

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, September 10, 2013
Berryville-Clarke County Government Center
Regular Meeting
7:00 p.m.

Town Council:

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

Staff: Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Celeste Heath, Town Clerk

Press: Val Van Meter, Winchester Star

1. Public Hearing: Grant of Easement to the Washington Gas Light Company
The Town Council proposes to grant a 10.15 foot wide easement in Rose Hill Park, aggregating a total of 61.82 square feet, to the Washington Gas Light Company. The proposed easement would extend to the east from an easement granted in 2008 and would link the gas improvement to the property that lies to the east of Rose Hill Park (that property: Owner Reginald K. Shirley, Jr. - Address 35 East Main Street – Tax Map Parcel: 14A5-((A))-79). Rose Hill Park is owned by the Town of Berryville and is identified as Tax Map Parcel 14A5-((A))-78.

There was no public comment. The public hearing was closed at 7:02 p.m.

2. Public Hearing: Secondary Street Evaluation

The Town of Berryville contracted with an engineering firm to evaluate streets for which the Town is responsible for maintenance (secondary streets). The street evaluation will be used by the Town Council as it determines street maintenance priorities. The Town Council seeks public input regarding the street evaluations prior to establishing maintenance priorities.

There was no public comment.

Mr. Dalton explained that on July 1, 2012, the Town became responsible for maintenance of all secondary streets in Town. To assist in setting street work priorities the Town contracted with the firm of Mattern and Craig to do a street evaluation report. He said that Mattern and Craig has completed field work and presented a draft of the street evaluation to the Streets and Utilities Committee. The committee reviewed the draft and it has been forwarded to the Town Council.

Mr. Dalton introduced Mike Agee from Mattern & Craig. Mr. Dalton said that Mattern & Craig staff walked every street in town, documented their condition, categorized each street as good, fair or poor and set priorities for repair and maintenance. Mr. Dalton noted that in some cases, what the engineers think is a priority may not be a Town Council

priority because of a number of other variables including traffic load and underground utility work schedules.

Mr. Agee then made a presentation explaining the Pavement Condition Evaluation that Mattern & Craig produced for the Town of Berryville.

Mayor Kirby asked if curb and gutter was evaluated independently of pavement condition. Mr. Agee confirmed that pavement was rated independently of any side features.

Council member Kitselman asked about ADA ratings for sidewalks. Mr. Agee said that the scope of this report was only to identify where handicapped access points are located. He said that a full ADA rating is an extensive process. Mr. Kitselman said that a lot of sidewalk surfaces have serious issues. Mr. Agee said that unless built in the last three years, most sidewalks are not ADA compliant.

Mr. Kitselman asked if there will be a separate priority list when we identify what funding is needed for sidewalks and what funding is needed for streets. Mr. Dalton said that it might make sense because there will be areas where we do road work and no sidewalk work and vice versa. He noted that the Streets and Utilities Committee and the Town Council will set the priorities from unused funds for snow removal.

Mr. Dalton noted that Mr. Shaffer brought up a good point at the Streets and Utilities Committee meeting, that we don't want to ignore routine maintenance and that this should be part of what is considered when priorities are set.

There was a general discussion of street and sidewalk conditions, traffic volume, scheduled utility work and how they relate to setting priorities. Mr. Dalton said that the Streets and Utilities Committee will take all of the issues into consideration when recommending priorities. Mr. Agee noted that traffic volume is not reflected in Mattern & Craig's ratings.

The public hearing was closed at 7:47 p.m.

3. Call to Order: Wilson Kirby, Mayor
Mayor Kirby called the regular meeting to order at 7:47 p.m.

4. Approval of Minutes
August 13, 2013
Upon motion by Council member Daniel, seconded by Council member Kitselman, the minutes of the August 13, 2013 meeting were unanimously approved.

5. Citizens Forum
There was no public comment.

6. Report of the Mayor

Proclamation: Red Ribbon Week

The Mayor presented the following Proclamation to PFC Zackary Bishop of the Shenandoah Valley Young Marines.

Town of Berryville
PROCLAMATION
Red Ribbon Week

- WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those who traffic them; and
- WHEREAS, there is hope in winning the War on Drugs, and the hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Shenandoah Valley Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and
- WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and
- WHEREAS, the red ribbon was chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration agent, who was murdered in the line of duty and represents the belief that one person CAN make a difference; and
- WHEREAS, THE Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and
- WHEREAS, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Wilson L. Kirby, Mayor of the Town of Berryville, Virginia, do hereby proclaim October 23–31, 2013, as:

Red Ribbon Week

in this Town, and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout the week, joining me and the rest of the nation in promoting the Red Ribbon Celebration and drug-free communities.

DATED: September 10, 2013

Wilson L. Kirby, Mayor

6. Report of Town Manager

Grant of Easement to the Washington Gas Light Company

Mr. Dalton explained that in 2008 the Town granted a 10-foot wide easement through Rose Hill Park to Washington Gas Light Company to provide natural gas service to the Berryville Clarke County Government Center and Barns of Rose Hill. He said that the project went well. He said that Washington Gas is now requesting a 10.15 foot easement in Rose Hill Park to extend gas service to the adjacent property at 35 East Main Street.

Mr. Dalton said that the two issues that were discussed at the last Town Council meeting have seemingly been addressed. Those issues were covering the cost of the public hearing notice and getting an additional easement across the adjacent property in order to save the park from being riddled with such easements in the future. Washington Gas has agreed to pay for the public hearing advertisement and Washington Gas has reported that the property owner has indicated that he will agree to an easement on his property.

Mr. Dalton noted that the easement has not yet been reviewed by the Town's attorney. Staff has reviewed the easement and has one concern about language allowing installation of communication cable in the easement. He said that Washington Gas has indicated removal of the language will not be a problem.

Mr. Dalton said that if the Town Council wishes to grant the easement that staff recommends that it is granted with a number of conditions that were outlined in his staff report.

Council member Daniel asked why the "wire or fiber optic communication cable" language should be removed. Mr. Dalton said that it has not been part of standard easement language before and staff felt that the language should be standardized for all easements with the utility.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville agreed to grant a 10.15-foot easement in Rose Hill Park to the Washington Gas Light Company with the following conditions:

- Language permitting installation of "wire or fiber optic communication cable" in the easement be removed
- Easement be reviewed and approved by the Town's Attorney
- Washington Gas shall construct the gas line in the area represented on the attached exhibit under the guidance of the Director of Public Works with all equipment access made from 35 East Main Street
- Washington Gas shall utilize the least intrusive construction method available, with said method deemed appropriate by the Director of Public Works
- Washington Gas shall provide the Director of Public Works with a minimum of 48 hours notice that work is to commence
- Washington Gas shall be responsible for any and all permits and notifications
- Washington Gas shall be mindful that their crews are working in a public park and they are responsible for maintaining a safe work zone at all times

- Washington Gas shall restore any disturbed ground in accordance with the approved easement
- Washington Gas shall spot dig all existing utilities to verify location and depth prior to installation of the gas line
- Washington Gas, upon completion of construction, shall provide an as-built plan to the Town of Berryville and produce an easement exhibit representing the true location of the gas line. Washington Gas shall, at its own expense, record the easement and easement exhibit in the land records of the Clerk of the Circuit Court of Clarke County

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

7. Planning and Zoning Matters

Planner’s Report

Ms. Dunkle said that the BADA has scheduled a public hearing on the Final Site Plan for the United Methodist Housing project on September 28. She reported that the ARB met on August 14 and approved two signs.

Ms. Dunkle said that staff is reviewing two proposals for the hotel feasibility study.

8. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

Nothing to add to report.

b) Budget Finance / CIP – Jay Arnold

Virginia Local Disability Program

Ms. Moreland explained that recent legislation created the Virginia Local Disability Program (VLDP), a disability benefit for political subdivision and school division employees who will be covered under the VRS Hybrid Retirement Plan effective January 1, 2014. The Hybrid Retirement Plan, a combination defined benefit and defined contribution plan, will apply to most new employees hired on or after January 1, 2014 and existing employees who choose to opt in. Employees hired before January 1, 2014 (including new hires with previous creditable service in VRS prior to January 1, 2014) are covered under the Plan 1 or Plan 2 retirement plans.

Coverage for the Town's employees will be automatic under VLDP unless the Town Council elects to opt out and provide a comparable employer-paid program. The decision to participate or opt out is irrevocable. The Town must opt out before November 1, 2013 or the Town's employees will automatically be covered under VLDP. She said that staff has reviewed two employer-paid options to VLDP: the VACoRP (Virginia Association of Counties) Solution and the VMLIP (Virginia Municipal League) Solution. She said that if Council opts-out of VLDP they then need to choose another option and then take the action necessary to implement that program.

Ms. Moreland then reviewed the two options. She said that the VACO plan meets or exceeds the standards but doesn't address the issue of equalization of benefits and adjustments to employee leave plans. She said that the VACO plan would require some additional coverage to fill in the gaps between leave plans. She said that the VML plan integrates Short and Long Term Disability as well as underlying paid leave systems to ensure the elimination of gaps and overlaps in income replacement.

She said that the first decision to be made is whether to opt out of the VLDP. She said that most jurisdictions she has spoken to are opting out because the alternative plans are more economical and efficient. She said that deadline to opt out is November 1.

Mr. Dalton said that it looks like the VML plan is going to be more comprehensive and will equalize employee benefits. He said that he and Ms. Moreland recommend opting out and that they are leaning toward recommending the VML plan.

Council member Daniel asked if there was any feedback from employees or Department Heads. Ms. Moreland said that she and Mr. Dalton have not reached that point yet. Mr. Dalton said that they are still trying to understand the issue themselves. Mr. Dalton said that he believes the employee reaction will be one of suspicion merely because it is a change and because it will likely be a reduction in sick leave.

Mr. Dalton said that there is also an issue with how this relates to law enforcement personnel if they are not in the LEOS system. He said that there is a Hazardous Duty Alternative plan to be considered for them. He said that staff will also look at LEOS when considering the plan for law enforcement personnel.

Affordable Care Act

Mr. Dalton reported that notice about the Affordable Care Act is required to be sent by October 1 and that Ms. Moreland is putting that notice together.

c) Community Improvements – Allen Kitselman

Council member Kitselman said that there are several events in town this weekend including the Farmers Market, the Yard Sales and the Liberty Street Block Party.

d) Planning Commission – Doug Shaffer

Nothing to add to report.

e) Police and Security – Mary Daniel

Chief White reported that there was no meeting this month but that the Committee will be considering changes to the Town Code regarding firearms and regarding noise.

f) Streets and Utilities – Wilson Kirby

Upon motion by Council member Shaffer, seconded by Mayor Kirby, the minutes of the August 15, 2013 Streets and Utilities Committee were unanimously approved.

g) Personnel / Appointments – Jay Arnold

Nothing to report.

9. Adjourn

Upon motion by Council member Kitselman, seconded by Council member Daniel and passed, the Council meeting was adjourned at 8:22 p.m.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder