

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, November 11, 2014
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; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; Ann Phillips, Town Clerk

Press: Val Van Meter, Winchester Star

1. Call to Order

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

a) Proposed Amendment to Chapter 16 of the Berryville Code Establishing a Tax on Cigarettes

There was no public comment.

b) Proposed Replacement of Parking Meters in the Downtown Business District, Increase in Parking Fees, and Increase in Overtime Parking Violation Fines

1-Charles Twigg, 33 West Main Street, said he had been on Main Street for 20 years and that parking meters did not solve the problem. He said that the Town needs to be more friendly to residents and tourists. He said that he would like to see more signage for directing visitors to the parking areas as well as welcome signs.

2-Sherry Craig, 5 D East Main Street, said that she had been in business for seven years and that her customers say they would shop more if there were no parking meters. She added that she may have misunderstood the recent survey about downtown, but she was surprised that there was a hearing on the parking meter issue since they won. In addition she said that she felt the survey was being disregarded.

3-Jerry Johnson, 20 B East Main Street, said that he had been here for 10 years and is against parking meters. He said he hears that Berryville wants more business, but that we need to make it more friendly. He added that we are competing with shopping malls that have roofs (keeping one out of the weather), a larger variety of stores, and free parking. He said that if Berryville wants more businesses, then the playing field should be leveled by offering free parking. Further, he said that a 2 hour parking limit would keep business owners from abusing parking in metered spaces. He requested that Council remove the parking meters.

4-Peter Miller, 1 East Main Street, said he was a new business owner and that he feels welcome and is excited to be here. He said that parking meters inhibit business, and that signage would help, since people may not know where they are permitted to park. He added that in his estimation, parking meters did not bring in much money.

5-Brian McClemens, 333 East Fairfax St., thanked the Town Manager and staff for accommodating his business deliveries while the recent paving on Church Street was being completed. Regarding the parking meter issue, he said that he agreed with Mr. Johnson and Mr. Miller.

6-Kim Patterson, 20 A East Main Street, said that she is a new business owner on Main Street. She added that meters will keep people from stopping and will kill business. She said that we shouldn't punish those who come to our town.

Upon motion by Council member Shaffer, seconded by Recorder Arnold, the public hearings were closed.

2. Call to Order

Mayor Kirby called the meeting to order.

3. Pledge of Allegiance

4. Approval of Minutes

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the October 14, 2014, meeting were unanimously approved.

5. Citizens Forum

Mayor Kirby recognized Christina Kraybill. Ms. Kraybill thanked the Council for granting her request for a Special Use Permit two years ago. She was happy to report that her business, My Neighbor and Me, which started on First St. has now been able to move to Main Street and is doing well. She added that the business climate in the downtown area is looking very good now.

6. Report of the Mayor

Mayor Kirby noted that the Veterans Day program had been held earlier in the day with nice weather and a good turnout at the Veterans Memorial. He said that the speaker, Mr. Donald Ratcliff of Winchester, had done an outstanding job and that it was a very moving service.

7. Report of the Town Manager

Mr. Dalton said he was asking for guidance from the Council on the parking meter issue. Mayor Kirby suggested sending the matter back to the Streets and Utilities Committee. Council member Kitselman said he would need to be convinced that parking space turnover would happen without the meters in place. Council member Shaffer said that he would like to see information on the number of man-hours needed for enforcing the two hour parking limit. Mr. Dalton said that he and Chief White would review the situation

and present some information. Mayor Kirby referenced the Town of Purcellville which has removed parking meters and directed the Town Manager to the Purcellville Town Manager about the matter.

Mr. Dalton pointed out that the survey, in which a majority of the respondents favored removal of the meters, also showed a fair amount of support for parking meters, as well as for the quick cleaning of the downtown following a snowstorm which is costly. He added that the hope had been to use the holiday season to order and change the heads on the meters while the "2-hour free parking" bags were on the existing meters.

Council member Shaffer asked if visitors know where designated parking areas are. Mr. Dalton noted where the existing directional signs are. Council member Shaffer said that additional directional signs would help.

Recorder Arnold said that the Town could keep the "2-hour free parking" bags on longer if necessary.

Council member Tollett said that the Town of Woodstock, which is close to the size of Berryville, had removed parking meters. Council member Daniel said that she understood that Woodstock felt like it was a big mistake due to the costs associated with enforcing the two hour parking limit.

Recorder Arnold said that some Main Street merchants are using the parking spaces near their businesses. He added that the speakers at the public hearing were a few of the many merchants, and that others may feel differently.

Council member Kitselman said that a survey is one thing, but that Council needs to make the best decision based on many things.

The Mayor restated his intention to send the matter to the Streets and Utilities Committee.

8. Planner's Report

Ms. Dunkle presented information regarding a Special Use Permit for a home occupation 404 North Church Street and she said the Planning Commission recommended setting the public hearing for the December 9 meeting.

Town Council set a public hearing to be held at the December 9, 2014, meeting by consensus.

Ms. Dunkle presented information regarding a text amendment to the Berryville Zoning Ordinance, Article VI, Section 601 (Open Space Residential); Section 602 (Detached Residential-1); Section 603 (Detached Residential-2); and Section 604 (Detached Residential-4) extending the validity of lot size, yard and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 until July 1, 2017. She described the modifications by the General Assembly concerning validity adding this

language did not address changes to setbacks. She said that the Planning Commission would be holding a public hearing at their meeting on November 25, 2014, and recommended that Council set a public hearing for December 9, 2014.

Town Council set a public hearing for the December 9, 2014, meeting by consensus.

9. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

Council member Kitselman had nothing to report.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold commended Ms. Moreland for good work on the proposed Cigarette Tax Ordinance. Recorder Arnold moved that the Council adopt the ordinance amending the Berryville Code by adding Article VII Sections 16-71 through 16-85 thereby creating a cigarette tax. Council member Daniel seconded the motion.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

TOWN COUNCIL
MOTION FOR APPROVAL: ORDINANCE ADOPTING
A CIGARETTE TAX

Date: November 11, 2014

Motion By: Harry Lee Arnold, Jr.

Second By: Mary Daniel

I hereby move that the Council of the Town of Berryville adopt the attached Ordinance establishing a Cigarette Tax effective March 1, 2015.

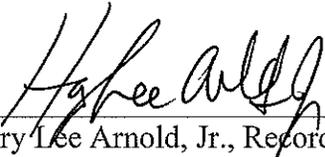
VOTE:

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

Nay: None

Absent: None

ATTEST:



Harry Lee Arnold, Jr., Recorder

TOWN OF BERRYVILLE
TOWN COUNCIL

AN ORDINANCE AMENDING THE BERRYVILLE CODE BY ADDING
ARTICLE VII SECTIONS 16-71 THROUGH 16-85
THEREBY CREATING A CIGARETTE TAX

Date: November 11, 2014

Motion By: Harry Lee Arnold, Jr.

Second By: Mary Daniel

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that the Berryville Code be amended by adding Article VII Sections 16-71 through 16-85 as attached, and

BE IT FURTHER ORDAINED, by the Council of the Town of Berryville, Virginia, there is hereby levied:

A tax of \$0.10 per each package of 20 cigarettes sold within the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article VII.

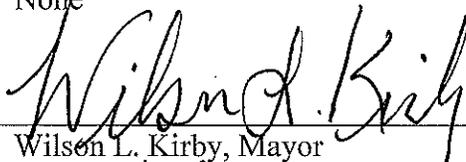
VOTE:

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

Nay: None

Absent: None

SIGNED:


Wilson L. Kirby, Mayor

Date: November 11, 2014

ATTEST:


Harry Lee Arnold, Jr., Recorder

Date: November 11, 2014

Upon motion by Council Member Daniel, seconded by Recorder Arnold, the minutes of the Budget and Finance Committee meeting on October 14, 2014, were approved unanimously.

c) Community Improvements – Allen Kitselman

Ms. Dunkle provided an update saying that the Draper Aden contract for the CDBG for the Josephine City Neighborhood has been signed.

d) Planning Commission – Doug Shaffer

Council member Shaffer said he had nothing to report.

e) Police and Security – Mary Daniel

Council member Daniel noted that there will be a committee meeting on November 19, 2014, at 2pm.

f) Streets and Utilities – Wilson Kirby

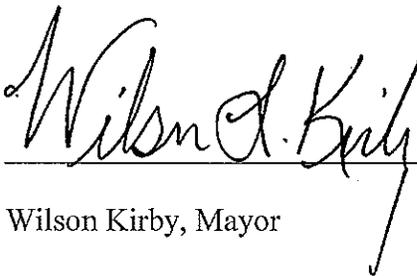
Mayor Kirby asked for approval of the minutes of the October 30, 2014, meeting of the Streets and Utilities Committee. Council member Shaffer moved for approval and Mayor Kirby seconded the motion, which passed unanimously.

g) Personnel / Appointments – Jay Arnold

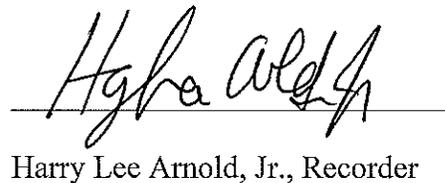
Recorder Arnold noted that there is an opening on the Berryville Area Development Authority. He added that a job description for the Economic Development Director is being developed with Town and County staff and elected officials.

10. Adjourn

There being no further business, upon motion by Council member Shaffer, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 8:12 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder