

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
August 11, 2015
7:30 p.m.

Present:

Town Council: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Doug Shaffer; Mary Daniel

Absent: David Tollett

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. Public Hearing - (No public hearing was scheduled.)

4. Approval of Minutes of the July 14, 2015 Regular Meeting

Upon motion by Council member Daniel, and seconded by Recorder Arnold, the minutes of the July 14, 2015 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	- Absent

5. Citizens' Forum

Mayor Kirby recognized Pat Dickinson of 413 Montgomery Court, Berryville. Ms. Dickinson said she represented the VFW and the VFW Auxiliary which are sponsoring a forum on PTSD and suicide on September 26, 2015, at 10:00 a.m. at Clarke County High School. Ms. Dickinson requested that the Town publicize the event on its website.

The Mayor recognized Tom Dickinson who declined to speak.

The Mayor recognized Francis Nance who deferred speaking.

The Mayor recognized Andrew Painter of 2823 Marshall St., Falls Church. Mr. Painter said he was with Walsh, Colucci, Lubeley & Walsh and represented Marlyn Development. He asked the Town Council to initiate the text amendment regarding the number of multi-family housing units and request a joint public hearing by the BADA and the Planning Commission. Mr. Painter noted the amount of open space on the proposed site saying it would be in a public access easement allowing others to use the site. He

said the concern regarding fire and rescue services has been addressed by Marlyn, including making a \$25,000 proffer for either fire and rescue equipment or a contribution to the Town.

Mayor Kirby recognized Stuart Patz of S. Patz Associates, 1505 N. Village Road, Reston. Mr. Patz said his firm had done a market study of the proposed Marlyn development and the proposed assisted care facility, and at build out, he predicts there will be a net \$13,000 revenue for the Town. He added that the project is good land use and good investment.

The Mayor recognized Louis Naecker who declined to speak.

The Mayor recognized Francis Nance, 308 35th St., Virginia Beach, representing Marlyn Development. Mr. Nance said that Marlyn has been in business for many years, has been commissioned by other localities to build the same type of development that is proposed here, and that providing affordable senior housing is rewarding.

Mayor Kirby recognized Alton Echols of 400 Custer Court, Berryville. Mr. Echols said the proposed development will serve the existing market of residents who wish to stay in Berryville when they need to downsize instead of having to leave the area to find such housing. He referenced the proposed motion included in the agenda packet and suggested adding a request for a joint public hearing.

Mayor Kirby recognized Jon Erickson who declined to speak.

The Mayor recognized Dan Garrett of 303 Archer Court, Berryville. Mr. Garrett asked the Council to adopt the proposed resolution initiating the Marlyn Proposal, and provided his written remarks to the Clerk.

Mayor Kirby recognized Rick Wiita of 412 Custer Court, Berryville. Mr. Wiita said he is in favor of the Marlyn project because he wishes to stay in Berryville should he or his family need senior housing, and he feels the proposed project is exactly what is needed.

The Mayor recognized Bonnie Echols of 400 Custer Court, Berryville, who said that as interest rates rise, the rents for the proposed apartments will also increase. She asked the Council to encourage a joint public hearing so that interest rates could be locked in quickly.

Mayor Kirby recognized Sharon Strickland of 312 Early Drive, Berryville. Ms. Strickland said she is passionate about senior housing and presented petitions with signatures from 60 families supporting the proposed senior housing project.

6. Report of Wilson Kirby, Mayor

The Mayor said he was having a great summer, and encouraged attendance at the Clarke County Fair being held this week.

7. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle reported that Marlyn Development Corporation is requesting a text amendment to Section 614.5 of the Berryville Zoning Ordinance and a Comprehensive Plan amendment to the Berryville Area Plan, modifying the number of multifamily units permitted in the Older Person Residential (OPR) zoning district from 120 units of multifamily units to 180 units thereby reducing the number of single-family attached and/or detached units in the OPR zoning district to 120 units. She said Section 507 of the

Berryville Zoning Ordinance regulates the process by which amendments may be considered and states that any proposed text amendment shall be referred to the Planning Commission for its recommendation. Ms. Dunkle said the Berryville Area Plan amendment would have to be approved by both the Town Council and the Board of Supervisors after a recommendation from the Berryville Area Development Authority.

Ms. Dunkle summarized the history of the project saying that a Special Use Permit for the Robert Regan House, a 60-unit age- and income-restricted facility, was approved in 2013. She said a new project, a 120-unit age- and income-restricted facility, is now proposed for the same parcel as the Robert Regan House development, and that Marlyn asked Council in January 2015 to consider an amendment to the Zoning Ordinance that would increase the number of multifamily units from 120 to 180. She further stated that the Planning Commission recommended at their April meeting that the update of the Berryville Area Plan be completed prior to any modifications to the zoning ordinance. Ms. Dunkle noted that updates for chapters 1, 3, and 4 of the Area Plan are complete and a draft update for chapter 2 is nearly final.

Mayor Kirby asked the Clerk to read the proposed resolution.

Council member Daniel noted, in reference to setting a time frame, that statutorily, the administrative bodies have 100 days in which to act.

Mr. Dalton asked Mr. Painter for clarification of his statement regarding EMS concerns having been addressed. He inquired as to what mechanism would be used to memorialize this proffer. Mr. Painter responded the mechanism would either be as a condition of the special use permit approval or a voluntary signed concession agreement.

Council member Kitselman said the EMS concerns need to be investigated as they are the biggest concern about the project, noting that since emergency services are a county function that they will have to speak to this matter.

Council member Daniel said that the motion in question addresses only the text amendment, not other issues.

The Mayor said that the resolution would be putting the matter before the Planning Commission and the Berryville Area Development Authority, not approving the project. He said this provides a process for review and an eventual decision.

Recorder Arnold, referring to a general discussion about review time before the administrative bodies asked if 60 days were enough. Council member Daniel suggested 90 days. Council member Kitselman noted the applicant is asking for 60 days. Mr. Dalton said the Council can make recommendations, but statutorily the administrative bodies have 100 days to act.

Following a discussion of the time frame, Ms. Dunkle read from Section 507.8 of the Zoning Ordinance that if initiated, the amendment would have to be addressed within 100 days. Mr. Dalton added that the Council can ask the bodies to act as expeditiously as possible. Council member Kitselman said that typically, there is a public hearing first followed later by a recommendation or approval. Mr. Dalton added that things can move along more quickly if the administrative bodies and staff are communicating

well with the governing bodies. He said this could allow for the public hearings to be scheduled earlier than may be the case if the lines of communication are not open.

Council member Shaffer said this is the same situation as before with no change and the previous response was to let the Berryville Area Development Authority finish the plan update. He added that it appears now the Council is saying the same thing but with pressure to act.

The Mayor said this motion will not set timelines, but asks that the process get started. Recorder Arnold said he is not in favor of telling the Planning Commission or the Berryville Area Development Authority when they have to do something, adding they can set their own schedules.

Council member Daniel moved that Council of the Town of Berryville adopt the following resolution initiating a plan amendment to Chapter 5 of the Berryville Area Plan increasing the number of multifamily units from 120 to 180 and a text amendment to Section 614.5 of the Berryville Zoning Ordinance in order to increase the number of multifamily units permitted in the Older Person Residential (OPR) zoning district from 120 to 180 therefore reducing the number of single-family detached and/or single-family attached units from 180 to 120, and she further moved that the Town Council request that the Planning Commission and the Berryville Area Development Authority hold a joint public hearing in the interest of time and expense. 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	- Absent

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 11th day of August, 2015 at which a quorum was present, RESOLVED as follows:

**A RESOLUTION: 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; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Berryville, Virginia hereby initiates the process to modify the Berryville Area Plan and the Town of Berryville Zoning Ordinance, allowing an additional 60 units of multi-family apartments and directs the Town Planning Commission to review the matter and requests its recommendation regarding the proposed amendment to the text

amendment to the Berryville Zoning Ordinance and directs the BADA to make a recommendation regarding the proposed Berryville Area Plan amendment.

Passed this 11th day of August, 2015.

THE TOWN OF BERRYVILLE

Attest: Wilson L. Kirby

By: Wilson L. Kirby, Mayor

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 11th day of August, 2015.

Harry Lee Arnold, Jr.
Harry Lee Arnold, Jr., Recorder

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8. Report of Keith Dalton, Town Manager

Mr. Dalton reported that the new parking meters have arrived and installation will begin immediately. He said that bids are being received on paving Walnut and Liberty Streets. Mr. Dalton reported the paving of U.S. Rt. 340 by VDOT has been moved back until September or October. He said that crosswalk repair and improvement at Main and Buckmarsh Streets, Main and Church Streets, and at the Washington Square apartments on Main Street may be on hold until spring because of the delay in the paving project.

9. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison

Council member Kitselman had nothing to report.

10. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee

Recorder Arnold had nothing to report.

11. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee

Council member Kitselman said the Community Improvements Committee will meet on August 12, 2015, at 10:00 a.m., and that signage will be discussed.

12. Report of Douglas A. Shaffer – Planning Commission Liaison

Council member Shaffer said no planning commission meeting was held last month.

13. Report of Mary L. C. Daniel – Chair Police and Security Committee

Council member Daniel noted the Police Department is back up to full staff.

14. Report of Wilson Kirby – Chair, Streets and Utilities Committee

Mayor Kirby noted that reports from the Director of Public Utilities and the Director of Public Works are enclosed in the agenda packet. He said a Streets and Utilities Committee meeting had been held just prior to the current meeting.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee

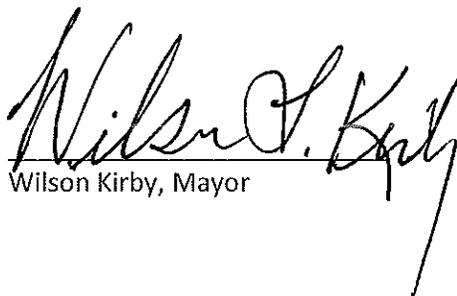
Recorder Arnold said the Personnel Committee met in July. **On the motion of Mayor Kirby, seconded by Recorder Arnold, the Personnel Committee minutes of July 14, 2015, were approved unanimously.**

16. Other

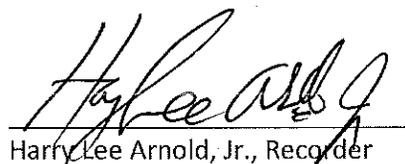
There was no other business.

17. Adjourn

There being no other business, upon motion of Council member Shaffer, seconded by Council member Daniel, the meeting was adjourned at 8:35 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder

MINUTES
BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
Called Meeting
August 11, 2015
6:45 p.m.

Present:

Town Council Streets & Utilities Committee: Wilson Kirby, Douglas Shaffer

Staff: Keith Dalton, Town Manager; Ann Phillips, Town Clerk

Other: Carl Maples, Patricia Maples, Norma Slattery

1. Call to Order

Committee Chairman Kirby called the meeting to order at 6:45 p.m.

2. Discussion: "Wheeler Lane"

Chairman Kirby stated the purpose of the meeting was to cover any new information regarding Wheeler Lane. He asked Mr. Dalton to review the history of the topic provide information learned from the Town's attorney.

Mr. Dalton said that he had sent two letters in response to Mr. Maples' inquiries, with the first letter addressing Mr. Maples' concerns about Wheeler Lane being sent after discussion with attorney Michelle Jones because attorney Robert Mitchell was out of town. He said the second letter was reviewed by Mr. Mitchell. Mr. Dalton said that Mr. Mitchell agrees with the Committee that the issue is a land title issue between land owners which does not involve the Committee and confirms that Wheeler Lane is not a public street requiring Town maintenance.

Chairman Kirby said the Committee has never gone against legal advice. He offered the summation that the issue is between two landowners and there is nothing the Committee can do other than say it is a civil case not involving the Town. Mr. Shaffer agreed, saying the matter should be worked out between the two landowners.

3. Other

A. Mr. Dalton said the parking meters have arrived. They will be installed beginning this week starting on Church and Crow Streets.

B. Mr. Dalton said that bids have been received for paving on Walnut and Liberty Streets and that they are favorable.

C. Mr. Dalton explained that cleaning and inspection of culverts in Town is underway. He said the culvert on Chalmers Court at Town Run is in bad shape with bowing and the bottom is out of the pipe. Mr. Dalton said there are two options for repair: insertion and lining (which may be the better option price-wise) or open cut. He added that staff will be meeting with Pennoni to discuss the options, and asked the Committee to plan on meeting after the proposals are in.

D. Mr. Dalton said the VDOT paving of Buckmarsh St. has been moved back to late September or early October which allows the Town to complete a few more things prior to paving.

E. Regarding crosswalks, Mr. Dalton said that with paving being delayed, the crosswalk repair and replacement will probably be pushed back to spring. He said that he will confirm that the prices quoted will hold until spring.

F. Mr. Dalton said that VDOT now plans to mill the whole street when paving Rt. 340, so the manhole rings ordered previously are now surplus.

G. Mr. Dalton said with the parking meter installation, Public Works will defer the Battletown Drive water line project until September. He said there is also a water project on South Buckmarsh being deferred that can be done over the winter if the weather is mild.

4. Adjourn

There being no other business, upon motion of Mr. Shaffer, seconded by Chairman Kirby, the meeting was adjourned at 7:05 p.m.

**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Wednesday, August 12, 2015
Berryville-Clarke County Government Center
Called Meeting
10:00 a.m.**

MINUTES

Roll:

Town Council:

Present: Allen Kitselman, Chair; Wilson Kirby, Mayor for Dave Tollett

Staff: Christy Dunkle, Assistant Town Manager/Planner

Press: None

1. Call to Order: Allen Kitselman, Chairman
Chairman Kitselman called the regular meeting to order at 10:00 a.m.

2. Discussion - Tourist Oriented Directional Signage
Ms. Dunkle said she had completed the Virginia Logos application in order to install a Tourist Oriented Directional (TOD) sign identifying "Historic District" on the Route 7 Bypass. She said she is part of a County committee working with the Barns' visitors' center sign and a representative from Virginia Logos will be at a meeting she is attending next week. There was a discussion about the location of the signage. Chairman Kitselman asked if this type of signage was in the current budget. Ms. Dunkle said it was. **There being no further discussion, Mayor Kirby made the motion to forward the request to Town Council at their September meeting, seconded by Chairman Kitselman.**

VOTE:

Ayes:	Allen Kitselman Wilson Kirby, Mayor
Nays:	None
Absent During Vote:	None
Absent During Meeting:	None

3. Discussion - Wayfinding Signs
Ms. Dunkle displayed the four design packages done by Frazier Associates several years ago. She said two documents from Frazier were included in the packets, the Guidance for VDOT Review Process and Scope of Work and Estimated Cost. Chairman Kitselman asked if there were funds in the budget for these signs. Ms. Dunkle said there is an annual budget line item of \$10,000 and that it does not accrue. There was a discussion about the process of moving forward with implementation. Chairman Kitselman said that signage package #1 is attention getting and that being noticed is what this signage is all about. He reiterated that

this package had a 50's look that was also reminiscent of the Park Service signage. It was determined that signage package #3 be removed from consideration due to maintenance concerns with the fencing.

There being no further discussion, Mayor Kirby moved that they recommend signage package #1 to Town Council and that staff confirm budget numbers and present this option and possibly other color combinations to Town Council at their September meeting, seconded by Chairman Kitselman.

VOTE:

Ayes:	Allen Kitselman
	Wilson Kirby, Mayor
Nays:	None
Absent During Vote:	None
Absent During Meeting:	None

- 4. Discussion - Placement of Appalachian Trail Community Signage
Ms. Dunkle said she had been discussing the placement of the 1.5'x2' Appalachian Trail Certified Community signage with Ms. Teetor. She said staff is recommending that one sign be placed at the east entrance to Berryville and the other at Bear's Den. She added that she heard back from the AT staff who said those locations would be fine.

There was a discussion about installation of the sign and it was determined that staff can install the sign at the eastern entrance to Town at their earliest convenience.

- 5. Other
There was a discussion about a shuttle from Bear's Den to Berryville and the need for such a business.

- 6. Adjourn
There being no further business, Mayor Kirby moved to adjourn the meeting, seconded by Chairman Kitselman. The meeting was adjourned at 10:28am.