

BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting Minutes
May 14, 2024

A meeting of the Berryville Town Council was held on Tuesday, May 14, 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, Diane Harrison, Grant Mazzarino, Ryan Tibbens

Absent: no one

Staff present: Keith Dalton, Town Manager; Neal White, Chief of Police; Jean Petti, Deputy Town Manager; 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

Council member Steinmetz made the motion to approve the agenda as presented. The motion passed by voice vote.

4. Presentations/Awards and Recognitions

Ms. Petti read a resolution in honor of Darrell Ferrebee.

Council member Harrison made the motion to approve the attached resolution honoring the service of Darrell Ferrebee. The motion passed by voice vote.

5. Public Hearing

Public Hearing on Proposed Budget for FY25

BERRYVILLE TOWN COUNCIL
PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on Tuesday, May 14, 2024 to consider the following:

Proposed Fiscal Year 2024-2025 Budget as follows:

	APPROVED FY 23-24	REQUESTED FY 24-25
<u>Resources and Revenues</u>		
GENERAL FUND		
Fund Balance	\$ 0.00	\$ 558,169.00
Revenue from Local Sources	\$ 3,554,275.00	\$ 3,924,275.00
Revenue from State Sources	\$ 949,172.00	\$ 1,099,567.00
Revenue from Other Sources	\$ 1,000.00	\$ 1,000.00
Total	\$4,504,447.00	\$ 5,572,011.00
WATER FUND		
Fund Balance	\$ 615,000.00	\$ 0.00
Revenue from Local Sources	\$ 2,506,000.00	\$ 6,494,000.00
Availability Fees	\$ 30,500.00	\$ 0.00
Total	\$ 3,151,500.00	\$ 6,494,000.00
SEWER FUND		
Fund Balance	\$ 1,095,000.00	\$ 360,300.00
Revenue from Local Sources	\$ 1,835,000.00	\$ 2,167,500.00
Availability Fees	\$ 32,750.00	\$ 0.00
Total	\$ 2,963,250.00	\$ 2,527,800.00
TOTAL RESOURCES AND REVENUES	\$ 10,619,197.00	\$ 14,593,811.00

Expenses and Reserves

GENERAL FUND		
Maintenance and Operational	\$ 3,832,630.00	\$ 4,585,350.00
Debt Service	\$ 121,600.00	\$ 121,600.00
Capital Reserves and Expenses	\$ 435,238.10	\$ 727,500.00
Contingency	\$ 114,978.00	\$ 5,572,011.00
Total	\$ 4,504,447.00	\$ 5,572,011.00
WATER FUND		
Maintenance and Operational	\$ 1,283,410.00	\$ 1,267,315.00
Debt Service	\$ 0.00	\$ 0.00
Capital Reserves and Expenses	\$ 1,829,587.70	\$ 5,188,665.55
Contingency	\$ 38,502.30	\$ 38,019.45
Total	\$ 3,151,500.00	\$ 6,494,000.00

SEWER FUND

Maintenance and Operational	\$ 1,353,925.00	\$ 1,697,864.00
Debt Service	\$ 470,000.00	\$ 470,000.00
Capital Reserves and Expenses	\$ 1,098,707.25	\$ 309,000.00
Contingency	\$ 40,617.75	\$ 50,936.00
Total	\$ 2,963,250.00	\$ 2,527,800.00
TOTAL EXPENSES AND RESERVES	\$ 10,619,197.00	\$ 14,593,811.00

Mr. Dalton read the public hearing notice. Mayor Arnold asked Council members if they had any questions of staff. There were none. Mayor Arnold opened the public hearing.

There were no speakers. Mayor Arnold closed the public hearing.

Vice Mayor Gibson requested a list of items in support of the fund balance for water and sewer funds.

6. Discussion of public hearing

Mayor Arnold said that Council will not vote on the budget this evening adding that it would take place at the June meeting.

7. Citizens' Forum

Mayor Arnold asked if anyone wished to speak. There were no speakers.

8. Consent Agenda

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

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

9. Unfinished Business

Update: IFB# 2024-01 – Paving, Milling, and Line Striping

Mr. Dalton updated Council members on the paving bid adding that the bid went well. He asked if there were any questions. There were no questions.

10. New Business

There was no new business.

11. Council Member Reports

Mayor Arnold said that he attended Sheriff Tony Roper's retirement event and presented him with the Council's resolution, wishing him well on their behalf.

There were no other reports.

12. Staff Reports

Nothing was added to the written reports for Public Works or Police departments.

Public Utilities

Ms. Petti said that the Town has been identified as a serious violator by the Virginia Department of Health (VDH) for exceedance of water quality issues, not the severity of such. She said that she contacted VDH for guidance on a response and they recommended preparing a summary of the issues and a response to the exceedance. Ms. Petti discussed previous exceedances in 2023 adding that we are not the only locality dealing with these concerns. She discussed actions taken by the Town thus far per VDH recommendations. She said that after changing the coagulant, the last sample showed a reduced amount of HAA5s, adding that the numbers are based on averages over four quarters. She said the second sampling took place today and that she would update Council members on the results. Ms. Petti said the Town has contracted a chemist to assist with the process who will evaluate actions taken. She said that while there has not been a single factor identified to remedy the issue, the best long-term solution was to complete the overhaul of the water treatment plant.

Council member Mazzarino asked whether VDH or other localities have the ability to pinpoint the source of the concerns. Ms. Petti said that Berryville has followed the steps recommended by VDH beginning with the distribution system and has not found anything. She hoped that the result of the testing today will be below the limits set by the Commonwealth. Council member Harrison asked if there was a website link available for additional information. Ms. Petti said the website was difficult to navigate adding that she would assist those who wish to review it.

Council member Tibbens asked about the next steps to VDH compliance. Ms. Petti said that the VDH has asked for a recommendation by the Town's chemist. Mr. Dalton said there would likely be a consent order issued by the VDH. There was a discussion about working through the process with the VDH and the Town's consulting engineer and additional services offered by the VDH under a consent order. Council member Harrison asked about information available to residents about water filtration systems. Mr. Dalton said the Town had posted information on the website previously, adding that staff could push the notice again.

Community Development

Ms. Dunkle said that no submissions had been received from D.R. Horton for a work session to discuss the Friant rezoning project. She said staff is recommending that the meeting be set for their October work session scheduled for Monday, October 7, 2024 at 3:00 p.m. with a deadline for submissions for the meeting of close of business on September 26, 2024. Mr. Dalton recommended that no additional work session postponements occur for this application.

Council member Tibbens made the motion that the Council of the Town of Berryville set a work session to discuss the proposed rezoning of the Friant Enterprises property for Monday, October 7, 2024 at 3:00 p.m. Council member Tibbens further moved that the

Council direct the applicant to provide all pertinent information to the Director of Community Development by the end of business on September 26, 2024. Council member Tibbens further moved that the Council direct the Director of Community Development to inform the applicant in writing that no additional work session postponements will be granted for the applicant. The motion passed by voice vote.

Ms. Dunkle requested that Town Council set a public hearing for a special use permit in order to operate a hair salon on Isaac Court.

Council member Mazzarino made the motion that the Council of the Town of Berryville set a public hearing for Tuesday, June 11, 2024 for a special use for a home occupation (hair salon) located at 108 Isaac Court. The motion passed by voice vote.

Ms. Dunkle requested that Town Council set a public hearing to repeal and readopt Section 322 Erosion and Sediment Control of the Town Zoning Ordinance in order to update Virginia Code references and regulations.

Council member Steinmetz made the motion that the Council of the Town of Berryville set a public hearing for Tuesday, June 11, 2024 for the repeal and readoption of Section 322 Erosion and Sediment Control of the Berryville Zoning Ordinance. The motion passed by voice vote.

Ms. Dunkle requested that Council set a public hearing for text amendments to the Berryville zoning and subdivision ordinances to establish requirements for street rights-of-way and street lighting standards.

Council member Harrison made the motion that the Council of the Town of Berryville set a public hearing for Tuesday, June 11, 2024 for text amendments establishing requirements for street rights-of-way and street lighting standards in the zoning and subdivision ordinances. The motion passed by voice vote.

Deputy Town Manager

Ms. Petti updated Council members on the status of Hogan's Alley.

Town Manager

Mr. Dalton updated Council members on the spot blight abatement. He said that Ms. French had contacted him about 229 Josephine Street. He said that the other two properties, 114 and 225 Josephine Street, are likely not going to comply by the May 1 deadline.

13. Committee Updates

Community Development

Council member Tibbens said the committee discussed the portable storage container ordinance included in the agenda packet. There was a discussion about enforcement and the 60-day

timeframe. Vice Mayor Gibson said that residents may require more than 60 days due to construction or if they are moving. It was determined that a committee meeting will be held at 4:00 p.m. on Tuesday, May 28, 2024.

Personnel, Appointments, and Policy

Mayor Arnold said there will soon be two Planning Commission openings and one on the Tree Board. Vice Mayor Gibson said that the Town Manager’s performance evaluation should take place soon.

Public Safety

Council member Mazzarino asked Sergeant Bristol if he had any additional discussion items. He did not.

Streets and Utilities

There was no discussion. It was determined that a committee meeting will be held at 3:00 p.m. on Tuesday, May 28, 2024.

Mr. Dalton said that he had been contacted by Ms. French who will be in attendance at the June meeting to update Council members on 229 Josephine Street. He said that it appears that the owners of 114 Josephine Street and 225 Josephine Street have failed to meet the deadline set by Council. He added that a suit has been filed by the owner of 225 Josephine Street and recommended that, with Council’s permission, he will hold off on enforcement out of respect for the court until after the May 20, 2024 court date. Council member Harrison asked if they should wait on action for 114 Josephine Street and Mr. Dalton recommended that they do so.

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 7:40 p.m.

Erecka L. Gibson, Vice Mayor

Keith Dalton, Town Manager