

MINUTES
BERRYVILLE TOWN COUNCIL
Tuesday, July 12, 2011
Berryville-Clarke County Government Center
Regular Meeting
7:30 p.m.

Roll:

Town Council:

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

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

Press: Rebecca Layne, Winchester Star; Ed Leonard, ClarkeDailyNews.com

1. Call to Order: Wilson Kirby, Mayor

Mayor Kirby called the regular meeting to order at 7:30 p.m.

2. Approval of Minutes

June 14, 2011

Upon motion by Council member Daniel, seconded by Council member Kitselman, the minutes of the June 14, 2011 meeting were approved.

June 28, 2011 – Work Session

Upon motion by Council member Daniel, seconded by Recorder Arnold, the minutes of the June 28, 2011 work session were approved with Council members Tollett and Kitselman abstaining.

June 30, 2011 – Called Meeting

Upon motion by Council member Tollett, seconded by Recorder Arnold, the minutes of the June 30, 2011 called meeting were approved with Council member Daniel abstaining.

3. Citizen's Forum

Scott Smalley, spokesperson for the Darbybrook Home Owner's Association (DHOA) spoke about the matter of dissolving the DHOA and possible transfer of the Association's assets to the Town. He said that since the last Town Council meeting he has spoken with town staff about the matter. He said that he proposed to the DHOA that they approach the Battletown Home Owner's Association (BHOA) about transferring the tot lot to them. He said that the BHOA is apparently not interested in the transfer.

Mr. Smalley made a request that the Town Council accept the dedication to the Town of the tot lot and stormwater pond with a sinking fund of \$20,000 provided by the DHOA. He said that a formal document making this request will be forthcoming. Mayor Kirby asked when the written request will be ready. Mr. Smalley said that it will be forwarded to the Town Council as soon as the DHOA Board approves it.

Kathleen Erickson, representing the LaRouche PAC, spoke about the U.S. banking system and urged the Town Council to contact Congress supporting the Glass–Steagall Act.

Franklin Bell, representing the LaRouche PAC, spoke about recall elections in Wisconsin and also urged the Town Council to contact Congress supporting the Glass–Steagall Act.

Stan Kerns, representing the Barns of Rose Hill, reported that the building is nearing completion and that there will be a concert in the barn this Friday night. He thanked Mr. Dalton and Ms. Dunkle for their support of the project and their extra help in the last month of construction.

4. Report of the Mayor

Mayor Kirby said he is looking forward to the concert in the barn. He said that the School Board is moving forward with the high school construction and will be giving tours to elected officials this week.

5. Planning and Zoning Matters: Christy Dunkle

Set Public Hearing – Adoption of Drought Response Plan

Ms. Dunkle reported that she and Mr. Tyrrell have been working on a Drought Response Plan that is part of a mandated Water Supply Plan. She asked that the Council set a public hearing on the Drought Response Plan. She noted that Jill Keihn, from the Northern Shenandoah Valley Regional Commission will be present at the next regular Council meeting to answer questions. The Town Council set a public hearing on the matter for the August 9, 2011 Town Council meeting.

Set Work Session – Sanitary Sewer Flow Projections

Ms. Dunkle said that in preparation for updates to the Berryville Area Plan, staff and the Streets and Utilities Committee have been reviewing sanitary sewer flow numbers in town and in the Berryville Area. She said that the Streets and Utilities Committee recommended setting a Town Council work session on the matter in August. The Town Council set a work session on the matter for August 3, 2011 at noon.

Ms. Dunkle then discussed how the flow projection numbers that the Council will be reviewing at the work session were calculated.

Set Public Hearing – Special Use Permit Enders Fire and Rescue Parking Lot

John H. Enders Fire Company and Rescue Squad, Applicant (Clarke County School Board, Owner), is requesting a Special Use Permit in order to construct impervious parking areas within the 100-year floodplain under Section 206.13(f) of the Town of Berryville Zoning Ordinance at the property located at 200 Swan Avenue, identified as Tax Map Parcel number 14A4-((A))-31 zoned R-2 Residential.

Ms. Dunkle explained that Enders Fire Company has been working with the Clarke County School Board to extend the existing fire department parking lot onto the Johnson-Williams Middle School property. She said that the Planning Commission will hold a

public hearing on the matter at their July 26, 2011 meeting. The Town Council set a public hearing on the matter for the August 9, 2011 Town Council meeting.

Ms. Dunkle also reported that the Planning Commission will consider a site plan amendment for a laundry facility at Washington Square Apartments at their July 26 meeting. She reported that the BADA is anticipating a site plan amendment application for St. Bridget's Catholic Church.

6. Report of Town Manager

Mr. Dalton asked Mr. Smalley if he would have the Darbybrook Home Owner's Association proposal to him by July 26, 2011. Mr. Smalley replied that he would.

Hydrant Use Policy

Mr. Dalton said the Streets and Utilities Committee has reviewed the draft Hydrant Use Policy at two meetings. He said that if the policy is something the Council would like to move on he would first like to forward it to the local fire departments for comment. The Town Council agreed that Mr. Dalton should forward the draft Hydrant Use Policy to local fire departments for comment.

Transfer of Street Maintenance Responsibilities

Mr. Dalton reported that on June 28, 2011 the Town Council held a work session with officials from VDOT concerning the transfer of street maintenance responsibilities that will occur in 2012 as a result of the Town's population exceeding 3,500. He said that the first task at hand is the completion of the U-1 form that provides an inventory of streets that the Town will maintain. He said that this is the list of streets for which VDOT will provide funding. He said that staff will be getting street measurements next week and asked if the Council would like to discuss the matter at the August 3 work session. The Council agreed to discuss the matter at the work session.

Regulation of Dogs

Mr. Dalton said that a citizen spoke before Council last month regarding dog regulations. Chief White said that he has been reviewing the Town's ordinances on the matter and that there may be changes to be considered. He said the matter will be taken up by the Police and Security Committee on August 3, 2011.

7. Standing Committee Reports

a) BADA Liaison – Allen Kitselman
Nothing to add to Planner's report.

b) Budget Finance / CIP – Jay Arnold

Resolution to Charge Off Personal Property Taxes

Recorder Arnold presented a Resolution to Charge Off Personal Property Taxes for Tax Year 2005. Council member Daniel noted that the Code of Virginia limits collection of such taxes to five years and the Council is required to charge them off.

Upon motion by Recorder Arnold, seconded by Council member Daniel the Council of the Town of Berryville adopted the attached Resolution to Charge Off Personal Property Taxes for Tax Year 2005.

VOTE:

Recorded Vote:

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

Nays: None

Absent: None

Abstain: None

Absent During Vote: 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 2005, 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 twelfth day of July 2011, that the attached list of delinquent personal property taxes for tax year 2005 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 12, 2011.

ATTEST:

Harry L. Arnold, Jr., Recorder

July 1, 2011
PIDN

2005 PERSONAL PROPERTY
OWNER_NAME

to be charged off 07/12/2011

TOTAL

2005-0000005	ACTION ONE STOP	\$27.91
2005-0000170	BAKER JOSEPH JR (OWES)=====	\$153.17
2005-0000194	BANKS JOYCE LYNETTE	\$18.91
2005-0000195	BANKS JOYCE LYNETTE	\$140.07
2005-0000197	BANKS NATALIE E	\$30.62
2005-0000199	BANKS NATALIE E	\$35.27
2005-0000244	BEAVIN AMY R	\$7.10
2005-0000407	BRAITHWAITE ASHLEY DAWN	\$15.37
2005-0000504	BROWN WILLIE EDWARD	\$58.71
2005-0000539	BRYANT TIMOTHY FRANCIS++++	\$19.18
2005-0000565	BYLAN TRACY B=====	\$35.02
2005-0000597	CANONICO JOSEPH P (PREV OWED)	\$21.77
2005-0000625	CARTER WARREN Q	\$70.98
2005-0000625-1	CARTER WARREN Q	\$40.85
2005-0000626	CARTER WAYNE G JR=====	\$17.96
2005-0001057	DODSON MICHAEL NOLAN	\$29.13
2005-0001067	DOLEMAN JOSEPH J	\$20.68
2005-0001068	DOLEMAN JOSEPH J	\$165.17
2005-0001275	FLORANCE PEGGY ANN	\$37.03
2005-0001276	FLORANCE PEGGY ANN	\$61.03
2005-0001277	FLORANCE PEGGY ANN	\$257.98
2005-0006008-1	FOSTER RYAN JAMES	\$12.63
2005-0001415	GIBSON KATHERINE ANN	\$51.63
2005-0001523	GUERRERO VALENTIN	\$23.00
2005-0001586	HART TABITHA B	\$92.37
2005-0001599	HAWKINS JESSE	\$20.95
2005-0001642	HELSEL MARGARET E	\$21.50
2005-0001644	HELSEL MARGARET E	\$356.26
2005-0006010-1	HENDRICKS RACHEL FAWN RHIANNO	\$22.58
2005-0001717	HOPKINS JAMES C (PREV OWED)	\$71.25
2005-0001718	HOPKINS JAMES C (PREV OWED)	\$171.97
2005-0001844	JARQUIN SOTO AXEL RAMON	\$33.77
2005-0001845	JARQUIN SOTO AXEL RAMON	\$49.58
2005-0001847	JARVIS MICHAEL D++++	\$28.51
2005-0001896	JOHNSON ANTHONY W II	\$82.70
2005-0001897-1	JOHNSON ANTHONY W II	\$34.56
2005-0002042-1	KEMP CLAYTON SR	\$15.45
2005-0002156	L'HOTE MICHELLE L	\$9.14
2005-0002157	L'HOTE MICHELLE L	\$16.01
2005-0002273	LIMOGES MELISSA W	\$41.40
2005-0002274	LIMOGES MELISSA W	\$31.03
2005-0002451	MALLORY NATHAN L	\$11.97
2005-0002462	MARBLE CECIL M	\$52.46
2005-0002464	MARCHELEWSKI CHRISTIAN P	\$34.72
2005-0002465	MARCHELEWSKI CHRISTIAN P	\$152.07
2005-0002476	MARGUARD JOHN A JR	\$25.32

2005-0002503	MARUCO STEVEN M JR	\$145.47
2005-0002744	MILBOURNE ALICIA DAWN	\$5.67
2005-0002745	MILBOURNE ALICIA DAWN	\$23.59
2005-0002765	MINTER RANDY WAYNE	\$21.94
2005-0002766	MINTER RANDY WAYNE	\$25.87
2005-0002888	NGUETCHANG DONNA N	\$131.59
2005-0002899	NIELSEN JODY W	\$375.61
2005-0002953	OPEQUON ENTERPRISES LLC	\$70.70
2005-0003037	PAYNE ANTWAIN T (PREV OWED)	\$13.78
2005-0003058-1	PAYTON DYNELL M	\$14.19
2005-0003206	POSTON ANNE ANITA	\$14.74
2005-0003220	PRESGRAVES KENDRA++++	\$6.89
2005-0003222	PRESGRAVES KENDRA++++	\$54.43
2005-0003228	PRICE INGA Y	\$13.50
2005-0003229	PRICE INGA Y	\$15.21
2005-0003252	PULLMAN JAMES W (PREV OWED)	\$77.20
2005-0003254	PULLMAN JAMES W (PREV OWED)	\$46.84
2005-0006097	RANDOLPH JAMES M	\$25.32
2005-0003464	RUMYANTSEV LEV Y++++	\$74.79
2005-0003471	RUSSELL HOWARD P	\$107.51
2005-0003594	SHORES AUBREY E JR	\$47.26
2005-0003608	SIPE DORIS M (PREV OWED)+++	\$142.67
2005-0003731	SMITH VAN I JR	\$69.41
2005-0003741	SNYDER MARK E	\$25.04
2005-0003795	STANTON JONATHAN P	\$18.99
2005-0003796	STANTON JONATHAN P	\$60.95
2005-0004020	TORRIS RICHARD A	\$29.68
2005-0004184	WARD ANDREW M	\$210.55
2005-0004187	WARD WARREN A (PREV OWED)	\$42.90
2005-0004474	WOODWARD ROGER WAYNE	\$57.76
2005-0004485	WRIGHT CHAD N	\$189.67
2005-0004486	WRIGHT CHAD N	\$256.36
		\$5,142.82

c) Community Improvements – Allen Kitselman
Nothing to add.

d) Planning Commission – Lawrence Russell - Nothing to add to Planner's report.

e) Police and Security – Mary Daniel – Council member Daniel reported that National Night Out will be held in Rose Hill Park on August 2, 2011 and that the next committee meeting is scheduled for August 3, 2011.

f) Streets and Utilities – Wilson Kirby

Mayor Kirby reported that the Committee met on June 22, 2011 and took a trip to the booster pump station and wastewater treatment plant after the meeting.

Approval of Minutes – June 22, 2011

Upon motion by Council member Tollett, seconded by Mayor Kirby, the minutes of the June 22, 2011 Streets and Utilities Committee meeting were approved by the Committee.

g) Personnel / Appointments – Jay Arnold

Upon motion by Recorder Arnold, seconded by Council member Tollett, the Council of the Town of Berryville reappointed Kenneth R. Livingston to the Berryville Architectural Review Board for a four year term to begin August 13, 2011 and end on August 13, 2015.

VOTE:

Recorded Vote:

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

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the Council of the Town of Berryville recommended that the Clarke County Circuit Court reappoint Judy Sue Huyett-Kempf to the Berryville Board of Zoning Appeals for a four year term to begin August 13, 2011 and end on August 13, 2015.

VOTE:

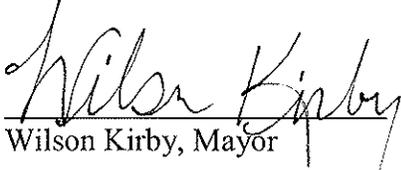
Recorded Vote:

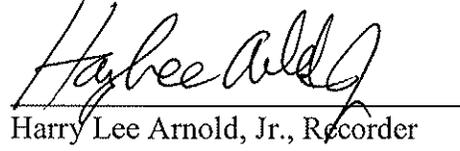
Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman David Tollett Lawrence Russell, III
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Nays: None
Absent: None
Abstain: None
Absent During Vote: None

8. Adjourn

Upon motion by Council member Russell, seconded by Council member Daniel and passed, the Council meeting was adjourned at 8:01 p.m.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder