

BERRYVILLE TOWN COUNCIL
Tuesday, July 13, 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: Ed Leonard and Mike Dowling, ClarkeDailyNews.com; Becky Lane, Winchester Star

1. Call to Order – Wilson Kirby, Mayor
Mayor Kirby called the meeting to order at 7:32 p.m.

2. Approval of Minutes

June 8, 2010

Upon motion by Council member Russell, seconded by Council member Daniel, the minutes of the June 8, 2010 meeting were approved with Council member Tollett abstaining.

3. Citizen's Forum:

Frank Lee, 205 Swan Avenue, said that he knows that it is a tight financial situation but as an avid cyclist he would like to see a bike rack somewhere downtown so that he would have a place to lock up his bike when riding downtown. He said that a good location would be at the end of the municipal parking lot by Rose Hill Park.

4. Report of the Mayor

Mayor Kirby welcomed David Tollett to the Town Council as the newly elected Council member from Ward 4.

Rappahannock Electric

The Mayor then thanked the management team from Rappahannock Electric Company for sharing their presentation with the public before the meeting. He said that he would like to see someone from the company come to talk to council twice a year to touch base.

Water Conservation

Mayor Kirby said that the Northern Shenandoah Valley is experiencing a dry spell but it is always a good idea to conserve water. He said that although the Town's water supply is stable, it is wise for citizens to take precautionary measures to preserve our water supply.

Committee Assignments

The Mayor made the following committee assignments:

- Budget and Finance: Harry Lee Arnold, Jr., Chair
Mary Daniel
- Community Improvements: Allen Kitselman, Chair
Lawrence Russell
- Personnel: Harry Lee Arnold, Jr., Chair
Wilson Kirby
- Police and Security: Mary Daniel, Chair
David Tollett
- Streets and Utilities: Wilson, Kirby, Chair
David Tollett

Collective Bargaining

Mayor Kirby said that VML has suggested that localities perhaps take a position on collective bargaining for public safety employees to address a Senate bill that is working its way through the Senate. He asked if the Town Council would like to take action.

Council member Kitselman said that he can see both sides of the issue but cannot personally stand in someone’s way to collective bargaining.

Council member Daniel said that she respects Council member Kitselman’s position, but as an attorney she is concerned about the implications of a federal law on local government. She said that it is not that she doesn’t appreciate the benefits of collective bargaining, but she would like to see it contemplated on the state or local level. She said that she would like to see a response written that opposes the imposition on localities by the federal government.

Mayor Kirby said he would also like to see a response. Recorder Arnold said that he supports sending a letter in opposition because this could have some tough consequences for a small town.

Upon motion by Council member Daniel, seconded by Council member Russell, the Council of the Town of Berryville directed the Town Manager to draft a letter opposing the collective bargaining component of the Public Safety Employee Cooperation Act of 2009 (S.1611/H.R. 413).

VOTE:

Recorded Vote:

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

Absent During Vote: None
Absent During Meeting: None

5. Planning and Zoning Matters Christy Dunkle

Amendments to Virginia Code Section 15.2-2291

Ms. Dunkle explained that changes have been made to the State Code regarding assisted living facilities and group homes of eight or fewer in a single-family residence and temporary family health care structures. She said that the County Planning Commission is moving forward on amending the County's Zoning Ordinance to address these changes. By consensus, the Town Council recommended that the Berryville Planning Commission consider these matters at their next meeting.

5. Report of Town Manager

Update on Clarke County High School

Mr. Dalton reported that the water line construction cost sharing agreement, easement agreement, and the general agreement have been executed. He said that we are waiting for signed plats from VDOT to put the agreement and the easement agreement to record. He noted that a groundbreaking ceremony has been set for July 24.

Barns of Rose Hill

Mr. Dalton said that a groundbreaking ceremony was held on July 10. He said that the necessary cash on hand held by the Barns of Rose Hill has been transferred to the Town of Berryville and that the Notice of Award and other contract documents were executed on July 6.

Proposed Sewer Rate Increase

Mr. Dalton said that on March 25, 2010 the Town Council approved the issuance of bonds in the amount of \$11,750,000 to construct and equip a new wastewater treatment plant. He explained that the bonds 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.

Mr. Dalton recommended a rate increase from \$11.00 per 1,000 gallons of usage to \$12.50 per 1,000 gallons of usage, a rate increase of 13.6%. He noted that the last sewer rate increase was adopted in October 2006. 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.

By consensus, the Town Council set a public hearing on the matter for their August 10, 2010 meeting.

7. Standing Committee Reports

a) BADA Liaison – Allen Kitselman

Council member Kitselman reported that it is time to focus on plan review again.

b) Budget Finance / CIP – Jay Arnold

Ms. Moreland presented a list of delinquent Personal Property taxes for the years 2005 to 2009. She said that all of the vehicles have been placed on the DMV Vehicle Registration Withholding Program and must be paid before vehicles may be registered.

She also presented a list of delinquent Real Estate taxes. She said that she is consulting with the town's attorney regarding collection of these items.

Ms. Moreland said that State Code limits collection of Personal Property taxes after five years. She presented a Resolution to charge off 2004 delinquent Personal Property taxes as uncollectable.

Upon motion by Recorder Arnold, seconded by Council member Daniel, the Council of the Town of Berryville adopted the attached Resolution charging off delinquent Personal Property Taxes for the year 2004.

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:

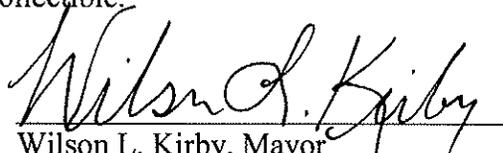
None

COUNCIL OF THE TOWN OF BERRYVILLE
RESOLUTION

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 2004, 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 thirteenth day of July 2010 that the attached list of delinquent personal property taxes for tax year 2004 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 13, 2010.

ATTEST:


Harry L. Arnold, Jr., Recorder

**2004 DELINQUENT PERSONAL
PROPERTY**

	TOTAL
2004-8	ACTION ONE STOP \$25.61
2004-151	BAKER JOSEPH JR (OWES)===== \$21.77
2004-177	BANKS JOYCE LYNETTE \$38.60
2004-180	BANKS NATALIE E \$39.07
2004-181	BANKS NATALIE E \$12.42
2004-384	BRAITHWAITE ASHLEY DAWN \$26.88
2004-443	BROWN BARBARA JO \$69.70
2004-465	BROWN JOY ANN***** \$3.30
2004-467	BROWN JOY ANN***** \$182.54
2004-514	BROY MICHAEL J \$61.11
2004-566	C G 6 SPECIALISTS (OWES CCB&C \$21.25
2004-567	C G 6 SPECIALISTS (OWES CCB&C \$3.30
2004-568	C G 6 SPECIALISTS (OWES CCB&C \$16.05
2004-569	C G 6 SPECIALISTS (OWES CCB&C \$3.30
2004-590	CANONICO JOSEPH P (PREV OWED) \$20.91
2004-618	CARTER WARREN Q \$12.42
2004-619	CARTER WARREN Q \$38.65
2004-620	CARTER WAYNE G JR===== \$12.88
2004-943	DEBOLT BETH A (PREV OWED) \$19.28
2004-1016	DOLEMAN JOSEPH J \$21.73
2004-1096	EDWARDS KEVIN R \$19.44
2004-1221	FLORANCE PEGGY ANN (OWES 2003 \$41.23
2004-1222	FLORANCE PEGGY ANN (OWES 2003 \$66.77
2004-1223	FLORANCE PEGGY ANN (OWES 2003 \$294.26
2004-1350	GIBSON KATHERINE ANN \$28.85
2004-1477	HANKLEY JOHN J (PREV OWED CCB \$44.93
2004-1503	HARRISON JAMES R \$51.94
2004-1517	HART TABITHA B \$15.16
2004-1531	HAWKINS JESSE \$4.08
2004-1532	HAWKINS JESSE \$6.14
2004-1721	INDOMBERA JANICE M \$21.77
2004-1802	JENKINS WAYNE A (PREV OWED) \$20.91
2004-1805	JENKINS WAYNE A (PREV OWED) \$20.91
2004-1821	JOHNSON ANTHONY W II \$59.09
2004-2042	KOONTZ APRIL L \$42.32
2004-2075	LACHICA KELLY P+++++ \$3.30
2004-2076	LACHICA KELLY P+++++ \$19.16
2004-2077	LACHICA KELLY P+++++ \$3.30
2004-2068	L'HOTE MICHELLE L \$12.08
2004-2183	LIGGINS KENNETH DERRICK \$6.96
2004-2189	LIMOGES MELISSA W \$27.43
2004-2190	LIMOGES MELISSA W \$20.91
2004-2191	LIMOGES MELISSA W \$54.11
2004-2305	LYNN JOSEPH L \$75.70
2004-2306	LYNN JOSEPH L \$95.66
2004-2307	LYNN JOSEPH L \$79.80
2004-2360	MARBLE CECIL M \$66.77
2004-2362	MARCHELEWSKI CHRISTIAN P \$39.07

2004-2363	MARCHELEWSKI CHRISTIAN P	\$168.13
2004-2371	MARGUARD JOHN A JR	\$27.60
2004-2392	MARUCO STEVEN M JR	\$70.75
2004-2648	MINTER RANDY WAYNE	\$129.17
2004-2649	MINTER RANDY WAYNE	\$13.88
2004-2715	MWANGI FRACHIAH W (PREV)	\$21.18
2004-2776	NICHOLSON VALERIE L	\$21.46
2004-2954	PECK MICHAEL K	\$59.44
2004-3078	POSTON ANNE ANITA	\$22.92
2004-3109	PRICE INGA Y	\$95.66
2004-3110	PRICE INGA Y	\$78.88
2004-3136	PULLMAN JAMES W (PREV OWED)	\$19.62
2004-3327	RUIZ MARCO A (PREV OWED)	\$131.17
2004-3328	RUMYANTSEV LEV Y++++	\$78.33
2004-3333	RUSSELL HOWARD P	\$19.25
2004-3334	RUSSELL HOWARD P	\$13.15
2004-3356	SAHADY LANCE A JR	\$57.79
2004-3453	SHIMP JAMES R JR	\$3.30
2004-3454	SHIMP JAMES R JR	\$32.47
2004-3455	SHIMP JAMES R JR	\$148.78
2004-3457	SHIMP JAMES R JR	\$39.07
2004-3460	SHORES AUBREY E JR	\$48.61
2004-3618	SMITH VAN I JR	\$33.29
2004-3631	SNYDER MARK E (PREV OWED)	\$27.51
2004-3731	STRAITON JONATHAN W	\$64.32
2004-3732	STRAITON JONATHAN W	\$58.94
2004-3734	STRAWDERMAN SABRINA JO	\$55.60
2004-3897	TORRIS RICHARD A	\$30.57
2004-3980	UNDERWOOD VIRGINIA	\$36.38
2004-3981	UNDERWOOD VIRGINIA	\$30.44
2004-4053	WARD WARREN A (PREV OWED)	\$48.61
2004-4263	WILT DANIEL W JR	\$67.00
2004-4264	WILT DANIEL W JR	\$17.15
2004-4322	WOODWARD ROGER WAYNE	\$63.83
		\$3,727.07

c) Community Improvements – Allen Kitselman

Council member Kitselman reported that he attended a meeting of the Josephine Improvement Association at the Josephine City Museum and that they are organizing to get a community center built on a lot that they own. He said that he talked to Supervisor Hobert and the Board of Supervisors may be willing to co-sponsor a CDBG grant for the project.

Council member Kitselman then spoke about using the second floor of 23 East Main Street as an incubator space to allow people to have a space at a lower rent on Main Street in order to grow their business.

Council member Kitselman said that Ms. Dunkle has done a good deal of work on downtown and highway signage and suggested a meeting for all stakeholders to discuss the possibilities. He said that the banner across Main Street is still on the radar and that Ms. Dunkle has talked to VDOT about a blanket permit for the entire year as opposed to a permit every time the banner is used.

Council member Kitselman said that he loves the idea of a bike rack and that it would encourage bike traffic downtown. He also said that the Council might want to consider the sound system request from the last Council meeting. There was general discussion of a location for a bike rack and the sound system. Mr. Dalton said that Berryville Main Street owns a sound system and that the situation may be able to be addressed by defining the process by which organizations can use that system.

Ms. Dunkle reported that Berryville Main Street got a grant to fund education programs at the Fire House Gallery. She also reported that a litter grant from the State will be used to provide can and bottle recycling stations in the park.

d) Personnel / Appointments – Wilson Kirby

Upon motion by Recorder Arnold, seconded by Council member Daniel, the Council of the Town of Berryville reappointed Gwen Malone to the Berryville Planning Commission for a four year term to begin on September 1, 2010 and end on August 31, 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

Upon motion by Council member Kitselman, seconded by Council member Tollett, the Council of the Town of Berryville reappointed Ann M. Phillips to the Berryville Area Development Authority for a four year term to begin on July 13, 2010 and end on July 12, 2014.

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

Upon motion by Council member Tollett, seconded by Council member Daniel, the Council of the Town of Berryville reappointed Nancy Bishop to the Berryville Architectural Review Board for a four year term to begin on September 14, 2010 and end on September 13, 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

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

f) Police and Security – Lawrence Russell.
Chief White reported that the annual National Night Out will take place on August 3, 2010 at 6 p.m. in Rose Hill Park.

Council member Russell reported that the Berryville Police Department placed third in the 2009 Law Enforcement Challenge that focuses on traffic safety and that the Department will receive an award at the Virginia Police Chiefs Association in Reston on August 5.

g) Streets and Utilities – Wilson Kirby
Upon motion by Council member Daniel, seconded by Council member Kitselman, the Council of the Town of Berryville approved the payment of Three Thousand Three Hundred Dollars (\$3,300) to Philip S. Shenk and Mark W. Shenk as compensation for a permanent and temporary sewer outfall line easement on the Shenk property (Tax Parcel 15-A-13) and in settlement of the pending condemnation proceedings, and authorized the Mayor to execute any and all documents related to the acquisition of the easement on the Shenk 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

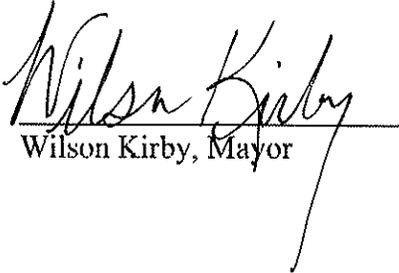
Nays: None
Abstain: None
Absent During Vote: None

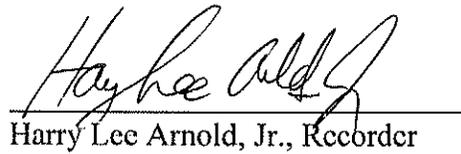
Other

Mr. Dalton said that water usage has been up significantly and that the Public Utilities Department has been concerned about leaks. He said that a consultant was brought in to check for leaks but none were found. He said that the demand rose quickly and has put a significant demand on water plant staffing.

Adjourn

There being no further business, on motion by Council member Daniel, seconded by Council member Kitselman and passed, the Council meeting was adjourned at 8:15 p.m.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder