garrett spoke in support of the Marlyn Corporation proposal for a 120 multi-family senior housing complex. He noted that Marlyn has a proven track record for senior housing development, and that there is a need for such housing. Mr. Garrett said that he thinks Berryville should be a model for the aging-in-place concept because of the desirable location of the proposed site in relation to infrastructure and amenities. He added that he wants the Town and County to reap the benefits, including additional revenues, of such a development.

Mayor Kirby recognized Sharon Huffman of 126 Morningside Drive, Winchester. Ms. Huffman works as a caregiver at 219 Chalmers Court, Apt. 1C, and complained of harassment by individuals that she claimed are sex offenders. She said these people are frightening her, and have damaged her vehicle with a baseball bat. Ms. Huffman provided photos of the damage and asked for support in helping her with the situation.

5. Report of the Mayor

Mayor Kirby said that he had nothing to report.

6. Report of the Town Manager

Mr. Dalton reported a recent incident in which employees of the Public Works Department noticed a woman who had fallen outside her home and was lying in the rain with injuries. They stopped and covered her and provided comfort while alerting emergency personnel. The woman has been hospitalized, and Mr. Dalton credited Patrick Lickey, Darrell Ferrebee, and Ralph Elliott with saving the resident from much more serious injury.

Mr. Dalton noted that he has been working on changes in the Code regarding snow removal, and asked the Council to review the information included in the agenda packet. He said that by next month, he will have suggested changes finalized.

7. Planning and Zoning

Mr. Dalton noted that his report on the Marlyn Development presentation had included the statement, "Mr. Echols stated that they are seeking approval of the BAP and Zoning Ordinance amendments by early April." That statement should be revised to say that they are seeking the amendments by July or August 2015.

Mr. Dalton explained that under the Berryville Area Plan, senior housing units in Annexation Area B are capped at 300 with 120 of those designated as multi-family senior housing units. He said that Mr. Nance, representing Marlyn Development, will be asking for an amendment allowing 180 of those 300 units to be for multi-family senior housing rather than the 120 already allowed. Mr. Dalton said that the request for such an amendment must be sponsored by a governing body.

Mayor Kirby recognized Francis Nance, 308 35th Street, Virginia Beach, who represents Marlyn Development. He commented that Mr. Dalton's explanation of the request was the best description of the situation that he had heard. He said that it was his understanding that the Council and/or the Board of Supervisors would need to ask the Berryville Area Development Authority to study the housing unit change. Mr. Nance explained that the request for 120 units rather than 60 in the previously proposed development was due to economy of scale: they need the additional units to support the planned amenities. He estimates that the development will raise \$100,000 in real estate taxes and \$60,000 in usage fees, and noted that because Berryville lies within the Washington Statistical Area, higher rents are provided for.

Mr. Dalton asked about the percentage of market rate versus income restricted units. Mr. Nance responded that the market rate units are limited to 10% of the total units because Marlyn receives no tax credits for the market rate units, and again referred to economy of scale.

Mayor Kirby asked for a motion supporting a resolution in support of additional multifamily units in the Older Person Residential Zoning District of Annexation Area B. Council member Tollett made the above mentioned motion, which was seconded by Council member Daniel. Council member Kitselman asked for clarification of what the resolution was stating and said that the Council should not be directing or pressuring the Berryville Area Development Authority to make this change. Mayor Kirby said that the resolution would not be pressure. Mr. Dalton offered to have the clerk read the proposed resolution.

After hearing the proposed resolution, Council member Kitselman said that he did want to circumvent the planning process already in place. Recorder Arnold said that the study was already in progress since the BADA was looking at the subject, and he questioned whether a resolution was necessary. Council member Shaffer, the Planning Commission liaison, said that the Town Planning Commission had heard a little about the proposal, but nothing lately.

Mr. Dalton suggested that an amended resolution with the phrase "support of additional multi-family units" being changed to "support for the study of additional multi-family units" would better explain the action being taken. **Council member Tollett moved that the Council approve the resolution, revised as suggested. Council member Daniel seconded the motion, which carried on the following vote:**

Wilson Kirby	- Aye
Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye
Allen Kitselman	- Aye
Douglas Shaffer	- Aye
David Tollett	- Aye

RESOLUTION OF TOWN OF BERRYVILLE

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 13th day of January, 2015 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: SUPPORT FOR THE STUDY OF ADDITIONAL MULTI-FAMILY UNITS IN THE OLDER PERSON RESIDENTIAL ZONING DISTRICT OF ANNEXATION AREA B

WHEREAS, the Berryville Area Plan currently allows for a total of 120 units of multi-family housing in Annexation Area B with a total of 60 remaining to be developed; and

WHEREAS, the Council of the Town of Berryville acknowledges the potential need for additional income- and age-restricted multi-family units in response to current demographic trends; and

WHEREAS, Marlyn Development wishes to develop a 120-unit multifamily apartment complex requiring modifications to the Berryville Area Plan and the Berryville Zoning Ordinance to allow 60 additional units of this type;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Berryville, Virginia, hereby sponsors the request to study whether the Berryville Area Plan and the Town of Berryville Zoning Ordinance should be amended to allow an additional 60 units of multi-family apartments, but not an expansion of the established 300 OPR unit overall limit, and refers these matters to the Berryville Area Development Authority and the Town Planning Commission for review and recommendation to the Berryville Town Council and the Clarke County Board of Supervisors.

Passed this 13th day of January, 2015.

8. Standing Committee Reports

a) BADA Liaison

Mr. Kitselman had nothing to report.

b) Budget and Finance

Recorder Arnold said that it will soon be time to work on the budget, and that there will be two meetings in March.

Upon motion by Council member Daniel, seconded by Recorder Arnold, the minutes of the Budget and Finance Committee meeting of January 9, 2015, were approved by the following vote:

Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye

Mr. Dalton reviewed the proposal from Sands Anderson for legal services for the collection of delinquent real estate taxes. He said that this was a way to get land parcels back onto the rolls without additional cost to the Town, and said that Clarke County will be using the same service concurrently. **Recorder Arnold moved that the Council authorize the Town Manager to finalize the contract as later amended by the Town Manager and the Town's Attorney. Council member Daniel seconded the motion which carried as follows:**

Wilson Kirby	- Aye
Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye
Allen Kitselman	- Aye
Douglas Shaffer	- Aye
David Tollett	- Aye

Ms. Moreland presented background information regarding the Integrated Municipal Software proposal. She explained that 10 years ago, the Town began using its current software program but it did not have the necessary Virginia tax processing component program. The Town contracted with the vendor to fix the program five years ago, but the program is still incomplete. The Town belongs to a Users Group for support and task backup. Ms. Moreland said that the benefit of the Users Group has been lost since many of the participating jurisdictions have stopped using the software because of problems and incomplete modules. The decision to move away from the existing software was made, and since no other jurisdiction moved forward with the RFP, Berryville did so. Ms. Moreland said that once the bids were received, top vendors made presentations, and she and the Utilities Clerk made site visits to see the software in use in local government offices. She said there may be a few tweaks to make in the contract, but that the Town is ready to move forward with the new integrated software from Southern Software, Inc. **Recorder Arnold moved that the Council authorize the Town Manager to finalize the contract as later amended by the Town Manager and the Town's Attorney. Council member Kitselman seconded the motion which carried as follows:**

Wilson Kirby	- Aye
Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye
Allen Kitselman	- Aye
Douglas Shaffer	- Aye
David Tollett	- Aye

c) Community Improvements

Council member Kitselman reported that the CDBG process continues and that there is an upcoming meeting which will be advertised.

d) Planning Commission Liaison

Mr. Shaffer had nothing to report.

e) Police and Security

Council member Daniel had nothing to report further than the Police and Security report in the agenda packet.

f) Streets and Utilities

Regarding the pavement marking for Mosby Blvd., east of Jackson Drive, Mayor Kirby asked for a motion directing the Town Manager and Public Works to follow the recommendations of VDOT and mark the pavement in a like manner to similar sized streets in the Town. After discussion, **Council member Tollett moved that the pavement marking be as follows: a center turn lane from the intersection of Mosby and McNeil to Ashby Court and double yellow center lines from Ashby**

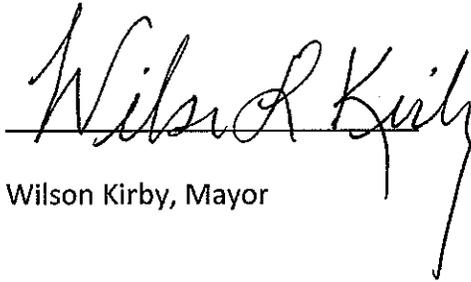
Court to the beginning of the turn lane for Jackson Drive, with no parking on Mosby Blvd. Recorder Arnold seconded the motion which carried as follows:

Wilson Kirby	- Aye
Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye
Allen Kitselman	- Aye
Douglas Shaffer	- Aye
David Tollett	- Aye

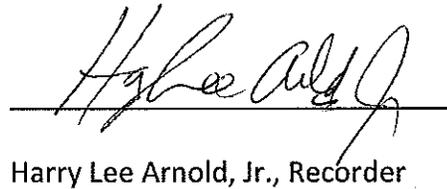
The Mayor noted that reports from Public Utilities and Public Works are included in the agenda packet.

9. Adjourn

There being no further business, upon motion by Council member Kitselman, seconded by Council member Daniel and passed, the Council meeting was adjourned at 8:49 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder