

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, July 8, 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; Desiree Moreland; Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Celeste Heath, Town Clerk

Press: Val Van Meter, Winchester Star

1. Call to Order: Wilson Kirby, Mayor

Mayor Kirby called the regular meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Public Hearing

Mayor Kirby opened the following Public Hearing at 7:30 p.m.:

Establishment of Town Polling Place

Pursuant to Section 24.2-306 of the Code of Virginia, 1950, as amended, the Council of the Town of Berryville will hold a public hearing on a proposed Ordinance to relocate the polling place for the Town of Berryville, currently located at the Grace Episcopal Parish Hall at 110 North Church Street, to the Berryville Primary School multipurpose room at 317 West Main Street.

There was no public comment. Upon motion by Recorder Arnold, seconded by Council member Tollett the Public Hearing was closed at 7:32 p.m.

4. Approval of Minutes

June 10, 2014

Upon motion by Council member Daniel, seconded by Council member Kitselman, the minutes of the June 10, 2014 meeting were unanimously approved.

5. Citizens Forum

Roger Pounders, 401 Montgomery Court spoke about his request for reimbursement for the town for damaged concrete at his home. He requested the opportunity to speak before the Town Council after the decision is rendered.

6. Report of the Mayor

Establishment of Town Polling Place

The Mayor called for a motion regarding establishing the Town polling place.

Upon motion by Recorder Arnold, seconded by Council member Tollett the Council of the Town of Berryville adopted the attached ordinance establishing 317 West Main Street as the official polling place in the Town of Berryville, in accordance with Section 24.2-308 of the Code of Virginia and effective July 8, 2014.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

AN ORDINANCE DATED JULY 8, 2014
ESTABLISHING POLLING PLACE
TOWN OF BERRYVILLE

Be it Ordained, by the Council of the Town of Berryville, that in accordance with Section 24.2-308 of the Code of Virginia, effective July 8, 2014, 317 West Main Street is hereby established as the official polling place in the Town of Berryville.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Absent During Vote:

SIGNED: _____
Wilson L. Kirby, Mayor

Attest: _____ Date: JULY 8, 2014
Harry L. Arnold, Jr., Recorder

7. Report of the Town Manager

Mr. Dalton reported that Town Clerk Celeste Heath has accepted the City Clerk position in Falls Church and thanked her for her service to the Town.

Letter of Support for rehabilitation work at Mary Hardesty House

Mr. Dalton reported that Mary Hardesty House is in need of some upgrading and rehabilitation and that Mary Hardesty United Methodist Housing, L.P., is applying to the Virginia Housing Development Authority for federal housing tax credits in order to fund the work. He said that the rehab would include improving accessibility in the building and on the site, replacing windows, improving insulation, replacing water heaters, replacing HVAC, replacing the roof, and other work. He said that for such an application, the applicant seeks support from the jurisdiction in which the project is located. He then presented a draft of support and scoping documents for the project.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Council of the Town of Berryville authorized the Town Manager to sign a letter of support for the rehabilitation project at the Mary Hardesty House and forward it to the Virginia Housing Development Authority.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

8. Planning and Zoning Matters

Resolution – Portion of Mosby Boulevard – Section 4B Battlefield Estates

Ms. Dunkle explained that when new streets or portions of new streets are completed within the Town, they are submitted for acceptance to the VDOT Urban Highway System and Maintenance Inventory for which VDOT issues maintenance payments to the Town. She said that the resolution under consideration is to request VDOT acceptance of approximately 600' of Mosby Boulevard into that inventory. She said the street portion begins at the end of current maintenance east of Delaney and Beauregard Courts and ends at the property line of the Clarke County High School property.

Upon motion by Council member Tollett, seconded by Council member Shaffer the Council of the Town of Berryville approved the attached resolution requesting VDOT acceptance of a portion of Mosby Boulevard that was developed as part of Battlefield Estates Section 4B for inclusion in the VDOT Urban Highway System and Maintenance Inventory.

Mayor Kirby asked if this portion of the road was paved by VDOT. Ms. Dunkle said that it was paved by the developer.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

**RESOLUTION OF GOVERNING BODY OF
The Town of Berryville**

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 8th day of July at which a quorum was present, RESOLVED as follows:

**A RESOLUTION: REQUESTING ACCEPTANCE OF A PORTION OF MOSBY BOULEVARD INTO THE
VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN HIGHWAY SYSTEM
AND MAINTENANCE INVENTORY**

**WHEREAS, a portion of Mosby Boulevard has been completed and is now eligible for VDOT
maintenance funding; and**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Berryville, Virginia hereby requests
VDOT to accept the portion of Mosby identified on the attached U-1 form and accompanying
documentation into the Urban Highway System and Maintenance Inventory for maintenance payments
in accordance with § 33.1-41.1 of the Code of Virginia, 1950 as amended.**

Passed this 8th day of July, 2014.

THE TOWN OF BERRYVILLE

Attest: _____

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 8th day of July, 2014.

Harry Lee Arnold, Jr., Recorder

9. Standing Committee Reports

a) BADA Liaison – Allen Kitselman
Nothing to report.

b) Budget Finance / CIP – Jay Arnold
Publication of Delinquent Tax List

Recorder Arnold requested that the Town Council authorize the publication of the delinquent Real Estate and Personal Property taxes.

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville authorized publication of the names of those delinquent for personal property and real estate taxes pursuant to Section 58.1-3924 of the Code of Virginia, As Amended.

Recorder Arnold asked if we are required to write off taxes that are not collected after five years. Ms. Moreland said that Personal Property taxes can be collected for five years but Real Estate taxes can be collected for 20 years.

Recorder Arnold asked about collection efforts for delinquent Real Estate and Personal Property taxes. Ms. Moreland said that a DMV stop is placed on taxpayers with delinquent personal property taxes and that her staff also utilizes set-off debt to collect these delinquent taxes from state tax refunds. She said that tax liens are put on properties with delinquent Real Estate taxes. Recorder Arnold asked if anything else could be done to collect Real Estate taxes. Ms. Moreland said that the property can be sold.

Recorder Arnold asked if there was any way to have a firm do collections. Ms. Moreland said that her staff is very active and effective at collecting these taxes. There was a discussion about how DMV stops work. There was a discussion of property sales to collect Real Estate taxes. Mr. Dalton said that staff can talk to the Treasurer of Clarke County about the possibility of tax sales on some of the more delinquent properties.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

None

Abstain:

None

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville adopted the attached resolution to charge off delinquent property taxes for Tax Year 2008.

There was a discussion of posting the delinquent tax list in other locations in town and on the town web site. Ms. Moreland said that she would look into the matter.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Allen Kitselman David Tollett Mary Daniel Douglas Shaffer
Nays:	None
Absent:	None
Abstain:	None

RESOLUTION
OF THE COUNCIL OF THE TOWN OF BERRYVILLE

WHEREAS, Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes (ATT 1) assessed by the Town of Berryville, Virginia for tax year 2008, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this eighth day of July 2014, that the attached list of delinquent personal property taxes for tax year 2008 shall be charged off the tax records of the Town of Berryville as uncollectible.

Wilson L. Kirby, Mayor

I hereby certify that the foregoing Resolution was duly adopted by the Council of the Town of Berryville in meeting assembled July 8, 2014.

ATTEST: _____
Harry L. Arnold, Jr., Recorder

c) Community Improvements – Allen Kitselman

Council member Kitselman reported that the Town has been awarded a \$5000 grant from the Virginia Commission for the Arts for Berryville Main Street and that Ms. Dunkle continues to work on the Appalachian Trail Community certification application. He said that the Tourism Initiative met last month and will meet again in August and that the Initiative is gaining steam.

Council member Kitselman reported on the CDBG effort and the program that took place at the Josephine School Museum.

d) Planning Commission – Doug Shaffer

Nothing to report.

e) Police and Security – Mary Daniel

Council member Daniel said that the committee meeting was cancelled last week and that the committee is waiting for legal review of new ordinance sections.

f) Streets and Utilities – Wilson Kirby

Mayor Kirby reported that the committee met on June 23.

Approval of Minutes

Upon motion by Council member Shaffer, seconded by Mayor Kirby the Minutes of the June 23, 2014 Streets and Utilities Committee were approved.

Approval Revision to FY 15 Street Priorities

Mayor Kirby said that the Committee recommends that the Town Council approve the revised FY 15 Street Priorities as presented in the committee minutes.

Upon motion by Council member Shaffer, seconded by Mayor Kirby the Council of the Town of Berryville approved the attached Street Work Priorities for Fiscal Year 2015.

There was a discussion about striping on Mosby Boulevard. Council member Tollett explained that the committee discussed striping Mosby Boulevard with double yellow lines as opposed to the three lanes that have been striped in the past. He said he polled 12 people on the route and all are in favor of striping a double yellow line except for two people on Stuart Court who said they thought they would have to wait too long to take a left turn if the striping is changed.

Mr. Dalton said that if the striping change is made, then parking restrictions currently in place will also need to be discussed. He said that if parking restrictions are lifted it is critical that a snow emergency route be established to prevent parking along Mosby Boulevard during snow events.

There was a discussion about lifting parking restrictions on Mosby. Recorder Arnold expressed concern about site distance at McClellan if parking is allowed on Mosby. Mr. Dalton said issues concerning site distance will have to be discussed. Recorder Arnold

said that since people are already used to parking restrictions on Mosby it might make sense to leave the restrictions in place. Council member Daniel stated that parking on both sides of the street tends to slow traffic so this would help assuage any perception that there is a speeding problem. Council member Tollett said that he has had a complaint about traffic running up into a yard and allowing parking might help with this. He said he has also seen cars having problems backing out of the driveway of a day care provider onto Mosby and that allowing parking would help with that problem.

There was a discussion of the timing of the paving project on Mosby. Mr. Dalton said that it is planned for Spring/Summer 2015. He noted there is a section that is scheduled to be paved this month.

Mr. Tollet said he would be glad to submit the responses to his survey to the Streets and Utilities Committee. Mayor Kirby said that he would like to see the responses.

VOTE:

Recorded Vote:

Ayes:

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

Absent:

None

Abstain:

None

Street Work Priorities FY 2015

<u>VDOT Reimbursement Limit</u>	\$ 431,000
<u>Work Items</u>	
Patch/Repair trouble areas in streets	\$ 40,000 45,000
Sidewalk repair	\$ 10,000
Engineering	\$ 10,000
Public Works Improvements – Storage Bins	\$ 30,000
Equipment Purchase/Maintenance/Repair	\$ 35,000 40,000
Routine Maintenance (snow removal, tree trimming, drainage ditch cleaning, street cleaning etc.)	\$ 110,000
<u>Subtotal</u>	\$ 235,000
<u>Available within Reimbursement (\$431,000 – 235,000)</u>	\$ 186,000
<u>Specific Repair Work Priorities</u>	
<i>Summer and Fall (2014)</i>	
Replace sidewalk South Church	\$ 16,000
Academy Street from Buckmarsh Street to N. Church Street	\$ 25,000
North Church Street from Main Street to Barnett- Bundy Street	\$ 40,000 51,000
Smith Street from Main Street to Academy	\$ 19,000
Jackson Drive Patch	\$ 4,000
Total Summer/Fall (2014)	\$ 104,000 111,000
<i>Spring and Summer (2015)</i>	
Battletown Drive from Bel Voi to terminus	\$ 72,000
Mosby Blvd. from Buckmarsh Street to Ashby Court	\$ 52,000
Swan Avenue between Buckmarsh and Church Streets	\$ 8,000
Total Spring/Summer (2015)	\$ 60,000
<u>Remaining within Reimbursement</u>	\$ 10,000 15,000

Roger Pounders Reimbursement Request

Mayor Kirby explained that the Streets and Utilities Committee was assigned to review a request from Roger Pounders for reimbursement of repair costs for a deteriorated section of concrete at 401 Montgomery Court. He said that the committee didn't receive any concrete evidence that the Town was at fault in this case and recommended that the Town Council deny the request.

Upon motion by Council member Shaffer, seconded by Mayor Kirby the Council of the Town of Berryville denied Mr. Roger Pounder's reimbursement request for concrete repair at 401 Montgomery Court.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Allen Kitselman David Tollett Mary Daniel Douglas Shaffer
Nays:	None
Absent:	None
Abstain:	None

Citizen Concerns – Page Street Traffic

Mr. Dalton explained that Mr. Falconi from Page Street visited the Town Council last November to voice his concerns about speeding on Page Street. He said at that time the matter went to the Streets and Utilities Committee and that the Police Department was directed to conduct a traffic study and education and enforcement using the speed trailer. He said that the hard winter slowed the study down but two studies were completed that showed data that is not indicative of a speeding problem in the area. He said that another neighbor on the street has called about the same issue and he has been provided with the data that was provided to Mr. Falconi.

Mr. Dalton said that before the Streets and Utilities Committee meeting Mr. Falconi e-mailed a petition from residents of Page Street. He said that at their meeting, the Streets and Utilities Committee discussed this matter briefly and decided to discuss this matter in more detail with the entire Town Council.

Mr. Dalton said that the concerns seem to be both about speed and traffic volume on that portion of Page Street. He said that traffic studies show the mean vehicle speed is 22 mph. He said that there is through traffic on the street. He said that when the speed trailer was set up as an educational tool it came to light that some residents thought the speed limit on that section of Page Street was 15 mph when in fact it is 25 mph. He noted that the small one lane section off Main Street is posted at 15 mph.

Chief White said that he believes that the data speaks for itself and that on two separate occasions that speeds were 22 mph or less. He said that he has posted officers during times with the most traffic and there have been no violations.

g) Personnel/Appointments – Jay Arnold

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville reappointed Susan Godfrey to the Berryville Architectural Review Board for a four year term to begin July 8, 2014 and end on July 7, 2018.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville reappointed Ann Phillips to the Berryville Area Development Authority for a four year term to begin July 13, 2014 and end on July 12, 2018.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Shaffer the Council of the Town of Berryville reappointed Gwen Malone to the Berryville Planning Commission for a four year term to begin September 1, 2014 and end on August 31, 2018.

VOTE:

Recorded Vote:

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

Nays: Douglas Shaffer
Absent: None
Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Shaffer the Council of the Town of Berryville reappointed Kim Kemp to the Berryville Planning Commission for a four year term to begin August 11, 2014 and end on August 10, 2018.

VOTE:

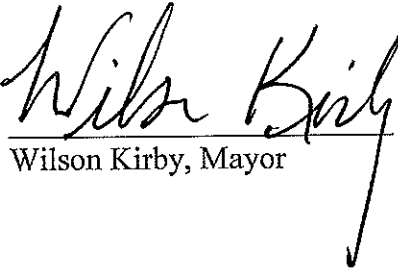
Recorded Vote:

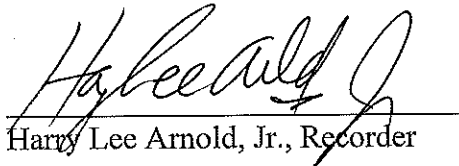
Ayes: Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Douglas Shaffer

Nays: None
Absent: None
Abstain: None

10. Adjourn

Upon motion by Council member Daniel, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 8:10 p.m.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder