

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 8, 2015
7:30 p.m.

Present:

Town Council: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Doug Shaffer; Mary Daniel; 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 7:31 p.m.

2. Pledge of Allegiance

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

4. Approval of Minutes of the August 11, 2015 Regular Meeting

Upon motion by Recorder Arnold, seconded by Council member Daniel, the minutes of the August 11, 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 - Abstain

5. Citizens' Forum

Mayor Kirby said that no one had signed up to speak and asked if anyone in the audience wished to speak.

6. Report of Wilson Kirby, Mayor

A. The Mayor asked Mr. Dalton to speak about the Deed of Easement between the County School Board of Clarke County and the Town of Berryville. Mr. Dalton said the Town has been working closely with the Clarke County Public Schools to secure a Safe Routes to School Grant. He said Ms. Dunkle and Randy Trenary have worked hard on this long process. Mr. Dalton said the bid documents have been sent to VDOT for comment. He said that the existing sidewalk on Swan Avenue, which is too near the travel lanes, is being removed and a new one will be constructed on school property thereby dictating the need for an easement. Mr. Dalton said the easement language is modeled on provisions included in the Deed of Easement that was recorded for the path constructed as part of the high school project, and has been reviewed by the Town's legal counsel.

Council member Daniel moved that the Council of the Town of Berryville authorize Mayor Kirby to execute the attached Deed of Easement, on behalf of the Town, between the Town of Berryville and the Clarke County School Board. 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

15-1598

BOOK 593 PAGE 498

Prepared by: Mandi Montgomery Smith (VSB Number 68668)
Tax Map Reference Number: 14A4-A-31
Actual Value and Consideration: \$1.00
Existence of title insurance is unknown to the preparer.

DEED OF EASEMENT

THIS DEED OF EASEMENT is made this ~~10th~~ day of August, 2015, by and between the COUNTY SCHOOL BOARD OF CLARKE COUNTY, a body corporate and politic (Grantor), and THE TOWN OF BERRYVILLE, VIRGINIA, a body corporate and politic (Grantee), whose address is 101 Chalmers Court, Suite A, Berryville, Virginia 22611.

WITNESSETH:

WHEREAS, Grantor is the sole owner of certain real property (the "Property") in the Town of Berryville, Virginia, shown on a plat by Michael Artz, L.S., dated June 18, 2015, entitled "PLAT OF A NEW PUBLIC ACCESS EASEMENT, TOWN OF BERRYVILLE, CLARKE COUNTY, VIRGINIA," ("Plat"), a copy of which is attached hereto; and being a portion of the property acquired by Grantor from Laura Ramsburg by deed dated December 23, 1944 and recorded in Deed Book 31, Page 129 in the Office of the Clerk of the Circuit Court of Clarke County.

WHEREAS, the Grantee is replacing and extending a portion of the sidewalk on the Property; and

WHEREAS, the Grantor desires to grant and convey to the Town of Berryville temporary access for construction and the easement shown on the Plat.

NOW, THEREFORE, for and in consideration of the premises and the sum of one dollar (\$ 1.00) cash in hand paid, receipt of which is hereby acknowledged, the Grantor does hereby grant and convey unto the Grantee, its successors and assigns, a non-exclusive sidewalk easement ("Sidewalk Easement") as hereinafter set forth in the location shown on the Plat described above, which is made a part hereof and to be recorded herewith;

The Sidewalk Easement granted herein is for the purpose of constructing, maintaining, adding to, altering, or replacing present or future public sidewalks for the use of the public on, through, and across the said property of Grantor, said Sidewalk Easement being more particularly bounded and described on the Plat, noted therein "New 1.4751 Acre Public Access Easement,"

The sidewalk shall be constructed in the Sidewalk Easement by the Grantee.

The Sidewalk Easement is subject to the following conditions:

a. All sidewalk facilities which are installed in the Sidewalk Easement, after construction/installation is completed, shall be and remain the property of the Grantor and its successors and assigns, which shall be solely responsible for maintaining the sidewalk.

b. During the construction of the sidewalk, and after construction is complete if Grantor fails to maintain the sidewalk as provided in (a) above, Grantee and its agents shall have full and free use of the said Sidewalk Easement for the purpose of constructing, maintaining, and repairing the sidewalk, and shall have all rights and privileges reasonably necessary to the exercise of the rights granted herein, including the right of access to and from the Sidewalk Easement and the right to use adjoining land of Grantor where necessary; provided, however, that this right to use adjoining land shall be exercised only during periods of actual construction or maintenance, and then only to the minimum extent necessary for such construction and maintenance, and further, this right shall not be construed to allow the Grantee to erect any building or structure of a permanent nature on such adjoining land. Whenever the enjoyment of its rights hereunder require Grantee or its agents to move heavy equipment onto the site or to disturb the surface of the ground, it shall be the obligation of Grantee and/or its agents to attempt coordination of all such work in advance with Grantor. Notwithstanding anything herein to the contrary, except in the case of emergency repairs, (1) Grantee and Grantee's agents shall exercise all rights hereunder at such times and in such manners that the exercise of any right does not interrupt, disrupt or otherwise interfere with instruction or other activities on Grantor's property and (2) Grantor's agents shall have the right immediately to stop the exercise of any such right should Grantor's agents determine, in their sole discretion, that Grantee's activities are causing or reasonably are anticipated to cause such interruption, disruption or interference, provided Grantee is afforded an alternative time to exercise the right and is not unreasonably delayed in doing so.

c. If Grantor fails to maintain the sidewalk as provided in (a) above, Grantee shall, after providing sufficient notice to Grantor, have the right to trim, cut, and remove trees, shrubbery, fences, structures, or other obstructions or facilities in or near the Sidewalk Easement being conveyed, deemed by it to interfere with the proper, safe and efficient construction, use, and maintenance of the sidewalk; provided, however, that Grantee at its own expense shall restore the area outside of the Sidewalk Easement as nearly as possible to its original condition. Such restoration shall include the backfilling of trenches, the replacement of shrubbery, the reseeding or resodding of lawns. Grantor will pay the cost of such maintenance performed by the Town within 30 days of receiving an invoice for the work.

d. Grantor reserves the right to make use of the Sidewalk Easement herein granted which is not inconsistent with the rights herein conveyed or interfere with the use of said Sidewalk Easement by Grantee for the purposes named.

e. Grantor declares that the agreements and covenants stated in this Deed are not covenants personal to Grantee, but are covenants real, running with the land.

f. Grantor covenants that it is seized of the Property and has the right to convey the easement and the rights and privileges herein conveyed to Grantee, and that it has been made

aware of its right to receive just compensation for the easement herein conveyed, and that the considerations aforementioned and paid or provided to it shall be in lieu of any claims to compensation for the easement.

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the Property herein conveyed, which have not expired by a limitation of time contained therein or otherwise become ineffective.

WITNESS the following signatures and seals:

COUNTY SCHOOL BOARD
CLARKE COUNTY, VIRGINIA

BY: [Signature] (SEAL)
Chuyen Kochinsky

TITLE: Chair of the Board

STATE OF Virginia

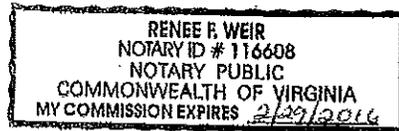
COUNTY/CITY OF Clarke

The foregoing instrument was acknowledged before me this 24th day of August, 2015, by Chuyen Kochinsky, Chair of the Board.

[Signature]
Notary Public

My Commission expires February 29, 2016

Notary Registration No.: 116608



ACCEPTED PER VIRGINIA CODE § 15.2-1803:

TOWN OF BERRYVILLE, VIRGINIA

BY: Wilson Kirby (SEAL)
[name]

WILSON KIRBY
TITLE: MAYOR

STATE OF Virginia

COUNTY/CITY OF Clarke

The foregoing instrument was acknowledged before me this 14th day of September, 2015, by Wilson Kirby, Mayor of the Town of Berryville, a body corporate and politic, on its behalf.

Ann W. Phillips
Notary Public

My Commission expires July 31, 2019

Notary Registration No.: 7623873



Ann W. Phillips
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7623873
My Commission Expires

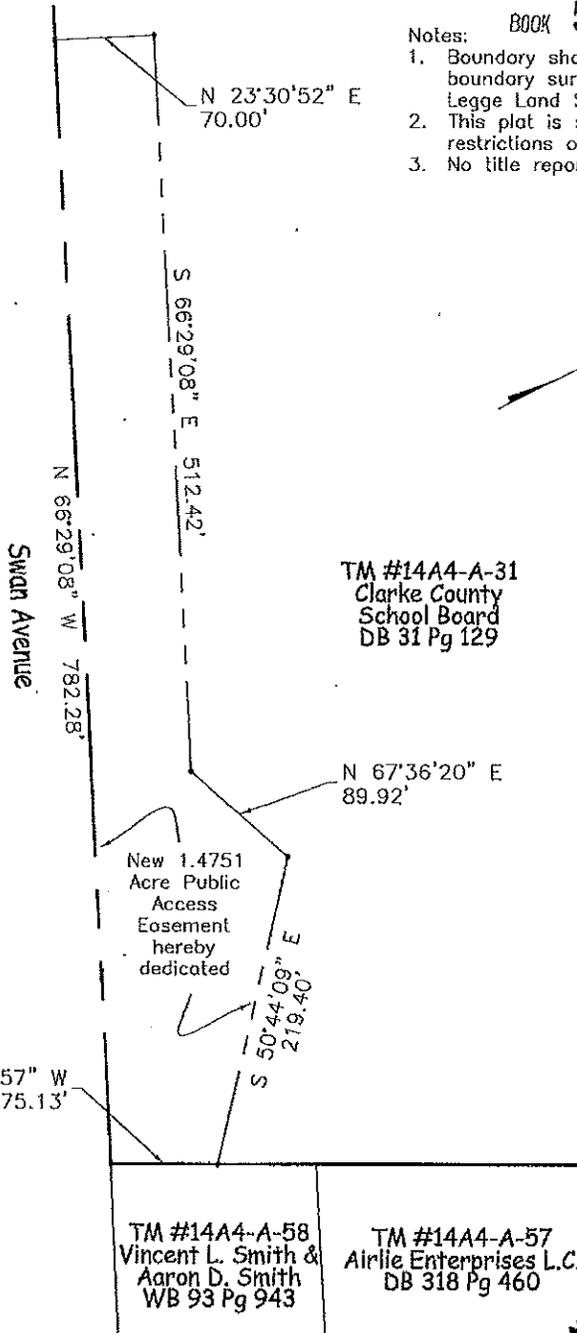
APPROVED AS TO FORM:

[Signature], Attorney for Town of Berryville

9/14/15
Date

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- Notes:
1. Boundary shown hereon was taken from boundary survey provided by Marsh & Legge Land Surveyors.
 2. This plat is subject to easements and restrictions of record.
 3. No title report furnished.



TM #14A4-A-31
Clarke County
School Board
DB 31 Pg 129

N 67°36'20" E
89.92'

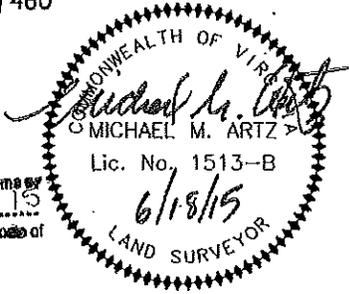
New 1.4751
Acre Public
Access
Easement
hereby
dedicated

S 50°44'09" E
219.40'

S 26°27'57" W
75.13'

TM #14A4-A-58
Vincent L. Smith &
Aaron D. Smith
WB 93 Pg 943

TM #14A4-A-57
Airlie Enterprises L.C.
DB 318 Pg 460



Clarke Co., 807.
This instrument of writing was produced to me by
the 18 day of September, 2015
at 7:35 P.M. and with certificate of
acknowledgment thereto attached was
acknowledged to record.

Teste: Helen Butta, Clerk

PREPARED BY:
PENNONI ASSOCIATES INC.

**Plat of New
Public Access Easement**

Town of Berryville, Clarke County, Virginia
Scale: 1" = 100' Date: June 18, 2015

Present Owner:
Clarke County School Board
TM #14A4-A-31 Deed Book 31, Page 129

Pennoni 117 East Piccadilly Street
Winchester, VA 22601
T 540.667.2139
F 540.665.0499



OFFICIAL RECEIPT
COUNTY OF CLARKE CIRCUIT COURT
DEED RECEIPT

DATE: 09/18/15 TIME: 14:41:38 ACCOUNT: 043CLR15-1598 RECEIPT: 15000003244
CASHIER: HVB REG: CD14 TYPE: DE PAYMENT: FULL PAYMENT
INSTRUMENT : 15-1598 BOOK: 593 PAGE: 498 RECORDED: 09/18/15 AT 02:35
GRANTOR: COUNTY SCHOOL BOARD OF CLARKE COUNTY EX: N LOC: CO
GRANTEE: TOWN OF BERRYVILLE VA EX: N PCT: 100%
AND ADDRESS : , .
RECEIVED OF : TOWN OF BERRYVILLE
CHECK: \$22.00
DESCRIPTION 1: TOWN OF BERRYVILLE PAGES: 0 OP: 0
2: NAMES: 0
CONSIDERATION: .00 A/VAL: .00 MAP: 14A-A-31
PIN:
301 DEEDS 14.50 145 VSLF 1.50
106 TECHNOLOGY TRST FND 5.00 035 VOF FEE 1.00
TENDERED : 22.00
AMOUNT PAID: 22.00
CHANGE AMT : .00

CLERK OF COURT: HELEN V. BUTTS

PAYOR'S COPY
RECEIPT COPY 1 OF 2

+ + + + + + + + + + +

B. Mayor Kirby noted that Berryville Main Street will sponsor a Yard Sale day this coming Saturday, September 12.

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

A. Ms. Dunkle reported that the Community Improvements Committee met on August 12 and discussed wayfinding and Tourist Oriented Directional signage. Regarding Wayfinding Signs, she said the agenda packet contained documents provided by Frazier Associates concerning how to get through the process with VDOT as well as a scope of work and costs. She noted the costs do not include the fabrication of the signs. Ms. Dunkle said she would be happy to continue the process if Council wishes her to.

In answer to Council member Kitselman's question about the sign budget, Ms. Dunkle said the budget is \$10,000 per year and it does not accrue if not used in a particular budget year.

Mr. Dalton said the big issue is branding so that as new signs are added periodically, they will be the same as the previous signs. He said the Public Parking signs are a priority. Ms. Dunkle said she agreed with Mr. Dalton that choosing the design and agreeing on branding is the first priority.

A discussion of concepts and color schemes followed. Ms. Dunkle noted that the \$10,000 now in the budget would get the Town through the first stage of Frazier's plan.

Council member Kitselman moved that the Council of the Town of Berryville investigate, in reference to the Frazier package, how best to spend the allotted \$10,000. Council member Shaffer 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

Council member Shaffer asked about the scope and costs of the project during year two. Council member Kitselman said the Council may need to look at hard costs in the budget.

B. Regarding Tourist Oriented Directional (TOD) Signage, Ms. Dunkle said she is participating on a committee reviewing signage for the newly certified visitor center which met with Jason Newcomb who represents VDOT's signage contractor, Virginia Logos. She said according to Jason Newcomb, preliminary cost estimates should be available by the October Council meeting. She added that Mr. Newcomb indicated that we may be able to have more cost effective, less expensive signage options when reviewed and installed together. Ms. Dunkle said she will continue to update the Council on this matter.

C. Ms. Dunkle reviewed the Service Project Completion Report for the AmeriCorps National Civilian Community Corps (NCCC) River I group which participated in activities in and around Berryville in June and July. She said the eight member team worked over 2100 hours in the area completing \$52,000 worth of assistance which included work cleaning up Town Run, weeding at the Barns and Rose Hill Park, and tending saplings at the Wastewater Treatment Plant.

8. Report of Keith Dalton, Town Manager

A. Mr. Dalton said that Snow Emergency Routes had been discussed in February, and VDOT has reviewed the proposed routes. He said the streets recommended for designation as snow emergency routes are Buckmarsh Street, Hermitage Blvd., Lincoln Avenue, and Tyson Drive between Hermitage and Lincoln. Mr. Dalton explained that the latter two streets were included as they provide access to Johnson Williams Middle School which is a designated emergency shelter. He asked the Town Council to review the snow emergency route information and place the topic on the agenda for the next meeting. He also suggested the topic could be advertised for public comment. Mayor Kirby asked how residents would be notified if the routes were approved at the October meeting. Mr. Dalton said the Town newsletter included in water bills could be used. Council member Daniel said she would prefer residents be notified prior to the meeting, and the Council agreed by consensus.

B. Mr. Dalton asked Chief White to address Halloween. Chief White suggested that trick-or-treating be held on October 31, 2015, from 6:00 until 8:30 pm as it has been in prior years. **Council member Daniel moved that trick-or-treating in the Town of Berryville be held during the hours of 6:00 -8:30 p.m. on October 31, 2015. 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

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

Council member Kitselman said the Berryville Area Plan review has just been finished. He noted the Authority has set a public hearing on September 29 at 5:00 pm, prior to the Planning Commission's public hearing.

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

Upon motion of Mayor Kirby, seconded by Council member Kitselman, the minutes of the Community Improvements Committee meeting of August 12, 2015, were unanimously approved.

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

Council member Shaffer said the Planning Commission has set a public hearing for September 29 at 7:30 pm following the BADA's public hearing.

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

Council member Daniel verified with Chief White that the Police and Security Committee would meet the next morning, September 9, at 9:00 am.

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

Upon motion of Council member Shaffer, seconded by Mayor Kirby, the Streets and Utility Committee meeting minutes of August 11 and September 1, 2015, were approved unanimously.

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1000

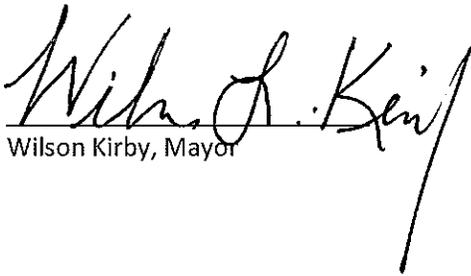
Mayor Kirby asked Mr. Dalton to review the work being done on Chalmers Court. Mr. Dalton explained there had been some changes to priorities, and said Liberty and Walnut Streets are now scheduled for paving. He said that sidewalk work is also planned on Liberty prior to paving. Mr. Dalton said the work on Chalmers Court is a needed repair, uses trenchless technology and was reviewed by an engineer. The need for repairs has shifted some priorities to the spring of 2016 including work on Academy and Smith Streets and Battletown Drive, and he added the public works crews are working hard to stay on schedule.

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

Recorder Arnold said he had nothing to report.

16. Adjourn

There being no other business, upon motion of Council member Daniel, seconded by Council member Tollett, the meeting was adjourned at 8:17 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
 September 1, 2015
 10:00 a.m.

Present:

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

Staff: Keith Dalton, Town Manager; Christy Dunkle, Planning Director; Rick Boor, Public Works Director

Other: George Dellinger

1. Call to Order

Committee Chairman Kirby called the meeting to order at 10:00 a.m.

2. Discussion: Amendment of FY 2016 Street Work Priorities

Mr. Dalton provided an overview of proposed changes. Mr. Boor reviewed video footage of culverts under Chalmers Court with the Committee. Ms. Dunkle addressed contact with the Army Corps of Engineers. The Committee discussed methods of rehabilitating the culverts and the cost thereof. **Mr. Shaffer moved to approve the following amended Street Work Priorities. Chairman Kirby seconded the motion which carried unanimously.**

AMENDED
Street Work Priorities FY 2016

| | |
|----------------------------------------------------------------------------------------------------------------|------------|
| <u>VDOT Reimbursement Limit</u> | \$ 431,000 |
| <u>Work Items</u> | |
| Patch/Repair trouble areas in streets | \$ 45,000 |
| Sidewalk repair | \$ 10,000 |
| Engineering | \$ 10,000 |
| Public Works Improvements – Storage Bins | \$ 0 |
| Equipment Purchase/Maintenance/Repair
(purchase (\$44,000) includes: 2 snow plows, ¾ ton truck, and camera) | \$ 65,000 |
| Routine Maintenance (snow removal, tree trimming,
drainage ditch cleaning, street cleaning etc.) | \$ 105,000 |
| <u>Subtotal</u> | \$ 235,000 |
| <u>Available within Reimbursement (\$431,000 – 235,000)</u> | \$ 196,000 |

Specific Repair Work Priorities

Summer and Fall (2015)

| | |
|-----------------------------------------|------------------------------------|
| Smith Street (Main to Academy) | \$ 8,500 |
| Liberty Street | \$ 55,000 47,500 |
| Battletown Drive (Main to Bel Voi) | \$ 15,000 |
| Walnut Street | \$ 71,000 49,000 |
| Chalmers Court Town Run Culverts | \$ 31,000 |

Total Summer/Fall (2015) \$ ~~78,500~~ **127,500**

Spring and Summer (2016)

| | |
|-------------------------------------------|------------------|
| Academy Street (Buckmarsh to Smith) | \$ 45,000 |
| Walnut Street | \$ 71,000 |
| Smith Street (Main to Academy) | \$ 8,500 |
| Battletown Drive (Main to Bel Voi) | \$ 15,000 |

Total Spring/Summer (2016) \$ ~~116,000~~ **68,500**

Remaining within Reimbursement \$ ~~1,500~~ **0**

3. Updates

Mr. Boor reported the parking meter project will be finished soon. He said the U.S. Route 340 paving project by VDOT will begin September 9 and last about one week. Mr. Boor added the paving on Walnut and Liberty Streets will be completed before the end of September.

3. Other

Chairman Kirby recognized George Dellinger who wanted to speak on an issue for American Legion Post 41. Mr. Dellinger said that American Legion Post 41 wishes to create a handicapped parking space on the southwest corner of the Legion's property on South Church Street, and the space may encroach slightly on Town property. Mr. Shaffer said the Committee needs to look at this issue before any further discussion. Chairman Kirby agreed with Mr. Shaffer and said he and Mr. Shaffer will visit the site before the next meeting and will discuss it with American Legion representatives.

4. Adjourn

There being no other business, upon motion of Mr. Shaffer, seconded by Chairman Kirby, the meeting was adjourned at 10:53 a.m.

MINUTES
BERRYVILLE TOWN COUNCIL POLICE AND SECURITY COMMITTEE
Berryville-Clarke County Government Center
Called Meeting
September 9, 2015
9:00 a.m.

Present:

Town Council Police and Security Committee: Mary Daniel, Wilson Kirby

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police; Ann Phillips, Town Clerk

Others: Ed Carter, VDOT; Jeff Boyer, VDOT; Debbie Johnson; Pat Dickinson

1. Call to Order

Committee Chairman Daniel called the meeting to order at 9:01 a.m.

2. Discussion: Citizen Concerns regarding traffic on South Buckmarsh Street

Chairman Daniel asked that Staff provide an overview of the issues before the Committee. Mr. Dalton said staff had been contacted by a citizen who lives at Taylor and Buckmarsh Streets about traffic on South Buckmarsh Street. He said in the past he had also had comments from another citizen and thought the topic was appropriate to this meeting so he notified both of today's meeting. Mr. Dalton said the concerns mentioned were speeding, engine brakes, crosswalks, and signage, and suggested the discussion begin with the engine brake issues.

Chairman Daniel recognized Mr. Ed Carter of VDOT who said, regarding engine brakes, that a signage study was done in 2003. The study resulted in a memo instructing that signage about engine brakes will no longer be installed. The finding was based on the fact that if installed properly, engine brakes do not create noise about a normal vehicle noise level. Mr. Carter said engine brakes are safety devices; therefore the Commonwealth was not comfortable restricting their use. He added that there may trucks with improperly installed brakes, but that is an enforcement issue which does not concern VDOT. Mr. Dalton said the Town originally had an ordinance and signs posted, but when the Town was directed by VDOT to remove the signs, the Town complied.

Chief White addressed enforcement from the noise standpoint. He said he had researched the issue on the Jacobs Vehicle Systems website. The maximum expected noise level is 80 decibels, but if the engine brakes are improperly installed, the noise level will be increased by 16 to 23 decibels. He said the Town noise ordinance is not based on decibels, it is more subjective. Chief White noted that other states have different types of signage such as "Vehicle Noise Laws Enforced" and "Un-muffled Engine Brakes Prohibited Unless in Emergency."

Mr. Dalton asked how the State Police enforce truck safety equipment standards. Chief White said the State Police do inspections of the vehicles.

Mr. Carter asked if the current Town ordinance specified the decibel level. Chief White and Mr. Dalton said the ordinance does not specify the level, adding that daily noise and background noise can violate such standards making enforcement impossible. Mr. Dalton asked Chief White about the Court's position. The Chief responded that the Courts will say the police are not audiologists.

Mr. Carter said that if State Troopers want to do inspections of big rig trucks and space to pull over is an issue, they could potentially use the VDOT lot south of Town for inspections. He offered to contact the State Police.

Chairman Daniel said that several years ago, in 2008 or 2009, a suggestion of a refuge island or rumble strip was suggested and deemed unacceptable. She said there has been a good bit of enforcement over the years.

Mr. Dalton said there were multiple issues such as cross walks, traffic calming, and signage, and asked Chief White to address enforcement.

Chief White said that in 2013 and 2014, the average was one traffic stop a day, but because of staffing issues, this year only 95 stops have been made so far. He added that South Buckmarsh has always been a high priority enforcement area. Chief White stated that there is more truck traffic since the Inland Port was built and cited the large number of trucks going to Maryland from the Inland Port. He said enforcement is the issue and staffing has been a factor.

Mr. Dalton said the speed trailer has been deployed for educational purposes. Chief White added that there are few places where radar can be set up, since the police vehicle must be parallel to the street in order to use radar. Mrs. Johnson said that 35 mph doesn't seem fast, but her home is right next to the road, and even that speed is too fast.

Chairman Daniel asked what is involved in a traffic study. Mr. Dalton said that Chief White places the tubes on the streets and collects data for about two weeks. He said the study could be done after paving is complete.

Mr. Dalton asked about signage. Mr. Carter said VDOT has standard signage, but there are other options also. In response to Mr. Dalton's question, he said that a sign saying "Strictly Enforced" is permitted. He also said lighted signs are permitted if the Town funds them.

Mr. Carter said he could suggest the crossing guard package including a cross walk figure. Mr. Dalton inquired how the cross guard figure is mounted, referencing snow plowing. Mr. Carter said that if the installation is done on Rt. 340, VDOT is responsible. He added that signage for the cross walk could also be added.

Mrs. Johnson asked why VDOT wouldn't pay for flashing speed indicator signs such as those on U.S. Rt. 17. Mr. Carter responded that VDOT might pay for signs if they were considered standard signs.

Mrs. Johnson asked how a speed study could be arranged. Mr. Carter said the Town could request a traffic speed study. He added that the study would probably find no additional signage is necessary since the standard is for more than 15% of the traffic travelling at more than 5 mph over the speed limit before extra signage is needed.

Chairman Daniel referenced the minutes of the Fauquier County Board of Supervisors she found citing the flashing signs were listed as temporary and paid for by VDOT. She asked about traffic calming.

Mr. Carter said that speed bumps are not an option on primary routes, but alternatives would include crosswalk markings with the "imitation guard" and enhanced striping (also called a fog line).

Mr. Kirby said that Upperville uses islands, planters, and different pavings to calm traffic. Mr. Carter said those things could be done in Berryville if the Town pays for them, adding there may federal grant money that would help.

Mr. Carter addressed Mrs. Johnson saying that in fact VDOT does track whether accidents have occurred when assessing a traffic study. Mrs. Johnson said her concern is that if an accident occurs at the intersection near her home, the residents and the Town officials will all ask why nothing had been done.

Mr. Carter said one concern is that additional crosswalk identifiers may give a false sense of security.

Mr. Carter said if the Town desires a study by VDOT, he is the contact person. In reference to the planned paving on Buckmarsh Street, he added that the trend is that people drive the speed they are comfortable with, and a newly paved, smooth road increases speeds.

Chairman Daniel said that traffic studies on Mosby and Hermitage Blvds. revealed that the worst offenders were the residents.

In summarizing, Mr. Dalton said the following:

- 1-Mr. Carter will talk with State Police regarding inspection of trucks.
- 2-Enforcement is increasing as staffing permits.
- 3-After paving on Buckmarsh is complete, the traffic counter will be deployed.
- 4-After paving, the speed trailer will be placed on North and South Buckmarsh, though not at the same time as the counter.

Chief White said the data from the traffic counter should be available the first part of November.

The Committee set a follow up meeting for November 10, 2015, at 6:00 pm in Meeting Room A-B.

Chief White updated the Committee on the RMS software saying the contract is signed with a planned roll out in December. He said he will attend a County work session on e-citation on September 14.

There being no further business, the meeting was adjourned at 10:36 a.m.

MINUTES
BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
Called Meeting
September 11, 2015
9:00 a.m.

Present:

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

Staff: Keith Dalton, Town Manager; Rick Boor, Public Works Director

Other: George Dellinger

Press: None

1. Call to Order

Committee Chairman Kirby called the meeting to order at 9:00 a.m.

2. Discussion: American Legion Property

Chairman Kirby introduced the matter and asked Mr. Dellinger to update the Committee on the situation. Mr. Dellinger said they had moved the proposed handicapped parking space so that was no longer an issue but they wanted to pave the area in question to make it look neater. The Committee questioned Mr. Dellinger about the work and discussed the American Legion Post's use of the land. Chairman Kirby discussed entrance standards. Mr. Dalton discussed his concerns which are:

1. Indemnification/liability insurance
2. Agreement that parties can revoke the agreement within a reasonable time if they wish to
3. Provisions to prevent a right of access/ingress from developing
4. Need for better control at the point where their delivery truck exits/enters including:
Installation of a more substantial chain, provision of necessary reflectors, etc. for
visibility, locking of the chain, opening of area only to allow trucks to leave and locking
immediately upon its exiting the site
5. Provision for revocation of the agreement if established rules are not followed

Mr. Shaffer confirmed with Mr. Dellinger that the truck exits at the point in question, but does not enter. He stated this should make the situation much simpler to manage.

Mr. Dellinger said that he would want a plastic chain instead of something heavier because cars may strike it.

Mr. Shaffer said that he understands the concerns but that some middle ground will have to be found to make sure the point in question stays closed when not in use.

The Committee agreed to meet at 6:45 on October 13, 2015.

Mr. Dalton and Mr. Boor updated the Committee on the Chalmers Court project, the paving on Rt. 340, and the paving on Walnut and Liberty Streets.

There being no further business, the meeting was adjourned at 9:40 am.