

**BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Monday, August 9, 2010
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
1:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Harry Lee Arnold, Jr., Recorder (Chairman); Wilson Kirby, Mayor;

Staff: Keith Dalton, Town Manager

Press: None

1. **Call to Order** – Jay Arnold, Chairman

Chairman Arnold called the meeting to order at 1:00 p.m.

2. **Closed Session**

Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, As Amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

a. **Motion to enter Closed Session**

It was moved by Mayor Kirby, seconded by Recorder Arnold that the Personnel Committee of the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

VOTE:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder
Nays:	None
Absent During Vote:	None
Absent During Meeting:	None

b. **Enter Closed Session**

The Personnel Committee of the Town Council entered closed session at 1:01 p.m.

c. **Reconvene Open Session**

The Town Council reconvened in open session at 2:05 p.m.

d. **Certification of Closed Session**

**Town of Berryville
Personnel Committee of the Town Council
RESOLUTION**

MEETING DATE: August 9, 2010
MOTION BY: Wilson Kirby
SECOND BY: Harry Lee Arnold, Jr.

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Personnel Committee of the Council of the Town of Berryville, Virginia (Committee), 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 Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Committee 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 Committee.

VOTE:

Ayes: Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder
Nays: None
Absent During Vote: None
Absent During Meeting: None

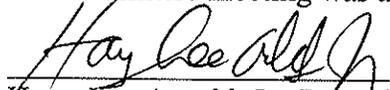


Harry Lee Arnold, Jr., Recorder

The Committee recommended a Closed Session at the next regular Town Council meeting so that the entire Town Council can discuss the matter.

3. Adjourn

The committee meeting was adjourned at 2:10 P.M.



Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
Tuesday, August 10, 2010
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 Kitselman; David Tollett; Lawrence Russell, III

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

Press: Mike Dowling, ClarkeDailyNews.com; Becky Lane, Winchester Star

1. Call to Order – Wilson Kirby, Mayor

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

2. Public Hearing – Proposed increase in the sewer user rate

The proposed rate increase would change the sewer user rate from \$11.00 per 1,000 gallons of water used to \$12.50 per 1,000 gallons of water used. This change would constitute a rate increase of \$1.50 per 1,000 gallons of water used or an increase of 8.53%.

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

Stuart Osborne, 201 Jackson Drive, said he wants to find out if billing is based on each 1,000 gallons used, why is outside usage, like washing cars and watering not excluded because it doesn't go through the sewer system. He said that Fairfax County used to give a break in the summer time. He said that the rate is increasing by \$1.50 while people are scratching to survive. He said he didn't get a raise this year and that every dollar makes a difference and that he can see putting the rate up by \$.25 but not by \$1.50.

There was no further public comment.

Upon motion by Council member Russell, seconded by Council member Mr. Tollett the Public Hearing was closed at 7:32 p.m.

3. Approval of Minutes

June 23, 2010

Upon motion by Council member Russell, seconded by Council member Tollett, the minutes of the June 23, 2010 meeting were unanimously approved.

July 13, 2010

Upon motion by Council member Kitselman, seconded by Council member Tollett, the minutes of the July 13, 2010 meeting were unanimously approved.

4. Citizen's Forum:

Carole Brophy, 300 Early Drive, said that Shockey is conducting a blasting survey at the high school site. She said that she would like to know the criteria for the survey because she lives right next door to 304 Early Drive which is in the survey. She asked when the blasting will start and will Early Drive and Pender Court be notified. She asked if the Town of Berryville or the School Board is responsible for this. She said that she has the right to be notified.

Kate Petranech, 2208 Castleman Road, representing Berryville Main Street, gave a brief report about the Firehouse Gallery located in the old town office. She said that the Gallery has been open for 6 months and has had over \$20,000 in sales and served over 400 customers. She then presented a framed photo of the old Town Office before demolition.

5. Report of the Mayor

Mayor Kirby recognized the Town Police Department and John H. Enders Fire for a successful National Night Out in Rose Hill Park.

6. Planning and Zoning Matters Christy Dunkle

Amendments to Virginia Code Section 15.2-2291

Ms. Dunkle said that at their July meeting, the Planning Commission discussed assisted living facilities and temporary medical structures as the Council directed them to do. She said that they had a lot of questions regarding enforcement, what constitutes the use, historic district review, and site and utility considerations. She said that she has been in contact with Mark Flynn from the Virginia Municipal League to get some clarification. The Planning Commission set a Public Hearing on the matter for their September 28 meeting. She said that the Clarke County Planning Commission will hold a Public Hearing on the matter September 3.

Update on Clarke County High School

Ms. Dunkle said that she attended the first construction progress meeting today and that the grading for the building should be done by August 20th. She said that she will talk to Ms. Brophy about the blasting and said that the protocol for blasting is spelled out in the Town's Construction Standards.

Barns of Rose Hill

Ms. Dunkle said that the project is moving along and that the concrete floors should be poured shortly followed by sub-floors and then the masonry work will begin.

5. Report of Town Manager

Proposed Sewer Rate Increase

Mr. Dalton said that the combined cost of the Wastewater Treatment Plant and the Outfall Line exceeds \$29,000,000. He explained that the bonds to fund the projects were general obligation bonds further secured by a pledge of revenues from the water and wastewater systems. He said that as a part of the bond approval from the Virginia Resources Authority the Town Council was required to adopt a business plan that ensured sufficient revenues to meet debt service requirements. That business plan was approved by the Town Council on March 25, 2010.

Mr. Dalton explained that the business plan called for sewer user rate increases of \$1.50 per 1,000 gallons of usage for each of the next four years. He said that this rate was calculated by the engineers showing no income from availability fees. He noted that only one availability fee was collected this year. He said that if availability fees pick up then further rate increases may not be needed.

Mr. Dalton recommended, in accordance with the aforementioned business plan, a rate increase from \$11.00 per 1,000 gallons of usage to \$12.50 per 1,000 gallons of usage. He said that the next water bill reading will occur on August 25, 2010 and proposed that the new rates would become effective at that time. He said that, if adopted, the first billing on which customers would see the new rates would be the September 30, 2010 bill.

He noted that tonight's Public Hearing was advertised in the Winchester Star on July 27 and August 3 and that a notice was printed on the last water and sewer bills.

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the Council of the Town of Berryville adopted the attached Ordinance prescribing sewer service charges pursuant to Chapter 17, Article IV, Section 17-50 of the Code of the Town of Berryville.

Council member Daniel said that she appreciated the comments made this evening and that this is part of a long term plan. She said that this is not a decision she takes lightly and that she has put a lot of thought into it. Council member Kitselman concurred.

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

TOWN OF BERRYVILLE
AN ORDINANCE PRESCRIBING SEWER SERVICE CHARGES
PURSUANT TO CHAPTER 17, ARTICLE IV, SECTION 17-50
OF THE CODE OF THE TOWN OF BERRYVILLE

Date: August 10, 2010

Motion By: Harry Lee Arnold, Jr., Recorder

Second By: Allen Kitselman

BE IT ORDAINED, by the Council of the Town of Berryville, pursuant to Chapter 17, Article IV, Section 17-50 of the Code of the Town of Berryville, that effective August 25, 2010 charges for sewer services rendered by the Town of Berryville shall be twelve dollars and fifty cents (\$12.50) per one thousand (1000) gallons of water used.

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

SIGNED: Wilson Kirby DATE: August 10, 2010
Wilson Kirby, Mayor

ATTEST: Harry Lee Arnold, Jr. DATE: August 10, 2010
Harry Lee Arnold, Jr., Recorder

Water Main Upgrade on High School Site

Mr. Dalton explained that as a part of developing the High School Site, the School Board determined that it was better to relocate the Town water main that traverses the site than to avoid it. The Town, after consultation with its engineer, determined that it would be beneficial to the Town to increase the size of the main from 8” to 12”. The developer of the site is responsible for the cost of relocating the main but the Town is responsible for any upgrades. As such, the Town of Berryville and the Clarke County School Board signed an agreement that established how the cost of the upgrade would be established and ultimately paid.

Mr. Dalton said that when the high school was bid, the cost of the upgrade to the waterline was broken out. The low bidder, Howard Shockey & Sons, Inc., provided a cost for the upgrade of \$18,400. He noted that the range of that cost from the bidders for that project was \$12,000 to \$72,100.

He recommended that the Council agree to pay the Clarke County School Board \$18,400, using funds from the Water Line Upgrades line item from the last Fiscal Year’s budget, which has been escrowed.

Upon motion by Recorder Arnold, seconded by Council member Daniel, the Council of the Town of Berryville in accordance with the Water Line Construction and Cost Sharing Agreement authorized a payment to the Clarke County School Board in the amount of \$18,400 for increasing the water line size from 8” to 12”.

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

Booster Pump Station

Mr. Dalton explained that the development of the High School required the Clarke County School Board to make upgrades to the Town’s water system to achieve required fire flows. The Town of Berryville and the Clarke County School Board determined that it was in the best interest of both parties to work together and upgrade the Town’s Booster Pump Station. He said that this would leave future maintenance to the Town which has the expertise in such maintenance and that the upgrade serves a global good for Town citizens.

He said that a Utility Construction and Cost Sharing Agreement was executed on May 20, 2010. The project bid opening occurred on August 5. The apparent low bidder's bid was \$ 389,244, the second lowest bid was \$434,372, and the highest bid was \$538,000.

Mr. Dalton said that the engineer's estimate for the job was in the \$486,000 range. He said that the Town's engineer has reviewed the bids and recommended award to the apparent low bidder, Patterson Construction.

Mr. Dalton suggested that the Mayor and the School Board Chairman meet to finalize the costs to be shared between the Town and the schools and that the contract is not signed until the Town receives the funds from the School Board. The Mayor agreed that this makes sense.

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the Council of the Town of Berryville in accordance with the Utility Construction and Cost Sharing Agreement executed on May 20, 2010, authorized the Town Manager to invoice the Clarke County School Board for costs associated with the Northwestern Booster Pumping Station Upgrade.

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

Upon motion by Council member Tollett, seconded by Council member Kitselman, the Council of the Town of Berryville awarded the contract in the amount of \$389,244 for the Northwestern Booster Pumping Station Upgrade to Patterson Construction Company. Further, the Council authorized the Town Manager to sign a Notice of Award for the project and any other required contract documents once agreed upon funds are received from the Clarke County School Board.

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

Mr. Dalton presented a motion, prepared by the Town's attorney, for the Council's consideration regarding the outfall line easement on the Carl property. He said that it finalizes the agreement with Mr. Carl regarding the sewer easement on his property.

Upon motion by Council member Kitselman, seconded by Council member Daniel, the Council of the Town of Berryville approved the settlement of the pending condemnation case for a temporary and permanent sewer easement on the property of William F. Carl, Jr. and Beth L. Carl (Tax parcel 15-A-17C) by the payment of One Thousand Nine Hundred Ninety Dollars and Thirty Cents (\$1990.30) to the Carls and by the installation of a connection to the outfall line on the Carl property at a cost to the Carls of Six Hundred Dollars (\$600.00), which connection shall be for the purpose of using water from the outfall line for land irrigation purposes only, in accordance with the provisions of the Deed of Easement to be executed by the Carls; and authorized the Mayor to execute any and all documents related to the acquisition of the easement on the Carl property and the settlement of the pending condemnation proceedings.

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

By consensus, the agenda was amended to move Personnel/Appointments to the end of the agenda and to add a Closed Session to discuss appointments to Town boards and commissions.

8. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

Council member Kitselman reported that the BADA is gearing up for the Berryville Area Plan review.

b) Budget Finance / CIP – Jay Arnold

Ms. Moreland presented a list of delinquent taxes to be advertised in the Winchester Star if the Council so directs.

Upon motion by Council member Daniel, seconded by Council member Tollett, the Council of the Town of Berryville authorized publication of the names of those

delinquent for personal property and real estate taxes pursuant to Section 58.1-3924 of the Code of Virginia, 1950, as amended.

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

c) Community Improvements – Allen Kitselman
No report.

d) Planning Commission – Lawrence Russell.
Nothing to add to report.

e) Police and Security – Lawrence Russell.
Council member Daniel praised the Police Department for the success of the annual National Night Out held on August 3 in Rose Hill Park.

g) Streets and Utilities – Wilson Kirby
Mayor Kirby said that the outfall line easement was taken care of previously.

h) Personnel / Appointments – Wilson Kirby

Closed Session - Pursuant to Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for discussion of appointments to the Berryville Planning Commission and Board of Zoning Appeals.

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 Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for discussion of appointments to the Berryville Planning Commission and Board of Zoning Appeals.

VOTE:

Recorded Vote:

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

- b. Enter Closed Session
The Town Council entered closed session at 8:03 p.m.
- c. Reconvene Open Session
The Town Council reconvened in open session at 8:23 p.m.
- d. Certification of Closed Session

**Town of Berryville
RESOLUTION**

MEETING DATE: August 10, 2010

MOTION BY: Lawrence Russell, III

SECOND BY: Mary Daniel

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,

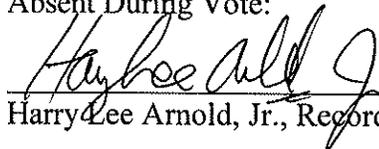
NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) 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
Mary Daniel
Allen Kitselman
Lawrence Russell, III
David Tollett

Nays: None
Abstain: None
Absent During Vote: None



Harry Lee Arnold, Jr., Recorder

Recorder Arnold reported that the Personnel Committee interviewed several qualified candidates for the vacant Planning Commission position.

Upon motion by Recorder Arnold, seconded by Council member Daniel, the Council of the Town of Berryville appointed Kim Kemp to the Berryville Planning Commission for a four year term to begin on August 10, 2010 and end on August 10, 2014.

VOTE:

Recorded Vote:

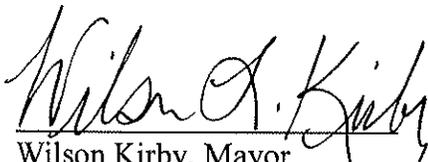
Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman Lawrence Russell, III David Tollett
Nays:	None
Abstain:	None
Absent During Vote:	None

Other

Council member Kitselman asked about the bike rack issue discussed at the last meeting. Mr. Dalton said that a site has been located and that a rack will be ordered.

Adjourn

There being no further business, on motion by Council member Kitselman, seconded by Council member Russell and passed, the Council meeting was adjourned at 8:31 p.m.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Monday, August 17, 2010
Berryville-Clarke County Government Center
Town Council Conference Room
Called Meeting
4:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Harry Lee Arnold, Jr., Recorder (Chairman); Wilson Kirby, Mayor

Staff: Keith Dalton, Town Manager

Press: None

1. **Call to Order** – Jay Arnold, Chairman
Chairman Arnold called the meeting to order at 4:00 p.m.

2. **Closed Session**
Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, As Amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

a. **Motion to enter Closed Session**
It was moved by Mayor Kirby, seconded by Recorder Arnold that the Personnel Committee of the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711.A.1 of the Code of Virginia, 1950, As Amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

VOTE:

Ayes:

Wilson Kirby, Mayor
Harry Lee Arnold, Jr., Recorder

Nays:

None

Absent During Vote:

None

Absent During Meeting:

None

b. **Enter Closed Session**
The Personnel Committee of the Town Council entered closed session at 4:02 p.m.

c. **Reconvene Open Session**

The Town Council reconvened in open session at 4:45 p.m.

d. **Certification of Closed Session**