

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, December 10, 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; Mary Daniel; Douglas Shaffer; David Tollett

Absent: None

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner;

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

November 12, 2013

Upon motion by Council member Kitselman, seconded by Council member Tollett, the minutes of the November 12, 2013 meeting were unanimously approved by those present.

3. Citizens Forum

Mayor Kirby asked for any comments. There were none.

4. Report of the Mayor

Barns of Rose Hill

The Mayor reported that he attended the Barns of Rose Hill Board meeting on November 20, 2013 and included the minutes of the meeting in the agenda packet. He said that new officers have been elected including Diana Kincannon as Chair; David Conrad as Vice Chair; Stan Kerns as Treasurer; and Susi Bailey as Secretary. He asked for any questions from Council members. There were none.

5. Report of Town Manager

Mr. Dalton said that he had two items to discuss at the meeting. He said the first item was a resolution that was e-mailed to Council members regarding first day introduction requirements for bills with local fiscal impacts through the Governor's Task Force for Local Government Mandate Review. Mr. Dalton described the second item adding the pledge of allegiance to the agenda at the beginning of Council meetings beginning January 1, 2014.

Mr. Dalton complimented the Department of Public Works for their efforts during the past two storm events. He added that these storms presented different challenges for staff and he was pleased with their efforts.

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville adopted the resolution to the Governor's Task Force for Local Government Mandate Review and directed the Mayor to sign the document and the Town Manager to forward the signed resolution to the appropriate entity.

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

RESOLUTION
OF THE COUNCIL OF THE TOWN OF BERRYVILLE
FIRST DAY INTRODUCTION REQUIREMENT FOR BILLS WITH
LOCAL FISCAL IMPACTS

WHEREAS, many local governing bodies in Virginia have an ever-growing concern about the impact on localities of state mandates and cost shifting; and

WHEREAS, Section 30-19.03 of the Code of Virginia states that the Commission on Local Government shall prepare and publish a statement of fiscal impact for “any bill requiring a net additional expenditure by any county, city, or town, or . . . any bill requiring a net reduction of revenues by any county, city or town, is filed during any session of the General Assembly”; and

WHEREAS, numerous bills fitting this criteria have been submitted and gone through the legislative process without review for local fiscal impacts due to the limited time and resources to review these bills during the General Assembly session; and

WHEREAS, it is also recognized that a need exists for additional time and resources to provide such information during the tight procedural confines of the current legislative process; and

WHEREAS, we believe it is critical that lawmakers have better and timelier information on the fiscal impact to localities when they consider bills and budget items; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville, Virginia, hereby:

Requests that the General Assembly support measures that require its members to file bills with local fiscal impacts as early as possible and no later than the first day of session.

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 December 10, 2013.

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

Upon motion by Council member Tollett, second by Recorder Arnold the Council of the Town of Berryville agree to provide time at the beginning of each regular and special meeting for all who are present to recite the Pledge of Allegiance if they so desire and that the Pledge of Allegiance be included on all Town Council meeting agendas beginning January 1, 2014 and that each committee may determine whether their agendas will likewise be amended.

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

6. Planning and Zoning Matters

Planner's Report

Ms. Dunkle reported that the Planning Commission set Public Hearings for a Special Use Permit for David Anderson in order to operate a professional office on South Buckmarsh Street and for text amendments concerning requirements for apartments in the C General Commercial zoning district. She said that the BADA held a meeting in November and conditionally approved the final site plan for Virginia United Methodist Housing. She added that the Architectural Review Board has had a busy year.

Ms. Dunkle gave an update from the Northern Shenandoah Valley Regional Commission board meeting held on November 21, 2013. She said they prioritized next year's efforts for board members and staff.

7. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

Mr. Kitselman said the BADA will start up the review of the Berryville Area Plan in January.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold said that the budget cycle will be beginning in January and February.

c) Community Improvements – Allen Kitselman

Community Development Block Grant (CDBG)

Council member Kitselman said the County applied for and received a CDBG in the initial amount of \$3,000 for a Community Plan for the Josephine City neighborhood. He said the County has indicated that they no longer wish to be the fiscal agent for the grant

application. Mr. Kitselman said he is requesting that Town Council consider the Town of Berryville as the fiscal agent for the grant.

Mr. Kitselman thanked residents for coming to the meeting as input will be needed from the community. There was a general discussion about the planning grant. Ms. Dunkle said it may include anything from housing assessments to infrastructure improvements as determined by residents and the management team. Mr. Kenneth Liggins stated that there is a need for a community center for disadvantaged children or a soup kitchen. He added that Mr. Michael Hobert had applied for a grant in 2010 and was denied. Mr. Dalton said that the focus may have been too specific for a planning grant and that a broader community plan may be created to determine the neighborhood needs.

Ms. Daniel asked why the County decided to withdraw from participating as the fiscal agent. Mr. Kitselman responded by saying the request was presented to the Town but that he was unable to speculate as to why the County wanted to pass it to the Town. Ms. Daniel read a portion of the grant application that the intention was to preserve and protect the assets of the neighborhood. There was a general discussion about the broader focus of the community plan. Mr. Liggins stated that the Josephine Improvement Association would like to participate in the effort.

Mayor Kirby said the question to Council members is do we want to support the grant and follow through with the study. Mr. Kitselman said that the Virginia Department of Housing and Community Development (VHCD) has approved an initial \$3,000 with additional funding up to a total of \$10,000 if the first phase was approved. Mr. Kitselman said Northern Shenandoah Valley Regional Commission staff would shepherd the study with Brandon Stidham and Christy Dunkle acting on behalf of the County and Town. Mr. Dalton said this effort would definitely require time for Town staff. Mr. Shaffer said the proposed timeline may be unrealistic and that the effort appears to be a last minute effort. Ms. Dunkle said NSVRC staff has requested an extension.

There was a discussion about timing and proposed meetings during the holidays.

Mr. Dalton referenced the requirement of income surveys with a previous CDBG effort on Liberty Street. He noted that similar surveys may be needed in this instance and if area residents are unwilling to participate the effort will fail. Mr. Liggins said he will hold the County liable for holding onto information while being responsible for the grant.

Mayor Kirby called for a motion to determine whether the Town should take over the responsibility of fiscal agent for the grant.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Council of the Town of Berryville agreed to assume the role of fiscal agent for a Community Development Block Grant in the initial amount of \$3,000 for a Community Plan for the Josephine City neighborhood that was applied for and awarded to the County of Clarke.

Ms. Daniel added that while the timeframe is tight there should be an attempt to complete the first phase of the grant. Recorder Arnold added that it will be a study about community needs not necessarily about a community center. Mr. Kitselman agreed with both statements.

Mayor Kirby called the vote.

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

Chickens in Town

Mayor Kirby recognized Bryant Condry, 203 West Main Street. Mr. Condry said he is interested in allowing laying hens in Berryville and has submitted information to the Town Manager including a cost benefit analysis.

Mr. Condry said he reviewed the Code of the Town of Berryville Chapter 4 that bans livestock and fowl in the town limits and is requesting Council revisit this code section to allow laying hens. He referenced code language he submitted to Mr. Dalton from Winchester, Round Hill and other locations and the benefits of raising chickens for eggs. Mayor Kirby asked for comments. Mr. Kitselman requested Council revisit the issue at the January meeting, keeping an open mind. Ms. Daniel complimented Mr. Condry on his presentation.

Mayor Kirby recognized Eugene Kraybill, 317 First Street. Mr. Kraybill stated that he owns property on First Street that is approximately 8,000 square feet. He said he had chickens years ago and would like to have them again. He added that chickens eat stinkbugs. He said his wife loves to garden and they enjoy being outdoors. Mr. Kraybill said that he supports the proposal to allow chickens within the Town limits.

Mr. Kitselman said that ultimately a public hearing, while not required, would be warranted on this matter. He requested Council members discuss the matter with their constituents.

The Town Council agreed to discuss this matter at the next regular meeting.

d) Planning Commission – Doug Shaffer
Nothing to add to report.

e) Police and Security – Mary Daniel

Ms. Daniel said they will be having a meeting on January 8, 2014.

f) Streets and Utilities – Wilson Kirby

Nothing to add to report.

g) Personnel / Appointments – Jay Arnold

Nothing to add to report.

10. Adjourn

Mayor Kirby thanked Council members for participating in the Christmas parade. Upon motion by Council member Shaffer, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 8:17 p.m.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder