

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
February 14, 2023
7:00 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

Staff: Present--Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Cynthia Poulin, Treasurer; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Also present: Clarke Circuit Court Clerk April Wilkerson; Josh Roller of Robinson, Farmer, Cox Associates

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

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

4. Presentations, Awards, and Recognitions

Mayor Arnold introduced Mr. Roller, who gave a presentation on the annual audit report by RFC Associates. Mr. Roller provided information on navigating the report, definitions of terms, and new features. He said the Town had received a clean opinion in all aspects, with no material weakness evident.

Vice Mayor Gibson and Mr. Roller briefly discussed the depreciation schedule and the increasing participation of Town staff in generating certain data. There was also a brief discussion of pension liability and its susceptibility to changes wrought by market forces.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

Winchester attorney Susan French, legal counsel for the owner of the blighted property at 112 Josephine Street that had been discussed in numerous previous meetings, said all windows in the structure had been repaired or replaced and that the rear addition had been removed, the latter having been done under duress, with all permit deadlines having been met.

Kenneth Liggins, currently a West Virginia resident but formerly of Berryville, referring to the recent adulteration of Town water by chlorine byproducts that occur in disinfection, asked how long the water had been in such a condition. He said fifty residents of Josephine Street had died of cancer, and recommended that the Town investigate. Mr. Liggins also said that plans for blight abatement submitted by owners of blighted properties had been rejected to a questionable extent, and recommended that the property next to the post office be subject to enforcement.

Berryville resident Deborah Liggins complained about the breakage of a water line on Josephine Street during recent utility work. She said Josephine City had been part of the Town of Berryville for thirty-four years but that suddenly numerous properties were being designated as blighted because of a large influx of federal funding from the American Rescue Plan Act of 2021.

8. Consent Agenda

The consent agenda comprised the minutes of the January Town Council regular meeting.

Vice Mayor 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 said he had attended the opening event of the Town's 225th birthday celebration, and recommended watching Facebook and the Town website for additional festivities.

Ward Two

Ms. Harrison said she was now chair of the joint Town-County economic development committee and that it would welcome suggestions for projects and interests before its April meeting.

Ward Four

Mr. Tibbens noted Ms. Petti's intention to address the Council regarding regulations governing short-term rentals, and explained that County Supervisor Matt Bass had shared with him citizens' concerns about the proliferation of short-term rentals. He said the County had reviewed the matter, and asked his fellow Council members to consider it with care.

Other Members

The other members had nothing to add.

12. Staff Reports

Nothing was added to the written report for Public Works.

Utilities

Mr. Dalton directed the Council's attention to the portion of the agenda packet in which his report addressed the recent discovery of excessive disinfectant byproducts in the Town's water supply. He explained the difficulty of achieving the perfect balance when attempting to preserve water purity while also avoiding an excess of disinfectant chemicals. Mr. Dalton said the report for the fourth quarter of 2022 indicated that the Town was very close to compliance with regulations and that a new report would be available later in the month. He said all required notices had been provided to users, and he and Mr. Tibbens then discussed how best to communicate thoroughly without causing undue alarm.

Police Department

Chief White had nothing to add. Mayor Arnold thanked him for his annual report, which was provided to the Council with the agenda.

Community Development

Ms. Dunkle briefly updated the Council on local construction projects and on the activities of the various deliberative bodies associated with planning. She asked the Council to set a public hearing, for its March meeting, on a special use permit for outdoor storage for a contractor's supply business at 25 Cattleman's Lane.

Vice Mayor Gibson moved that the Council of the Town of Berryville set a public hearing on a special use permit for outdoor storage for a contractor's supply business at 25 Cattleman's Lane. The motion passed by unanimous voice vote.

Deputy Town Manager

Ms. Petti briefly summarized Code provisions regarding short-term rentals, explaining that enforcement would be directed toward anyone offering such arrangements. She cited various local jurisdictions and their handling of related matters, noting that the Berryville Code contains associated zoning categories. She explained to the Council that staff was seeking direction regarding whether the subject had been adequately addressed, and if not, what measures might be taken. She said parking, noise, occupancy, and parties were prominent in regulatory measures.

Mr. Dalton said the matter required careful consideration and that the Community Development Committee should examine it from a planning standpoint while the Public Safety Committee should address code considerations. A discussion established that both committees would take up the matter, either singly or in joint session, and Mr. Dalton said relevant materials should be forwarded to Community Development with Public Safety copied on the communique.

Town Manager

Mr. Dalton said utility work on Josephine Street should be completed by mid-year, with work on North Church, Bundy, and Osborne Streets to follow.

Mr. Dalton said the owner of 112 Josephine Street had met the February 6 deadline for submission of a letter indicating what work was to be done.

Ms. Harrison moved that the Council of the Town of Berryville find that the letter submitted to the Town Manager by the owner of 112 Josephine Street on February 6, 2023 satisfies the February 6, 2023 milestone of the 112 Josephine Street blight abatement plan. The motion passed by unanimous voice vote.

The Council and Mr. Dalton then discussed the Clarke County Ruritan Club's request for an adjustment to its water/sewer bill after discovery of a leak that had led to a bill totaling more than \$6,000, the case being problematic because Town policy allows only one adjustment within any

twelve-month period, and only eleven months had elapsed since a previous request by the Ruritan Club.

Mr. Steinmetz asked whether there was any history of waivers, and Mr. Dalton said he did not recall such a matter arising before and that the circumstances were unique because the leak was in an underground pipe on a property that is a large facility seldom used at this time of year, making timely detection of the problem less likely than would be the case with a residence or small business. Mr. Dalton and Ms. Harrison briefly discussed a request several years ago that had been denied because the source of the problem had not been identified.

Vice Mayor Gibson said all relevant merits were present except for the mandated time span, and that bending the rules would set a dangerous precedent possibly leading to future controversy.

Mayor Arnold noted that the Town's policy is longstanding.

Ms. Harrison and Mr. Dalton discussed whether the Town's new metering system would help prevent similar occurrences.

Ms. Harrison said the Town's policy made the case unambiguous, and Mayor Arnold said the policy is clear.

Mr. Mazzarino and Mr. Tibbens noted the unusual nature of the situation. There was a discussion of whether and how to make a partial adjustment. Mr. Tibbens said the site is unique, and noted that the elapsed time since the last adjustment was only a few days short of twelve months.

Mr. Dalton reminded the Council that it could choose to defer its decision until the leak is repaired and a formal request for adjustment submitted.

Vice Mayor Gibson moved that the Council of the Town of Berryville deny the Clarke County Ruritan Club's request to permit review of a water/sewer bill adjustment request for the bill dated 1/23/23. The motion passed, with Mr. Tibbens dissenting and all others in favor.

13. Committee Updates

Budget and Finance

Vice Mayor Gibson said the committee would have a budget work session on February 28 at 3:00 p.m., with a budget work session for full Council on March 6 at 3:00 p.m.

Community Development

Mr. Tibbens said the committee would meet on February 28 at 4:00 p.m. to discuss Hogan's Alley, short-term rentals, and wayfinding signage.

Personnel

Mayor Arnold noted the need to fill two vacancies on the Tree Board and one on the Planning Commission, and that the Council had three reappointments to consider:

Vice Mayor Gibson moved that the Council of the Town of Berryville recommend that the Clarke County Circuit Court reappoint Dr. Dandridge Allen to the Board of Zoning Appeals for a five-year term to commence on March 11, 2023 and expire on March 10, 2028. The motion passed by unanimous voice vote.

Vice Mayor Gibson moved that the Council of the Town of Berryville reappoint Satkuna Mathur to the Architectural Review Board for a four-year term to commence on July 1, 2023 and expire on June 30, 2027. The motion passed by unanimous voice vote.

Vice Mayor Gibson moved that the Council of the Town of Berryville reappoint Sharon Strickland to the Tree Board for a four-year term to commence on April 1, 2023 and expire on March 31, 2027. The motion passed by unanimous voice vote.

Public Safety

Mr. Mazzarino said the committee would meet on February 23 at 3:00 p.m. to discuss handicapped parking; police staffing, retention, equipment, and vehicles; and short-term rentals.

Streets and Utilities

A discussion established that the committee should meet in the near future for an engineer's presentation on the recently completed sewer inflow and infiltration study, with the date to be determined after further consultation.

14. Closed Session

None.

15. Adjourn

The Council adjourned at 8:27 p.m. on a motion by Vice Mayor Gibson

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, February 14, 2023

7:00 p.m.

Name: _____ **Town of Berryville Resident?**

Susan French

Yes No

Kenneth Liggins

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
February 23, 2023

A meeting of the Berryville Town Council Public Safety Committee was held on Thursday, February 23, 2023 at 3:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the Committee: Chair Grant Mazzarino, William Steinmetz

Staff: Town Manager Keith Dalton, Deputy Town Manager Jean Petti, Town Clerk Paul Culp

Media: none

1. Call to Order

Mr. Mazzarino called the meeting to order at 3:00 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Mr. Steinmetz.

3. Unfinished Business

None.

4. New Business

Berryville Code Section 10-64-1: Parking for the Disabled

Mr. Mazzarino asked Mr. Dalton to explain what might need to be reviewed.

Mr. Dalton said Section 10-64.1 provides motorists who have handicap license plates or placards with two hours of parking without charge in time-restricted and metered spaces. He said the Code of Virginia provides for four hours of parking without charge in such spaces but permits localities to limit that time to two hours. He said that the Council had limited the no-charge parking time to two hours, but that he wants to make sure the Town meets the requirement that the public be made aware of the two-hour limit.

Mr. Dalton said he recommended that either stickers informing the public of the two-hour limit be placed on the meter heads or that the Council consider amending the Town Code to permit a four-hour limit. He said the Police Department will enforce the four-hour limit until such time as the matter has been discussed by the Council.

Mr. Dalton said the Streets and Utilities Committee will examine the availability of public handicap parking in the downtown area and he intends, after the two committees and the Council have completed their work, to send a flyer to downtown businesses to highlight off-street parking facilities and encourage business owners to use facilities like the Rixey Moore Parking lot and leave the on-street parking open for patrons.

Mr. Steinmetz said four hours would be a safe default, and Mr. Mazzarino concurred. Mr. Dalton said the two-hour no-cost parking limit had likely been adopted to be consistent with the two-hour limit on the metered spaces.

Mr. Steinmetz asked whether enforcement is complaint-based. Mr. Dalton said patrol officers respond to complaints and check the meters as a part of their regular rounds.

Mr. Dalton said the Streets and Utilities Committee will examine the availability of public handicap parking in the downtown area on March 15. He noted that when determining where a handicap space can be reserved, safety is paramount.

Short-term Rentals

Ms. Petti said she had no new information to add to the report and discussion in the February 14 meeting of the full Council.

Mr. Mazzarino asked about the means of enforcing code provisions. Ms. Petti said it might be possible to prohibit advertising by entities that commit violations. She said Airbnb enjoins compliance and advises property owners of the possibility of locally mandated restrictions, but that code revisions might require some refinement of definitions.

Mr. Dalton asked whether regulation of parking is covered under zoning. Ms. Petti said it is part of the protocol for establishing maximum occupancy.

Mr. Dalton and Ms. Petti briefly discussed the possibility of creating a register. Mr. Steinmetz said this would be better than having inspections.

There was a discussion of owner-occupancy provision.

There was a discussion of whether accessory structures of less than 600 square feet would qualify. Mr. Dalton said no, and that use of the term "dwelling unit" would be advisable.

Mr. Mazzarino said the committee would propose no ordinance at present and that staff should draft a code amendment.

Departmental Report

There was a brief discussion of the Police Department's current fully staffed status, with personnel including one new officer and a recently promoted sergeant.

Mr. Steinmetz recommended that interested parties inform themselves about public service grants for police officers.

There was a brief discussion of current and near-future equipment upgrades.

5. Other

No other business came before the committee.

6. Closed Session

None.

7. Adjourn

The meeting adjourned by consensus at 3:45 p.m. on a motion by Mr. Steinmetz.

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
February 27, 2023

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee occurred at 10:00 a.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee: Mayor Jay Arnold, Chair; Vice Mayor Erecka Gibson

Staff participating: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk

1. Call to Order

Mayor Arnold called the meeting to order at 10:10 a.m.

2. Approval of Agenda

Vice Mayor Gibson moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

There was a brief discussion of vacancies on the Planning Commission and Tree Board. The committee agreed to meet again on April 24 at 2:00 p.m. to discuss and possibly interview applicants.

4. New Business

The committee and staff discussed suggested revisions to the Town's personnel policy as prepared by Ms. Petti. Topics included recruitment and selection; business ethics and conduct; compensation; hours, overtime, and on-call procedures for departments addressing emergencies; leave, including military and medical leave; workers' compensation; educational assistance; conduct and appearance; disciplinary action; sexual harassment; grievance procedures; occupational safety and health; accident reporting and investigation; telephone and mail systems; computer use; smoking, alcohol, and drugs; travel expenses; and termination/separation.

The committee and staff concluded that the policy, with such adjustments as had been recommended, would be shared with the full Town Council and in the absence of objections formally sent to the Council for approval.

5. Closed Session

None.

6. Other

No other business came before the committee.

7. Adjourn

The meeting adjourned by consensus at 12:19 p.m. on a motion by Vice Mayor Gibson.

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
February 28, 2023

A meeting of the Berryville Town Council Budget and Finance Committee was held on Tuesday, February 28, 2023 at 4:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the committee present: Vice Mayor Erecka Gibson, Chair; Grant Mazzarino

Staff: Keith Dalton, Town Manager; Cynthia Poulin, Treasurer (remote); Paul Culp, Town Clerk

1. Call to Order

Vice Mayor Gibson called the meeting to order at 4:10 p.m.

2. Approval of Agenda

Mr. Mazzarino moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

None.

4. New Business

Discussion of Proposed Fiscal Year 2024 Budget

Ms. Poulin briefly addressed some of the budget preparation highlights from the agenda packet, including retention of the status quo on tax rates; personal property tax relief changing from 70 percent to 35 percent; a continuation of the year-by-year increase in water/sewer administrative and facilities fees; a 7.1 percent increase in payroll; a 36.3 percent decrease in general fund maintenance and operational expenses; a general fund decrease of 35.85 percent, largely because of the American Rescue Plan Act of 2021; a 3.05 percent increase in maintenance and operational expenses in the water fund; and a 10.92 percent decrease in maintenance and operational expenses in the sewer fund.

Mr. Dalton briefly went over fund reserve specifics:

General fund: Reserve increases for property maintenance; Government Center upkeep; stormwater mitigation; downtown improvement; blight abatement; fire department; street maintenance; and Transportation Alternatives Program matching funds.

Water fund: Reserve increases for storage tank, treatment plant, and distribution system.

Sewer fund: Reserve increases for treatment plant, collection system, and membrane replacement.

There was a discussion of capital improvement projects, with particular attention to membrane replacement; computer replacement in multiple departments; purchase of a police vehicle; replacement of equipment in the police interview room; and improvements to Rose Hill Park, the Public Works facility, Hogan's Alley, water and sewer systems, streets, and sidewalks.

Mr. Dalton said the 6.4 percent increase in water/sewer availability fees was pegged to the Consumer Price Index and that the new schedule of water and sewer fees and charges would also include an increase in inspection fees.

Ms. Poulin noted that revenues last year had exceeded expectations. There was a discussion of possible reasons and of how FY24 estimates should be calculated.

Other topics briefly discussed included parking meter revenue, increasing energy costs, and funding for training of Town Council members.

5. Other

None.

6. Closed Session

None.

7. Adjourn

Vice Mayor Gibson invited a motion to adjourn. Mr. Mazzarino so moved, with the meeting adjourning by consensus at 5:06 p.m.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
February 28, 2023

A meeting of the Berryville Town Council Community Development Committee was held on Tuesday, February 28, 2023 at 4:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee present: Ryan Tibbens, chair; Diane Harrison

Staff participating: Jean Petti, Deputy Town Manager; Christy Dunkle, Community Development Director

Also present: Mayor Jay Arnold

1. Call to Order

Mr. Tibbens called the meeting to order at 4:00 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Harrison.

3. Unfinished Business

Update: Hogan's Alley Improvement Project

Ms. Petti gave an overview of the project. Mr. Tibbens recognized Mayor Arnold, who gave an update on alley activities. He said he had discussed the project with Berryville Main Street president Christina Kraybill, who said they had ordered two self-watering planters and two benches. He said she had contacted adjacent property owners about lighting and other proposed use of the walls. Mayor Arnold said they were working on the lighting with Rappahannock Electric Cooperative.

There was a discussion about the amount of the grant and whether additional Town funds had been requested. Ms. Petti said the deadline for using grant funds is May 31, 2023. There was a discussion about the plan for signage at the entrance as shown on the plan, and a discussion about Architectural Review Board comments and the mural being interactive. Mr. Tibbens recommended that the mural design use the colors from the Town's branding program.

Wayfinding Signs

Ms. Harrison gave an update on wayfinding signs. She said the task group has met twice with the consultant and has supplied comments to the consultant, who is modifying two of the designs. She said the group is meeting on Friday, March 10 to finalize the designs.

4. New Business

Virginia Commission for the Arts Creative Communities Partnership Grant Applications

Ms. Dunkle referenced the four applications that were distributed the previous day. She said all four had previously been funded by this grant. There was a discussion of each organization, and it was determined that the \$4,500 would be split evenly (\$1,125 each) between the applicants. Ms. Dunkle said the Virginia Commission for the Arts, if it approves the applications, would match each sub-recipient's funding in the same amount.

Mr. Tibbens recommended posting the announcement on social media and the Town's website once the grants have been approved.

Short-term Rentals

Ms. Petti discussed the recent meeting with the Public Safety Committee concerning short-term rentals. There was a discussion about taxation, inspections, and enforcement. It was determined that a broad definition should be considered, including the requirement for a business license, payment of Transient Occupancy Taxes, and the maximum number of rooms to rent. The committee also discussed prohibiting events and signage.

There was a discussion about general responsibilities of the short-term rental company and property owner.

5. Closed Session

None.

6. Other

None.

7. Adjournment

The committee adjourned by consensus at 5:08 p.m. on a motion by Ms. Harrison.