

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
January 12, 2021
7:00 p.m.

Attendance being limited by pandemic restrictions, the meeting was livestreamed on the Town's YouTube channel.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Donna McDonald, Diane Harrison; Kara Rodriguez. Absent—Grant Mazzarino.

Staff: Present--Keith Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department

Press: None present.

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

Mayor Arnold noted the non-standard seating arrangement of Council members because of social-distancing protocols during the coronavirus pandemic, and the presence of Clarke County Supervisor Matt Bass.

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

4. Presentations/Awards/Recognitions

None.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

No one signed up to speak.

8. Consent Agenda

The consent agenda comprised the minutes of the December 8 Town Council regular meeting and the December 8 meeting of the Budget and Finance Committee.

Recorder Gibson moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

9. Unfinished Business

Mr. Dalton directed Council's attention to the material on blight abatement, including photos of affected properties, provided in the agenda packet, noting previous Council and committee meetings in which the matter had been discussed. He said the properties to be given the highest priority were at 12 First Street and 112, 114, 203, and 227 Josephine Street. He said 112 Josephine appeared to be in significant systemic decline, while the other properties were of concern primarily because of problems with their roofs.

Mr. Dalton said he had spoken with persons associated with two of the properties and would meet with them within the next few days.

Mr. Dalton described the blight abatement process as specified in §5.5 of the Town Code: The town manager makes a preliminary determination that a property is blighted, contacts the owner(s) via certified mail, and attempts to reach an agreement on the needed improvements. Should such an agreement not occur, the matter proceeds to the Planning Commission and Town Council.

Mr. Dalton said 227 Josephine Street was of particular concern because a portion of its roof and western wall had collapsed recently. He said he had notified the owner of the need for action and that staff recommends pursuing action under §5.3 of the Town Code because of the property's dire condition, according to which a structure that endangers the health or safety of Town residents may be razed. He said such a decision by Council would require a process involving notice being given to the owner of record via certified mail, publication of a notice in a newspaper of general circulation, and the elapse of a 30-day period after the final such notice during which the owner fails to abate the hazard. Should that failure occur, the Town would be permitted to pursue abatement and take steps to recover the costs incurred thereby.

Mr. Dalton enumerated other properties causing concern--25 Cattleman's Lane, and 225 Josephine and 229 Josephine—whose owners he had not contacted via certified mail. He said citizens had

expressed concern about the latter two and 227 Josephine but that he had given priority to properties with severe roof problems and rapid deterioration.

Mr. Dalton said funds reserved from last year and from the current budget and the next fiscal year's budget would be used to cover the Town's expenses.

Ms. Harrison noted further deterioration in certain properties since the photos in the agenda packet were made.

Ms. Rodriguez also noted the extremely poor condition of certain properties and said she had understood that staff had intended to engage an engineer to examine the properties at some point. Mr. Dalton said he had been concerned about the expense of engineering analyses cutting into the funding needed for the actual abatement of the hazards, and he said he believed he had been following the will of the Council in giving priority to properties with roof problems. Ms. Rodriguez said this was sensible.

Ms. Harrison noted that some of the properties had been evaluated during a grant-application process and would have deteriorated further since then. She recommended against expenditures on an engineer's opinion.

Mr. Dalton said discussions with property owners could result in ameliorative measures short of demolition but that otherwise staff, Council, and Planning Commission would determine how best to proceed. He noted that an engineer's review could occur later as required.

Ms. Rodriguez ascertained from Mr. Dalton that the owner of 227 Josephine was not among the property owners who had responded to Mr. Dalton's certified letters and that the owner of record had not been in communication with the Town in a long time, but that he had spoken with someone he believed to have an interest in the property. He noted that added complications ensue with properties that belong to estates rather than to individuals.

In response to a question from Ms. Rodriguez, Mr. Dalton explained that notices must be sent to owners of record and that a notice must be published in the newspaper, while residents of the street in question would have the opportunity to provide input if/when the matter proceeds to a public hearing stage. Ms. Rodriguez said she would prefer a mailing to residents of Josephine Street in advance of a public hearing. She and Mr. Dalton agreed that the precedent set thereby would make similar notifications desirable in the case of properties on other streets.

Ms. McDonald asked whether the Code provided for properties to be given the opportunity to address problems before the Town proceeds. Mr. Dalton said his intention was for a preliminary notification to be followed by a discussion with the property owner and that if amelioration did not ensue, then the Town would notify the property owner of the property's status as blighted. He said the property owner would then have thirty days to advance an acceptable blight abatement plan,

with failure to do so resulting in the matter being forwarded to the Planning Commission and Town Council, which would be authorized but not required to take action.

There was a discussion of previous cases. Ms. Dunkle noted that four properties had been under consideration when 23 Josephine Street was under consideration, with three being demolished and one repaired.

There was a discussion of other properties that recently been of concern but had undergone remediation.

In response to a question from Ms. McDonald, Mr. Dalton noted that other property owners on Josephine Street had expressed concern about the properties in advanced disrepair.

Mayor Arnold said he was in favor of proceeding with 227 Josephine Street and that he wondered whether it might be wise to consider beginning the process for 229 Josephine. Mr. Dalton said the property could be added to the group as the Council so desires.

There was a discussion of the flaws in particular structures.

Mr. Dalton clarified for Mayor Arnold that he would be working through the §5-5 process on 12 First Street and 112, 114, and 203 Josephine Street and the §5-3 process on 227 Josephine.

There was a brief discussion of 12 First Street.

Ms. Harrison recommended sending letters to the owners of 225 and 229 Josephine regarding the situation with 227 Josephine.

Mr. Dalton noted that he and Chief White would be considering what measures to take to secure the property at 25 Cattleman's Lane.

Ms. McDonald asked Mr. Dalton whether the Town has the necessary funds for the work being discussed. Mr. Dalton said he believed it would be necessary to budget for it in the coming fiscal year as well as drawing on funds already held in reserve. He said use of the contingency fund might be necessary.

Mr. Dalton said expenses incurred by the Town to abate blight or raze dangerous structures would be billed to the owner of record, with a lien subsequently being filed against the property if the owner of record fails to pay, in which scenario recovery of costs would require several years. Mr. Dalton said that costs often are not recovered until a tax lien sale occurs.

Ms. Rodriguez moved that the Council of the Town of Berryville, in accordance with §5-3 of the Berryville Code, find that the dwelling located at 227 Josephine Street might endanger the public health or safety residents of the Town, and that the Town Manager is hereby directed to provide notice of this finding and the Council's intent to demolish the dwelling as required in Chapter 5 of the Berryville Code. The Town Manager is hereby authorized to proceed with action in this regard, including demolition of the dwelling, if the owner of record has not abated the danger upon the expiration of the required notice period.

The motion passed by unanimous voice vote.

10. New Business

Mr. Dalton confirmed that the Council would want an update on dangerous structures and blight abatement at the next meeting.

11. Council Member Reports

Mayor

Mayor Arnold had nothing to add.

Recorder

Recorder Gibson had nothing to add.

Ward 1

Ms. McDonald said residents had expressed concern about the opening of Fairfax Street and about the new trash collection arrangements.

Ward 2

Ms. Harrison had nothing to add.

Ward 3

Mr. Mazzarino was absent.

Ward 4

Ms. Rodriguez had nothing to add.

12. Staff Reports

Public Works

Mr. Dalton said the Town had begun the transition period to the new refuse collection contract and that multiple members of the department were involved in the deployment of new containers. He said he hoped this would be complete by January's end, with recycling containers to follow.

Public Utilities

Nothing was added to the written report.

Police

Nothing was added to the written report.

Community Development

Ms. Dunkle had nothing to add to her written report.

Administration and Finance

Mr. Jacobs had nothing to add to his report.

Recorder Gibson recommended discussion in the next meeting of budget amendments required before the end of the fiscal year.

Town Manager

Mr. Dalton had nothing to add.

13. Committee Updates

Budget and Finance

Recorder Gibson asked Mr. Jacobs to provide an update on reserves and a plan for budget amendments, a report on the implementation of budget software, and the standard report on budget performance. She said she did not see a need for the committee to meet in January but that the budget report should be available before the next meeting of the full Council, with the other items being completed later in the month.

Community Development

Ms. Rodriguez said the committee would meet on January 25 at 1:00 p.m.

Personnel

Mayor Arnold said the committee had not met in December and had no immediate plans to meet.

Public Safety

Ms. McDonald said the committee had cancelled its January meeting and did not need to meet in February. She ascertained from staff that there was no pressing need to meet before March.

Streets and Utilities

Ms. Harrison said the committee had not met in December and that parking meter matters would be addressed in Community Development, with no definite plans yet for a February meeting.

Mayor Arnold, referencing Ms. McDonald's remark about expression of concern by citizens, recommended that such matters also be communicated via email as a means of sound record-keeping, tracking, and reporting. Ms. McDonald said she would urge people to use the form on the website.

14. Closed Session

Recorder Gibson made the attached motion for the Council to enter closed session to discuss the performance of a specific individual and to discuss responses to the RFP for audit services. The motion passed by unanimous voice vote.

The Council entered closed session at 7:50 p.m. and returned to open session at 9:26 p.m.

Recorder Gibson made the attached motion certifying the closed session, which passed by unanimous roll-call vote.

15. Other

Recorder Gibson moved that the Council of the Town of Berryville authorize the town manager to negotiate with the top-ranked audit firm responding to RFP 2020-05 and upon reaching an agreement execute a contract on behalf of the Town. The motion passed by unanimous voice vote.

16. Adjourn

The Council adjourned by consensus at 9:37 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

Motion to Enter Closed Session

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of a specific individual and in accordance with §2.2-3711-A-29 of the Code of Virginia to discuss responses to the RFP for Audit Services.

DATE: January 12, 2021

MOTION:

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____

Erecka Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: January 12, 2021

MOTION BY:

SECOND BY:

I move 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, THERFORE, 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.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____

Erecka Gibson, Recorder

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
January 12, 2021

A meeting of the Berryville Town Council Budget and Finance Committee was held on Tuesday, January 12, 2021 at 6:30 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Recorder Erecka Gibson, Chair; Donna McDonald

Staff present: Keith Dalton, Town Manager; Greg Jacobs, Treasurer/Assistant Town Manager

Press present: none

1. Call to Order

Recorder Gibson called the meeting to order at 6:30 p.m.

2. Approval of Agenda

Ms. McDonald moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

None

4. New Business

None

5. Other

None

6. Closed Session

Ms. McDonald made the attached motion that the committee enter closed session to discuss the responses to a request for proposals for audit services. The motion passed by unanimous voice vote, and the committee entered closed session at 6:31 p.m.

The committee returned to open session at 6:54 p.m. Ms. McDonald offered the attached motion certifying the closed session, with the motion passing by unanimous roll-call vote.

7. Adjourn

Recorder Gibson invited a motion to adjourn. Ms. McDonald so moved, with the meeting adjourning by consensus at 6:55 p.m.

Motion to Enter Closed Session

I move that the Budget and Finance Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-29 of the Code of Virginia to discuss responses to the RFP for Audit Services.

DATE: January 12, 2021

MOTION: *McDonald*

VOTE: *Uhasinas*

Aye:

Nay:

Absent/Abstain:

ATTEST: _____

Paul Culp, Town Clerk

BUDGET AND FINANCE COMMITTEE OF THE TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: January 12, 2021

MOTION BY: *McDonald*

SECOND BY: *Gilson*

I move that the Budget and Finance Committee of 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 Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Committee 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 Committee.

VOTE: *Unanimous roll-call*

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
January 25, 2021

A meeting of the Berryville Town Council Community Development Committee was held on Monday, January 25, 2021 at 1:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee present: Kara Rodriguez, chair; Diane Harrison

Staff participating: Keith Dalton, Town Manager; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Neal White, Chief of Police (participating via telephone)

Other Town Council member present: Mayor Jay Arnold

1. Call to Order

Ms. Rodriguez called the meeting to order at 1:01 p.m.

2. Approval of Agenda

Ms. Harrison moved to approve the agenda as amended at Mr. Dalton's suggestion to place the discussion of parking meters earlier in the meeting in order to accommodate Chief White's schedule. The motion passed by consensus.

3. New Business

Mr. Dalton explained that the Town had been considering options for online parking meter payment as suggested by Ms. Harrison. Chief White said he had been researching the matter and had encountered numerous vendors offering many options, and that the Town Council's input would be useful in paring things down for further discussion with vendors. He said the best options would be those in which the end user bears most of the cost, and that all of the Town's approximately 100 meters could accommodate an online system as well as continuing to accept coins. He said some of the available products are text-only and do not require an app, some accommodate both, and others are strictly app-based.

Chief White said he believed the Town's initial outlay would be somewhere between \$3,000 and \$7,000 and therefore would not require issuance of a request for proposals, but that multiple quotes would be desirable. He said it would be necessary to have well-defined goals and needs in mind, including the responsibility of administrative staff for mastering new software. He said the Town

should also consider who would own the data derived from meter transactions and the possibility of requests for information under the Freedom of Information Act.

There was a discussion of various types of meter payment systems familiar to committee members.

Ms. Harrison recommended having a text option for people who do not use smartphones, especially seniors. Ms. Rodriguez concurred, noting that a text-only system would be preferable to an app-only system.

Chief White said local residents likely would continue using coins, as convenience fees drive up the cost for people using the text option or app, but that out-of-towners would especially benefit from the online system.

Mr. Dalton asked whether there would be an annual fee for signage. Chief White said most vendors would not charge for signage beyond the initial fee for a new client, which might include signage costs. Mr. Dalton and Chief White briefly discussed means of defraying these costs.

Ms. Rodriguez asked Chief White how much time the department currently spends on parking enforcement. Chief White said the norm is one to two hours per day but that an online system would reduce this somewhat by warning users when their meters are about to expire.

There was a discussion of the process following violations. Chief White said revenue from meter fines is offset by the cost of the procedure. Further discussion determined that an online system likely would increase monetary intake and reduce the cost of enforcement. Ms. Harrison asked whether any vendors offered enforcement aids in their apps. Chief White said they do but physical checking of meters would continue to be necessary.

There was a discussion of the types of signage that would accompany an online system.

Ms. Rodriguez suggested that Chief White research pricing for various options and also what systems other nearby jurisdictions use.

Chief White explained that the Town could advertise through a meter app. Ms. Rodriguez said this was interesting but would lead to the question of who would manage it.

Ms. Harrison recommended starting with a simple system and adding new features as needed.

Ms. Harrison and Mr. Dalton discussed the possibility of adjusting meter rates for the first time in several years. Ms. Rodriguez said an online payment system should be presented to Town residents as a convenience and not as primarily a means of enhancing revenue.

4. Unfinished Business

Blight Abatement

Mr. Dalton recalled that the Council in its December meeting had determined that the structure at 227 Josephine Street presented a hazard. He said the owner had been formally notified and that the required notice had appeared in the newspaper, and that the end of the required notice period appeared to be February 23. He said he had met with the owner's representatives multiple times and that they had found a demolition contractor.

Ms. Rodriguez asked whether Mr. Dalton had communicated with the owner of 225 Josephine. Mr. Dalton said he had done so informally and would notify nearby property owners if so directed.

Mr. Dalton said he had met with the owners of every property except 114 Josephine Street on the list of problematic properties submitted to Council. He said he would be consulting further with Town department heads about how best to proceed and that he hoped to reach an agreement with the owners, but he recommended continuing the formal procedure involving the Council and Planning Commission in order to insure continuity of process if more informal measures did not come to fruition.

Ms. Rodriguez and Ms. Harrison concurred.

Mr. Dalton said his meetings with property owners had been cordial.

There was a discussion of the timing and obligatory procedure for demolition.

Livery Stable Update

Mr. Dalton noted that he had previously shared his ideas about how to proceed and that the Council would need to discuss suggestions including a storage space with external access in the northwest corner of the building, a public restroom in the southeast corner, and a general-purpose space in the southwest part of the building. He said the upstairs had little potential for useful refurbishment without significant expenditure. The committee agreed that the restroom idea, discussed in previous years, was sensible.

There was a discussion of other possible uses for the remainder of the first floor. Ms. Harrison suggested leasing it for meetings and similar functions. Mr. Dalton said it would be necessary to consult the building code regarding permissible uses.

There was a discussion of possible uses of the second floor and of the need to prevent deterioration.

Ms. Rodriguez asked to see an overall plan including projected costs as a beginning. She asked whether anything could be done with funds already set aside. Mr. Dalton said he needed to know more of the mind of the Council before proceeding.

5. Further New Business

Ms. Dunkle updated the committee on the Virginia Commission for the Arts Creative Communities Partnership Grant. She said it continues to be \$4,500 from the Town, matched by the state. She recommended announcing its availability on the Town website, and gave a brief synopsis of how the funds were used by last year's recipient, Barns of Rose Hill.

Ms. Rodriguez asked whether the funds could be divided among multiple recipients, and Ms. Dunkle said yes.

Ms. Dunkle then updated the committee on the status of the farmers' market, which she said would remain at the school rather than returning to the Rixey Moore parking lot. Mr. Dalton said he would notify the Council in February of the expiry of the Town's lease agreement with the market.

There was a discussion of promotional possibilities and alternative locations.

6. Other

The committee agreed to meet again on February 22 at 9:00 a.m.

7. Closed Session

None.

8. Adjournment

Ms. Harrison moved to adjourn, with the motion passing by consensus at 2:17 p.m.