

**BERRYVILLE TOWN COUNCIL**  
**Tuesday, February 8, 2011**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**7:30 p.m.**

**MINUTES**

**Roll:**

**Town Council:**

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

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

**Press:** Rebecca Layne, Winchester Star; Mike Dowling, ClarkeDailyNews.com

**1. Call to Order:** Wilson Kirby, Mayor  
Mayor Kirby called the meeting to order at 7:30 p.m.

**2. Approval of Minutes**

January 11, 2011

Upon motion by Council member Kitzelman, seconded by Council member Daniel, the minutes of the January 11, 2011 meeting were unanimously approved.

**3. Citizen's Forum**

Robin Betz from the Darbybrook Homeowner's Association left copies of a proposal for the Town Council regarding the common property in the Darbybrook subdivision.

Susi Bailey from the Barns of Rose Hill spoke about a National Endowment for the Arts grant that the Barns of Rose Hill would like to apply for and asked for Town Council support for the application.

Stan Kerns of the Barns of Rose Hill gave an update on the progress of the project and offered a tour of the project to the Town Council.

Norm Freeman of 312 Jackson Drive talked to the Council about sidewalk and crosswalk issues. He said that there were a fair amount of sidewalks that were not shoveled after the last snow storm. He said that the walk in front of 500 West Main was a particular problem because children walking to the Middle School had to walk on ice or in the road. He then expressed concern about the lack of a crosswalk at Main Street and Hermitage Boulevard.

Mr. Freeman expressed concern about damaged sidewalks and the fact that the town may soon be responsible for them if they are required to take them over from VDOT. He said that sidewalks are damaged when construction trucks drive over them and perhaps as part of the zoning review, sidewalks could be inspected and repairs required.

Mayor Kirby recognized Mr. Dalton to address Mr. Freeman's concerns. Mr. Dalton said that he agrees that sidewalk clearing could have been better enforced after the last storm. He said that we try to be fair and not heavy handed but that the matter has been discussed internally and that the process will be improved. He said that 20 to 25 warnings were issued and that Public Works cleared 10 to 15 sidewalks. He apologized for the sidewalks that were missed.

He said that he and Council member Daniel have a meeting tomorrow with VDOT regarding crosswalks and that the Hermitage and Main crossing is on the agenda. He said he will point out the damaged sidewalks to VDOT at that meeting. He agreed that some type of monitoring of sidewalk damage is warranted.

#### **4. Report of the Mayor**

Mayor Kirby recognized February as Black History Month.

He then recognized the Public Works Department for the fine job they did removing snow from the downtown area during the last snowstorm. Mayor Kirby also said that the Police Department's Annual Report is very professional and commended the Department for it.

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

##### Clarke County High School Update

Ms. Dunkle reported that there was a progress meeting today and that a site plan amendment will be submitted for the greenhouse. She said that the scheduling of the open cut of West Main Street for stormwater was discussed. Mr. Dalton said that it is important that this scheduling of the open cut is monitored because it will be quite disruptive.

##### Other

Ms. Dunkle said that the solution cavity that opened up in Jackson Pond was dealt with very swiftly and satisfactorily by Mr. Echols.

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

##### Barns of Rose Hill Agreement/Availability Fees

Mr. Dalton said that the Town and the Barns of Rose Hill entered into an agreement in May 2007 that provided for the long-term leasing of the barns. In that agreement the Town agreed to donate up to \$60,000 for payment of the facility's water and sewer availability fees. He said that when the agreement was made it was thought that this amount would cover the entire cost of availability fees. He said that since that time the fees were increased by \$10,000.

He said that because the Barns will be seeking a Certificate of Occupancy in the summer and the fees will be due soon, he made them aware that the cost for the 1" water meter will be as follows water: \$13,125 and sewer: \$56,875 for a total of \$70,000. He said that the Barns of Rose Hill have requested that the Town Council consider increasing its contribution from \$60,000 to \$70,000 in order to cover the availability fees in total.

He noted that if the Town Council agrees to this the total contribution from the General Fund to the Water Fund will be \$13,125 and the total contribution from the General Fund to the Sewer Fund would be \$56,875.

Council member Daniel said that it makes sense to grant the request since we are essentially paying for our building to be hooked up to our water and sewer system.

Upon motion by Council member Daniel, seconded by Council member Tollett, the Council of the Town of Berryville agreed to donate an additional \$10,000 for payment of the Barns of Rose Hill water and sewer availability fees for a total contribution from the General Fund to the Water Fund of \$13,125 and a total contribution from the General Fund to the Sewer Fund of \$56,875.

VOTE:

Recorded Vote:

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

Barns of Rose Hill/National Endowment for the Arts "Our Town" Grant

Mr. Dalton said that as Ms. Bailey spoke about, the Barns of Rose Hill would like to apply for a grant from the National Endowment for the Arts. He said that the "Our Town" grant is intended to fund "creative placemaking projects that contribute toward the livability of communities and help transform them into lively, beautiful, and sustainable places with the arts at their core." He said that grants ranging from \$ 25,000 to \$ 250,000 are available and that all grants require a one to one match.

Mr. Dalton said that the NEA requires that all applicants for this grant must consist of a partnership of at least two organizations as follows: one, a nonprofit design or cultural organization, and one, a government entity. He said that the Barns of Rose Hill would like the Town of Berryville to partner with them on this request for a \$25,000 grant to support programming and that they have agreed that all matching funds will be paid by the Barns.

The Barns have asked the Town for a letter of endorsement signed by the Mayor, a draft of which was provided to the Council.

Upon motion by Council member Daniel, seconded by Council member Tollett, the Council of the Town of Berryville approved the attached letter to the National Endowment for the Arts on behalf of the Barns of Rose Hill to be signed by the Mayor.  
(Attachment 1)

VOTE:

Recorded Vote:

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

Nays: None

Abstain: None

Absent During Vote: None

23 East Main Street

Mr. Dalton explained that Berryville Main Street has proposed utilizing the second floor of 23 East Main Street for Berryville Main Street and Fire House Gallery uses and as a business incubator. He said that Main Street wants to make this step as a part of their downtown business development mission.

Mr. Dalton said that the original lease only deals with the first floor so if this action is taken the lease would need to be amended. He advised that if the Town Council would like to pursue this a public hearing would be appropriate.

Council member Kitselman said that the Community Improvements Committee considered this request and recommended that the full Council consider it. Mayor Kirby said that he is in favor of this use as opposed to leaving the second floor vacant.

Council member Daniel asked if there would be any renovation to the second floor. Mr. Dalton said that the space would be used as is, so there would be no renovation cost and that a bathroom has already been added.

By consensus, the Town Council set a public hearing on the matter for the March 8, 2011 meeting.

Verizon Wireless Lease/Josephine Water Tank

Mr. Dalton said that Verizon made an initial lease offer and after he expressed some of the concerns he thought that the Town Council might have (gleaned from the AT&T negotiations) a second offer was received today. He said that Verizon has been good to work with. He suggested that if the Town Council wants to continue this negotiation that he could present a draft lease at the March meeting and then a public hearing on the matter could be held at the April meeting.

Mayor Kirby said he would like Mr. Dalton to continue negotiations and aim for a public hearing in April. Council member Daniel asked how the offer compares to the AT&T offer. Mr. Dalton said he doesn't have the exact figure but he believes that they are close.

### VHDA Support Letter

Mr. Dalton presented a request for a locality support letter from the Robert Regan House. He said he has not had much contact with the applicants but that Mr. Echols has been in touch about the matter. He said the project may have changed and may require another site plan, but that issue does not affect the support letter. Ms. Dunkle noted that an application for this new project has not been submitted. Council member Daniel asked if there is an approved site plan for the project. The Mayor said that there is an approved preliminary site plan and special use permit for the project. Council member Daniel said that it then makes sense to send the letter of support for the approved project.

Mr. Dalton said that the VHDA requires that the letter be submitted from the Town Manager. By consensus, the Town Council authorized the Town Manager to sign and send the standard Locality CEO Support letter for the Robert Regan House.

### **7. Standing Committee Reports**

a) BADA Liaison – Allen Kitselman

Nothing to add to Planner's report.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold said that meetings on the budget will begin in March.

c) Community Improvements – Allen Kitselman

Council member Kitselman said that the Community Improvements Committee met today and talked about TOD signs. He said that some of the stakeholders were present. He said that because there are still questions about the program the committee has asked staff to invite someone from Interstate Logos to meet with them about the TOD program. He reported that the committee also discussed new holiday decorations and decided to assess what we have and go from there. He said that the Shenandoah Arts Council will hold a reception to introduce the organization to Clarke County on February 11 from 4 to 7 p.m.

d) Planning Commission – Lawrence Russell.

Nothing to add to Planner's report.

e) Police and Security – Mary Daniel.

Council member Daniel said that the Police and Security Committee is working on the Reserve Program and will have an action item for the Town Council at the March or April meeting.

f) Streets and Utilities – Wilson Kirby

Mayor Kirby said that the committee will set a meeting for this month.

g) Personnel / Appointments – Jay Arnold

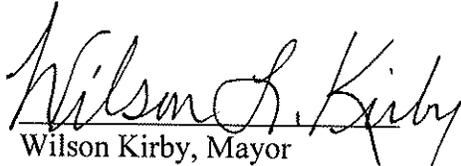
Nothing to add.

Other

Council member Tollett said that he would like to make sure that we have control over any build out of the second floor at 23 East Main Street and would like to see that it is addressed in the lease negotiations.

**8. Adjourn**

Upon motion by Council member Tollett, seconded by Council member Russell and passed, the Council meeting was adjourned at 8:13 p.m.

  
Wilson Kirby, Mayor

  
Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL  
COMMUNITY IMPROVEMENT COMMITTEE  
Tuesday, February 8, 2011  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Called Meeting  
5:00 p.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Allen Kitselman, Chair; Lawrence Russell  
Harry Lee Arnold, Jr., Recorder

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Planner/Asst. Town Manager

**Press:** None

**1. Call to Order** – Allen Kitselman, Chair

Chairman Kitselman called the meeting to order at 5:01 p.m.

**2. Tourist Oriented Directional Signs and Way Finders**

Ms. Dunkle provided an overview of the TOD and Trail Blazer sign program. There was a discussion of this program. The Committee asked interested stakeholders to contact Ms. Dunkle in the next two weeks. The committee asked Ms. Dunkle to set up a meeting with Interstate Logos to clear up questions about the program.

**3. New Holiday Decorations**

Mr. Dalton explained that Recorder Arnold had contacted him with concerns regarding the condition of existing holiday decorations. Further, he expressed the desire to see additional decorations in the downtown area. Recorder Arnold said that he would like to make sure the downtown area is neat and inviting during the holiday season.

The committee asked staff to provide them with a map showing where decorations are currently displayed. They asked that staff also provide information on electrical infrastructure for the decorations.

**Crosswalks**

There was a discussion about crosswalks in the downtown area. Those present agreed to look at improvements in other jurisdictions to see what had worked well. The committee agreed that they would like to examine the crosswalk issue in concert with the next repaving of Main Street and/or Buckmarsh Street.

**4. 23 East Main Street Office Space**

Mr. Dalton explained that Berryville Main Street has proposed utilizing the second floor of 23 East Main Street for Berryville Main Street and Fire House Gallery uses and as a

business incubator. He said that Main Street wants to make this step as a part of their downtown business development mission. The Committee discussed this matter.

Upon motion by Council member Kitselman, seconded by Council member Russell, the Committee unanimously recommended that the Town Council set a public hearing to amend the lease of 23 East Main Street to allow the use of the second floor space.

**5. Shenandoah Art Council Reception**

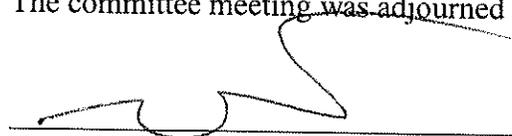
Chairman Kitselman said that the Shenandoah Arts Council will hold a reception to introduce the organization to Clarke County on February 11 from 4 to 7 p.m.

**6. Other**

There was a general discussion regarding town entrance signs.

**7. Adjourn**

The committee meeting was adjourned at 6:05 P.M.



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Keith R. Dalton, Town Manager

**BERRYVILLE TOWN COUNCIL  
STREETS AND UTILITIES COMMITTEE  
Wednesday, February 23, 2011  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Called Meeting  
11:30 a.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Mayor Wilson Kirby, Chair; David Tollett

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Planner/Asst. Town Manager;  
David Tyrrell, Director of Utilities

**Press:** None

1. **Call to Order** – Mayor Wilson Kirby, Chair  
Mayor Kirby called the meeting to order at 11:30.

2. **Sanitary Sewer Flow Projections**

Mr. Dalton discussed the Berryville Area Plan and the need to have the Town Council approve assumptions concerning wastewater flows from sub-areas of the Berryville Area. The Mayor discussed the need to consult with the town's attorney about this matter. The committee members agreed to have Mr. Mitchell present at their next meeting.

Ms. Dunkle briefed the committee on Urban Development Area (UDA).

Ms. Dunkle and Mr. Tyrrell reviewed sub-area sewer projections with the committee.

3. **Utility Project Update**

Mr. Tyrrell provided updates on the wastewater treatment plant, outfall line and booster pump station upgrade projects.

4. **Other**

Mr. Dalton briefed the committee regarding progress on the Mosby Boulevard project.

The committee decided to meet on March 23 at 11:30 a.m.

5. **Adjourn**

The committee meeting was adjourned at 1:16 P.M.

  
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Keith R. Dalton, Town Manager