

BERRYVILLE TOWN COUNCIL
Tuesday, September 14, 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; 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. Approval of Minutes

August 10, 2010

Upon motion by Council member Russell, seconded by Council member Tollett, the minutes of the August 10, 2010 meeting were unanimously approved.

3. Citizen's Forum:

Sharon Strickland, 312 Early Drive, read a prepared statement. (Attachment 1)

Carol Wilkening, 612 Pender Court, said that she feels like a resident of New Orleans when the hurricane hit because she feels that no one knows about the dust problem that her neighborhood is having. She said that Virginia law requires that construction dust is controlled and that it should be happening at the high school site. She said that her house is filthy and that her antique wicker furniture is beyond dirty and may be beyond repair.

Robin Betz, 418 Cobbler Drive, representing the Darbybrook Homeowners Association said that the Town Manager stated that he does not recommend that the Town accept property from her association. She said that the Town has not taken into account the consequences of the economic downturn. She then spoke about the Resolution charging off delinquent Personal Property Taxes for the year 2004 that was approved by the Town Council at their July meeting.

She said that if the Town Council would allow Darbybrook to convey the common property to the Town it would put \$26,000 into the pockets of Darbybrook residents to spend in Town. Ms. Betz asked why the Town didn't require other subdivisions in Town to have homeowners associations.

Attachment #1

Issues concerning the construction of the new Clarke County High School that affect the residents of Battlefield Estates, particularly those living along Pender, Early, Beuregard, and Delany

As President of the Battlefield Estates Civic Association, I was called or sent notes from various residents to complain about the constant dust that is swirling at the new high school because of construction.

While I acknowledge that this issue is serious, we must ask that every measure be studied or taken to keep this dust down so that it will not continue to affect the health of residents and pets in this area.

One resident asked that I inquire about the collateral damage to properties. These residents, after many arguments about streets and location, agreed to be good neighbors to the school and its population. They did not sign up for their homes being covered by constant dirt, their animals being frightened, their children not able to play outside because of contaminants flying about, and the shaking of their homes. Many want to know when Shockey will be sending out professional house cleaning crews to clean their siding and homes! I agree with that statement. Some of our residents are elderly and cannot and should not get up to clean the siding! They did not ask for the amount of dirt they received.

Council, help us be good neighbors. Study these issues and if you must, call for advice from other municipalities in our area that may also be doing construction to see what measures they are having contractors take to control dust. I suggest that our town manager contact the U. S. Army Corps of Engineers for advice. They do know how to control dust for their troops fight in it regularly and they move heavy equipment through storms of dust.

Thank you, Sharon Strickland
President, Battlefield Estates Civic Association
312 Early Drive
Berryville, VA 22611
540-955-4618

Many residents want to protest the unannounced dynamiting of the property. Residents living closest to the school were told that they would have fair warning when dynamiting would occur. Many times now, they have not been given a warning and have come out of their homes only to flee back inside with frightened children or pets. I cry foul!

Another resident wants to know why all the property has been stripped during this drought? Couldn't some of this construction been planned after most people are in their homes in cooler weather? Because of the dust, people have not been able to enjoy their verandas or patios and have to constantly sweep and clean. Their summers came to an abrupt halt!

We must be guaranteed that Shockey and its subcontractors follow the regulations of our town and our state so as to protect the residents, especially the residents living closest to the construction.

We want to thank Mayor Kirby, Ward Four Town Councilman Dave Tollett, and Town Manager, Keith Dalton, for respecting our emails concerning our complaints and for making Shockey get more water trucks up to the site to help hold the dust at bay. Again, thank you. But, all must be vigilant to making sure that rules are followed. Even with signage asking that no construction vehicles enter Mosby or Jackson, we had subs and prime contractor vehicles come up our streets. When asked why, our councilman, Dave Tollett, was told by one driver that it was easier to unload heavy equipment. So much for signage! That issue has calmed somewhat and we hope it continues to not be a critical issue. We do have children living along Mosby.

4. Report of the Mayor

Mayor Kirby said that the yard sale event held on September 11 by Berryville Main Street was a huge success. He said that some of the merchants had their best days ever. He said that he has received a lot of positive comments about it and recommended that the event might take place twice a year.

Council member Kitselman said that Recorder Arnold was instrumental in planning and executing this event. Recorder Arnold said that the event was Peggy White's idea and the organization of Main Street businesses headed by Sherry Craig helped to plan and put on the event.

6. Planning and Zoning Matters Christy Dunkle

Ms. Dunkle reported that there was no Planning Commission meeting in August but that they will hold a Public Hearing on September 28 regarding assisted living facilities and temporary medical structures.

Barns of Rose Hill

Ms. Dunkle reported that the project is going well.

Update on Clarke County High School

Mr. Dalton said that he spent a fair amount of time talking to the construction managers from Shockey who are working on the high school project about the dust problem. He said that Shockey is working on the problem but the absence of rain has made conditions very dusty. He said that there were 25 mile per hour winds last week that blew dirt and dust toward Battlefield Estates and exacerbated the problem. He said that Shockey has added an additional water truck to try to keep the dust down.

He said that he believes that Shockey is doing the best they can, given the current weather conditions. He said that erosion and sediment (E&S) control review is complete and that Shockey is in compliance.

Mr. Dalton said that he believes that representatives from Shockey will attend the next meeting of the Battlefield Homeowners Association.

Ms. Dunkle stated that she met with representatives from DCR yesterday along with Gordon Williams from Shockey regarding E&S issues and that all silt fencing was found to be in order.

Ms. Dunkle said that she has been contacted about each detonation and that the contractor has contacted homeowners within 300 feet of blasting, as required.

Mayor Kirby asked if the State E&S inspectors visit the site on a regular basis. Ms. Dunkle said that they came in this instance because someone who erroneously thought that there was no silt fence in place called them.

Council member Daniel asked if this visit was scheduled or a surprise. Ms. Dunkle said

that the inspector called on Friday and came up on Monday because of the aforementioned complaint to the Lord Fairfax Soil and Water Conservation District. Council member Daniel asked if Shockey knew they were coming. Ms. Dunkle said that Shockey did know because they needed to be there when the inspectors came. Mr. Dalton said that the E&S measures were already in place before the inspector's visit. Ms. Dunkle said that the inspector will be back in two weeks.

5. Report of Town Manager

Darbybrook Homeowners Association

Mr. Dalton said that as Ms. Betz stated, the Darbybrook Homeowners Association is contemplating dissolution. He said that Ms. Betz reports that the association was advised to convey its storm water basin and playground to the Town of Berryville. He noted that the property cannot just be conveyed to the Town, the Town would have to accept the property and the responsibility of maintaining it. He said that staff does not recommend accepting the property.

Mr. Dalton said that Ms. Betz mentioned the situation regarding homeowners associations in other subdivisions in Town. He said that there are various arrangements that developers of those properties devised to maintain common property. He said that other developments do have homeowners associations. There was a general discussion of the different ways that common property is maintained in different subdivisions.

Mr. Dalton said that he spoke to the Town's attorney about the matter and he said that the Council is not required to accept this property and it would in fact require an affirmative vote to accept the property.

The Town Clerk reported that she had one phone call in the Town Manager's office regarding this matter. She said that Susan Schoonover of 433 Page Street said that she is not in favor of dissolving the homeowners association and she doesn't think that the Town should accept the common property. Mrs. Schoonover reported that she believes it costs quite a bit to maintain those properties and doesn't think the taxpayers of Berryville should incur that cost.

Halloween

Mr. Dalton said that Halloween falls on a Sunday this year and that after talking to the Police Chief recommends that trick-or-treating be held on Saturday. Mayor Kirby said he would prefer that it is on Saturday. Council member Daniel said that she likes trick-or-treating on Halloween. She asked if there is a compelling reason to move it.

Mr. Dalton said that Chief White has concerns about trick-or-treating on Sunday night but speaking as a parent, it would be good to have the kids in early on a school night. Chief White said that he has a staffing concern. He said that he would have to double up staffing on both Saturday and Sunday if it is held on Sunday. He said that he has spoken to Jefferson County and they will be trick-or-treating on Saturday night.

Ms. Daniel said that she understands the Chief's concerns and asked how the Town will

get the word out. Mr. Dalton said that notice would be posted in the Town Office, inserted into water bills, placed in the newspaper and on the Town web site.

By consensus, the Town Council agreed to allow trick-or-treating on Saturday, October 30, 2010 from 6:00 p.m. to 8:30 p.m.

Outfall Line

Mr. Dalton said that construction is going well on the line but is slow on Route 7 westbound because of rock.

Wastewater Treatment Plant

Mr. Dalton reported that grouting of the site continues and that he is seeing that the decision to proceed with the grouting was a wise one. He said that the Streets and Utilities Committee meeting was followed by a tour of the site and he offered a tour to others on the Council if they desired.

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

Nothing to add to report.

c) Community Improvements – Allen Kitselman

Council member Kitselman said that the Saturday yard sale event was amazing and that we should consider doing it twice a year. He said that the committee will soon meet to consider sign packages. There was a brief discussion about bike racks.

d) Planning Commission – Lawrence Russell.

Nothing to add to report.

e) Police and Security – Mary Daniel.

Council member Daniel said that the committee will hold a meeting in October. Chief White reported that a child safety seat check will be held at the Government Center on September 23 from 3:00 p.m. to 6 p.m. and that October 6 is International Walk to School Day.

g) Streets and Utilities – Wilson Kirby

Upon motion by Council member Tollett, seconded by Mayor Kirby, the minutes of the August 27, 2010 Streets and Utilities Committee meeting were unanimously approved.

Mr. Dalton thanked the public for their patience during a number of water line breaks of late. He said that perhaps the breaks have been caused by the dry conditions. He noted that Public Works worked both Saturday and Sunday on water line breaks.

Mr. Dalton said that billed water usage has been going up as well demand on the system. He said that, as a precaution, a contractor was brought in to check for leaks. He said that no leaks were detected on the high side but leaks were detected and repaired on the low side.

h) Personnel / Appointments – Wilson Kirby

Upon motion by Mayor Kirby, seconded by Recorder Arnold, the minutes of the August 9, 2010 Personnel Committee meeting were unanimously approved.

Upon motion by Mayor Kirby, seconded by Recorder Arnold, the minutes of the August 27, 2010 Personnel Committee meeting were unanimously approved.

Other

Mr. Dalton reported that students from Berryville Primary would fill the main meeting room tomorrow for a lesson on local government from the Mayor and himself.

Mr. Dalton reminded the Council that the October Town Council meeting will be held one week early on October 5, 2010

Adjourn

There being no further business, on motion by Council member Russell, seconded by Council member Tollett and passed, the Council meeting was adjourned at 8:09 p.m.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
Tuesday, October 5, 2010
Berryville-Clarke County Government Center
Regular Meeting
7:30pm

Roll:

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Mary Daniel; David Tollett

Absent: Allen Kitselman, Lawrence Russell, III.

Staff:

Keith Dalton, Town Manager; Christy Dunkle Town Planner/Assistant Town Manager; Neal White, Chief of Police

Press:

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

1. Call to Order – Wilson Kirby, Mayor

Mayor Kirby called the meeting to order at 7:37pm.

2. Approval of Minutes

September 14, 2010

Upon motion by Council member Tollett, seconded by Council member Daniel, the minutes of the September 14, 2010 meeting were unanimously approved.

3. Citizen's Forum

Stan Kerns, 6 Battletown Drive, representing The Barns of Rose Hill. Mr. Kerns said that since the early 1960's there has been an effort to get the barns renovated. He said that six years ago, the effort received a push and raised \$1.5 million for construction. He indicated that now the footprint of the final project is visible. He said that the footers, steel and slabs are in place and the catwalk is expected to be installed next week. He said the Barns board was excited with this progress and that they were happy with the general contractor's efforts. Mr. Kerns told Council that if anyone would like a tour of the project, he would be happy to accommodate them.

Mayor Kirby indicated that he was excited to watch the progress from the Government Center.

4. Report of the Mayor

Mayor Kirby said that he and town staff shared the morning after the September meeting with students from Berryville Primary School. He said that he and town staff held two sessions with 45 to 50 students per session. He said that he enjoyed meeting with the students and that they were very quiet and well behaved. He said he explained the role of mayor and Town Council, Mr. Dalton shared his role as Town Manager and the kids went outside to talk with Chief White, who showed the kids a police vehicle, and Brian Link who showed the

kids equipment from the Department of Public Works. The Mayor said he would encourage teachers to make this an annual event.

5. Planning and Zoning Matters

Christy Dunkle requested that Town Council set public hearings concerning assisted living facilities and temporary family health care structures for their November 9, 2010 meeting. She indicated that the Planning Commission had held a public hearing on these matters last month and recommended adoption in order to comply with Virginia Code modifications. The public hearings were set for the November meeting.

Ms. Dunkle said that Jay Hillerson has applied for a text amendment to the C-1 Zoning District in order to permit commercial indoor recreation by special permit and that the Planning Commission had agreed to sponsor the request. She said that the Planning Commission set a public hearing on the matter for their October 26, 2010 meeting and that comments and recommendations would be forwarded in the November Council agenda packet. Mayor Kirby and Council agreed to set the public hearing for the November meeting.

Ms. Dunkle said that Mr. Echols is requesting bond release on five sections in Battlefield Estates. She said that Chester Engineers identified several issues on sections 6D (Edgar Court and a portion of Mosby) and 3A (Hancock Court). She said that she discussed these items with Mr. Echols and he indicated that he was fine with releasing the others while he addresses the issues identified by Chester. Ms. Dunkle said that there are two motions included behind her staff report.

Upon motion by Council member Daniel, seconded by Council member Tollett, the Council of the Town of Berryville released the remaining bond proceeds as follows:

- Section 3B (Fremont Court) release of \$36,817.10;
- Section 4A (Custer Court) release of \$62,700.00; and
- Section 7A (Early Drive and Pender Court) release of \$95,952.00.

VOTE:

Recorded Vote:

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

Ms. Dunkle gave updates on the Clarke County High School and Barns of Rose Hill projects.

6. Report of Town Manager

Mr. Dalton had nothing to report.

7. Standing Committee Reports

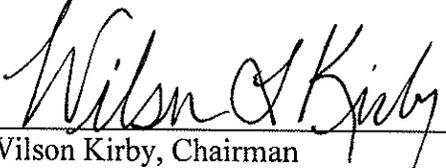
- a) BADA Liaison – Allen Kitselman
Mr. Kitselman was not in attendance.
- b) Budget Finance/ CIP – Jay Arnold
Nothing to add to report.
- c) Community Improvements – Allen Kitselman
Mr. Kitselman was not in attendance. Ms. Dunkle said that Mr. Kitselman set a Community Improvements meeting for Tuesday, October 26 at 5:00pm.
- d) Planning Commission – Lawrence Russell
Mr. Russell was not in attendance.
- e) Police and Security – Mary Daniel
Ms. Daniel said that a Police and Security meeting has been scheduled for Wednesday, October 27 at 2:00pm. She also said that trick-or-treating will take place on Saturday, October 30. Mr. Dalton indicated that this date was advertised in the Winchester Star, the newsletter and the web site.
- f) Streets and Utilities – Wilson Kirby
Mayor Kirby had nothing to add.
- g) Personnel / Appointments – Wilson Kirby
Mayor Kirby had nothing to add.

8. Other

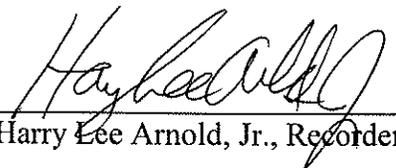
There was no other business.

ADJOURN

There being no further business Council member Daniel moved to adjourn the meeting, seconded by Recorder Arnold. The meeting was adjourned at 7:53 p.m.



Wilson Kirby, Chairman



Harry Lee Arnold, Jr., Recorder