

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, March 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; Douglas Shaffer; David Tollett

Absent: None

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. Approval of Minutes

February 11, 2014

Upon motion by Council member Tollett, seconded by Council member Shaffer, the minutes of the February 11, 2014 meeting were unanimously approved with one correction by Council member Daniel.

4. Citizens Forum

Brian McClemens, 333 East Fairfax Street and owner of the Berryville Grille and Main Street Deli, said that as the Town Council works on the budget that he prays that the Town Council get more creative with the \$25,000 that Berryville Main Street currently receives. He said that this money should be used to improve tourism and noted that a number of businesses have closed recently. He also said that some revenue could be gained by charging for spaces in the twice yearly yard sale. He said that downtown businesses have to pay for a business license so charge for yard sale spaces would be fair. He said that we have to find creative ways to help local businesses.

Kevin Rooney, 405 Cobbler Drive spoke about allowing chickens in town and said that he was unable to make the last Town Council meeting when the matter was considered because he had a radio show that night. He said that dogs are fourteen times louder than chickens and he thinks that it is kind of discriminatory if chickens are not allowed in town.

He then spoke about the use of fluoride in drinking water. He spoke about a study that indicates that fluoride causes an IQ drop of 7 points in children. He said that fluoride is a poison and asked why we put it in our water. He said that it is patently false that it helps

with dental issues. He spoke about a fluoride spill at a water treatment plant that was perhaps in Illinois.

Mr. Rooney said that he got a bill from both the Town and the County for his cars and he would like to know exactly what Town citizens get for that tax payment. The Mayor directed staff to respond Mr. Rooney's question about personal property. Mr. Dalton said that he would be happy to contact Mr. Rooney about his question.

5. Report of the Mayor

Jim O'Brien

The Mayor recognized Jim O'Brien as follows:

“Our friend, Jim O'Brien has been recognized as an Outstanding Crossing Guard in the Commonwealth of Virginia. This recognition was bestowed on Jim by the Virginia Safe Routes to Schools program. The month of February is crossing guard recognition month, and Mr. O'Brien was nominated by the Clarke County Public Schools for his dedicated service to the community.

The job of crossing guard is one of vital importance to the safety of our children, and Mr. O'Brien has performed this service for many years at the intersection of West Main Street and Lincoln Avenue.

Jim has served the community in many capacities, as a Town employee, a Clarke County Public Schools Employee, and as a private citizen. His service is always marked by an incredible dedication. The community is very fortunate to have Jim O'Brien.”

Mayors Day of Recognition for National Service

Mayor Kirby made the following proclamation regarding the Mayors Day of Recognition for National Service on April 1, 2014:

Town of Berryville, Virginia
Proclamation
Mayors Day of Recognition for National
Service

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet municipal needs; and,

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 1, 2014.

THEREFORE, BE IT RESOLVED that I, Wilson L. Kirby, Mayor of Berryville, Virginia do hereby proclaim April 1, 2014, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

Wilson L. Kirby, Mayor

March 11, 2014

6. Report of the Town Manager

Request for Water Bill Adjustment

Mr. Dalton explained that Lloyd Williams Post 41 of The American Legion experienced a water leak in their building at 20 South Church Street resulting in a water/sewer bill for 44,000 gallons of usage. He said that Post 41 requested an adjustment under the Town's Water and Sewer Billing Adjustment Policy but because the leak occurred in internal plumbing the request for adjustment was denied. He said that in accordance with the provisions of the Adjustment Policy, Post 41 is appealing the Town Manager's decision in this matter to the Town Council.

The Mayor recognized Bob Ferrebee, representing Post 41. Mr. Ferrebee said that the water did not enter the sewer system so the Post is asking for an adjustment. He said that the leak was caused by a ruptured hose bib in a small shed. He said that the insulation had been removed from the hose bib and it froze. Mayor Kirby asked if the shed is an exterior building and if the area is connected to the internal waterworks of the building. Mr. Ferrebee said that it is an enclosed annex to the building and is connected to the waterworks of the building.

Council member Kitselman said that the Water and Sewer Billing Adjustment Policy explicitly addresses exterior hose connections as follows:

“In the case of abnormal water usage resulting from exterior hose connections, the Town Manager may adjust the sewer usage charge only, subject to the following conditions:

- a) A written request for such adjustment is made within ten (10) days of the billing date;
- b) Such written request states the nature of the problem with the outside hose connection and certifies that such problem has been corrected;
- c) In no case shall there be more than one (1) such adjustment within a twelve-month period.”

Mr. Dalton said that he denied the adjustment based on the fact that the hose connection was inside the structure and not at an exterior location as required in the referenced section.

There was a general discussion of the space where the hose connection is located. The structure is attached to the original building and served as a boiler room. It was determined that the boiler in the space was a non-working boiler.

Council member Kitselman said that he thinks they have a case for an adjustment without setting a precedent, which is his main concern. Mayor Kirby asked that the matter be forwarded to the Streets and Utilities Committee to return a recommendation to Town Council. Council member Daniel said that the sewer portion of the bill should not be due until the Town Council has made a determination on the matter. The Town Council agreed.

Mayor Kirby recognized Mr. Anthony Davis of 15 Bundy Street. Mr. Davis said that his home had a water leak that didn't go into the sewer, it went into the ground. Mr. Dalton asked where the leak occurred. Mr. Davis said it was in the water line coming into the house but he wasn't sure exactly where. He said Thomas Plumbing repaired the leak and that the water went into the basement. Mayor Kirby said that he will look into the matter and that Mr. Dalton will get back to Mr. Davis. Mr. Dalton asked if the Town Council wished to hold back on the sewer portion of this bill until a determination is made. The Town Council agreed.

Downtown Issues

Mr. Dalton said that the Town Council and staff have talked about having a public forum, especially with the downtown merchants to discuss downtown issues.

He said that parking meters should be a topic of discussion because it is time to replace the meters if we wish to continue to utilize them. He noted that the goal for the parking meters has not been to garner a great deal of revenue but to manage downtown parking for the benefit of businesses and patrons alike.

Council member Tollett asked about the revenue generated by the meters and the cost to replace them. Mr. Dalton said that the meters generate about \$10,000 in revenue annually and the estimate for replacing the meters is between \$10,000 and \$15,000. Council member Daniel asked about staffing costs associated with the parking meters. Mr. Dalton said that it is not a huge staff investment. He said that Public Works maintains and collects from the meters and that the time spent also gives Public Works a chance to have some eyes on the street. He said that he doesn't see it as a liability. He said that if the parking meters are not replaced then the income would of course be lost but also parking enforcement would become more of an issue. There was a general discussion of parking enforcement issues.

Council member Kitselman said that he is interested to hear about the downtown merchants' opinion about the meters and parking in general. He also noted the novelty of how little change the meters now require. Mr. Dalton said that the meter fees would also have to be reconsidered if new meters are installed. Council member Shaffer asked if all of the \$10,000 in revenue was from the parking meters or was some from meter fines. Ms. Moreland said that last year there were \$8,000 in meter fees and \$2,750 in meter fines.

Downtown Snow Removal Expectations

Mr. Dalton said that another topic for discussion is the cost associated with different levels of snow removal in the downtown area. He said that we also need to talk about snow removal from downtown sidewalks. He said that some property owners essentially clear a one-foot path on the sidewalk and that we may want to look at some width guidelines for clearing them. Mr. Dalton said that it is expensive to remove all the snow from downtown and that it is not covered by VDOT funding. He said that it can cost anywhere from \$9500 to \$15,000 to remove all of the snow from downtown, depending on the size of the storm.

Mr. Dalton said that he would also like to talk about expectations for scheduling downtown snow removal. He said that at the end of a significant snow event the Public Works Department has had six people plus the director plowing snow around the clock. He said with such a small department only so much can be done within a short period of time. He said that usually a contractor is engaged to help with downtown snow removal but they too are VDOT contractors. He said that he also has to keep in mind that the Public Works Department has to be staffed the next business day to deal with all of their regular duties around town. Mr. Dalton said that he would like to communicate these realities with the public and engage them on their expectations on costs.

Council member Kitselman said that the public should also be educated about how important it is to clear any fire hydrants located near their property. Council member Tollett said that it is a good idea to clear drop inlets as well.

There was a general discussion about how the snow removal operation works. Mr. Dalton said that during the recent snow storm there were three to four trucks plowing with two of those dedicated to the primary roads. He said that he would like to discuss this issue at the downtown forum so that everyone is on the same page and that we are meeting expectations about snow removal.

Snow Emergency Routes

Mr. Dalton said that implementing snow routes was last discussed in 1996. He said that at that time a change was made to the Town Code prohibiting abandoning vehicles in travel lanes. He said that implementing snow emergency routes on main roads would allow Public Works to do a much better plowing job. He said that the issue of maintaining parking for businesses on Main Street that stay open would have to be addressed. Council member Daniel said that it would be interesting to see if the schools have any interest in emergency routes.

Signage/Branding

Council member Kitselman explained that two years ago a discussion was started about wayfinding and gateway signs. He said that Frazier Associates mocked up four sign designs at that time. He said that this seems like a good time to bring the public in on the discussion. He said that, like Brian (McClemens) expressed, good signage is about getting people off the highway and into town.

Council member Kitselman spoke about the process he envisions for implementing signage stating that the VDOT TOD signs would be a good place to start. He said that the services of a designer and civil engineer would need to be engaged during the process. Council member Kitselman said that he will fight hard for a sign package that is not like everyone else's signs. He said that if we are going to spend the time and money on the project then we need something that will pop and get people's attention.

Mr. Kitselman said that Frazier Associates will produce a scope of work and cost outline and that he will do a tentative location map as the first steps of this project that he estimated at about 5 years to completion.

Council member Daniel asked about the VDOT moratorium on the TOD sign project. Ms. Dunkle said that VDOT recommended getting plans submitted for review because they are close to getting the new regulations in place. Council member Shaffer asked why the process got bogged down two years ago. Mr. Kitselman said that it was because of the VDOT moratorium.

Robert Regan House CEO Letter

Mr. Dalton said that Clarke United Methodist Housing, LP has applied to the Virginia Housing and Development Authority for Low Income Housing Tax credits as a part of the Robert Regan House project. As a part of this application, Berryville has been asked to submit a Locality CEP Letter as the Town Council has done in previous years. This letter would state that the Town of Berryville supports the allocation of federal housing tax credits for the project in question. The VHDA has asked that this letter be signed by the Town Manager.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Council of the Town of Berryville authorized the Town Manager to sign and send a “Locality CEO Letter” to VHDA in support of the Robert Regan House.

VOTE:

Recorded Vote:

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

Certified Local Government (CLG) Program Letter

Mr. Dalton presented a request for a letter to the Department of Historic Resources requesting additional CLG Funds to complete an architectural survey for Josephine Street. He said that the Town Council previously committed a matching amount of \$1,500 for the project but the project was not funded by the Department of Historic Resources at the time. He said that this is a re-application for funds.

Upon motion by Council member Kitselman, seconded by Council member Tollett the Council of the Town of Berryville authorized the Mayor to sign and send a letter requesting additional CLG Funds to complete an architectural survey for Josephine Street and reiterate the Town Council’s commitment to providing \$1,500 in matching funds.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Water and Sewer Adjustment Request

Mayor Kirby recognized Mr. Peter Betancourt who said that he received a water and sewer bill for \$928. He said he lives on Social Security and that he can't pay the bill. He said that he had a water leak that he didn't know about because the pipe is in the wall and because he was living in his daughter's house at the time. He said that the plumber repaired the leak. The Mayor said that he would work with the Town Manager and then get in touch with Mr. Betancourt.

8. Planning and Zoning Matters

Ms. Dunkle said that the Planning Commission met and reviewed the County's draft Economic Development Plan. She said that the ARB met and approved modifications to a structure at 300 North Buckmarsh Street. She said that the BZA will hold a Public Hearing for a variance in April.

Ms. Dunkle said the Northern Shenandoah Valley Regional Commission met to discuss their Fiscal Year 2015 Budget. She reported on the Forum for Rural Innovation being held this month.

9. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

The BADA meeting was cancelled because of inclement weather.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold said that the Budget and Finance Committee met on March 5, 2014 to discuss the proposed budget and the Town Council will hold a Budget Work Session on March 12, 2014.

Approval of Minutes

March 5, 2014

Upon motion by Council member Daniel, seconded by Recorder Arnold, the minutes of the March 5, 2014 Budget and Finance Committee meeting were unanimously approved.

Recorder Arnold asked the Town Council to set a Public Hearing for tax rates for the April 8, 2014 Town Council meeting.

Council member Daniel asked Ms. Moreland to discuss the Personal Property assessment that was received from the Commissioner of Revenue. Ms. Moreland said that the total assessment numbers were down and discussed how the October Supplemental Personal Property assessment may affect the numbers. She said that if additional positive Personal Property assessment information becomes available from the Commissioner of Revenue then the Council can always adopt a lower rate even if a higher rate is advertised. She noted that the PPTRA would remain at 70%.

By consensus, the Town Council set a Public Hearing about Tax Rates for their April 8, 2014 meeting.

c) Community Improvements – Allen Kitselman

Council member Kitselman reported that he had a good meeting with a group endeavoring to start a tourism commission. He said that The Town of Berryville needs to be an integral part of this effort and that he wants to have a serious talk about the Town's economic development budget. He said that Berryville Main Street should play a heavy role in economic development and tourism efforts and that the Town Council needs to clarify the expectations they have of Berryville Main Street. He said that with three businesses closing in February a serious discussion about economic development is needed. He said that the Town Council will have to come to the table with effort and dollars.

Council member Daniel asked if this is a longer term project or something that may come to the Town Council at the budget work session. Council member Kitselman said that he is not sure what information will be available before the work session.

d) Planning Commission – Doug Shaffer

Nothing to add.

e) Police and Security – Mary Daniel

Nothing to add.

f) Streets and Utilities – Wilson Kirby

Nothing to add.

g) Personnel/Appointments – Jay Arnold

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville recommended that the Clarke County Circuit Court re-appoint Dr. Dandridge Allen to the Berryville Board of Zoning Appeals for a four year term to begin March 11, 2014 and end on March 10, 2018.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor

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

Nays: None
Absent: None
Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville re-appointed Christy Dunkle to the Clarke County Economic Development Advisory Committee for a one year term to begin March 11, 2014 and end on March 10, 2015.

VOTE:

Recorded Vote:

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

Nays: None
Absent: None
Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville re-appointed Mayor Wilson Kirby to the Northern Shenandoah Valley Regional Commission Board of Directors for a one year term to begin March 11, 2014 and end on March 10, 2015.

VOTE:

Recorded Vote:

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

Nays: None
Absent: None
Abstain: None

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville re-appointed Christy Dunkle as an alternate to the Northern Shenandoah Valley Regional Commission Board of Directors for a one year term to begin March 11, 2014 and end on March 10, 2015.

VOTE:

Recorded Vote:

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

10. Other

Council member Shaffer passed along a letter requesting a donation to Clarke County Little League for ball field lights.

11. Adjourn

Upon motion by Council member Shaffer, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 8:45 p.m.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL
STREETS AND UTILITIES COMMITTEE
Friday, March 14, 2014
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
10:00 a.m.**

MINUTES

Roll:

Town Council:

Present: Mayor Wilson Kirby, Chair; Doug Shaffer

Staff: Keith Dalton, Town Manager; Dave Tyrrell, Director of Utilities

Press: Val Van Meter

1. Call to Order – Mayor Wilson Kirby, Chair
Mayor Kirby called the meeting to order at 10:00 a.m.

2. Discussion – Water/Sewer Bill Adjustment Requests
Bettencourt: The Committee discussed the matter and voted unanimously to recommend denial of the request because the leak was in the interior of the dwelling.

American Legion Post 41: George Dellinger was present representing American Legion Post 41. He stated that the insulation had been removed from a hose bib inside the boiler room. He said that the hose bib froze and broke therefore all of the water went out of the building and into the town run.

There was a general discussion about interior versus exterior space. The Committee directed the Town Manager to contact the Clarke County Building Official and seek his opinion as to whether the outside wall of the boiler room would be considered an exterior wall.

Davis: Information concerning the location of the leak was not clear so the Committee directed the Town Manager to contact Thomas Plumbing and Heating to find out where the leak occurred.

The Committee reiterated that payment requirement would be delayed for the sewer portion of the bill for those who have asked for adjustments until after Town Council has made a determination.

3. Discussion – Downtown Discussion Items
The Committee discussed snow emergency routes, snow removal, parking meters and general downtown issues.

4. Discussion – Source Water Protection Plan

David Tyrrell briefed the Committee on the proposed plan. The Committee agreed to review the plan and fine tune it before forwarding to Town Council.

5. Other

The Committee discussed fluoridation of water with Mr. Tyrrell.

6. Adjourn

The Committee meeting was adjourned at 11:17 a.m.

Keith R. Dalton, Town Manager