

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

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

Press: Val Van Meter, Winchester Star; Ed Leonard, ClarkeDailyNews.com

1. Public Hearing- Chris Hansen (owner, CIE International, LLC), requests a Special Use Permit in order to sell vehicles under Section 609.3(k) of the Town of Berryville Zoning Ordinance at the property located at 3 Cattleman's Lane, identified as Tax Map Parcel 14A3-((A))-17, zoned L-1 Industrial. SUP 12-02

Mayor Kirby opened the Public Hearing at 7:30 p.m.

There was no public comment. Ms. Dunkle reported that there was no public comment in the Planning Office.

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

2. Call to Order: Wilson Kirby, Mayor

Mayor Kirby called the regular meeting to order at 7:32 p.m.

3. Approval of Minutes

June 12 and 26, 2012

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the June 12 and 26, 2012 meetings were unanimously approved.

4. Citizen's Forum

There was no citizen comment.

5. Report of the Mayor

Mayor Kirby welcomed Doug Shaffer to the Town Council. He then thanked all those who helped with the Bike Virginia event.

6. Planning and Zoning Matters

Action Item – Public Hearing

Chris Hansen (owner, CIE International, LLC), requests a Special Use Permit in order to sell vehicles under Section 609.3(k) of the Town of Berryville Zoning Ordinance at the property located at 3 Cattleman’s Lane, identified as Tax Map Parcel 14A3-((A))-17, zoned L-1 Industrial. SUP 12-02

Ms. Dunkle said that this item has been through the Planning Commission public hearing process and that they recommended approval of the request. She explained that the applicant wishes to sell government surplus fleet vehicles through his business located on Cattleman’s Lane. She said that the Planning Commission discussed conditions including no more than twelve vehicles on the site and maintaining the current hours of operation from 9:00 a.m. until 5:00 p.m.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville approved the Special Use Permit at the property located at 3 Cattleman’s Lane, identified as Tax Map Parcel number 14A3-((A))-17, zoned L-1 Industrial in order to sell vehicles under Section 609.3(k) of the Berryville Zoning Ordinance with the following conditions:

- No more than twelve (12) vehicles for sale on the parcel
- Hours of operation Monday through Friday 9:00 a.m. to 5:00 p.m.

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

Ms. Dunkle reported that the Planning Commission is working on the Comprehensive Plan update, the BADA is working on the Berryville Area Plan update and that the ARB and BZA did not meet.

8. Report of Town Manager

The Town Manager reported about the derecho storm that hit the area. He thanked Public Works and Police personnel, John H. Enders Fire Department, Verizon and Rappahannock Electric Cooperative who assisted with the cleanup and repair.

Mr. Dalton reported that Rick Boor, director of Public Works noticed a fire at the Santorini Grill on July 3 and alerted authorities. The town Police Department controlled

the fire with extinguishers so it would not extend to the rest of the structure. He thanked Enders Fire for their quick responses as well as Rick Boor, Chief White and Officers Hollins and Frenzel.

Government Center HVAC

Mr. Dalton reported that HVAC problems have persisted since the government center opened and that the Town and County have been working with a consultant to evaluate the problems. He said that after addressing some easier fixes to little avail, the consultant designed a retrofit to solve the problems of humidity and temperature variation. He said that the County Board of Supervisors has agreed to allow the Joint Building Committee to put the project out to bid and that staff recommends that the Town Council do the same.

Upon motion by Council member Daniel, seconded by Council member Tollett the Council of the Town of Berryville directed the Berryville Clarke County Government Center Joint Building Committee to proceed with the solicitation of bids on repair of the HVAC system in the Berryville Clarke County Government Center. I further move that, after receipt and review, the Joint Building committee make a recommendation to the respective governing bodies on contractor selection.

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

Government Center Bills

Mr. Dalton reported that the Town began billing the County for expenses totaling \$147,669.73 incurred as a part of the Government Center project in July of 2009 and that in early 2012 the Town was informed that the County would not pay, among other things, the cost of utilities in the amount of \$12,063.98. He said that those utility costs were billed in July 2009. He said that in late February town staff responded to county staff that the majority of the reductions were not acceptable, including the utilities reduction.

He explained that on March 1, 2012 the County billed the Town for its second half of fiscal year 2012 shared operating costs. He said that staff chose to hold this bill until some resolution was reached in this matter.

He said that this was discussed at length at the June 27 meeting of the Joint Government Center Committee and that he made it clear that he would not accept a reduction in what

is owed to the Town for utilities and that no payment for operating expenses would be forthcoming until the Town is paid what it is owed. He said that he told the committee that this matter would be forwarded to the Town Council.

The Mayor presented a draft letter to Board of Supervisors Chairman Michael Hobert that he would like to send stating the Town Council's position on the matter. Council member Daniel said that she thinks it is appropriate for the Mayor to send the letter and discuss the matter with Mr. Hobert and get the issue taken care of. There was a consensus of the Town Council the Mayor should send his letter to Mr. Hobert.

Request from R2 Investment Properties

Mr. Dalton said that he just received a drawing of the utility easements that Mr. Hillerson from R2 Investments might be requesting across Rose Hill Park, which he shared with the Council. He said that staff will be conferring with Mr. Hillerson about this matter and will return to Town Council if a Public Hearing is requested by R2.

Committee Assignments

Mayor Kirby said that he would be contacting Council members regarding committee assignments.

9. Standing Committee Reports

a) BADA Liaison – Allen Kitselman
Nothing to add.

b) Budget Finance / CIP – Jay Arnold
Recorder Arnold recognized Ms. Moreland regarding publication of the delinquent tax list and charging off uncollected 2006 personal property taxes as required by law.

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville authorized the publication of delinquent Real Estate and Personal Property taxes as presented.

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

Upon motion by Council member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville adopted the attached resolution to charge off delinquent personal property taxes for Tax Year 2006.

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

RESOLUTION
OF THE COUNCIL OF THE TOWN OF BERRYVILLE

WHEREAS, Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for tax year 2006, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this tenth day of July 2012, that the attached list of delinquent personal property taxes for tax year 2006 shall be charged off the tax records of the Town of Berryville as uncollectible.


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 July 10, 2012.

ATTEST:


Harry L. Arnold, Jr., Recorder

c) Community Improvements – Allen Kitselman
Nothing to add.

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

e) Police and Security – Mary Daniel
Chief White reported that Officer Hollins had resigned. He said that the department received a \$500 grant from Bike Virginia for the department’s Bike Rodeo in August. He said that National Night Out will be held on August 7 in Rose Hill Park.

f) Streets and Utilities – Wilson Kirby
Nothing to add.

g) Personnel / Appointments – Jay Arnold
Nothing to add.

7. Closed Session –

Berryville Town Council will enter closed session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff regarding probable litigation related to the construction of the Wastewater Treatment Plant.

a. Motion to enter Closed Session

It was moved by Recorder Arnold, seconded by Council member Kitselman that the Council of the Town of Berryville enter Closed Session pursuant to §2.2-3711-A-7, Code of Virginia, in order to consult with staff regarding probable litigation related to the construction of the Wastewater Treatment Plant.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman David Tollett Doug Shaffer
Nays:	None
Absent:	None
Abstain:	None
Absent During Vote:	None

b. Enter Closed Session

The Town Council entered closed session at 8:07 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 9:02 p.m.

d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: July 10, 2012

MOTION BY: Mary Daniel

SECOND BY: Allen Kitselman

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia (Council), has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Recorded Vote:

Ayes:

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

Nays:

None

Absent:

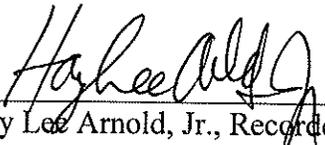
None

Abstain:

None

Absent During Vote:

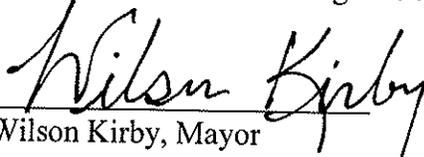
None



Harry Lee Arnold, Jr., Recorder

11. Adjourn

Upon motion by Council member Tollett, seconded by Council member Daniel and passed, the Council meeting was adjourned at 9:04 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder