

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, August 12, 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; Douglas Shaffer; David Tollett

**Absent:** None

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police

**Press:** Val Van Meter, Winchester Star

**Other:** Patrick Falconi

**1. Call to Order:** Wilson Kirby, Mayor  
Mayor Kirby called the regular meeting to order at 7:30 p.m.

**2. Pledge of Allegiance**

**The Council and those in attendance observed a moment of silence in remembrance of former Town Council Member Lawrence Russell, III.**

**3. Approval of Minutes**

July 8, 2014

Upon motion by Council member Daniel, seconded by Council member Kitselman, the minutes of the July 8, 2014 meeting were unanimously approved.

**4. Citizens Forum**

Mayor Kirby recognized Patrick Falconi, 10 Page Street. Mr. Falconi said that he had submitted a petition concerning speeding on Page Street and was revolted with danger on the street. He said he spoke to Mr. Dalton and asked why Council had decided not to act on his petition. He said the petition had gone unnoticed and wanted to know why.

**5. Report of the Mayor**

Resolution Honoring Ana Talagtag on the occasion of her 100<sup>th</sup> birthday

Mayor Kirby said that he was honored to attend Mrs. Talagtag's birthday celebration on July 29<sup>th</sup>. He asked Ms. Dunkle to read the resolution honoring the milestone birthday. Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville approved the resolution as presented.

RESOLUTION OF THE COUNCIL OF  
THE TOWN OF BERRYVILLE, VIRGINIA

Ana Talagtag Centennial Celebration Day

WHEREAS, Mrs. Ana Talagtag celebrated the occasion of her One Hundredth birthday on July 29, 2014; and

WHEREAS, Mrs. Talagtag resides at the Godfrey House in Berryville; and

WHEREAS, Mrs. Talagtag and her late husband were very active in the church and hosted Catholic dignitaries in their brownstone across the street from Central Park in New York City; and

WHEREAS, Mrs. Talagtag worked as a well-respected professional high-end watch maker for 25 years; and

WHEREAS, Mrs. Talagtag has visited over 88 countries in her 100 years, frequenting Central and South America, Europe, Africa, Asia and the Pacific Islands; and

WHEREAS, The Council of the Town of Berryville wishes to congratulate Mrs. Talagtag on her One Hundredth birthday;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, that Friday, August 29, 2014, shall be, and hereby is officially declared to be commemorated as Ana Talagtag-Centennial Celebration Day in the Town of Berryville, Virginia. By order of the Town Council this twelfth day of August, 2014.

---

Wilson Kirby, Mayor

---

Harry Lee Arnold, Jr., Recorder

#### **6. Report of the Town Manager**

Mr. Dalton reported that paving has been completed on Cameron Street, Ritter Place and Moore Drive west of Page Street. He said that paving has also been completed on Battletown Drive from Bel Voi to north to its terminus, Edgar Court, and on Mosby from Jackson Drive to a point mid-way between Early Drive and Beauregard Court. Mr. Dalton thanked all of the residents of the streets in question for their cooperation.

Mr. Dalton said the VDOT project at Church and Main streets is progressing. As a part of that project a portion of North Church Street will have to be repaired and since North Church Street from Main to Bundy is identified on the street priorities for this FY the Town and VDOT will work together to extend this initial paving to a logical point.

Mr. Dalton said the paving of Academy Street between Church and Buckmarsh Streets has been scheduled for Columbus Day so as to not interrupt business operations including the Health Department, beauty salon, bank, post office and other businesses in this area. He added that the Town will notify others in the area of the paving.

Mr. Dalton said the Department of Public Works has done a great job of managing all of these projects and thanked them for their service. Mayor Kirby added that work had been completed on Craig's Run Court as well. Mr. Dalton stated that Craig's Run Court had been paved as well.

## **7. Planner's Report**

### Memorandum of Understanding

Ms. Dunkle reported she and Recorder Arnold have been working with Mr. Staelin and Mr. Stidham to create a Memorandum of Understanding for Economic Development and Tourism efforts between the Town and County. She said the final draft is included in the agenda packet for review and comment. She added that the Board of Supervisors will be reviewing the MOU at their meeting next week. Mayor Kirby asked Council members to have any final comments to staff by Monday.

### Appalachian Trail Community Certification Application

Ms. Dunkle said that the final draft of the application is included for Council's information. She said she had been working on the application with County staff and are preparing to submit the application ahead of the September 1, 2014 deadline. She added that the Board of Supervisors will also be receiving a copy of the application at their next meeting as an informational item on the agenda.

## **8. Standing Committee Reports**

### a) BADA Liaison – Allen Kitselman

Council member Kitselman said the BADA met on July 23<sup>rd</sup> and discussed the Friant property, specifically access and traffic generation from the site. He said the BADA continued to review the Berryville Area Plan. He said one item discussed as part of the Plan update was using stronger language for joint support of the extension of Jack Enders Boulevard. He said this is a Town and County effort and the working document needs to reflect that fact.

### b) Budget Finance / CIP – Jay Arnold

Recorder Arnold said Ms. Moreland's report is included in the packet. He said he would like to look at alternatives to publicize the delinquent tax list. He said the list will be published on Wednesday. Mr. Dalton said that a policy needs to be in place if any changes to current protocol are expanded. Council member Daniel recommended discussing the matter at the next committee meeting.

### c) Community Improvements – Allen Kitselman

Council member Kitselman said the CDBG effort for Josephine Street is in full swing. He said they conducted a walking tour of the street in order to get buy-in from neighborhood residents. He said it was a very productive meeting and that the team is on schedule.

### d) Planning Commission – Doug Shaffer

Council member Shaffer said there was no meeting held as they were awaiting a response from legal counsel concerning proposed code changes.

e) Police and Security – Mary Daniel

Council member Daniel said the Committee had not met. She asked Chief White if he had additional comments. He said that Officer Moreland had assisted John H. Enders Chief Harold Rohde with a cardiac arrest patient the previous evening. He said Chief Rohde contacted him in order to acknowledge Officer Moreland's assistance and thank him for his efforts.

Council member Daniel complimented Chief White and Officer Fritts on the National Night Out event. She said she has attended all but one of the events and that Officer Fritts' efforts continue to improve each year. She added that all Council members and their spouses attended the event and that it was a lot of fun. She said to please thank the businesses who donated items to the event. She referenced Chief White's summary about new bike patrol certification for two officers and the drug take back event. Recorder Arnold added that it was nice that all of the police officers were in attendance at the National Night Out. He said Officer Fritts outdoes himself every year.

f) Streets and Utilities – Wilson Kirby

Mayor Kirby said he had no report.

g) Personnel / Appointments – Jay Arnold

Recorder Arnold said he had no report.

**9. Closed Session**

Closed Session – The Berryville Town Council entered closed session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff and legal counsel regarding litigation related to the construction of the Wastewater Treatment Plant.

a. Motion to enter Closed Session

It was moved by Recorder Arnold, seconded by Council member Shaffer that the Council of the Town of Berryville enter Closed Session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff and legal counsel regarding litigation related to the construction of the Wastewater Treatment Plant.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

b. Enter Closed Session

The Town Council entered closed session at 7:50 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 9:00 p.m.

d. Certification of Closed Session

Town of Berryville  
RESOLUTION

MEETING DATE: August 12, 2014

MOTION BY: Harry Lee Arnold, Jr.

SECOND BY: Mary Daniel

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia (Council), has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

---

Harry Lee Arnold, Jr., Recorder

**10. Other**

Mayor Kirby asked if there was any other business. Council member Shaffer said he is requesting Council authorize the Town Council to respond to Mr. Falconi's concerns discussed at the July meeting. Council member Shaffer moved to authorize the Town Manager to respond in writing to Mr. Falconi stating that speeds and traffic volumes have been studied and reveal no issues at this time and that the speed limit on the northern portion of the street section conform to state code requirements. He added that the Berryville Police Department and Town Council are aware of citizen's concerns and will continue to monitor the situation.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

**11. Adjourn**

Upon motion by Council member Kitselman, seconded by Council member Daniel and passed, the Council meeting was adjourned at 9:07 p.m.

  
\_\_\_\_\_  
Wilson Kirby, Mayor

  
\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder