

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
May 8, 2018
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; Neal White, Chief of Police; Mia L. Jackson, Town Clerk

Press: None

1. Call to Order

Mayor Dickinson called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Council member McDonald, seconded by Council member Kitselman, the agenda was approved unanimously.

4. Public Hearing

Mayor Dickinson opened the public hearing as follows:

Proposed Fiscal Year 2018-2019 Budget

There were no speakers, Mayor Dickinson closed the public hearing.

5. Citizens' Forum

Mayor Dickinson recognized Stanley Kerns, Berryville resident. Mr. Kerns said that he was in attendance tonight to support the Smart Scale proposal that is included in tonight's items to be discussed.

Mayor Dickinson recognized Patricia Maples, representing Berryville Main Street. Ms. Maples shared a report regarding previous and upcoming events at Berryville Main Street.

Mayor Dickinson recognized Dan Garrett, Berryville resident. Mr. Garrett said he has been a longtime advocate of senior housing in Berryville. He announced a contract on a 120 unit independent state of the art living facility that is handicap accessible. He thanked Council members, Tollett, Gibson, McDonald and Mayor Dickinson for their support of the project. Mr. Garrett thanked Mr. Echols for helping to bring senior housing to Berryville.

6. Consent Agenda

The Consent Agenda was approved on motion of Council member Tollett, seconded by Council member Gibson. The items on the Consent Agenda were:

Minutes of Regular Meeting – 04/10/18

Minutes of Budget & Finance – 04/24/18

Minutes of Community Improvements Committee Meeting – 04/23/18

Minutes of Police and Security Committee Meeting – 04/26/18

Minutes of Streets & Utilities Committee Meeting – 04/24/18

Aye: Kitselman, McDonald, Gibson, Tollett, Arnold

Nay: None

Abstain: Dickinson

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson presented the attached report of the Mayor in a written statement. Mayor Dickinson offered her congratulations to newly elected and re-elected council members. She also thanked the candidates who ran and were not elected for their time and effort and encouraged them to stay active and engaged with the Town. Mayor Dickinson thanked the members of the Tree Board for putting together a recent tree planting event that included the raffle of a tree in Rose Hill Park. Mayor Dickinson thanked Casey Trees and Rivers Edge Landscaping for their donation of the trees. Mayor Dickinson reminded everyone of the upcoming Memorial Day ceremony on Sunday, May 27th at 2:00 PM in Rose Hill Park.

8. Report of Harry Lee Arnold, Jr, Recorder

Recorder Arnold noted that in the recent door to door campaigning one of the recurring concerns from citizens pertained to water & sewer. Recorder Arnold said that he felt there is misinformation in the community and a lack of understanding. Recorder Arnold said he would like for staff to develop an informational sheet that would be distributed to existing and new customers and be posted on the website that would provide information about the Town's water system, how it operates, how the meters work, and how billing is handled. Recorder Arnold said that he would like to see the document come back to Council for review and input prior to distribution.

9. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle reviewed her staff report included in the agenda packet.

Ms. Dunkle reviewed the proposed Smart Scale projects, phase 1 and phase 2 including costs. Ms. Dunkle noted that phase 2 includes two proposals, one for sidewalk on both sides of the street and the other proposal for sidewalk on the north side of East Main only. Ms. Dunkle noted scoring points associated with the application including economic development, accessibility, and environmental. Council member Tollett noted that VDOT had suggested that the Town would be more likely to get the grant if the option was chosen to have sidewalk on one side as opposed to both sides as that is also the lower cost option. Council member McDonald asked about the cost to the Town. Ms. Dunkle noted that under Smart Scale this project is 100% funded under VDOT and there would be no cost to the Town. Mr. Dalton said there has not been a discussion by staff or at the Streets & Utilities Committee level regarding a monetary contribution by the Town towards the project however staff and committee have been discussing the reduction of cost to make the application more competitive. **Recorder Arnold moved that the Council of the Town of Berryville direct staff to submit the SMART Scale pre-application for Phase 1 which includes East Main Street from the Norfolk Southern Railroad tracks east to Jack Enders Boulevard and for Phase 2 which includes East Main Street from Jack Enders Boulevard east to Battletown Drive**

with sidewalk on the north side of East Main Street to VDOT by the June 1, 2018 deadline. Council member Kitselman seconded the motion.

Aye: Kitselman, McDonald, Gibson, Tollett, Arnold

Nay: None

Abstain: Dickinson

+++++

Ms. Dunkle noted the draft text amendment for the Zoning Ordinance identified under Section 321.2, of the Berryville Zoning Ordinance, that would allow Town Council to appoint members of the Tree Board. She said that it was recommended by Council that the text amendment be available for consideration at a future public hearing that would be advertised with other items in order to save money on public hearing notice publications in the Winchester Star.

10. Report of Keith Dalton, Town Manager

Mr. Dalton directed attention to the minutes of May 10, 2016 where Council voted to include the abstract vote information in the minutes of the meeting for record keeping purposes. Mr. Dalton noted that the Town has received the abstract votes from the most recent election. **Council member Kitselman moved that the Council of the Town of Berryville include the abstract votes from the May 1, 2018 election in the minutes of the current meeting. Council member Tollett seconded the motion.**

Aye: Kitselman, McDonald, Gibson, Tollett, Arnold

Nay: None

Abstain: Dickinson

11. Report of Erecka Gibson - Chair, Budget and Finance Committee

Council member Gibson moved that the Council of the Town of Berryville approve the attached Budget Contingency Policy. Recorder Arnold seconded the motion.

Aye: Kitselman, McDonald, Gibson, Tollett, Arnold

Nay: None

Abstain: Dickinson

Town of Berryville

Budget Contingency Policy

The purpose of the Budget Contingency Policy is to establish a guideline and general approach to:

- *Respond to unanticipated significant revenue shortfalls.*
- *Provide funding for unanticipated, non-recurring, expenditures that cannot be absorbed within the operating budget.*
- *Provide temporary funding for an unanticipated, increase in operations or maintenance that cannot be absorbed within the operating budget.*

Expenditures drawn from contingency funds shall require prior approval from the Town Manager. Notice of such action will be presented to the Town Council at their next monthly meeting.

Budget Contingency will be at least 3% of Total Operating Requirements. Based on an assessment of expenditure risk for the upcoming fiscal year the Town Manager may recommend a higher level of Contingency and include such recommendation in the Proposed Budget. The Town Council holds final authority upon approval of the annual budget.

+++++

Ms. Moreland reviewed the amendment to the Procurement Policy regarding negotiation with lowest responsible bidder. **Council member Gibson moved that the Council of the Town of Berryville approve the attached amendment to the Procurement Policy. Council member Kitselman seconded the motion.**

Aye: Kitselman, McDonald, Gibson, Tollett, Arnold

Nay: None

Abstain: Dickinson

Negotiation with lowest responsible bidder

Unless cancelled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds allocated funds, the town may negotiate with the apparent low bidder to obtain a contract price within allocated funds.

(a) Procedures for negotiations. If the town wishes to negotiate with the apparent low bidder to obtain a contract price within allocated funds, negotiations shall be conducted in accordance with the following procedures:

(1) The using agency shall provide the director of public works, in the case of construction projects, and the procurement officer, in all other matters, with a written determination that the apparent low bid exceeds allocated funds. Said determination shall be confirmed in writing by the treasurer or his/her designee. The using agency may also provide the appropriate officer/director with a suggested reduction in scope for the proposed purchase.

(2) The appropriate officer/director shall advise the lowest responsible bidder, in writing, that the proposed purchase exceeds allocated funds. He may further suggest a reduction in scope for the proposed purchase, and invite the lowest responsible bidder to amend its bid proposal based upon the proposed reduction in scope.

- (3) *Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a contract within allocated funds shall be permissible.*
- (4) *The lowest responsible bidder shall submit an addendum to its bid, which addendum shall include any change in scope for the proposed purchase, the reduction in price and the new contract value.*
- (5) *If the proposed addendum is acceptable to the town, the town may award a contract within funds allocated to the lowest responsible bidder based upon the amended bid proposal.*
- (6) *If the town and the lowest responsible bidder cannot negotiate a contract within allocated funds, all bids shall be rejected.*

+++++

Council member Gibson said there will not be a Budget & Finance committee meeting in May unless necessary.

12. Report of Donna McDonald - Chair, Community Improvements Committee

Council member McDonald reviewed updates from the Community Improvements Committee including lighting at the Rixey Moore Parking Lot and Tesla/Clipper Creek charging stations. Council member Gibson asked about the idea of installing parking meters at the charging stations. Council member McDonald explained that the discussion of the meter at the charging stations would be to offset the cost of the charger. Mayor Dickinson noted an installation of a meter may require a change to the Town Code. Ms. Dunkle noted the Town has received the grant from Tesla for two Tesla charging stations and one Clipper Creek charging station and is waiting on additional installation information.

Council member McDonald said there is continued discussion regarding the playground. Mr. Dalton said there are monies budgeted for a master plan of Rose Hill Park in the proposed budget. He said the next steps are to mark the utilities within the park and have them included in a base survey and the Planner and committee would move forward with developing a master plan from there. Council member McDonald noted continued discussion is happening at the committee level regarding expansion of the playground and possible expansion limitations.

Council member McDonald said there will not be a committee meeting unless there is information that needs to be discussed. She said that if that occurs the next meeting would be May 29, at 7pm if needed.

13. Report of David Tollett – Police and Security Committee

Council member Tollett said the meeting date for the next committee meeting is May 24, 2018 at 9 AM.

Council member Tollett called attention to Chapter 8 – Garbage and Refuse and the changes to the Code. He noted that the goal is to keep the Code simple and to have the rules and regulations set forth within a policy. Council member Tollett said a time table was established and Council can expect to see a draft of Code changes and a draft policy at its Council meeting in

August. Council member Gibson noted the potential use of stickers on totes. Mr. Dalton said the stickers or decals could be helpful in several ways. He said that they would identify who the tote belonged to, specific garbage and refuse services provided and help the Town and contractor with auditing. Council member Tollett noted that the committee is continuing to discuss the specific details of the policy.

Council member Tollett said that May kicked off the national campaign for occupant protection and the Town police department is participating in that program otherwise known as "Click It or Ticket".

14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee
Mayor Dickinson said the next meeting date is May 22, 2018 at 12 PM.

Mayor Dickinson directed attention to a neighborhood traffic calming program that was mentioned in the minutes of the Streets & Utilities Committee meeting of April 24, 2018. She asked Council members to look at the eight step program because there is a group of citizens that have completed step one of the neighborhood traffic calming program and are ready to move to step two, which requires Council approval. Mayor Dickinson noted that the program is relatively new however she said she likes it because it is citizen and neighborhood driven. She said the program is driven by resident action and could be implemented in other areas as long as the area meets the qualifications. Council member Gibson asked that Council members be supplied with the document. Mayor Dickinson said that she will email Council members the document for their review. Council member Kitselman asked if program applies to Route 340. Mayor Dickinson said in the conversations with VDOT they have said Route 340 does qualify. Mayor Dickinson said that the neighborhood concerned with traffic calming on Route 340 has completed step one of the program and is ready for step two. She said step two is a traffic calming study to be conducted and would require Council approval. Council member McDonald asked who funds the necessary studies. Mayor Dickinson said that the studies are done by VDOT and there is no fee associated with the studies.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee
No Report

16. Other
Mr. Dalton confirmed that a reception will be held for outgoing and incoming Council members on June 12 at 6:30 PM on the 2nd floor prior to the Council meeting.

Council member McDonald asked Mr. Dalton to review his memo of February 14, 2018 related to future paving and water projects as well as maintenance and repair to the water treatment plant and the importance of planning for those projects now. Mr. Dalton noted that this continues to be a discussion at the committee level. He stressed the importance of a proactive approach towards future projects and planning for adjustments to water and sewer rates.

Recorder Arnold said that he was pleased with the Budget package this year and the complete picture that it presented to Council and to the public. Council member Gibson thanked Ms. Moreland and her staff for the work done on the budget presentation. Council member Gibson noted that she felt it presented a complete picture that is helpful to the public.

Mr. Dalton confirmed the Committee meeting schedule as follows:

Streets and Utilities: May 22, 2018 @ 12:00 p.m.

Police and Security: May 24, 2018 @ 9:00 a.m.

Community Improvements: May 29, 2018 @ 7:00 p.m. – If there are agenda items to discuss

17. Adjourn

There being no other business, upon motion of Council member Tollett, the meeting was adjourned at 9:15 p.m.

Harry Lee Arnold, Jr., Recorder

Mia L. Jackson, Town Clerk

Mayors Report May 8, 2018

First, I would like to offer my congratulations to our newly elected Town Council Members Kara Rodriguez, Diane Harrison and Jay Arnold. The next Town Council will begin in July when they take office. With these dedicated council members on board I am excited about the possibilities that lay before us.

For those candidates who were not elected, thank you for stepping up. Thank you for all your hard work. And, please stay engaged.

For the 800 plus residents who turned out last week, thank you for voting. Whether the candidate you supported won or lost please don't stop being involved. There is opportunity for each of us to make a contribution. I encourage you to stay current on the issues, let Town Council members know what you think, and volunteer your services if you can. If there is an issue you want addressed then bring it to my attention and we will find a way to move it forward.

Working together we can accomplish great things.

Again, congratulations to Kara, Diane and Jay.

Next, I would like to thank the members of the Tree Board for making a difference in Rose Hill Park by planting a tree near the playground equipment. I would also like to thank Casey Trees and River's Edge for their kind donation of trees in support of the Tree Board's efforts.

And finally, please remember to join us for the Memorial Day Ceremony to be held at Rose Hill Park on Sunday, May 27 at 2:00 PM. I look forward to seeing you there.

ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA
at the 2018 May Town General Election held on May 01, 2018 for,

Recorder

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Harry L. "Jay" Arnold, Jr	514
Christopher J. Foley	329
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 01, 2018, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Recorder .

Harry L. "Jay" Arnold, Jr

Given under our hands this 2ND day of MAY, 2018



Donald W. Haven , Chairman
[Signature] , Vice Chairman
Carol S. Hesteruelv , Secretary
Carol S. Hesteruelv , Secretary, Electoral Board

ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA
at the 2018 May Town General Election held on May 01, 2018 for,

Member Town Council - Ward 2

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Diane M. Harrison	608
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	154
** Please submit a Write-Ins Certification **	
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 01, 2018, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Ward 2.

Diane M. Harrison

Given under our hands this 2ND day of MAY, 2018

Donald de Haven, Chairman

[Signature], Vice Chairman

Paul S. Festerfelt, Secretary

Paul S. Festerfelt, Secretary, Electoral Board



ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA
at the 2018 May Town General Election held on May 01, 2018 for,

Member Town Council - Ward 4

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Kara C. Rodriguez	552
Alton C. Echols, Jr.	287
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 01, 2018, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Ward 4.

Kara C. Rodriguez

Given under our hands this 2ND day of MAY, 2018

Donald De Haven, Chairman

ARJ, Vice Chairman

Carol Hesterwell, Secretary

Carol Hesterwell, Secretary, Electoral Board



MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Called Meeting
May 25, 2018
4:00 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Mia L. Jackson, Town Clerk

Press: None

1. Call to Order
Mayor Dickinson called the meeting to order at 4:00 p.m.
2. Pledge of Allegiance
3. Approval of Agenda
On motion of Council member Kitselman, seconded by Council member McDonald, the agenda was approved unanimously.
4. Discussion – IFB #05-18 Paving, Milling, and Line Striping
Mr. Dalton reviewed Town paving projects that have been completed since 2012 as well as reviewing current and upcoming paving projects. Mr. Dalton said staff has developed an invitation for bid for paving, milling and line striping that would complete paving activity for the second half of FY18 and the first half of FY19. Mayor Dickinson noted a discrepancy within the Procurement Policy that was approved February 13th by Council and the version that was provided to Council in April of this year. She noted that the discrepancy is within a column header titled “Number of Quotes”. Mr. Dalton said that staff will look in to the discrepancy and would report back to the Council at the June meeting. **Council member Arnold moved that the Council of the Town of Berryville approve the issuance of IFB #05-18 and authorize the Town Manager to accept the low bid and execute all contract documents; provided that the chosen bidder meets minimum standards established in the IFB and the bid does not exceed allocated funds. Council member Kitselman seconded the motion.**
Aye: Kitselman, McDonald, Gibson, Tollett, Arnold
Nay: None
Abstain: Dickinson
5. Other
6. Closed Session

Approved by Berryville Town Council
June 12, 2018

7. Adjourn

There being no other business, upon motion of Council member Tollett, seconded by Council member Kitselman the meeting was adjourned at 4:30 p.m.

Harry Lee Arnold, Jr., Recorder

Mia L. Jackson, Town Clerk

Approved by Berryville Town Council
June 12, 2018

MINUTES
BERRYVILLE TOWN COUNCIL
STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
Tuesday, May 22, 2018
12:00 p.m.

Committee Members: Present: Patricia Dickinson, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Christy Dunkle, Town Planner; Neal White, Berryville Chief of Police

Press: None

Other: Diane Harrison, Marilyn Pierce

1. Call to Order

Chair Dickinson called the meeting to order at 12:00 p.m.

2. Approval of Agenda

The agenda was approved as presented.

3. Discussion – Smart Scale Projects

Mr. Dalton introduced the matter and noted that staff was working with VDOT regarding VTRANS issues and that Town Council will likely need to take some action at its June meeting on this matter if the Smart Scale project for East Main Street is to move forward.

Ms. Dunkle noted that from VDOT’s perspective, there are no documented safety issues on the street section being considered and it is necessary that the project be in an urban development area for it to have any chance of success. Ms. Dunkle noted that she will be working with VDOT and their contractor to get something in front of the Town Council in June.

4. Discussion – Radar Feedback Signs

Mr. Dalton noted that the Committee had indicated it was interested in portable signs at the last meeting therefore staff had begun work in order to provide the Committee and Town Council with more detailed information on their options.

Mayor Dickinson questioned why staff believed the Committee wanted portable signs. Mr. Dalton stated that the Committee expressed support for the purchase of the type of sign proposed by a resident of Taylor Street and the sign proposed was a portable sign. The Committee engaged in a discussion clarifying the definition of a portable speed sign. Mr. Dalton noted that portable speed signs can be mounted on an existing pole. He noted that the proposed FY19 budget was intended to fund two permanently mounted signs.

Chief White reviewed sign choices that he had identified to date.

The Committee determined that staff would work on a firm proposal to purchase two signs with 11-13" displays. The signs would be of the type used by VDOT on South Buckmarsh Street but they would be permanently attached to existing posts and would have a solar array.

The Committee determined that this matter should move to full Town Council for consideration at the July meeting.

5. Discussion – Paving IFB

Mr. Dalton reviewed the streets that are included in the Invitation for Bid (IFB) for paving.

The Committee discussed drainage issues on Swan Avenue. Staff stated that from its examination, any project to address the drainage issue near the Johnson-Williams Middle School entrance would not involve replacement of the culvert under the street therefore, it should not be counterproductive to pave the area at this time.

Ms. Moreland reviewed the IFB.

The Committee discussed the IFB and the timing of submissions.

Mr. Dalton noted that there will be another offering for the second half of FY19 and it may be helpful if that work can be combined with the work for the first half of FY20, which is likely to be dominated by work on Hermitage Blvd.

The Committee and staff discussed sidewalk and drainage work that was recently completed.

6. Closed Session – No closed session scheduled

7. Other

8. Adjourn

There being no further business, the committee adjourned at 12:50 p.m.