

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, March 12, 2013**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**7:30 p.m.**

**Town Council:**

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

**Staff:** Keith Dalton, Town Manager; Desirée 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. Approval of Minutes**

February 12, 2013

Upon motion by Council member Daniel, seconded by Council member Tollett, the minutes of the February 12, 2013 meeting were unanimously approved.

**3. Citizens Forum**

There was no citizen comment.

**4. Report of the Mayor**

Mayor Kirby made the following Proclamations:

**Town of Berryville**  
**Proclamation**  
**disAbility Awareness Week**

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, the community plays a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of people with disabilities; and

WHEREAS, millions of people in the United States have disabilities and we all must make a conscious effort to discover their functional abilities and to remove the barriers met in their effort to acquire independence; and

WHEREAS, it is the goal of Access Independence, Inc. to involve the community in all aspects of disAbility Awareness Week and establish an atmosphere that supports awareness and education of on-going initiatives to enhance public understanding of, and appreciation for, abilities possessed by those of us who experience life with disabilities.

NOW, THEREFORE I, MAYOR WILSON L. KIRBY do hereby proclaim APRIL 13-19, 2013 as NORTHERN SHENANDOAH VALLEY disABILITY AWARENESS WEEK 2013 and I call this observance to the attention of all of those people who live in the Town of Berryville to work together to raise awareness and understanding of the abilities of people with disabilities.

March 12, 2013

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Wilson L. Kirby, Mayor

**Town of Berryville  
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 municipalities 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 9, 2013.

THEREFORE, BE IT RESOLVED that I, Wilson L. Kirby, Mayor of Berryville, Virginia, do hereby proclaim April 9, 2013, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our town, to thank those who serve; and to find ways to give back to their communities.

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Wilson L. Kirby, Mayor

March 12, 2013

## 5. Report of Town Manager

### Renewal of Garbage and Recycling Collection Service

Mr. Dalton explained that the town entered into a contract with BFI Waste Services on June 13, 2008 to provide garbage and recycling collection services. He explained that the contract provided for an initial 36 month term with the possibility of three one-year extensions and that the Town Council and BFI have previously agreed to two one-year extensions. He said that staff has had no problems with this contract and recommends granting an additional one-year extension.

Mr. Dalton noted that under the terms of the current contract this would be the last extension that may be granted so the contract must be put out to bid next year. He said that he received an e-mail from American Disposal and Recycling today that was an unsolicited offer to allow the Town to ride on their City of Falls Church trash and recycling contract. He said that while he feels that the Council is not in the position to switch providers at this late date, he recommends that the Town Council keep this company in mind when the contract is re-bid next year.

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville approved the extension of the Garbage and Refuse Collection/Disposal Contract (Parts A and B) with BFI Waste Services.

Said extension shall commence on July 1, 2013 and end on June 30, 2014.

This approval shall authorize the Town Manager to confirm the contract extension with the vendor in writing.

VOTE:

Recorded Vote:

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

### VRS Virginia Local Disability Program Election

Mr. Dalton explained that the Town Council will be asked to make a decision on this matter before September 1, 2013. He said that VRS will be offering a staff training on this matter shortly and that staff should be in a position to provide more detailed information and a recommendation to Town Council by July.

He explained that this is an opportunity to opt out of the VRS Disability Program if Council desires. He said that no action on this matter will mean that the Town will participate in the program. He noted that if the Council chooses to opt out, comparable

coverage must still be provided. He said that more information on the matter will be forthcoming as staff is educated and speaks with other jurisdictions and VML.

## **6. Planning and Zoning Matters**

Virginia Commission for the Arts Challenge Grant

Ms. Dunkle explained that for the past two years the town has been awarded a \$5,000 Local Government Challenge matching grant from the Virginia Commission for the Arts and that all of these funds were transferred to Berryville Main Street and the Fire House Gallery. She explained that the grant is a match to local government funding of arts organizations that in previous years was made from the annual \$25,000 grant from the Town of Berryville. She said that the grant is available again and presented a motion to apply for the grant again this year.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously approved the application for the Virginia Commission for the Arts' Local Government Challenge Grant identifying Berryville Main Street as the recipient of the match. Matching grant funds shall be appropriated from the Town's annual contribution to Berryville Main Street.

VOTE:

Recorded Vote:

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

Downtown Berryville Promotional Banners

Ms. Dunkle explained that Berryville Main Street and the Clarke County Farmers' Market Association have been working on promotional banners for Main and Buckmarsh streets for possible installation on Rappahannock Electric Cooperative poles. She reported that she has corresponded with VDOT about the banners and was informed that they can only be in the right-of-way for 30 days at a time. She said that she would like to further investigate this and see what other towns are doing. She said that the Community Improvements Committee will be discussing the banners and other downtown promotional efforts at their March 13 meeting.

The Mayor recognized Locket Van Voorhis representing Berryville Main Street (BMS). Mrs. Van Voorhis spoke about the downtown beautification projects that BMS has undertaken. She explained that BMS received a \$2500 Virginia Main Street grant and wish to use the funds to purchase banners that will beautify downtown and be used as an educational tool. Ms. Dunkle asked Mrs. Van Voorhis to explain how BMS is working with the Farmer's Market on the project. She responded that the Farmer's Market is

working on complementary banners of the same size to be installed on every other pole. She noted that there are already brackets on the poles that were installed for the 1998 Bicentennial.

Council member Daniel asked if there was a change in state law regarding banners since 1998. Ms. Dunkle said that she is investigating the matter.

#### Farmers Market Discussion

The Mayor recognized Geo Derrick, representing the Farmer's Market. She said that the market vendors are taking charge of the market in order to make it more of a community event. She explained that they are trying to create an authentic small town experience every Saturday and have invited local artisans and musicians to participate as well as the food vendors. She said that the market will collaborate with Berryville Main Street, the Fire House Gallery and the Barns of Rose Hill in this endeavor. She then spoke about the market's new logo and noted that they have a banner budget and would like the banners to stay up for the six months that the market is open.

The Mayor recognized Kimber Herron who spoke about a new proposed layout for the market. He said the market wants to move within the parking lot in which it is currently located in order to integrate the gazebo and create a visual of the market from Main Street. There was a general discussion of loss of parking. Mr. Herron said that most of the parking is now taken up by vendors anyway.

Council member Kitselman noted that he brought the parking lot matter before the Council and that they are flexible on moving locations within the parking lot. Council member Daniel said that she feels like the market should experiment with the location to see what will draw the most customers. There was a general discussion of new vendors, including a prepared food vendor, and how vendors are assigned spaces.

Mr. Dalton said that given the change in configuration he would like to ask the Farmer's Market and Berryville Main Street to reach out to local businesses to make sure that they have no problem with any loss of parking that may occur. Representatives of both organizations concurred.

#### Planning Report

##### Planning Commission

Ms. Dunkle reported that the Planning Commission met on February 26, 2013 setting public hearings on a text amendment regarding unattended clothing donation boxes and on a Special Use Permit for Virginia United Methodist Housing in order to develop a 60-unit age and income restricted development. The next meeting is scheduled for April 2, 2013.

##### Berryville Area Development Authority

Ms. Dunkle reported that the BADA met on February 27, 2013 discussing the preliminary site plan submitted as part of the Special Use Permit for Virginia United

Methodist Housing and reviewing each Sub Area identified in the Berryville Area Plan. She said that the next meeting is scheduled for April 3, 2013.

#### Architectural Review Board

Ms. Dunkle reported the March meeting was cancelled because there were no agenda items. She said that Sue Cooper has moved from Berryville and left a vacancy on the board. The next scheduled meeting is April 3, 2013.

#### Board of Zoning Appeals

Ms. Dunkle reported that on April 4, 2013 the BZA will hear a variance request for a side setback on a lot on Josephine Street.

#### Other

Ms. Dunkle noted that the Clarke County Parks will again offer their summer concert series in Rose Hill Park.

### **7. Standing Committee Reports**

#### a) BADA Liaison – Allen Kitselman

Nothing to add to report.

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

The Council set a Public Hearing on 2013 Tax Rates for the April 9 meeting

#### c) Community Improvements

Council member Kitselman said that the committee will meet on March 13, 2013 at 11 a.m. and that representatives from the Farmer's Market, Berryville Main Street, the Clarke County Museum and the Barns of Rose Hill will be attendance.

#### d) Planning Commission – Doug Shaffer

Nothing to add to report.

#### e) Police and Security – Mary Daniel

Council member Daniel said that she has gotten compliments about the Key Box Ordinance and thanked the Council for their foresight in enacting the ordinance. She also noted that there was a great turnout at the Bike Rodeo.

Council member Kitselman said that the Rich Rau Bike Tour will take place on May 18.

#### f) Streets and Utilities – Wilson Kirby

The Committee met on March 11, 2013.

#### g) Personnel / Appointments – Jay Arnold

Recorder Arnold said that Sue Cooper has moved from Berryville and left a vacancy on the Architectural Review Board. He then recommended that the Town Council appoint Robin McFillen to the ARB.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously appointed Robin McFillen to the Berryville Architectural Review Board for a four year term to commence April 1, 2012.

VOTE:

Recorded Vote:

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

**8. Adjourn**

Upon motion by Council member Shaffer, seconded by Council member Daniel and passed, the Council meeting was adjourned at 8:19 p.m.

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Wilson Kirby, Mayor

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Harry Lee Arnold, Jr., Recorder