

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, February 10, 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

Absent: Douglas Shaffer

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; 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 Recorder Arnold, and seconded by Council member Kitselman, the minutes of the January 13, 2015, meeting were approved by the following vote:

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

4. Citizens' Forum

Mayor Kirby recognized Tonya Sivinski, 227 Passage Lane, McGaheysville, Virginia. Ms. Sivinski said that she represents State Farm insurance. She said her company is expanding into the area and wants their new representatives to be from this area. They are holding a meeting on February 21, 2015, at the George Washington Hotel at 10:00 a.m. for those interested in learning more, and she encouraged people to attend.

Mayor Kirby recognized Kenneth Liggins who asked that he be allowed to wait to make his comments until after the CDBG presentation later on the agenda.

5. Report of the Mayor

Mayor Kirby said he wanted to pay tribute to Susan Smalley Sponseller whose death occurred last week. He noted she had been the "first lady of Berryville" for 21 years, and will be greatly missed by the community. He added that her funeral was the largest he had ever attended.

6. Report of the Town Manager

a. Mr. Dalton reviewed the current requirements of Berryville Code Section 15-16 regarding snow removal. He said that at present, Section 15-16 requires the following:

- Snow and ice to be removed from sidewalks within the first 8 hours of daylight after the precipitation ceases to fall.
- If the sidewalk has not been cleared as required, then the Town Police Department provides notice to the owner or tenant.
- If the responsible party does not comply with the provisions of the ordinance within 24 hours of the notice then the responsible party may be charged with violation of the ordinance.
- After the responsible party is charged for violation of the ordinance, then the Town may take action to have the sidewalk cleared with the cost of the clearing being the responsibility of the responsible party.

Mr. Dalton said that Staff considers this process cumbersome, and noted that the draft ordinance that has been placed before Town Council would require the following:

- Snow and Ice to be removed within 12 hours after the precipitation has ceased to fall if the total accumulation is 6 inches or less. Snow and Ice to be removed within 24 hours after the precipitation has ceased to fall if the total accumulation is greater than 6 inches.
- If the sidewalk is not cleared as required, then the Town Police Department provides notice to the owner or tenant.
- If the responsible party does not comply with the provisions of the ordinance within 8 hours of the notice, then the Town may take action to have the sidewalk cleared with the cost of the clearing being the responsibility of the responsible party.

Mr. Dalton said the proposed language removes the reference to daylight hours, allows additional time to remove snow, and removes the criminal charge scenario for residents. **Recorder Arnold moved that the Council adopt the proposed ordinance, effective March 1, 2015, repealing and reenacting Berryville Code Section 15-16. Council member Daniel seconded the motion which carried by the following vote:**

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

b. Mr. Dalton reviewed pavement lane marking for Mosby Boulevard between Buckmarsh Street and Jackson Drive. He said Staff had met with a line painting contractor in the past month and he provided some recommendations and ideas vis-à-vis turn lanes and transitions in the Ashby Court vicinity. Mr. Dalton explained that the line painting contractor had developed a plan that he thought would work but he wanted to confirm that the proposed markings met the wishes of Town Council. Mr. Dalton showed the Council a sketch that provided a transition from the intersection with Ashby Court and a left turn lane for Heritage Day Care and Mary Hardesty House. By consensus, the Town Council agreed that the plan conformed to their direction in the matter.

c. Mr. Dalton noted that the Town's new web site will be up and running in the next 45 days.

7. Planning and Zoning

a. Ms. Dunkle asked that a public hearing for the Community Development Block Grant (CDBG) Application be set for March 10, 2015. Mr. Kitselman said there had been much community involvement thus far, and thanked the management team and other participants for their support.

Stephanie Langton of the Northern Shenandoah Valley Regional Commission gave an overview of the CBDG program. She said the program is federally funded through the Department of Housing and Urban Development, and provides assistance for community development needs. She identified three objectives for targeting funding: low to moderate income populations, urgent needs, and the prevention of blight. Ms. Langton explained that the Community Improvement Grant is a comprehensive and competitive grant with a maximum of \$1,000,000. She said the deadline for the application is in March. She added information from homeowners in the neighborhood regarding housing repairs and infrastructure is being compiled, and Draper Aden has completed the preliminary engineering report in preparation for the competitive grant application.

The Mayor recognized Kenneth Liggins, of 206 Josephine Street. Mr. Liggins said he had reviewed the preliminary engineering report, and noted the reference to \$430,000 for a sound barrier wall at the railroad. He also noted the reference to a 4" header curb. He said VDOT requires a 6" header curb, and questioned the plan using the 4" figure. He said the sidewalk needs to be repaired because of the large space between the curb and the sidewalk in some places.

Ms. Dunkle asked Martha Shickle, of the Northern Shenandoah Valley Regional Commission, to review the next steps in the CDBG application process. Ms. Shickle said that she and Ms. Langton will be meeting next week in Richmond to receive input on the most appropriate way to bid for this competitive grant. She said the management team will be seeking final numbers from Help With Housing for housing assessments to incorporate into the application. She added that the anticipated Historic District designation will add value to the application.

Council member Daniel asked how the residents could contact the committee if they wished to provide information. Ms. Shickle responded that residents could call her at the Regional Commission office, or call Help with Housing.

The Council agreed to set the public hearing for March 10, 2015.

b. Ms. Dunkle said in reference to the designation as an Appalachian Trail Certified Community, there will be a certification ceremony with a tentative date of July 17, 2015. She added Town and County Staff are working with Appalachian Trail representatives to determine their availability due to the Appalachian Trail Biennial event being held at that time in Winchester.

8. Standing Committee Reports

a) BADA Liaison

Mr. Kitselman said there was no quorum at the last meeting, but that the BADA received information from the developer of the proposed Marlyn senior housing project.

b) Budget and Finance

Recorder Arnold said the Treasurer had included two reports, and that the auditors will make a presentation at the March meeting.

c) Community Improvements

Council member Kitselman reported that he attended the nomination presentation for the Josephine Historic District and he added that it is a strong application that should be successful.

d) Planning Commission Liaison

Mr. Shaffer was absent.

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

Mayor Kirby said that the Committee will be setting a meeting soon. Mr. Dalton added that there are several items that need to be discussed, including water projects and street work.

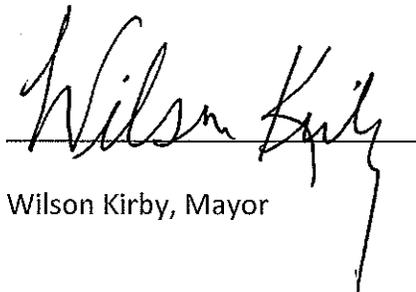
g) Personnel / Appointments

Recorder Arnold moved that Douglas A. Shaffer be appointed to the Berryville Area Development Authority for the remainder of the unexpired term of Ann W. Phillips ending June 30, 2018. Council member Kitselman seconded the motion which carried by the following vote:

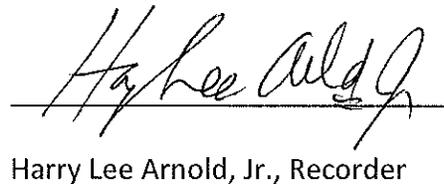
Wilson Kirby	- Aye
Harry Lee Arnold, Jr.	- Aye
Mary Daniel	- Aye
Allen Kitselman	- Aye
Douglas Shaffer	- Absent
David Tollett	- Aye

9. Adjourn

There being no further business, upon motion by Council member Daniel, seconded by Council member Tollett and passed, the Council meeting was adjourned at 8:08 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder