

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
July 9, 2024
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; Miranda Dodson, Town Clerk; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department

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

Mayor Arnold requested attendees stand for the 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

Bryan Byrd from Shentel showed a power point presentation to Council on GloFiber. Mr. Byrd discussed the history of the company, current locations, cost of the service, and a snapshot of the process for installing the fiber network. Mr. Byrd then asked Council if there were any questions.

Council Member Harrison asked why some of the trucks from Shentel were in the area today and if there would be degradation with the fiber cable. Mr. Byrd explained that they have fiber cables already in the area. Mr. Byrd explained that there is not a degradation with the fiber network as the lines are run directly to the property.

Council Member Mazzarino asked if the Shentel fiber lines overlap with existing provider's lines and asked how disruptive the installation might be. Mr. Byrd stated that lines would be collocated with existing utilities. Mr. Byrd also discussed that it will be disruptive but ensured council members that their company would work with the Town's Public Utilities to ensure that construction would go smoothly. Mr. Byrd said that if the work is above ground, then there will be less disruption and a quicker install. Mr. Byrd then explained they give a 15-day notice before they start the work, door hangers to inform the citizens of the work. Council Member Mazzarino then

asked about if any information about the customer is retained by Shentel. Mr. Byrd responded that Shentel does not save any information from the users and they do have a secured network.

Mayor Arnold asked whether the company uses contractors or Shentel employees for installation. Mr. Byrd stated that they use contractors for the installation and they have contract requirements to ensure they are following Shentel and Town requirements.

Vice Mayor Gibson asked if the green boxes that are in developments contain the underground cables and if the company uses those boxes or do they install additional boxes. Mr. Byrd stated that the green boxes or pedestals hold the underground cables and that their junction boxes lay flush to the ground.

Council Member Steinmetz asked, in addition to residential lines, are there business service in place and what is the ratio of poles to underground for the area. Mr. Byrd that they do have business service and that he does not know the ratio of poles to underground installation.

Council Member Tibbens questioned the duration of the installment phase and asked if this may cause current service interruption. Mr. Byrd discussed that the process could be up to six-months to complete and that there is always the chance for a disruption with current service, but good utility marking makes unplanned interruption less likely.

Council Member Mazzarino questioned if there would be a cost to the town. Mr. Byrd ensured that there would not be any cost to the town.

Mr. Dalton asked if there would be a local office for customers and if so, where would the office be located. Mr. Byrd discussed that they did have an office in Winchester, however the office was not being used so most of their billing and tech service is online.

Mr. Dalton asked Council Members if they would want staff to develop a draft cable franchise agreement to present to them for review. Council agreed.

No further questions or discussion.

Mayor Arnold thanked Mr. Byrd for his presentation.

5. Public Hearings

There were no public hearings.

6. Discussion of Public Hearing Items

There was no public hearing.

7. Citizens' Forum

Mayor Arnold asked if there were any citizens present who were not able to sign up for Citizens' Forum and would like to speak. There were no speakers.

8. Consent Agenda

Mayor Arnold asked for a motion to approve the consent agenda.

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

9. Unfinished Business

There was no unfinished business.

10. New Business

There was no new business.

11. Council Member Reports

There were no reports from Council Members.

12. Staff Reports

Nothing added to the written reports for Public Works, Police Department, and Finance.

Public Utilities

Mayor Arnold discussed the drought warning and urged the community to conserve water at this time. Ms. Petti had no other reports from the utility department.

Community Development

Ms. Dunkle asked Council to set a public hearing for a special use permit for a home occupation at the property located at 308 Breckinridge Court.

Council Member Harrison made the motion for the Council of the Town of Berryville set a public hearing for Tuesday, September 10, 2024 for a special use permit in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court. The motion passed by unanimous voice vote.

Town Manager

Mr. Dalton introduced and welcomed Miranda Dodson the new Town Clerk.

Mr. Dalton discussed Wheeler Lane and Blight Abatement and referenced the documents from the agenda packet. He asked Council if they had any questions. Council Member Tibbens asked about the notices for the abatement and how was the progress with the properties being compliant. Mr. Dalton informed Council that one of the properties is almost compliant

and one property will likely need Town action. Mr. Dalton also discussed a property that had fire damage and has been in contact with the owner. He said the home owners are working to secure building permits for the rebuild. Mr. Dalton concluded his remarks on this subject by discussing the renovation of a property on Academy Street.

13. Committee Updates

Budget and Finance

No reports.

Community Development

Council Member Tibbens proposed the repeal and readoption of Berryville Code Section 13-35 and 13-36 to establish rules for the use of and conduct in Rose Hill Park and to authorize the town manager to establish rules for use of or restrict access to town-owned property. Council Member Tibbens also proposed the repeal of Berryville Code Section 13-37 Damage or defacement of recreational facilities and adopt new Chapter 13 Article II Graffiti.

No discussion from Council.

Council Member Tibbens made the motion to adopt the attached ordinance repealing and readopting Berryville Code Section 13-35 and 13-36. The motion passed by unanimous voice vote.

Council Member Tibbens made the motion to adopt the attached ordinance repealing the Berryville Code Section 13-37 and adopting a new Chapter 13 Article II Graffiti. The motion passed by unanimous voice vote.

Personnel, Appointments, and Policy

The Planning Commission, Architectural Review Board, and the Northern Shenandoah Valley Regional Commission members were reappointed as follows:

Vice Mayor Gibson made the motion to reappoint Michael E. Bell, Jr to the Berryville Planning Commission for a four-year term which will expire on June 30, 2028. The motion passed by unanimous voice vote.

Vice Mayor Gibson made the motion to reappoint William M. Gilpin to the Berryville Planning Commission for a four-year term which will expire on June 30, 2028. The motion passed by unanimous voice vote.

Vice Mayor Gibson made the motion to reappoint Dana S. Libby to the Berryville Planning Commission for a four-year term which will expire on June 30, 2028. The motion passed by unanimous voice vote.

Vice Mayor Gibson made the motion to reappoint Robin McFillen to the Berryville Architectural Review Board for a four-year term which will expire on June 30, 2028. The motion passed by unanimous voice vote.

Vice Mayor Gibson made the motion to reappoint Jon Burge to the Berryville Architectural Review Board for a four-year term which will expire on September 30, 2028. The motion passed by unanimous voice vote.

Vice Mayor Gibson made the motion to reappoint Harry Lee Arnold, Jr to a one-year term as a board member and Christy Dunkle to a six-month term as an alternate to the Northern Shenandoah Valley Regional Commission. The motion passed by unanimous voice vote.

Public Safety

No reports.

Streets and Utilities

No reports.

14. Closed Session

Mayor Arnold asked for a motion to enter closed session.

Vice Mayor Gibson made the motion for the Council of the Town of Berryville to enter closed session in accordance with § 2.2-3711.A.1 of the Code of Virginia to discuss the performance of an employee of the Town Council. The motion passed by unanimous voice vote.

The Council entered closed session at 7:46 p.m.

Vice Mayor Gibson moved that the Council of the Town of Berryville adopt the following resolution certifying it 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:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council 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 Council.

Motion passed by unanimous roll-call vote.

Open session resumed at 8:57 pm.

15. Adjourn

The Council adjourned at 9:00 p.m. on a motion by Mr. Tibbens. The motion passed by unanimous voice vote

Erecka L. Gibson, Vice Mayor

Miranda Dodson, Town Clerk