

**BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Wednesday, January 4, 2012
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
10:30 a.m.**

MINUTES

Roll:

Town Council:

Present: Mary Daniel, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police

1. **Call to Order** – Mary Daniel, Chairman
Chairman Daniel called the meeting to order at 10:38 a.m.

2. **Commercial Vehicle Ordinance Discussion** There was a discussion of changes made to Section 10-49 of the Town Code. Chief White was directed to examine whether trailer length and height should also be addressed. Chief White was asked to finalize a draft ordinance for town attorney review.

3. **Yard Sales** –There was a discussion of changes to Town Code Section 19-1. Chief White was directed to amend the language in order to address community-wide yard sale events. Chief White was asked to finalize a draft ordinance for town attorney review.

4. **Adjourn**
The committee meeting was adjourned at 11:29 A.M.



Keith Dalton, Town Manager

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, January 10, 2012
Berryville-Clarke County Government Center
Regular Meeting
7:30 p.m.

Roll:

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; David Tollett; Mary Daniel; Lawrence Russell, III

Staff: Keith Dalton, Town Manager; Neal White, Police Chief; Christy Dunkle, Assistant Town Manager/Planner; David Tyrrell, Director of Utilities; Celeste Heath, Town Clerk

Press: Val Van Meter, Winchester Star; Mike Dowling, ClarkeDailyNews.com

1. Public Hearing:

Proposed lease for 36 Smithy Lane

The Council of the Town of Berryville proposes to enter into a lease for the house identified as 36 Smithy Lane (Smithy Cottage). The proposed lease would provide for leasing the property in question to the Barns of Rose Hill, Inc.

Mayor Kirby called the Public Hearing to order at 7:30 P.M.

Stan Kerns, representing the Barns of Rose Hill spoke in favor of the lease. He explained that the Barns of Rose Hill would like to use the house for office space and perhaps for living space for an artist in residence.

The Public Hearing was closed at 7:32 p.m.

2. Public Hearing:

Proposed granting of easements and an agreement associated with the VDOT project to complete Mosby Blvd (Project 0636-021-152, RW-201).

The completion of the Mosby Blvd. project requires several utilities to be relocated. This relocation requires that easements be granted to Washington Gas Light Company, Rappahannock Electric Cooperative, Shenandoah Telephone Company, and Verizon Virginia Inc. The completion of the Mosby Blvd. project also requires the Town of Berryville and the Commonwealth of Virginia, Department of Transportation to agree to the adjustment of improvements within the right of way.

Mayor Kirby called the Public Hearing to order at 7:33 p.m.

There was no public comment. The Public Hearing was closed at 7:33 p.m.

3. Call to Order: Wilson Kirby, Mayor

Mayor Kirby called the regular meeting to order at 7:34 p.m.

4. Approval of Minutes

December 13, 2011

Upon motion by Council member Daniel, seconded by Council member Tollett, the minutes of the December 13, 2011 meeting were unanimously approved.

5. Citizen's Forum

There was no public comment.

6. Report of the Mayor

Mayor Kirby thanked the press for coverage about his run for Mayor.

Action Item: Proposed lease for 36 Smithy Lane

The Council of the Town of Berryville proposes to enter into a lease for the house identified as 36 Smithy Lane (Smithy Cottage). The proposed lease would provide for leasing the property in question to the Barns of Rose Hill, Inc.

Mr. Dalton said that the Barns of Rose Hill is still reviewing the draft lease and that there may be minor changes to it.

Upon motion by Council member Tollett, seconded by Council member Daniel the Council of the Town of Berryville unanimously agreed to enter into an agreement with the Barns of Rose Hill for the lease of 36 Smithy Lane and authorized the Town Manager to finalize and execute the lease.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain:

None

Absent During Vote:

None

Action Item: Proposed granting of easements and an agreement associated with the VDOT project to complete Mosby Blvd (Project 0636-021-152, RW-201).

Mr. Dalton explained that the completion of the Mosby Boulevard project requires several utilities to be relocated and that this requires that easements be granted to Washington Gas, Rappahannock Electric, Shenandoah Telephone and Verizon. He said that these changes also require an agreement with VDOT to adjust the improvements in the right-of-way. He said that the VDOT agreement requires an expenditure of funds as well.

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville authorized the Mayor to execute the attached

agreement (ATT 1) on behalf of the Town Council and authorized the payment required in the agreement:

- An Agreement Between the Town of Berryville and the Commonwealth Virginia Department of Transportation Agreement for Adjustment of Water and Electrical Facilities

and that the Council of the Town of Berryville grants the attached easements (ATT 2), and authorizes the Mayor to execute them:

- Easement Between the Commonwealth of Virginia Department of Transportation and the Town of Berryville
- Easement Between Washington Gas and the Town of Berryville
- Easement Between Shenandoah Telephone Company and the Town of Berryville
- Easement Between Verizon Virginia Inc. and the Town of Berryville
- Easement Between Rappahannock Electric Cooperative and the Town of Berryville

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain:

None

Absent During Vote:

None

7. Planning and Zoning Matters: Christy Dunkle

Ms. Dunkle reported that there was no Planning Commission meeting in December.

Farmers Market Update

Ms. Dunkle reported that the Farmer's Market wants to open on May 5. She said that a survey conducted by the market has yielded important information for the development of the market. She said that the market will partner with the Fire House Gallery to produce re-useable shopping totes for sale.

VDOT Context Sensitive Solutions Update

Ms. Dunkle said that VDOT has chosen to expand on the project at Buckmarsh and Main Streets. She said that they will also develop a concept plan for the Hermitage and Buckmarsh intersection.

Update on Clarke County High School

Ms. Dunkle stated that the schools said that substantial completion will be reached on January 23.

8. Report of Town Manager

Spot Blight Abatement

Mr. Dalton said that the Planning Commission did not meet in December so they will address the issues at their January meeting.

Whitman, Requardt & Associates Contract Scope Amendment

Mr. Dalton asked Mr. Tyrrell to provide a report on this matter. Mr. Tyrrell explained that Whitman, Requardt & Associates (WRA), the project engineer for the Wastewater Treatment Plant, has requested a contract scope amendment in the amount of \$325,838.00. He said that staff has reviewed the matter and has determined that the correct amount for the change is \$134,621.20. He said that WRA has agreed to accept that amount.

He explained that the increased costs are for revising the site plan to address access road requirements imposed by the Clarke County Building Official; geotechnical support costs that exceeded those provided for in the contract for the grouting operation; and effluent station redesign. Mr. Dalton said that the largest item resulted from the problems experienced with the effluent pumping station and wet well in the amount of \$104,350.00.

Mr. Dalton asked Mr. Tyrrell about how this will affect the budget. Mr. Tyrrell said that most of the contract changes will be handled with grant funds and contingency funds. He said that he is working to try to use some of the unused contingency funds from the outfall line to avoid having to use town funds.

Council member Daniel said that she is willing to approve this to move the project along. She asked if the Streets and Utilities Committee reviewed this request. Mr. Dalton said that they did not review this specific request but the committee has had an ongoing discussion about the matter. Council member Kitselman said that he is willing to approve this because we are between a rock and a hard place and that this is as good a solution as we are going to get.

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville unanimously authorized the Town Manager to execute a Contract Scope Amendment with Whitman, Requardt & Associates in the total amount of \$134,621.20.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
David Tollett
Mary Daniel
Lawrence Russell, III

Nays:

None

Absent:

None

Abstain: None
Absent During Vote: None

9. Standing Committee Reports

a) BADA Liaison – Allen Kitselman
Nothing to add.

b) Budget Finance / CIP – Jay Arnold
Nothing to add to the Treasurer’s report.

c) Community Improvements – Allen Kitselman
Nothing to add.

d) Planning Commission – No meeting.

e) Police and Security – Council member Daniel reported that the Committee met on January 4, 2012. She reported that the committee is still discussing commercial vehicle regulations and yard sale regulations.

Approval of Minutes

January 4, 2011

Upon motion by Council member Tollett, seconded by Council member Daniel, the minutes of the January 4, 2012 Police and Security Committee meeting were unanimously approved.

f) Streets and Utilities – Wilson Kirby
Mayor Kirby set a Committee meeting for January 19, 2012 at 2:00 p.m..

g) Personnel / Appointments – Jay Arnold
Council member Arnold asked Mr. Dalton to talk about board vacancies. Mr. Dalton said that the Town of Berryville is soliciting applicants for Board vacancies. He said that those interested in serving should forward a completed talent bank form to the Town Office by January 24.

10. Adjourn

Upon motion by Council member Tollett, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 8:02 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL
STREETS AND UTILITIES COMMITTEE
Thursday, January 19, 2012
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
2:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Mayor Wilson Kirby, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Dave Tyrrell, Director of Public Utilities; Christy Dunkle, Assistant Town Manager/Planner

Press: Val Van Meter, Winchester Star

- 1. Call to Order** – Mayor Wilson Kirby, Chair
Mayor Kirby called the meeting to order at 2:00 p.m.
- 2. Discussion** – Berryville Code Amendment – Sewer Ordinance
Mr. Dalton explained that as a part of the agreement to receive funding for the new wastewater treatment plant the Town is obligated to adopt a new sewer use ordinance that will replace the current ordinance. He and Mr. Tyrrell then reviewed with the committee details of a draft ordinance. He said that additional work is needed on the ordinance but that staff would like to finalize the ordinance with the committee in February and forward it to Town Council in February or March. The committee agreed to review the final ordinance at a meeting in February.
- 3. Discussion** – Water Distribution Improvements
Mr. Dalton explained Staff has been examining the water distribution system with an eye for improving fire protection and water quality. There was a discussion of the projects in general. Mr. Dalton and Mr. Boor will present a prioritized list of projects at the next meeting.
- 4. Discussion** – Byrd Avenue Sewer
Mr. Dalton explained that the Town intended to complete work replacing the sewer on Byrd Avenue this past fall. He explained that because the bids for the project came in higher than expected the project was not been completed. The committee directed staff to proceed with procurement of services for the project.
- 5. Discussion** – Berryville Code Amendment – Emergency Services Key Repository Ordinance
Mr. Dalton gave an overview of the idea of requiring a key repository on new multi-family, commercial, and institutional structures. He said that staff would like to discuss

the matter with the committee and determine interest in the matter. The committee directed staff to develop an ordinance for review at the next meeting of the committee.

6. Discussion – Storm Water Regulation

Mr. Dalton said that officials from DEQ met with staff this week to discuss storm water regulations that will become effective in July 2014. Ms. Dunkle gave an overview of the how the regulations. Mr. Dalton said that a representative from DEQ will be present at the February 14 Town Council meeting to provide a more detailed overview of the changes.

7. Next Meeting

The next meeting of the Streets and Utilities Committee meeting was set for February 9, 2012 at 2:00 p.m.

8. Other

Ms. Dunkle updated the committee on the street takeover from VDOT on July 1, 2012

Mr. Tyrell updated the committee of the waste water treatment plant project.

9. Adjourn

The committee meeting was adjourned at 3:07 P.M.

Keith R. Dalton, Town Manager