

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, December 13, 2011**  
**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; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Celeste Heath, Town Clerk

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

**1. Public Hearings –**

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

**Calliecorp, LLC (Jay Hillerson, Agent) is requesting a Text Amendment in order to allow wood product manufacturing (NAICS 321) (except 3211 sawmills and wood preservation) as a Special Permit Use under Section 607.3 Commercial (C-1) zoning district of the Town of Berryville Zoning Ordinance. TA 01-11**

**Calliecorp, LLC (Jay Hillerson, Agent) is requesting a Special Use Permit in order to operate a cabinetmaking business at the property located at 612 East Main Street, identified as Tax Map Parcel number 14A3-((A))-28 zoned C-1 Commercial.**

There were no public comments on the matters.

Mayor Kirby recognized the applicant, Jay Hillerson, who explained that the object of both of the applications is to allow a young woman to open a cabinet shop in his existing business space. He said that this would be a nice addition to town and that he spoke to neighbors and heard no objections.

The Public Hearings were 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**

November 11, 2011

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the November 11, 2011 meeting were approved with one abstention (Daniel).

#### **4. Citizen's Forum**

Norm Freeman, 312 Jackson Drive, said that since the reconstruction of the Jackson Pond he has notified the town that there is an obvious leak. He said he sees seepage that is not consistent with what he has seen in the last 14 years and that the town needs to go down into the manholes to see what is going on. He also said that seeding and strawing has only been done on about 50% of the property. He said that the town needs to make sure that the taxpayer does not get caught holding the bag on this. He said that the town has been holding a bond on the pond for 14 years and it is time to pull it and that there are significant problems with mosquitoes because of standing water in the pond.

#### **5. Report of the Mayor**

Mayor Kirby introduced David Hughes from Robinson Farmer Cox Associates who gave an overview of the FY 2011 Audit that they performed on the Town of Berryville. Mr. Hughes thanked staff for their cooperation and reported that the audit is unqualified, the cleanest opinion an auditor can give. He then went over details of the audit.

#### **6. Planning and Zoning Matters: Christy Dunkle**

Ms. Dunkle said that there are two action items from the evening's Public Hearings:

**Calliecorp, LLC (Jay Hillerson, Agent) is requesting a Text Amendment in order to allow wood product manufacturing (NAICS 321) (except 3211 sawmills and wood preservation) as a Special Permit Use under Section 607.3 Commercial (C-1) zoning district of the Town of Berryville Zoning Ordinance. TA 01-11**

**Calliecorp, LLC (Jay Hillerson, Agent) is requesting a Special Use Permit in order to operate a cabinetmaking business at the property located at 612 East Main Street, identified as Tax Map Parcel number 14A3-((A))-28 zoned C-1 Commercial.**

Mr. Dalton asked if there was a reason the Planning Commission didn't make it a condition that an interior dust reduction system is used. Ms. Dunkle said that this is a small scale operation and they assured the Planning Commission there would be an interior system. Mr. Dalton said that because a Special Use Permit stays with the property it is a good idea to look at such conditions when Special Use Permits are issued. He asked if Ms. Dunkle thought this condition would be a hardship on the business. Ms. Dunkle said that it would not since they have already assured the Planning Commission that there would be an interior system.

Upon motion by Council member Kitselman, seconded by Council member Russell the Council of the Town of Berryville adopted the attached ordinance amending Article VI, Section 607, of the Berryville Zoning Ordinance establishing Section 607.3(v), "**Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation,**" as a use by Special Permit.

VOTE:

Recorded Vote:

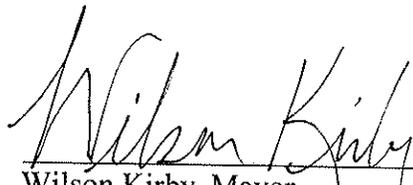
Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman Lawrence Russell, III David Tollett
Nays:	None
Absent:	None
Abstain:	None
Absent During Vote:	None

AN ORDINANCE AMENDING  
ARTICLE VI, SECTION 607, C-1 COMMERCIAL DISTRICT,  
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

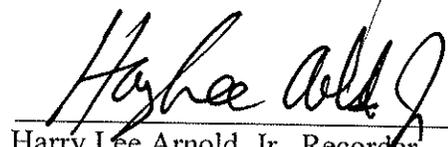
BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Section 607.3, of the Town of Berryville Zoning Ordinance shall be amended as follows.

**SECTION 607.3**  
**(12/11) (v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation**

SIGNED:

  
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Wilson Kirby, Mayor

ATTEST:

  
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Harry Lee Arnold, Jr., Recorder

Upon motion by Council member Kitselman, seconded by Council member Russell the Council of the Town of Berryville approved the Special Use Permit at the property located at 612 East Main Street, identified as Tax Map Parcel number 14A3-((A))-28, in order to operate a cabinet making shop with the following conditions:

1. Hours of operation from 7:00 a.m. to 8:00 p.m.
2. Exterior dust collection systems are prohibited.

VOTE:

Recorded Vote:

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

#### VDOT Context Sensitive Solutions Update

Ms. Dunkle explained that VDOT and the Virginia Department of Historic Resources (DHR) are partnering to identify areas along the Route 340 corridor north of Berryville to Luray that can be made safer and with less environmental impact.

She said that ten projects were presented to committee members. She said that of those, three projects were in Berryville. She said that the next step is for the VDOT team to select six final projects for additional development.

Council member Daniel asked if there is any way to encourage support of any of these projects because she is particularly interested in the project at Hermitage and South Buckmarsh. Ms. Dunkle said that she and Mr. Dalton met with the group and let them know that project was definitely at the top of the list for the Town.

#### Safe Routes to Schools

Ms. Dunkle said that a School Travel Plan was developed in 2008 and that she used that plan as a template to develop a grant request for the Safe Routes to Schools grant which she has forwarded to Mike Murphy for review. She said that the goal is to get grant funds to work on the Swan Avenue sidewalk to Johnson Williams Middle School. Mr. Dalton noted that the Northern Shenandoah Valley Planning District Commission has indicated that the Walk to School days that Ms. Dunkle and Chief White have orchestrated will look good on this grant application.

Update on Clarke County High School

Mr. Dalton said that one of the conditions of the Special Use Permit for the high school was that Mosby Boulevard would not be used for construction traffic without prior written approval from the town. He said that representatives from Shockey (the contractor) and the School Board were present to request the use of Mosby at this time because the heavy construction traffic has already occurred and Mosby will have to be accessed in order to pave it. He said that they were using the bus loop off Main Street for construction traffic access but the connection between the bus loop and the parking area has been closed.

Mayor Kirby said that he doesn't have a problem allowing this access because it is the only way that the paving of Mosby can be finished and the other construction traffic should be light. Mr. Dalton said that Chief White has received correspondence from two residents who are concerned about opening Mosby to construction traffic. Mayor Kirby said that he is willing to allow this access and he lives on Mosby Boulevard, believing that it will be light construction traffic.

There was a general discussion of the matter between the Town Council with Robina Bouffault, representing the Clarke County School Board. Ms. Bouffault said that the construction traffic should be light, consisting of installers using cars and pickups. She said that substantial completion should be on January 23 then punch list items will be addressed followed by technology installation.

Council member Daniel confirmed that Ms. Bouffault is talking about Mosby Boulevard, not Jackson Drive because Jackson Drive is a residential street.

Upon motion by Council member Tollett, seconded by Council member Kitselman the Council of the Town of Berryville authorized the Town Planner to provide a letter to the Clarke County School Board authorizing the use of Mosby Boulevard for construction traffic for construction of the Clarke County High School in accordance with condition #14 of the Special Use Permit for that project.

VOTE:

Recorded Vote:

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

## **6. Report of Town Manager**

### Spot Blight Abatement

Mr. Dalton said that most of the blighted portion of the structure at 12 First Street has been removed. He said that the owner plans to re-roof and re-side the remainder of the building. He said that staff continues to work with the owner on the matter.

Regarding 23 Josephine Street, he said that the Planning Commission requested a blight abatement plan from the owner, but the owner has not responded. He reported that at their last meeting the Planning Commission voted to forward the blight abatement plan for 23 Josephine Street submitted by the Town Manager to the Town Council. He said that the Planning Commission did not make specific findings required by Section 5-5 of the Berryville Code when making this recommendation so the matter will be taken up again at the next Planning Commission meeting.

### Rental of Smithy Cottage

Mr. Dalton reported that the Barns of Rose Hill wishes to rent the Smithy Cottage. He presented a draft lease prepared by the Town's attorney. He said that a benefactor has agreed to pay the first year's rent in advance in order to secure the lease of the cottage for the Barns of Rose Hill. He said that a public hearing is required before lease of publicly owned property. The Town Council set a public hearing on the matter for January 10, 2012.

There was a general discussion of the lease terms and parking for the cottage.

### Request of Walter L. Bone for Adjustment to Water/Sewer Bill

Mr. Dalton said that the applicant requests relief for a high water/sewer bill at 312 Walnut Street caused by a faulty toilet. The Mayor said that this is not the first time this issue has been addressed and that he believes that everyone should be treated equally on these matters. He said that while he understands the hardship, he does not believe that an adjustment is due under the Town's water and sewer policies. Council members Kitselman and Daniel agreed.

Council member Daniel asked if the Town offers a payment plan. Mr. Dalton said that a plan has been offered to and accepted by the applicant.

Upon motion by Council member Kitselman, seconded by Council member Tollett the request was unanimously denied.

## **7. Standing Committee Reports**

### a) BADA Liaison – Allen Kitselman

Council member Kitselman reported that the BADA did not have a meeting.

### b) Budget Finance / CIP – Jay Arnold

Nothing to add to the Treasurer's report.

c) Community Improvements – Allen Kitselman

Council member Kitselman reported on a project to erect a directional kiosk next to the Fire House Gallery. He said that he donated the design for this Eagle Scout project. He said that the final design will go to the Community Improvements Committee for review and that the Architectural Review Board has looked at the project.

Council member Daniel asked if there was a plan to keep the notices and calendar up to date. Mr. Dalton said that Berryville Main Street will be responsible for keeping it up to date. Council member Tollett asked if the ARB has to review the project. Ms. Dunkle said that they will review it at their next meeting.

d) Planning Commission – Nothing to report.

e) Police and Security – Council member Daniel said that the Committee will meet on January 4 to discuss Yard Sale and Commercial Vehicle Ordinances. She submitted a portion of the Congressional Record honoring Corporal Tim Bristol. (Attachment 1)

f) Streets and Utilities – Wilson Kirby  
Mayor Kirby had nothing to add.

g) Personnel / Appointments – Jay Arnold

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville appointed Ronald Huff to the Clarke County Parks and Recreation Advisory Board for a four-year term to begin January 1, 2012 and end on December 31, 2016.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Absent During Vote: None

**8. Adjourn**

Upon motion by Council member Kitselman, seconded by Council member Tollett and passed, the Council meeting was adjourned at 8:35 p.m.

  
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Wilson Kirby, Mayor

  
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Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL  
POLICE AND SECURITY COMMITTEE  
Wednesday, December 14, 2011  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Called Meeting  
2:00 P.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 2:02 p.m.
2. **Commercial Motor Vehicle Ordinance** – The committee discussed weight classes for Section 10-49 of the Town Code.
3. **Yard Sale Ordinance** – The committee reviewed Section 19 of the Town Code regarding yard sales.
4. **Other Business** – The next meeting was set for January 4, 2012 at 10:30 a.m.
5. **Adjourn**  
The committee meeting was adjourned at 2:20 P.M.



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Keith Dalton, Town Manager