

**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting Minutes**  
**February 13, 2024**

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A meeting of the Berryville Town Council was held on Tuesday, February 13, 2024 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

**Attendance:** Members of the Town Council present: Harry Lee Arnold, Jr., Mayor; Erecka Gibson, Vice Mayor; William Steinmetz, Grant Mazzarino, Ryan Tibbens

**Absent:** Diane Harrison

**Staff present:** Keith Dalton, Town Manager; Neal White, Chief of Police; Jean Petti, Deputy Town Manager; Cindy Poulin, Director of Finance and Administration/Treasurer; Christy Dunkle, Community Development Director

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

**1. Call to Order**

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

**2. Pledge of Allegiance**

Mayor Arnold requested attendees stand for the pledge of allegiance.

**3. Approval of Agenda**

Vice Chair Gibson made the motion to approve the agenda as presented. The motion passed by voice vote.

**4. Presentations/Awards and Recognitions**

Mayor Arnold recognized Josh Roller, CPA with Robinson, Farmer, Cox, PLLC, who presented the FY 23 the audit report remotely. He referenced the audit and governance letter that Council members had at the dais. Mr. Roller said there were no new accounting policies adopted or implemented this year. He said there were no reclassifications. He stated that they had no difficulties in performing the audit adding that all requests for information were addressed and all questions were answered. He said some journal entries were adjusted and reclassified, similar to previous years. Mr. Roller discussed fixed asset depreciation noting that it is similar to the prior year.

Mr. Roller discussed the audit report including the auditor's opinion which was an unqualified opinion. He discussed the general fund balance sheet and statement of revenues and the water

and sewer funds balance sheet and revenue and expenses. He said the internal controls were tested and that they found no issues. He added that they conducted a single audit to review the federal government compliance piece in relation to the American Rescue Plan funds and found no issues. He asked if Council members had any questions. They did not. Mayor Arnold thanked Mr. Roller for his participation.

Mayor Arnold asked staff to read a resolution (attached) for Ronnie Huff, honoring him for his time representing the Town on the Clarke County Parks and Recreation Board.

**Mr. Tibbens made the motion to approve the resolution honoring Ronnie Huff's service to the citizens of this community. The motion passed by voice vote.**

**5. Public Hearings**

No hearings scheduled.

**6. Discussion of Public Hearings**

No hearings were held.

**7. Citizens' Forum**

Mayor Arnold recognized Tim Sinclair, Town resident. Mr. Sinclair spoke in opposition to the proposed Friant rezoning. He said the Clarke County Comprehensive Plan was the bedrock of the Berryville Area Plan. He said 66 by-right lots or 112 lots per the Berryville plan would look like an extension of the existing neighborhood. He said to ask the planning office for the traffic analysis submitted for the proposed development to see what that would look like. He said you will see a lot of money in this proposal, but what wasn't seen was the added cost of road improvements, school costs, and the liability that the streets and utilities will become to the Town and millions of dollars of obligations to maintain. Mr. Sinclair said the Planning Commission recommended denial of the request. He referenced additional units and said this area does not have easy access to Town like the Hermitage and Battlefield Estates subdivisions. He recommended sticking to the plan.

Mayor Arnold recognized Allan Springer, Town resident. Mr. Springer said he lives on Tyson Drive in Phase V of the Hermitage subdivision and that a number of residents are having issues with concrete spalling on their driveways. He said that the spalling is due to freeze/thaw cycles on the concrete that did not apply the correct PSI or finishing technique.

Mayor Arnold recognized William Woodruff. Mr. Woodruff said he owns the property located at 114 Josephine Street and asked why he needed to go underground to tap a pipe and to clean up rocks in his yard. There was a discussion about the original blight abatement correspondence. Mr. Dalton said that capping the sanitary sewer lateral connection is required because the public collection system could be compromised if this is not done correctly.

Mayor Arnold recognized Mary Ivie who declined to speak.

There were no other speakers.

#### **8. Consent Agenda**

Mayor Arnold asked for a motion to approve the consent agenda (minutes attached).

**Mr. Steinmetz made the motion to approve the consent agenda as presented. The motion passed by voice vote.**

#### **9. Unfinished Business**

There was no update.

#### **10. New Business**

Rezoning for a proposed 198-unit subdivision if the Friant property.

Ms. Dunkle said that the Planning Commission had recommended denial of the request at their January meeting. She requested that Town Council set a work session to discuss the application.

**Mr. Mazzarino made the motion to set a work session to review the rezoning of the parcels identified as 14-A-80 and 14-A-112 from OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park to DR-4 Detached Residential-4 for April 1, 2024 at 3:00 p.m. The motion passed by voice vote.**

#### **11. Council Member Reports**

Ward 3 - Mr. Mazzarino said he had been contacted by a number of residents of Hermitage Phase V and Shenandoah Crossing about concrete damage on their driveways and sidewalks. He said that it his understanding that D.R. Horton's response was that the concrete was not under warranty. Mayor Arnold asked David Giovannacci (D.R. Horton) about the issue who indicated he was unaware of the concerns. Mr. Arnold asked that Mr. Giovannacci follow up on this matter and Mr. Giovannacci said that he would.

Ward 4 – Mr. Tibbens discussed community service efforts by the local cub scout troop.

There were no other reports.

#### **12. Staff Reports**

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

#### **Community Development**

Ms. Dunkle referenced the department and construction updates. She said that the Tree Board was sponsoring an invasive species presentation on March 13.

## **Town Manager**

Mr. Dalton updated Council on the blight abatement efforts at 225 and 114 Josephine Street. He recommended setting a final deadline on these properties to address outstanding items. He said the owner of 225 met with staff and felt he could finish the work in 30 days. Mr. Dalton said the owner of 114 did stop by the Government Center but he was at a meeting in Winchester. Mr. Dalton said that disconnecting the sewer lateral and basic clean up needed to occur at 114 and that a considerable amount of debris remains at 225 following the demolition of the structure. He said there is a suggested path that a final deadline for full compliance of both parcels would be set for April 9, 2024. Mr. Dalton added that no extensions or additional notice would be given and that the Town would move forward with the work. He said a lien would be placed on the respective properties for the cost of the work after that time.

Mr. Dalton said there is one other property he wanted to discuss that is located at 127 Cameron Street. He said some time ago, a tree fell on the structure and damaged the roof. He said the roof has remained tarped and partially open to the elements. He said he discussed the property with a citizen and sent a certified letter to the owner who did not pick up. Mr. Dalton said the HOA is moving ahead of the Town on this process and that on February 7, 2024, the general district court executed an order directing the owner to fix the roof by May 7, 2024. Mr. Dalton said that with a court order in place, they are closer to coming into compliance. There was no further discussion.

Mr. Dalton acknowledged Ms. French in attendance at the meeting. He said there is a letter in the packet to the owner of 229 Josephine Street adding that there is no plan or deadlines set for this property yet.

Mr. Tibbens asked about the cost of capping a sewer line. Mr. Dalton replied that it would depend on the conditions. He said that the plan approved by Council outlined this requirement and that the Town has to inspect the work prior to covering the work.

**There being no further discussion, Mr. Tibbens made the motion that the Town of Berryville require the owners of 225 and 114 Josephine Street to fully comply with approved spot blight abatement plans on or before April 9, 2024. The Council hereby directs the Town Manager to provide notice to each of the property owners and inform them:**

- **Of this deadline;**
- **That no further extensions will be granted;**
- **That no additional notice will be provided before the Town takes action to abate identified blight; and**
- **The town will abate the identified blight and file a lien on the respective properties in the amount of the cost of the blight abatement.**

**The motion passed by voice vote.**

Mr. Dalton discussed the financing of the water treatment plant upgrades. He said the bond counsel has recommended that two resolutions be adopted by Town Council. He said the first is to declare the Town's intent to reimburse funds already expended such as the Preliminary

Engineering Report and tree clearing which has been self-funded. He said the Town may chose to include some of these expenses in the loan, reimbursing the funds. He said the second resolution will give Mayor Arnold the authority to sign the application documents.

**There being no further discussion, Vice Mayor Gibson made the motion to adopt the attached Resolution to Declare and Intent to Reimburse in relation to the on-going water treatment plant improvements project. The motion passed by voice vote. (resolution attached)**

**Vice Mayor Gibson made the motion to adopt the attached Resolution authorizing the mayor to execute USDA-RD documents in relation to the on-going water treatment plant improvements project. The motion passed by voice vote. (resolution attached)**

### **13. Committee Updates**

#### *Budget and Finance*

Ms. Gibson asked Mr. Dalton if there was a plan for unspent ARPA funds. Mr. Dalton said the adopted plan had identified that remaining funds go into capital projects.

Vice Mayor Gibson discussed two upcoming meeting dates for the budget process. She said the Budget and Finance Committee will hold a work session on Monday, February 26, 2024 at 3:00 p.m. and Town Council will hold their budget work session on Monday, March 4, 2024 at 3:00 p.m.

#### *Community Development*

Mr. Tibbens discussed the proposed rules for Rose Hill Park. Mr. Dalton said that while reviewing the updated information, he suggested further studying Section 13-37 of the Code. He said that the ordinance identifies proposed changes for 13-35 and 13-36 but it does not address items in 13-37. Mr. Dalton said the next step would be to discuss signage. Mr. Tibbens recommended further discussion at the next committee meeting scheduled for Tuesday, February 27 at 4:00 p.m.

#### *Personnel, Appointments, and Policy*

Mayor Arnold said the committee had met and interviewed four well-qualified candidates for the two positions on the Planning Commission. He said they are recommending two people for the Planning Commission.

**Vice Mayor Gibson made the motion that the Council of the Town of Berryville appoint William M. Gilpin to the Berryville Planning Commission to fill the unexpired term of Ryan Tibbens which expires on September 30, 2024. The motion passed by voice vote.**

**Vice Mayor Gibson made the motion that the Council of the Town of Berryville appoint Dana S. Libby to the Berryville Planning Commission to fill the unexpired term of Krish Mathur which expires on June 30, 2024. The motion passed by voice vote.**

*Public Safety*

Mr. Mazzarino said there is a need to review Section 10-9 concerning directing traffic during incidents. Mr. Dalton requested that they delay action until next month. No meeting was set for next month.

*Streets and Utilities*

Mr. Tibbens discussed proposed changes to two sections of the Construction Standards and Specifications Manual.

**There being no further discussion, Mr. Tibbens made the motion that the Council of the Town of Berryville approve changes to Section 3 Water Mains and Appurtenances and Section 4 Valves and Hydrants of the Construction Standards and Specifications Manual as presented. The motion passed by voice vote. (amendments attached)**

Mr. Tibbens asked that we keep the February 27 meeting date should Ms. Harrison want to meet.

**14. Closed Session**

There was no closed session.

**15. Adjourned**

Vice Mayor Gibson made the motion to adjourn the meeting. The meeting was adjourned at 7:50 p.m.

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Erecka L. Gibson, Vice Mayor

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Keith Dalton, Town Manager



**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE HONORING  
RONNIE HUFF**

**WHEREAS** Ronnie Huff has been a dedicated supporter of and advocate for sports and recreation in Berryville and Clarke County for over four decades; and

**WHEREAS** he served as a coach, official, and volunteer for multiple youth sports disciplines from the 1970s until 1994, and has continued to recruit sponsors and mentor participants, coaches, and referees; and

**WHEREAS** Ronnie Huff was appointed as the representative for Town of Berryville to the Clarke County Parks and Recreation Advisory Board in January 1994 and continued in this position until December 2023; and

**WHEREAS** he served on the Steering and Building Committee, raising \$665,000 towards the construction of the Clarke County Recreation Center; and

**WHEREAS** Ronnie Huff also served on the Little League Lights committee, the Master Plan committee, the Honorees and Memorials committee, and the Operations Maintenance/Maintenance Standards committee; and

**WHEREAS** during his period of service, the following amenities and improvements were made to Clarke County parks: two Little League fields; a concession stand, lights, and restrooms to serve same fields; tennis courts; forty additional acres with an expanded and upgraded trail, passive recreation areas, and soccer fields; a new playground and tot lot; an Active Living Center; a dog park; and a Rotary Shelter.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Town of Berryville honors Ronnie Huff's tireless dedication to athletic excellence and to the joy and general wellbeing of the children and residents of Berryville and Clarke County.

By order of the Town Council this 13<sup>th</sup> day of February, 2024.

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**Harry Lee Arnold Jr., Mayor**

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**Erecka L. Gibson, Vice Mayor**

**William Steinmetz**  
Ward 1

**Diane Harrison**  
Ward 2

**Grant Mazzarino**  
Ward 3

**Ryan Tibbens**  
Ward 4

**Keith R. Dalton**  
Town Manager

**RESOLUTION OF GOVERNING BODY OF  
TOWN OF BERRYVILLE, VIRGINIA**

The Governing Body of the Town of Berryville, consisting of six members, in a duly called meeting held on the 13th day of February 2024, at which a quorum was present, **RESOLVED** as follows:

**BE IT HEREBY RESOLVED** that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a Water Treatment Plant Improvements Project to serve the community, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED** that the Mayor be authorized to execute on behalf of the Town Council the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Council.

TOWN OF BERRYVILLE

By: \_\_\_\_\_  
Harry Lee Arnold, Jr., Mayor

Attest: \_\_\_\_\_  
Erecka L. Gibson, Vice Mayor

**CERTIFICATION**

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Town of Berryville, Virginia in a duly assembled meeting on the 13<sup>th</sup> day of February 2024.

\_\_\_\_\_  
Town Manager

**RESOLUTION TO DECLARE AN INTENT TO REIMBURSE  
(Water Treatment Plant Improvements Project)**

**WHEREAS**, the Town of Berryville, Virginia (the “Town”), is a public body politic and corporate and political subdivision duly created and validly existing under the laws of the Commonwealth of Virginia; and

**WHEREAS**, the Town has determined that it is essential to finance all or any portion of the capital costs in connection with bond financing to (a) acquire, construct, rehabilitate, and equip various improvements to the Town’s water system facilities, including but not limited to the water treatment plant, and (b) pay costs of issuance in connection with the related financings (the “Project”).

**WHEREAS**, the Town reasonably anticipates to obtain long-term financing for all or any portion of the costs of the Project, and may undertake tax-exempt financing(s), as may be necessary or convenient, in one or more financings (the “Obligations”), and if so, the Town shall comply with the provisions of the Internal Revenue Code of 1986, as amended, so that interest on any bonds or notes issued by the Town, proceeds of which are used to fund a loan to the Town, will remain excludible from gross income for federal income tax purposes in accordance with law; and

**WHEREAS**, the Town now desires to declare its intent to use all or any portion of the proceeds of one or more Obligations to be issued, in one or more series, to reimburse certain expenditures in connection with the Project, among other things, all as required by federal tax laws, including Treasury Regulations § 1.150-2 in the Internal Revenue Code of 1986, as amended, all as further described below.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN, as follows:**

1. The Town Council of the Town (the “Town Council”) hereby declares its intent and reasonable expectations for the Town to reimburse itself for costs and expenses relating to the Project with a portion of the proceeds of one or more Obligations. Accordingly, this Resolution shall constitute a declaration of “official intent” under Treasury Regulations § 1.150-2, and the Town may be reimbursed, if and when any Obligations shall be issued by the Town, to the extent permitted by law.

2. It is to be understood that such prior expenditures by the Town in connection with the Project will constitute capital expenditures (or would do so with a proper election under general federal income tax principles) or will otherwise comply with the requirements of Treasury Regulations § 1.150-2(d)(3).

3. The Town has paid or caused to be paid, beginning no earlier than sixty (60) days prior to adoption and effective date hereof, and will pay or cause to be paid, on and after such effective date hereof, certain expenditures (the "Expenditures") in connection with the Project. Further, it has been determined that those moneys previously advanced no earlier than sixty (60) days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures related to the Project are available only for a temporary period and it is necessary to reimburse the Town for the Expenditures from the proceeds of one or more issues of Obligations. Accordingly, the Town Council hereby declares its intent to reimburse the Town with the proceeds of the Obligations for the Expenditures with respect to the Project made no earlier than sixty (60) days prior to the adoption of this Resolution. The Town reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Obligations.

4. If a tax-exempt financing is undertaken, the Town will make, or cause to be made, a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse the Expenditures, no later than eighteen (18) months after the later of the date on which each Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which each Expenditure is paid. This declaration of intent to reimburse, as required by federal tax laws, shall take effect immediately.

5. The maximum principal amount of Obligations expected to be issued or incurred by the Town for the long-term funding of the Project is reasonably anticipated to be approximately \$12,500,000.

6. It is to be understood that no Obligations shall be issued, sold, or awarded by the Town unless and until the Town Council adopts an appropriate authorizing resolution and takes all other such further acts as may be required by law, in order for the Town to issue any long-term Obligations in connection with the Project.

ADOPTED this 12<sup>th</sup> day of March, 2024

**TOWN OF BERRYVILLE, VIRGINIA**

By:

\_\_\_\_\_  
Harry Lee Arnold, Jr., Mayor  
Town of Berryville, Virginia

\_\_\_\_\_  
Erecka L. Gibson, Vice Mayor  
Town of Berryville, Virginia

**CERTIFICATE OF VOTES**

The record of the roll-call vote by the members of the Town Council of the Town of Berryville, Virginia on the foregoing Resolution, duly adopted by the Town Council upon a roll-call vote at its regular public meeting held on March 12, 2024, as follows:

<u>Name</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Harry Lee "Jay" Arnold, Jr., Mayor				
Erecka L. Gibson, Vice Mayor				
William "Willy" Steinmetz				
Diane Harrison				
Grant Mazzarino				
Ryan Tibbens				

Dated: March 12, 2024

By: \_\_\_\_\_  
Town Manager  
Town of Berryville, Virginia