

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, April 9, 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. Public Hearing:** Proposed Real Estate, Personal Property, and Machinery and Tools Tax Rates for 2013

**Proposed Tax Rates for 2013**

Listed below are the proposed tax rates for the tax year beginning January 1, 2013, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

**The proposed rates reflect a \$.014 increase in the machinery and tools tax rates.**

- A. \$.116 per \$100 assessed valuation on real estate, including real estate of public service corporations;
- B. \$1.00 per \$100 assessed valuation on tangible personal property except machinery and tools;
- C. \$1.182 per \$100 assessed valuation on tangible machinery and tools.

**The proposed machinery and tools tax rates reflect an increase of .014 cents per \$100 of assessed value. This proposed rate constitutes a 1.2% increase in the machinery and tools rate that was adopted for the year 2012.**

***The proposed real estate and personal property tax rates have not been increased.***

Mayor Kirby opened the public hearing at 7:30 p.m. There was no public comment. The public hearing was closed at 7:31 p.m.

- 2. Call to Order:** Wilson Kirby, Mayor  
Mayor Kirby called the regular meeting to order at 7:31 p.m.

- 3. Approval of Minutes**  
March 12 and March 20, 2013

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the March 12 and March 20, 2013 meetings were unanimously approved.

#### **4. Citizens Forum**

Mary Ivey, 213 East Main Street, said that she is new to the area and has an autistic daughter who walks from her home to town. She suggested that a crosswalk or warning signs across Chalmers Court at Main Street would make it safer for pedestrians. She said that along with her daughter, a lot of older people walk to town and cross Chalmers Court.

#### **5. Report of the Mayor**

Mayor Kirby reported that the town-wide yard sale was a success.

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

Mr. Dalton had nothing to add to the other staff reports.

#### **7. Planning and Zoning Matters**

##### **Set Public Hearing -Text Amendment – Unattended Donation Boxes**

Ms. Dunkle presented a text amendment to the Zoning Ordinance regarding unattended donation drop-off boxes prepared by the Planning Commission and recommended that the Council set a public hearing on the matter. The Town Council set a public hearing on the text amendment for their May 14, 2013 meeting.

##### **Set Public Hearing - Special Use Permit – Virginia United Methodist Housing**

Ms. Dunkle explained that the applicant is requesting a Special Use Permit in order to construct an age and income restricted multi-family development at 451 Chamberlain Street (zoned Older Person Residential).

She reported that the Planning Commission held a public hearing on the matter and recommended that the Town Council approve the Special Use Permit with conditions as recommended by staff and deny the request to waive curb, gutter and sidewalk requirements.

Ms. Dunkle explained that the Preliminary Site Plan is a part of the Special Use Permit application and that the Berryville Area Development Authority reviewed the Preliminary Site Plan and recommended that the Town Council approve it.

Ms. Dunkle presented both staff and applicant proposed Special Use Permit Conditions. She said that both have been reviewed by the Town's legal counsel. She noted staff is concerned that the entrance streets (McClellan and Chamberlain) are not in the public system and recommends this should be addressed in the conditions.

The Town Council set a public hearing on the Special Use Permit for their May 14, 2013 meeting.

**Action Item – Resolution – Northern Shenandoah Valley Regional Hazardous Mitigation Plan Adoption**

Ms. Dunkle reported that the Northern Shenandoah Valley Regional Commission and the Regional Hazard Mitigation Steering Committee with the assistance of the Virginia Department of Emergency Management have completed an update of the Regional Hazard Mitigation Plan. The Plan has been reviewed and approved by FEMA. She said that adoption of this plan is required for each locality that wishes to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the locality.

Upon motion by Council member Daniel, seconded by Recorder Arnold the Council of the Town of Berryville unanimously adopted the attached Resolution to Adopt the 2012 Northern Shenandoah Valley Regional Hazard Mitigation Plan.

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

A RESOLUTION TO ADOPT THE 2012 NORTHERN SHENANDOAH VALLEY  
REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the Town of Berryville, Virginia, like any jurisdiction, is vulnerable to a variety of natural hazards that can result in loss of life and damages to public and private property; and

WHEREAS, it is the intent of the Berryville Town Council to protect its citizens and property from the effects of natural hazards to the furthest extent possible; and

WHEREAS, the Berryville Town Council desires to seek ways to effectively reduce and mitigate the risk of these natural and human-caused hazards through participation with the Northern Shenandoah Valley Regional Commission and adjoining jurisdictions in the development and implementation of a regional hazard mitigation plan; and

WHEREAS, it is also the intent of the Council to fulfill its obligation under Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Berryville; and

WHEREAS, the Federal Emergency Management Agency and the Virginia Department of Emergency Management have reviewed the said plan, inclusive of the Town of Berryville section prepared with input from appropriate local and state officials, and has approved the plan pending the completion of local adoption procedures;

Now, therefore, be it RESOLVED by the Berryville Town Council on this 9th day of April, 2013, that the Council adopts the 2012 Northern Shenandoah Valley Regional Hazard Mitigation Plan and agrees to take such other official action as may be reasonably necessary to carry out the proposed actions included in the Town section of the Plan, effective this date.

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Harry Lee Arnold, Jr., Recorder  
Adopted in Berryville, Virginia, this 9th day of April, 2013.

**Report of the Planner**

Ms. Dunkle reported that along with reviewing the aforementioned Special Use Permit preliminary site plan, the BADA is working on an update to the Berryville Area Plan. She reported that the ARB will be reviewing the Bank of Clarke County’s request to demolish their drive-through and that the BZA approved a variance request at 207 Josephine Street.

**7. Standing Committee Reports**

a) BADA Liaison – Allen Kitselman

Nothing to add to report.

b) Budget Finance / CIP – Jay Arnold

The Council set Public Hearings on the FY 2013-2014 Budget and on proposed increases to the Water and Sewer User Rates for their May 14 meeting.

Upon motion by Council member Daniel, seconded by Recorder Arnold the Council of the Town of Berryville unanimously adopted the attached Ordinance setting the tax levies for tax year 2013 amending the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

**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

TOWN OF BERRYVILLE  
TOWN COUNCIL  
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2013

Date: April 9, 2013

Motion By: Mary Daniel

Second By: Harry Lee Arnold, Jr., Recorder

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2013 there is hereby levied:

(1) A tax of \$.116 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;

(2) A tax rate of \$1.00 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;

(3) A tax rate of \$1.182 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

VOTE:

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

Nay: None

Absent: None

Abstain: None

SIGNED: \_\_\_\_\_ Date: April 9, 2013  
Wilson L. Kirby, Mayor

ATTEST: \_\_\_\_\_ Date: April 9, 2013  
Harry Lee Arnold, Jr., Recorder

Upon motion by Council member Daniel, seconded by Recorder Arnold the Council of the Town of Berryville unanimously adopted the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2013.

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

**Town of Berryville**

**Resolution  
To Provide for the Implementation of the 2004-2005  
Changes to the Personal Property Tax Relief Act of 1998  
For the Tax Year 2013**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 505) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act (“the 2005 Appropriations Act”); and

**WHEREAS**, the legislative enactments require the Town to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

**WHEREAS**, these legislative enactments provide for the Town of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2013, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at less than \$1,000 will be eligible of 100 percentage of tax relief set by the Town Council during its annual budget deliberations.
2. Personal use vehicles valued between \$1,001 and \$20,000 will be eligible for 70 percentage of tax relief set by the Town Council during its annual budget deliberations.
3. Personal use vehicles valued at \$20,001 or more will be eligible for 70 percentage of tax relief on the first \$20,000 of assessed value set by the Town Council during its annual budget deliberations.
4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal property tax relief under PPTRA.

**PASSED THIS 9<sup>TH</sup> DAY OF APRIL 2013.**

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Wilson L. Kirby, Mayor

ATTEST:

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Harry L. Arnold, Jr., Recorder

c) Community Improvements

Upon motion by Council member Tollett, seconded by Council member Kitselman the minutes of the March 13, 2013 Community Improvements Committee meeting were unanimously approved.

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

d) Planning Commission – Doug Shaffer

Nothing to add to report.

e) Police and Security – Mary Daniel

Council member Daniel reported that the committee will meet on April 10.

Mr. Dalton spoke about the clean-up of a previously blighted property on the 100 block of Liberty Street. He said that debris still remains and that Council may make a determination under Section 8-2 that there is an unlawful accumulation of trash on the property. He asked if the Council might take a look at the property in order to discuss the matter at the next Council meeting. He said that staff will inform the property owner of the discussion.

f) Streets and Utilities – Wilson Kirby

Upon motion by Council member Tollett, seconded by Council member Kitselman the minutes of the March 11, 2013 Streets and Utilities Committee meeting were unanimously approved.

g) Personnel / Appointments – Jay Arnold

Upon motion by Mayor Kirby, seconded by Recorder Arnold the minutes of the March 12, 2013 Personnel Committee meeting were unanimously approved.

**8. Adjourn**

Upon motion by Council member Kitselman, seconded by Council member Daniel and passed, the Council meeting was adjourned at 7:50 p.m.

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Wilson Kirby, Mayor

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Harry Lee Arnold, Jr., Recorder