

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**July 11, 2023**  
**7:00 p.m.**

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

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

**Press:** Mickey Powell, *The Winchester Star*

**Also present:** Tom Frederick of Pennoni Associates

**1. Call to Order**

Mayor Arnold called the meeting to order at 7:00 p.m. and Vice Mayor Gibson made the **attached** motion for Mr. Mazzarino's remote participation, which passed by unanimous voice vote.

**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**

Mr. Frederick of Pennoni Associates, the engineering firm engaged by the Town, briefed the Council on the water treatment process that had resulted in the recent presence of excessive chlorine byproducts in the Town's water supply. He explained that the Town has performed at a high level in treating water and that its source is cleaner than most, but that chlorine is necessary, which can result in disinfection byproducts as the chemicals encounter organic matter. He noted that, as discussed in previous meetings, quarterly testing in late 2022 had displayed a higher than permissible level of byproducts, which though minuscule had required notification of the public. He said the balance of chemical processes is difficult to achieve and that the planned upgrades to Berryville's treatment plant would enhance efficiency, especially when combined with optional targeted destruction system flushing techniques that are available.

Ms. Harrison asked if the new testing methods could be applied immediately or only after the plant upgrades, and Mr. Frederick said their use was possible now. Ms. Harrison suggested the wisdom of

more frequent testing in order to achieve early detection of problems. Mr. Frederick said the Department of Environmental Quality had been helping Town staff work toward this.

Messrs. Steinmetz and Frederick discussed sources of organic matter.

Messrs. Tibbens and Frederick discussed the time span in which improved sampling processes might lead to fiscal savings.

Messrs. Steinmetz, Frederick, and Dalton discussed how long automatic sampling and flushing devices had been available, and Mr. Dalton said the Town was already using automatic flushing devices without sampling, which he said saves labor costs.

Mr. Frederick concluded with a brief summary of the status of the water treatment plant upgrade process so far. He said an application for Department of Health funding had been submitted and that U.S. Department of Agriculture loans were a possibility. He said Pennoni Associates is in the process of evaluating technology options and that a report likely would be available within a few days.

## **5. Public Hearings**

None.

## **6. Discussion of Public Hearing Items**

Not applicable.

## **7. Citizens' Forum**

Stephanie Jones, owner of one of the blighted properties discussed in previous meetings, briefly described current progress toward abating the blight.

Susan French, legal counsel for the owners of two of the blighted properties, said 112 Josephine Street had been incorporated on a non-profit basis and was proceeding with the organization associated with that status. She said work toward resolution of title matters was forthcoming. She said the owner of 229 Josephine Street had dealt with hazardous trees and had filled a cistern that had caused concern. She said extenuating circumstances had adversely affected communication and the pace of work but that further blight abatement processes were proceeding.

DeeDee Liggins addressed the Council concerning the proposed special use permit for a daycare center at Zion Baptist Church, saying that as a matter of regard for history the Benjamin Franklin name should be retained rather than the name being changed to Zion Christian Academy.

Craig Mattice expressed concern about the cost of additional water testing measures and said the figures indicating contamination had risen too sharply in too short a span of time. He said citizen participation in meetings is minimal because keeping abreast of developments requires too much effort and that the Town should alleviate this by using flash notifications related to agendas. He said the removal of barriers on Tyson and Dunlap Drives had resulted in excessive traffic and in speeding.

## **8. Consent Agenda**

The consent agenda comprised the minutes of the June 13 Town Council regular meeting and the June 26 meeting of the Budget and Finance Committee.

**Mr. Steinmetz moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.**

## **9. Unfinished Business**

None.

## **10. New Business**

Mr. Dalton directed the Council's attention to the agenda items related to the Town's bank account policy and to the potential closure of three accounts. He said staff had explored the possibility of diversifying its accounts via additional local options, and that the proposed closures were of the PPTRA account and two accounts intended as pass-throughs for online bill payment but never used.

Mr. Dalton explained that the Budget and Finance Committee had recommended the above, plus depositing \$500,000 in a money market account and revising the Town's policy document to reflect changes to titles and to specify that the committee is to review the policy every other year.

Mr. Tibbens initiated a discussion about the fact that not all money market accounts are insured by the FDIC in the manner applicable to checking accounts, with Mr. Tibbens expressing concern about risks. There was also a brief discussion of the use of local banks. Mr. Tibbens said he could support the proposed changes other than use of an inadequately insured account, and the consensus was that action on that matter should occur only after acquisition of further information.

**Vice Mayor Gibson moved that the Council of the Town of Berryville close the PSN Refund/Payment, PSN Deposit, and PPTRA bank accounts and that it approve the attached changes to the Town of Berryville Bank Account policy. The motion passed by unanimous voice vote.**

## **11. Council Member Reports**

Mayor Arnold ascertained that the other members were amenable to following the custom of not

meeting in August. There were no objections.

Ms. Harrison of Ward 2 noted the upcoming Josephine Museum 20<sup>th</sup> anniversary open house scheduled for July 15.

The other members had nothing to add.

## **12. Staff Reports**

Nothing was added to the written reports for Public Works, Utilities, Police, or Administration and Finance.

### **Community Development**

Ms. Dunkle asked the Council to set a public hearing regarding a special use permit for a daycare center at Zion Baptist Church, concerning which the Planning Commission would hold its own public hearing in the interim between Council meetings.

**Ms. Harrison moved that the Council of the Town of Berryville set a public hearing for the September 12, 2023 meeting to consider a Special Use Permit in order to operate a daycare center at the Zion Baptist Church property located at 13 Josephine Street. The motion passed by unanimous voice vote.**

Ms. Dunkle provided a short briefing on the wayfinding signage project, over which she and Ms. Harrison had exercised oversight. She said construction intent documents had arrived, with information on fabrication, location, and message panels, and that the Virginia Department of Transportation had been conferring with the Town regarding rights-of-way.

### **Deputy Town Manager**

Ms. Petti being absent, Mr. Dalton noted her report on the short-term rental matter discussed in previous meetings, and said action in the present meeting would be premature. He said September action was likely. Ms. Dunkle said the Planning Commission would need to examine Code language.

### **Town Manager**

Mr. Dalton said he had followed through on the Council's request in June that staff confer further with VDOT regarding proposed truck-length restrictions on certain streets, and that VDOT's comments should be available in September.

Mr. Dalton said proposed changes to regulations for use of Rose Hill Park were being reviewed by the Town attorney, that Hermitage V streets had been opened on July 5, and that he was engaging with

the school board on the previously discussed boundary line adjustment involving the Town, the school board, and a local property owner.

Mr. Dalton said the owner of the blighted property at 225 Josephine Street had provided assurances that he was clearing the property of debris and making plans to raze the house and erect an accessory building. He said the owner of the property at 114 Josephine Street would still need to remove some debris, fill a depression, and cap the sewer lateral, all of which they had discussed.

### **13. Committee Updates**

The committee chairs had nothing to report and did not set any meetings for July or August.

### **14. Other**

No other business was discussed.

### **15. Closed Session**

Not applicable.

### **16. Adjourn**

The Council adjourned at 7:57 p.m. on a motion by Vice Mayor Gibson.

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Erecka L. Gibson, Vice Mayor

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Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, July 11, 2023

7:00 p.m.

Name:

Town of Berryville Resident?

S. J. Jones

Yes  No

S. FRANCHI

Yes  No

Dee Dee Higgins

Yes  No

Craig Mathis

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  
MOTION TO APPROVE REMOTE PARTICIPATION IN A TOWN COUNCIL  
MEETING BY A TOWN COUNCIL MEMBERS

Date: July 11, 2023

Motion By: *Gibson*

Second By: *—*

I move that the Council of the Town of Berryville, with a quorum present in the Main Meeting Room of the Berryville-Clarke County Government Center, approve remote participation via telephone by Council member Grant Mazzarino because the need to attend to family business.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Abstain:

Absent:

ATTEST:



Erecka L. Gibson, Vice Mayor

## Town Council Policies

### Bank Accounts

Approved 10/9/18

Amended:

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#### **Purpose**

This policy sets certain requirements for opening, closing, updating, and maintaining Town of Berryville bank accounts. For purposes of this policy, "Town bank accounts" mean any bank account opened by or for the Town or any of its departments. The purpose of this policy is to establish adequate control procedures over Town assets and minimize the Town's risk of financial loss.

#### **Responsible Town Department**

The Finance & Administration Department by direction of the Treasurer.

#### **Who Is Governed by this Policy**

Each individual or department requiring and utilizing Town bank accounts should review and understand this policy.

#### **Scope**

In accordance with the Town's policies, bank accounts may be opened and closed only by the authorization of the Town Council after review and recommendation by the Budget and Finance Committee. This condition applies to all Town bank accounts as defined above, regardless of how the accounts are named.

#### **Policy**

A Town of Berryville bank account may be used only for legitimate and allowable revenue and/or expense activities of the Town. Proposals for new bank accounts must be submitted by Town ~~d~~Departments to the Treasurer, and the ultimate decision to open a bank account is at the discretion of the Town Council. All Town bank accounts must have the Town of Berryville's Employer Identification Number (EIN) and either the name "Town of Berryville" or the name of the Town department in the account title.

#### **Choosing a Bank**

It is important to open and maintain bank accounts whenever possible with entities that have ~~well~~-established Town banking relationships. The Town has relationships with both local banks (Bank of Clarke and ~~BB&T~~.Truist).

#### **Opening Bank Accounts**

Applicants for bank accounts must submit their requests to the ~~T~~Treasurer.

The following information is required prior to opening a new Town bank account:

1. Account Specifications:

- Town's Employer Identification Number (EIN).
  - Account name.
  - Purpose of account.
  - Type of account (receipts only, receipts and disbursements, internally funded project expense account, other).
  - Source of funding.
2. Suggested bank, address, and contact information. Once the selection of the bank is ~~agreed with~~ approved by the Treasurer's office, additional bank account documentation may be required.
  3. Approval of Town Council after review and recommendation by the Budget and Finance Committee.

### **Signing of Checks on Town Funds (Town Code Sec. 2-6)**

Checks for duly authorized disbursements of Town funds shall be signed by either the ~~T~~town treasurer or ~~T~~town Manager and, except for payroll checks, cosigned by either the Mayor or Vice Mayor.

### **Bank Account Reconciliation**

Bank accounts must be reconciled monthly by the Treasurer and available for review by Council members at any time. The ending bank balance on the bank statement must be reconciled with the bank balance in the Town of Berryville general ledger.

### **Updating Bank Accounts**

The Budget and Finance Committee will review and confirm all bank accounts every two years and as needed. Requests to update bank accounts shall be forwarded to the Treasurer. ~~†~~The following information is ~~are~~ required:

1. Explanation of the purpose for the update.
2. Approval by Town Council after review and recommendation by the Budget and Finance Committee.
3. ~~The Budget and Finance Committee will review and confirm all bank account every two years.~~ Review and confirmation of all bank accounts by the Budget and Finance Committee every two years.

Updates to bank accounts may include:

- Shift in purpose or type of account.
- Account name change.
- Address change.
- ~~Local bank communication relevant to~~ Changes to bank procedures and/or systems.;

## **Closing Bank Accounts**

All requests to close a bank account must be directed to Treasurer for approval. ~~Contact with the treasurer to request the closing of a bank account.~~

The following information is required:

1. The business purpose for the closure.
2. Confirmation that the bank account has a \$0 balance.
3. Confirmation that the Town of Berryville general ledger account has a \$0 balance.
4. Approval of Town Council after review and recommendation by the Budget and Finance Committee.

Reasons to close bank accounts may include:

- Unauthorized activity.
- No activity/dormant account.
- Change in business purpose or type of account.