

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, October 9, 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; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Celeste Heath, Town Clerk

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

September 11, 2012

Upon motion by Recorder Arnold, seconded by Council member Shaffer, the minutes of the September 11, 2012 meeting were unanimously approved.

3. Citizen's Forum

Jerry Johnson, President of Berryville Main Street introduced Luanne Cary, the organization's new Executive Director. He expressed his appreciation for the Town Council's support. He reported that Berryville Main Street hopes to light the downtown street trees for the holidays and he thanked Recorder Arnold for the idea.

George Archibald, 27 West Main Street, explained that he was annoyed that trash receptacles on Main Street were not emptied so he started emptying them at night. He said he wrote to Mr. Dalton asking to be compensated for doing this. He said he was motivated by the \$200,000 received by Berryville Graphics. He said that Mr. Dalton replied to him that it wasn't possible to pay him. Mr. Archibald said that he proposed that the Town Council entertain a motion to discuss the fact that the trash bins are not being emptied. He said that if the Town Council is not willing to pay him \$16 a week to empty the trash cans then Town staff should be instructed to do it.

4. Report of the Mayor

Mayor Kirby presented a Proclamation declaring October 23 to October 31, 2012 Red Ribbon Week in Berryville. He then recognized Private Garrett Boehme of the Shenandoah Valley Young Marines who spoke about Red Ribbon Week.

Proclamation

Red Ribbon Week

October 23 – 31, 2012

WHEREAS, alcohol and drug abuse in this Nation have reached epidemic stages and

WHEREAS, there is hope in winning the War on Drugs, and the hope lies in the hard work and determination of our communities to create a drug free environment, and

WHEREAS, local leaders, in government and in the community, know that the support of the people in the neighborhoods is the most effective tool they can have in their efforts to reduce use of alcohol, tobacco, and other drugs, and

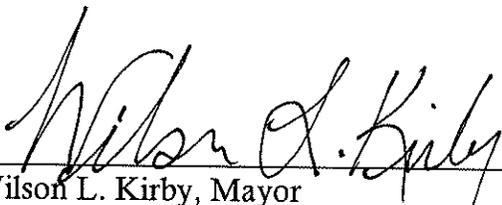
WHEREAS, success will not occur overnight, and patience and continued commitment to drug education and prevention are imperative, and

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 has come to represent the belief that one person CAN make a difference, and

WHEREAS, The Shenandoah Valley Young Marines work tirelessly in the community to promote youth drug awareness in the schools and at community events.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Wilson L. Kirby, Mayor of the Town of Berryville, Virginia, do hereby proclaim October 23 – 31, 2012, as Red Ribbon Week in this Berryville, 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 the rest of the nation in promoting the Red Ribbon Celebration and drug-free communities.

Dated this ninth day of October, 2012


Wilson L. Kirby, Mayor

5. Planning and Zoning Matters

Action Item – Resolution – Northern Shenandoah Valley Regional Commission

Ms. Dunkle explained that the Northern Shenandoah Valley Regional Commission has requested that the Town Council adopt their Charter through Resolution.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Council of the Town of Berryville adopted the attached Resolution

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

BERRYVILLE TOWN COUNCIL

RESOLUTION FOR ADOPTION OF NORTHERN SHENANDOAH VALLEY
REGIONAL COMMISSION CHARTER

WHEREAS, *THE Town of Berryville's population surpassed the population threshold of 3,500 residents and, per Virginia Code § 15.2-4203, may now participate as a full member of the Northern Shenandoah Valley Regional Commission ("Commission"); and*

WHEREAS, *the purpose of the Commission shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District by planning and encouraging and assisting governmental subdivisions to plan for the future; and*

WHEREAS, Commission members shall be appointed by the Town of Berryville and shall be an elected official of the governing body having at least one representative and shall appoint an alternative voting representative to serve in the absence of that jurisdiction's duly appointed voting representative who may be an elected or non-elected representative; and

WHEREAS, the terms of office of Commission members who are also members of governing bodies shall be coincident with their elected terms of office or such term as their governing body shall determine according to their practices; and

NOW THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville hereby adopts the charter agreement of the Northern Shenandoah Valley Regional Commission as presented at this meeting.

Date: October 9, 2012

Moved By: Allen Kitselman

Seconded By: Mary Daniel

Recorded Vote:

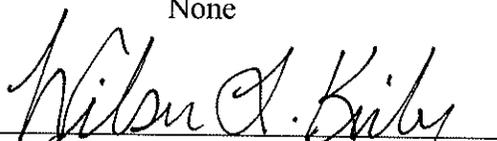
Ayes: Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Allen Kitselman
Douglas Shaffer
David Tollett
Mary Daniel

Nays: None

Absent: None

Abstain: None

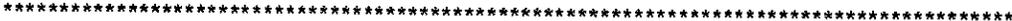
ATTEST:


Wilson L. Kirby, Mayor



**CHARTER AGREEMENT
OF THE
NORTHERN SHENANDOAH VALLEY REGIONAL COMMISSION**

**Adopted: May 10, 1970
Amended: June 9, 1983
Amended: May 17, 2001
Amended: August 15, 2008**



**CHARTER AGREEMENT OF THE
NORTHERN SHENANDOAH VALLEY REGIONAL COMMISSION**

This Charter Agreement to organize a Planning District Commission made this 10th day of May 1970, by and between the undersigned governmental sub-divisions as authorized by the Virginia Area Development Act (Title 15.1, Chapter 34, Sections 15.1-1400, et seq., Code of Virginia (1950), as amended):

NOW THEREFORE it is agreed that:

ARTICLE I

Name, Location, Authority, Purpose

- Section 1. The name of this organization shall be the Northern Shenandoah Valley Regional Commission, hereinafter called the "COMMISSION."
- Section 2. The principal office of the COMMISSION shall be in Front Royal, Virginia. The location of the principal office may be changed by the concurrence of 3/4ths of the COMMISSION members present at a regular meeting, provided that the clerk of the governing body of each member governmental subdivision has been notified of the contemplated relocation in writing at least thirty days before such meeting.
- Section 3. The COMMISSION shall be a public body corporate and politic with all powers and duties granted to it by the Virginia Area Development Act.
- Section 4. The purpose of the COMMISSION shall be to promote the orderly and efficient development of the physical, social, and economic elements of the Planning District by planning and encouraging and assisting governmental subdivisions to plan for the future.

ARTICLE II

Membership

- Section 1. COMMISSION members shall be appointed by the respective governing bodies of those political subdivisions which are parties of the Charter Agreement provided, however, that at least a majority, but not substantially more than a majority, of the COMMISSION'S members shall be elected officials of the governing bodies of the governmental subdivisions within the Planning District with each participating county, city, and town having at least one representative, and the other members being qualified voters and residents of the District, who hold no office elected by the people.
- Section 2. Governmental subdivisions which are parties to this Charter Agreements shall appoint members to the COMMISSION on the following basis:

Population	Number and Type of Representative	
	Elected Representative	Non-Elected Representative
1 - 6,999	1	0
7,000 - 19,999	1	1
20,000 - 39,999	2	1
40,000 - 59,999	2	2

For each 20,000 increment of population in excess of 60,000, a member governmental subdivision shall appoint one additional representative, alternating its appointments between elected and non-elected representatives, to assure that a majority of the COMMISSION'S representatives shall be elected officials.

- Section 3. Vacancies on the COMMISSION shall be filled for the unexpired term in the same manner as the original appointment was made or according to the practices of the appointing governing body.
- Section 4. Any member of the COMMISSION shall be eligible for reappointment but may be removed for cause by the governing body which appointed him.
- Section 5. Each member jurisdiction shall appoint an alternate voting representative to serve in the absence of that jurisdiction's duly appointed voting representative. This alternate may be an elected or non-elected representative.

ARTICLE III
Terms of Office and Voting Rights

- Section 1. The terms of office of COMMISSION members who are also members of governing bodies shall be coincident with their elected terms of office or such term as their governing bodies shall determine according to their practices. The terms of office of the citizen members shall be three years or such term as their governing bodies shall determine according to their practices.
- Section 2. East member of the COMMISSION shall have one equal vote in all matters before the COMMISSION.

ARTICLE IV
Officers

- Section 1. Officers of the COMMISSION shall consist of a Chairman and a Vice-Chairman who shall be elected by the membership of the COMMISSION. The COMMISSION may elect other officers as it deems necessary.
- Section 2. The Chairman and Vice-Chairman shall be elected for terms of one year or until their successors are elected.
- Section 3. COMMISSION officers shall be eligible for reelection.
- Section 4. The COMMISSION shall appoint an Executive Director who shall be an employee of the COMMISSION and shall serve at the pleasure of a majority of the membership.

ARTICLE V
Addition or Withdrawal of Members

- Section 1. Any governmental subdivision within Planning District Number 7 which is not a party to this Charter Agreement at the effective date thereof may thereafter join the COMMISSION, provided that such governmental subdivision is eligible for membership and that it adopts and executes this Agreement.
- Section 2. Any governmental subdivision may withdraw from the COMMISSION by submitting to the COMMISSION in writing, at least 90 days before the end of the COMMISSION'S then current fiscal year, a notice of intent to withdraw. Such withdrawal shall not become effective until the COMMISSION'S fiscal year has ended.

ARTICLE VI

**Appointments of an Executive Committee and
Adoption of By-Laws**

- Section 1. The COMMISSION may designate an Executive Committee and delegate to it such powers as the COMMISSION may determine, provided that these powers are not inconsistent with provision of the Virginia Area Development Act.
- Section 2. The COMMISSION may adopt By-Laws and such other rules as it deems necessary to govern its operations.

ARTICLE VII

Meetings

- Section 1. The COMMISSION shall hold regular meetings on a schedule which will be determined by the membership.
- Section 2. Meetings of the COMMISSION shall be open to the public, however, the COMMISSION may hold executive meetings.

ARTICLE VIII

Amendments

- Section 1. This Charter Agreement may be amended, supplemented, or superseded only by concurring resolutions from a majority of the member governmental subdivisions. All proposed amendments shall be submitted to the COMMISSION for its review and comment to the member governmental subdivisions.

ARTICLE IX

Date of Organization

- Section 1. The organization of the Northern Shenandoah Valley Regional Commission shall be effective on 10th day of May, 1970 or at such time after this date when the Charter Agreement has been adopted and signed by that governmental subdivision whose population when added to the aggregate population of those who have already adopted and signed that Charter Agreement embraces the majority of the population within Planning District Number 7.

Monthly Planning Commission Report

Ms. Dunkle reported that the Planning Commission is holding a Public Hearing on October 23, 2012 regarding a Special Use Permit for Loudoun Propane. She said that members of the Planning Commission met at Rosemont this evening regarding a possible amendment to the Site Plan in regard to lighting.

Loudoun Propane

In addition to the Planning Commission's Public Hearing on the Special Use Permit, the BADA conditionally approved a Site Plan Amendment for Loudoun Propane at their September 26 meeting.

Clarke County High School Stormwater Pond

Ms. Dunkle reported that staff met at the high school to discuss erosion and sediment controls. She reported that there are some spots that need to be stabilized and that the playing fields look good. She said that there is a meeting scheduled with VDOT regarding street trees on Mosby Boulevard. Mr. Dalton asked if staff had received as-builts for the stormwater structures. Ms. Dunkle said that they have not yet been submitted. Mr. Dalton said that staff is waiting for the as-builts so that Mr. Braithwaite's concerns (expressed at 9/11/12 meeting) can be addressed.

6. Report of Town Manager

Theft

Mr. Dalton read the following statement:

In the latter part of August, the Town of Berryville was the victim of an online thief. That person remotely accessed a Town computer and used that access to take money from the Town's checking account.

When this theft was discovered, the Town of Berryville contacted the Federal Bureau of Investigations. With full cooperation from the Town and its bank, an FBI investigation is ongoing.

The loss that the Town suffered has been fully covered by insurance. The Town has worked closely with its consultants to enhance computer security measures. We are not aware of any personal information or bank information being taken.

8. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

Council member Kitselman reported that the BADA is reviewing questionnaires sent to the Planning Commission regarding the Berryville Area Plan in order to begin a discussion of the path forward.

b) Budget Finance / CIP – Jay Arnold

Nothing to add to report.

c) Community Improvements – Allen Kitselman
A meeting was set for November 7 at 11 a.m.

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

e) Police and Security – Mary Daniel
Council member Daniel reported that the Child Safety Seat event on September 22 was a success. Ms. Dunkle reported that Chief White and she did a webinar for Bike Virginia about conducting a Bike Rodeo and that the Chief did a great job writing the narration and conducting the hour long webinar. Council member Daniel reported that Walk to School Day was a success. She said the next Police and Security Committee meeting will be on November 7 at 10 a.m.

f) Streets and Utilities – Wilson Kirby

Approval of Minutes

September 19, 2012

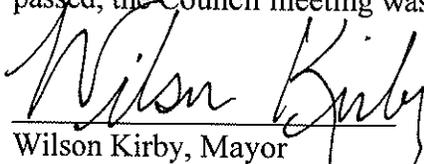
Upon motion by Council Member Shaffer, seconded by Mayor Kirby, the minutes of the September 19, 2012 Streets and Utilities Committee meeting were unanimously approved.

g) Personnel / Appointments – Jay Arnold

Recorder Arnold reported that the Personnel Committee will meet on October 18 at 9:30 a.m.

11. Adjourn

Upon motion by Council member Daniel, seconded by Council member Tollett and passed, the Council meeting was adjourned at 7:52 p.m.



Wilson Kirby, Mayor



Harry Lee Arnold, Jr., Recorder