

April 12, 2016

Clarke County Board Of Supervisors
Berryville Town Council
Joint Meeting
Main Meeting Room

7:30 p.m.

At a joint closed session and public hearing with the Board of Supervisors of Clarke County, Virginia, and Berryville Town Council held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, April 12, 2016.

Supervisors Present

Mary L.C. Daniel – Berryville District; David S. Weiss - Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Barbara J. Byrd – Russell District; Bev B. McKay – White Post District

Supervisors Absent

None

Town Council Present

Present-Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; David Tollett; Bryant Condrey; Doug Shaffer

Town Council Absent

None

County Staff Present

David Ash, Brandon Stidham, Lora Walburn

Town Staff Present

Keith Dalton, Christie Dunkle, Desi Moreland, Ann Phillips, Neil White

Constitutional Officers Present

Tony Roper

Press

Adrian O'Connor – The Winchester Star, Josh Janney – The Winchester Star

Others Present

Matt Bass, Robina Rich Bouffault, Pat Dickinson, Erecka Gibson, Chuyen Kochinsky, Frank Lee, Gwen Malone, Donna McDonald, Tom McFillen, George Ohrstrom, II, William Stienmetz, and other citizens

1. Call to Order

At 7:00 p.m., Mayor Kirby called the Town Council meeting to order.

At 7:00 p.m., Chairman Weiss called the Board of Supervisors meeting to order.

2. Closed Session

Recorder Arnold moved that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711-A-5 Code of Virginia, in order to discuss a business that is considering locating in Berryville. Council member Shaffer seconded the motion, which carried on the following vote:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None

Absent – None

Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A-5 Code of Virginia, in order to discuss a business that is considering locating in Berryville. The motion carried by the following vote:

Barbara J. Byrd - Aye

Terri T. Catlett	- Aye
Mary L.C. Daniel	- Absent
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Citing conflict of interest, Supervisor Byrd recused herself from the closed session.

At 7:05 p.m., Supervisor Daniel joined the meeting.

At 7:43 p.m., the members of the Town Council being assembled within the designated meeting place in the presence of members of the public and the media desiring to attend, the meeting was reconvened. **Recorder Arnold moved that the following Resolution Concerning Certification of the Closed Session be adopted. Council member Shaffer seconded the motion, which carried on the following roll call vote:**

Aye – Wilson Kirby
 Harry Lee Arnold, Jr.
 Bryant Condrey
 Allen Kitselman
 Douglas Shaffer
 David Tollett

Nay – None

Absent – None

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, 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 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 Committee.

Harry Lee Arnold, Jr., Recorder

At 7:43 p.m., the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman McKay moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Abstain
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Vice Chairman McKay further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the 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 Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Barbara J. Byrd	- Abstain
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

3. Pledge of Allegiance

Those present joined in the recitation of the Pledge of Allegiance.

4. Joint Public Hearings

The Berryville Town Council and the Clarke County Board of Supervisors will hold a Joint Public Hearing to consider formal action on a revised Berryville Area Plan.

Mayor Kirby introduced staff members Christy Dunkle, Assistant Town Manager/Planner and Brandon Stidham, Clarke County Planning Director. Staff then provided an overview of the plan update process and PowerPoint presentation highlighting major changes in the Berryville Area Plan.

Public hearing speakers were as follows:

George Ohrstrom, 726 Wrights Mill Road, Berryville, said the Berryville Area Development Authority, of which he is a member, thinks the revised plan is a good plan. He thanked staff for the work in completing the update.

Bonnie Echols, 400 Custer Court, Berryville, read from a handout citing flaws in the Berryville Area Plan. She said the plan should be referred back to the BADA and Planning Commission to address local shopping, affordable housing, and discrimination against seniors.

Alton Echols, 400 Custer Court, Berryville, said a comprehensive plan is mandated to provide affordable housing. He added that retail growth has been excluded at Food Lion and encouraged Council to seek an Attorney General opinion on the matter.

Sharon Strickland, 312 Early Drive, Berryville, read remarks from Daniel Garrett of 303 Archer Court, Berryville, who was unable to attend the meeting. The remarks referenced a discriminatory provision against affordable senior housing and an assertion that a 60-unit project is not buildable because of economy-of-scale in construction costs.

Robina Bouffault, 1823 Old Winchester Road, Boyce, said she was a BADA member from 2002-2008. She said this plan is a huge improvement over the previous version and complemented staff on the good work in drafting the plan. She cautioned that the wastewater treatment plant capacity may play a role in future development.

No others wished to speak.

At 8:18 p.m., the public hearing was closed on a motion by Council member Kitselman, seconded by Council member Shaffer, and passed.

Board of Supervisors Chair Weiss praised the staff for the good work on the plan. He said he views the plan as a road map to future development.

5. Board of Supervisors Adjourn

At 8:20 p.m., Chairman Weiss adjourned the Board of Supervisors meeting.

Mayor Kirby noted the flower arrangement placed at the Press table in honor of late Winchester Star reporter Val Van Meter. He said Val had been a faithful attendee at Council meetings, and that she and was being honored and remembered by the Council.

The Board of Supervisors left the meeting room.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, April 19, 2016, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: April 12, 2016

David S. Weiss, Chair

David L. Ash, County Administrator

Minutes Recorded and Transcribed by:
Lora B. Walburn, Deputy Clerk, Board of Supervisors