

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
February 9, 2021
7:00 p.m.

Attendance being limited by pandemic restrictions, the meeting was livestreamed on the Town's YouTube channel.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Donna McDonald, Diane Harrison; Grant Mazzarino; Kara Rodriguez

Staff: Present--Keith Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department; Paul Culp, Town Clerk

Press: Mickey Powell, *The Winchester Star*.

1. Call to Order

Mayor Arnold called the meeting to order at 7:03 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

Mayor Arnold noted the non-standard seating arrangement of Council members because of social-distancing protocols during the coronavirus pandemic.

Recorder Gibson moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations/Awards/Recognitions

None.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

Berryville resident Mary Ivie spoke about the January 25 meeting of the Community Development Committee at which the possibility of online parking meter payment had been discussed. She summarized the disadvantages of such a system as she saw it, emphasizing that according to her calculations the cost to the Town would outweigh any benefit.

8. Consent Agenda

The consent agenda comprised the minutes of the January 12 Town Council regular meeting, the January 12 meeting of the Budget and Finance Committee, and the January 25 meeting of the Community Development Committee.

Recorder Gibson moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

9. Unfinished Business

None.

10. New Business

None.

11. Council Member Reports

Mayor

Mayor Arnold had nothing to add.

Recorder

Recorder Gibson had nothing to add.

Ward 1

Ms. McDonald had nothing to add.

Ward 2

Ms. Harrison had nothing to add.

Ward 3

Mr. Mazzarino had nothing to add.

Ward 4

Ms. Rodriguez had nothing to add.

12. Staff Reports

Public Works

Mr. Dalton said the department had ably handled a challenging water leak on North Church Street and also the recent snowstorm, and that it was preparing for the storm predicted for later in the week.

Public Utilities

Nothing was added to the written report.

Police

Nothing was added to the written report.

Community Development

Ms. Dunkle updated the Council on the meeting schedules of the various appointive bodies associated with planning and community development, and on construction in the Shenandoah Crossing and Fellowship Square subdivisions and in Hermitage Phase V.

Ms. Dunkle then directed the Council's attention to the report in the agenda packet in which she had explained a request by the developer of Robert Regan Village that the bond amount be reduced. She said Town staff and the engineering firm retained by the Town had conducted site visits and that the engineer had recommended a bond in the amount of \$38,762.83 to provide surety for unfinished work.

Ms. McDonald moved that the Council of the Town of Berryville reduce the public improvements bond for Robert Regan Village to a total of \$38,762.83. The motion passed by unanimous voice vote.

Administration and Finance

Mr. Jacobs said the Town's new utilities and refuse collection billing had proceeded well, as had the distribution of refuse containers under the Town's new refuse collection contract. He complimented Ms. Dunkle's oversight of the process.

Mr. Jacobs told Recorder Gibson that he would be able to provide amendments to the current budget by approximately February 18.

Town Manager

Mr. Dalton distributed a draft letter intended for the governor and local representatives in the General Assembly regarding Senate Bill 1157, which if passed by the Assembly would require all jurisdictions to have elections in November as of 2022. He noted that the Council had last discussed the matter in the spring of 2020 and had opposed deviation from Berryville's longstanding practice of holding May elections.

Ms. Rodriguez said she had asked to participate in a virtual meeting with the relevant legislative committee the following day and could read the letter to that gathering. She said that in her experience as a journalist she had noted the detrimental effects of November local elections in multiple jurisdictions. She said local elections lose their special character when held in conjunction with elections for state and national positions, as local issues thereby become lost and distorted by partisanship and a lack of concentration on purely local matters.

The consensus of the Council was that the letter should be sent and that Ms. Rodriguez be authorized to speak on the Town's behalf in the upcoming committee meeting.

Ms. Rodriguez moved that the Council of the Town of Berryville authorize the Town Manager to send the letter before the Council to Gov. Northam, Sen. Vogel, and Del. LaRock, stating the Berryville Town Council's opposition to Senate Bill 1157. The motion passed by unanimous voice vote.

13. Committee Updates

Budget and Finance

Recorder Gibson said the committee would meet on March 3 at 9:00 a.m. and that the full Council would have a budget work session on March 10 at 3:00 p.m.

Recorder Gibson said the committee needed to plan for reserves prior to considering the draft budget.

Community Development

Ms. Rodriguez said the committee would meet on February 22 at 9 a.m.

Personnel

Mayor Arnold and Ms. Dunkle briefly discussed openings on the Planning Commission, Tree Board, and Berryville Area Development Authority. Mayor Arnold asked for information on which appointees live in which wards, saying that he would like to assure even representation.

Public Safety

Ms. McDonald said the committee would meet on March 23 at 2:00 p.m.

Streets and Utilities

Ms. Harrison asked Mr. Dalton for a report on stormwater. They agreed that the committee should discuss the matter on February 23 at 1:30 p.m.

14. Closed Session

Recorder Gibson made the attached motion for the Council to enter closed session to discuss the performance of a specific individual. The motion passed by unanimous voice vote.

The Council entered closed session at 7:24 p.m. and returned to open session at 8:47 p.m.

Recorder Gibson made the attached motion certifying the closed session, which passed by unanimous roll-call vote.

15. Other

No further business came before the Council.

16. Adjourn

The Council adjourned by consensus on a motion by Recorder Gibson at 8:50 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

Motion to Enter Closed Session

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of a specific individual.

DATE: February 9, 2021

MOTION: Gibson

VOTE:

Aye: Unanimous voice vote

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: February 9, 2021

MOTION BY: Gibson

SECOND BY:

I move that the Council of the Town of Berryville adopt the following resolution certifying it 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:

Resolution

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:

Aye: Unanimous roll-call vote

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Recorder

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
February 22, 2021

A meeting of the Berryville Town Council Community Development Committee was held on Monday, February 22, 2021 at 9:00 a.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee present: Kara Rodriguez, chair; Diane Harrison

Staff participating: Christy Dunkle, Community Development Director; Paul Culp, Town Clerk

1. Call to Order

Ms. Rodriguez called the meeting to order at 9:02 a.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. New Business

Ms. Dunkle directed the committee's attention to the agenda packet, which included applications from four local organizations seeking funding under the Virginia Commission for the Arts Creative Communities Partnership Grant. She noted that another applicant, the Clarke County Historical Society, was not eligible inasmuch as it is not considered a stand-alone arts organization. Organizations remaining to be considered were the Skyline Quilters/Northern Shenandoah Valley Quilt Show, the Main Street Chamber Orchestra, Barns of Rose Hill, and the Blue Ridge Studio for the Performing Arts.

A discussion established that funding could be divided as many ways as desired, though this would increase the complexity of the process, and that none of the applicants had requested specific amounts. Ms. Dunkle said she would track the usage of the funds to assure their proper application under the provisions of the grant.

Ms. Rodriguez said that as a dues-paying supporter of the Blue Ridge Studio she would recuse herself from consideration of that application.

Ms. Harrison said Skyline Quilters played a constructive role in the community and was multi-ethnic and popular across multiple age groups. She recommended that they receive funding.

Ms. Rodriguez noted that the quilters attract visitors from out of town whose commerce would benefit Berryville, and said it was good that the organization had specified equipment replacement as an area in which funding was desirable.

Ms. Harrison noted that Main Street Orchestra had not followed the directions properly and said that considering the necessity of following procedure in grant applications, this should lead to automatic exclusion. She noted that the orchestra's calendar was still in flux and suggested considering it again next year.

Ms. Rodriguez said she could understand the orchestra's position, especially with scheduling uncertainties occasioned by the pandemic, but Ms. Harrison said grant procedures must be followed strictly and that leniency would lead to further lapses. Ms. Rodriguez concurred.

Ms. Rodriguez noted that Barns of Rose Hill is familiar to the Council and plays a prominent role in local arts and music.

Ms Rodriguez said Barns of Rose Hill is proven and well-established, and commended its perseverance via online programs during the pandemic.

Ms. Harrison said Blue Ridge Studio is valuable to the community because of its work with children.

A discussion established that the other local dance studios, unlike Blue Ridge, are not non-profit.

There was further discussion of whether the studio is sufficiently involved with at-risk youth and low-income youth.

Ms. Harrison recommended awarding a large portion of the available funds to Barns of Rose Hill with smaller portions going to Blue Ridge and Skyline Quilters. She recommended considering Blue Ridge for a larger portion next year if it can be established that the studio is assisting low-income students sufficiently.

A discussion established that the total amount available would be \$9,000, with the Virginia Commission for the Arts and the Town of Berryville dividing that responsibility equally. The committee agreed to award \$1000 each to Blue Ridge and Skyline, with the remainder going to Barns of Rose Hill.

Ms. Dunkle said each recipient would be required to provide reports on its activities related to the funding.

4. Other

There was a brief discussion of the deployment of new graphics associated with the Town's branding and marketing campaign. Ms. Dunkle said that as a matter of practicality this was occurring on a case-by-case, as-needed basis rather than in one large launch.

There was a brief discussion of the process of implementing the Town's new trash collection and recycling arrangements.

5. Closed Session

None.

8. Adjournment

Ms. Harrison moved to adjourn, with the motion passing by consensus at 9:34 a.m.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
February 23, 2021

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, February 23 at 1:30 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Member of the committee present: Diane Harrison, Chair; Kara Rodriguez

Other Town Council member present: Mayor Jay Arnold

Staff present: Keith Dalton, Town Manager; Paul Culp, Town Clerk; Christy Dunkle, Community Development Director

Also present: Ron Mislowsky, office director for Pennoni Associates

1. Call to Order

Ms. Harrison called the meeting to order at 1:41 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Unfinished Business

Discussion of Budgeting for Stormwater Concerns

Mr. Dalton said the purpose of the discussion was to determine what the committee would recommend to the full Town Council for funding stormwater management projects. He noted that Pennoni Associates had undertaken three studies for the Town: 1) the northwest quadrant, including Dorsey, Treadwell, and Walnut Streets and Ashby and Archer Courts; 2) the Town Run and how other projects would affect it; and 3) Virginia Avenue.

Mr. Dalton said he would begin with Virginia Avenue inasmuch as the situation there is fairly straightforward.

Mr. Dalton said there were two problem areas on the street: pavement failing in the street section between Main Street and the Town Run bridge, and drainage problems farther south along two bends in the street.

Mr. Dalton said that while crews were repairing the pavement, they had damaged the drainage pipe under the street. This damage had resulted from asphalt having been installed directly on top of a corrugated metal pipe. The drainage pipe had to be replaced and the street section repaired and paved at a cost of \$20,200.

Mr. Dalton then described drainage problems at the two bends of Virginia Avenue. He said the Town's engineer estimated the cost of remediation at \$42,000.

Mr. Dalton noted that the FY21 budget contains a line item that provides \$55,000 for paving Virginia Avenue and installing a hammerhead turnaround at its southern terminus.

Mr. Dalton said that if the Town Council wanted to fund both the \$20,200 repair and the \$42,000 drainage project from the storm water reserve, which now contains \$150,000, then the funds budgeted for paving, etc., could still be used for that purpose. If this was done the reserve would be reduced to \$87,800.

Taking up the matter of the northwest quadrant, Mr. Dalton said that drainage from Archer and Ashby Courts flows onto the rear of lots along Walnut Street by means of two level spreaders. He noted that the level spreaders are designed to convert concentrated flow into sheet flow. He said that the flow from these two level spreaders was to have combined and flowed toward Walnut Street but that a lot owner on Walnut Street had installed raised flower beds that prevented the discharge from Archer Court from reaching the desired destination. He said that currently the flow from Archer Court becomes trapped in the rear yard of a Walnut Street lot. Mr. Mislowsky described a plan to convey water from Archer and Ashby Courts to Walnut Street and east toward Buckmarsh Street. Mr. Dalton said the estimated cost of the project is just under \$80,000.

Mr. Dalton asked Mr. Mislowsky what happened to the water as it approached lots fronting on Buckmarsh Street. Mr. Mislowsky said the study did not explore that matter. Mr. Dalton noted that the matter would be addressed if the Town pursues that project.

Mrs. Harrison asked whether there was a drainage easement along these Walnut Street lots. Mr. Dalton and Mr. Mislowsky said they were not aware of any such easement. She then asked whether this project could be done in phases. Mr. Mislowsky said he believed water could be piped to the Walnut Street right of way and then the situation could be monitored to see if further improvements were needed.

Mr. Dalton then addressed drainage problems in the Dorsey and Treadwell Street areas. He noted that this area is very flat and receives a good deal of drainage from upstream and that there has been a problem with ponding water in the area for as long as the area has been developed. He said the committee had before it several proposals to address problems in the area. He said the Town's engineer had reviewed modification of the Jackson Drive pond involving installation of a pipe from the intersection of Dorsey Street and Academy Street Extended, and that installation of a series of

shallow drains in the area that would convey water to the storm drains in Main Street near the intersection of Smith Street.

Mr. Mislowsky reviewed the projects, and he and Mr. Dalton said the work on the Jackson Drive pond would divert some water from the areas in question and would afford the area additional protection in larger storm events. They agreed that the estimate for this work would be \$25,000.

Mr. Dalton then said that if the drainage work to convey water to the storm drains on Main was to be completed, the structure in Main Street would require upgrading prior to more water being conveyed to that point. Mr. Mislowsky confirmed that the culvert under Main Street near Smith Street would have to be upgraded at an estimated cost of \$53,000. He said additional work downstream was not required.

Mr. Dalton then moved onto another matter addressed in the Town Run study, explaining that there are concerns about the capacity of the structure near 36 and 37 East Main Street. Mr. Mislowsky explained the concerns about capacity and how installation of an elliptical pipe would provide more capacity without affecting the street profile. He also noted a concern about where the pipe in question is discharging. Mr. Dalton said the Town had contacted VDOT about the matter and that he expected VDOT to perform an inspection as soon as possible. Mr. Mislowsky said the cost for this project would be as much as \$120,000, depending on the approach taken.

Mr. Dalton noted that both pipes in Main Street are owned and maintained by VDOT and said the Town should work to get VDOT to partner with it to complete these projects.

Mr. Dalton said with reference to the three projects under discussion that Virginia Avenue was a necessity, that Walnut Street needed attention but possibly could be worked on in phases, and that Main Street would be a matter of timing. He said the Jackson Drive and Pond modification and the work at Academy Extended probably could be completed in the near term and would improve matters for residents in that drainage area.

Ms. Harrison asked whether Town personnel could remediate Dorsey and Treadwell Streets by removing silt. A brief discussion concluded that this would not cover sufficient territory and possibly would merely shift the location of the problem.

There was a discussion of particular properties associated with the various options.

Ms. Harrison asked Mr. Dalton what the aggregate cost would be. Mr. Dalton said he could calculate it and present it to the full Council.

Ms. Rodriguez asked about the timetable. Mr. Dalton said Virginia Avenue was already budgeted, and there was a discussion of which items were and were not budgeted.

Mr. Dalton recommended undertaking the Virginia Avenue paving and hammerhead from the current year's budget. The committee concurred. Mr. Dalton said he would prepare the necessary documentation for the full Council.

Ms. Rodriguez asked whether financing would be necessary for the remainder of the projects. Mr. Dalton said this would be likely, along with a tax increase for debt service. He said the stormwater reserve fund was now significantly depleted and that a realistic view of costs was necessary.

4. New Business

None.

5. Other

Mr. Dalton said recent snow removal operations had gone well and that the recent hiring of an additional Public Works employee had been fortuitous. He said Public Works and Ms. Dunkle were continuing to progress with the deployment of new refuse containers. He said a river pump had failed recently and that adjustments were being made to prevent recurrence.

Mr. Dalton said Public Works had recently obtained a new truck and would soon be selling some used equipment.

Mr. Dalton said the Town's purchase of property from the Ruritans was now final.

Ms. Dunkle said a resolution of the full Council would be necessary to finalize the grant for work on the Mosby Boulevard sidewalk. There was a brief discussion of the cost and timetable.

6. Closed Session

None.

7. Adjournment

The meeting adjourned by consensus at 2:44 p.m.