

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Work Session
April 5, 2021
3:00 p.m.

Town Council: Present--Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Diane Harrison; Kara Rodriguez

Staff: Present—Keith Dalton, Town Manager; Paul Culp, Town Clerk; Cynthia Poulin, Finance Clerk.

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 3:00 p.m.

2. Approval of Agenda

Mayor Arnold invited a motion to approve the agenda.

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

3. Unfinished Business

None.

4. New Business

Discussion of the American Rescue Plan Act of 2021

Mr. Dalton directed the Council's attention to the agenda packet containing his memorandum on the allocation of funds the Town reportedly is to receive under the American Rescue Plan Act. He said the Town had not yet received any disbursement nor any definitive guidance regarding how the funds may and may not be used. He said the amount initially cited, approximately \$3.9 million, was also in doubt but that a discussion of priorities would still be useful, as would his having broken down the \$3.9 million into the percentages to be allocated to particular Town projects and needs.

Mr. Dalton said the dates provided in the memorandum were not to be treated as a definite timetable, with the exception of the need to set a firm date for eligibility of relief for residents with delinquent water and sewer accounts. Recorder Gibson expressed approval of this reasoning.

Mr. Dalton explained that the Town was to receive 50 percent of the funds within 60 days, could request the remainder after a year, and must spend the funds before the end of 2024. He said the funds could be spent on pandemic relief for households, businesses, and non-profits, hazard pay for Town employees, offsetting of reduced Town revenues, and necessary investments in water, sewer, and broadband infrastructure. He said the Town could begin spending the funds in Fiscal Year 2021, barring delay, and continue doing so through the first half of FY25.

Mr. Dalton projected 10.1 percent of the funding being spent on providing \$37.37 monthly for six months for each water/sewer account 60 or more days in arrears as of April 1, 2021, with no additional grant funds being allocated for that purpose. He said these credits would cover the cost of administrative fees and 1,000 gallons of water and sewer usage. He and Recorder Gibson discussed the desirability of breaking figures down into separate water and sewer figures.

Mr. Dalton said his recommendations called for 6 percent of the funding to be spent on community development matters: completion of a wayfinding sign project and a program to provide reimbursement funds for qualifying improvements to eligible commercial buildings, excluding home occupations, fronting on Main, Buckmarsh, Crow, and Church Streets, with individual grants not to exceed \$7,500.

Ms. Harrison said the grants would benefit the owners of the buildings but not necessarily the owners of the businesses. Mr. Dalton explained the manner in which business owners would benefit from improvements to the buildings. They discussed the possibility of allowing the businesses to apply for the grants with the approval of the business owners.

Mayor Arnold said enhancement of the attractiveness of the downtown area would be conducive to economic development.

Mr. Dalton said it would be important to consider the role of the Architectural Development Board.

Mr. Dalton and Ms. Harrison discussed the possibility of aid to business owners who rent their places of business. Mayor Arnold recommended determining what grants the County had made under the CARES Act and avoiding overlap of recipients.

Mr. Dalton said the Town should also consider spending 5.8 percent of the funding on hazard pay for Town employees, as Town personnel had remained at their posts and discharged their duties with minimal deviation from normal procedure during the pandemic. He recommended hazard pay of \$400 per month for the period from March 2020 to April 2021 for full-time regular or introductory employees working for the Town as of April 13, 2021 who had worked at least fourteen days in a month for which leave is paid and had not received any other hazard pay for the same period.

Mr. Dalton said the clearest guidance from the federal government this far had been with regard to hazard pay. Ms. Harrison asked whether the amount under discussion included Social Security, and Mr. Dalton said yes. Mr. Dalton and Recorder Gibson discussed what \$400 per month would

represent per hour. Mr. Dalton said \$2.30 per hour, and Recorder Gibson said this was in line with what other organizations had been doing.

Ms. Rodriguez and Mr. Dalton discussed the administrative processes associated with grants, and the complexity thereof, and whether the Town could set funds aside and allow the County to handle some of the administrative process via mechanisms already established.

Mayor Arnold and Mr. Dalton discussed the County's consideration of funding broadband as a means of helping the greatest number of people, and the possibility of setting aside money for Hogan's Alley.

There was a discussion of grants for non-profits, concerning which Mr. Dalton's memorandum had suggested expenditure of 3 percent of the federal grant. Ms. Rodriguez recommended that grants to non-profits not overlap to any great degree with grants for building improvements, considering the complexity of the processes. Mr. Dalton acknowledged the complexity but said timeliness is crucial. Ms. Rodriguez recommended giving priority to the non-profits.

There was a discussion of various non-profits and their contributions to the community, and of whether the Town Council could set aside funds rather than a grant process being required.

Mr. Dalton then noted that the Town had experienced revenue deficits during the pandemic and that his memorandum suggested allocation of 1.6 percent of the federal grant, or \$63,162, be applied to replacement of those funds.

Mr. Dalton said the allocations discussed thus far would leave \$2,917,319, or 73.4 percent of the federal grant, for necessary water and sewer infrastructure products. His list of such projects included studies and evaluations of systems; purchase of safety and decontamination equipment; sump pump abatement; water system improvements in certain parts of Town in particular need of attention; water meter replacement; upgrades to processing facilities; lining and replacement of sewer mains; and replacement of the transmission main from the water treatment plant.

Mr. Dalton recommended giving priority to studies identifying problem areas, in order to set future priorities.

Mr. Dalton explained the benefits of sump pump abatement and that residents would be reimbursed for the work required for disconnection.

Mr. Dalton said that he and the treasurer would provide monthly reports in ARPA activity in the Council's agenda packets, and other reports as needed.

There was a discussion of the possibility of website upgrades, improved accessibility for Rose Hill Park, and whether the purchase of livestreaming equipment for Council meetings could be treated as a pandemic response.

Ms. Rodriguez and Mr. Dalton discussed whether the ARPA funds would cover the increased water/sewer administrative fee scheduled to take effect in November.

Recorder Gibson recommended completion of the budget process before making any commitments for the federal grant funds. She said the Town should not move away from programmed utility rate increases and should put more in reserves for needed projects. She and Mr. Dalton discussed whether budget amendments would be necessary.

5. Other

Mr. Dalton said he had been considering the potential effects of the General Assembly's recent passage of legislation requiring that elections be held in November rather than in the spring. He said the Town would also be required either to abandon the ward system or require that voting no longer be on an at-large basis if the ward system remains in place. He said it might be possible to hold municipal elections in odd-numbered years, to coincide with state elections, but that this raised numerous complications, including whether it would be legal to stretch or shorten a current term in order to align it with the establishment of a new election year.

Recorder Gibson stressed the importance of continuing to have staggered elections.

There was a discussion of the likelihood of increased partisanship in November elections, and of complications likely to arise from modification of the ward system.

6. Closed Session

There was no closed session.

7. Adjourn

Mayor Arnold requested a motion to adjourn.

Adjournment occurred by consensus at 3:55 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
April 13, 2021
7:00 p.m.

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

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

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

3. Approval of Agenda

Mayor Arnold noted the non-standard seating arrangements occasioned by pandemic protocols.

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

4. Presentations/Awards/Recognitions

None.

5. Public Hearings

Tax Rates for Tax Year 2021

Mayor Arnold opened the public hearing at 7:03 p.m.

Mr. Dalton said the Town offices had received no comments on the matter since publication of the notice.

Berryville resident Lonnie Grimes said he was displeased by the Town's intention to expend revenues on the addition of a deputy town manager position and an additional police officer. He said the crime

rate did not merit the latter and that the former would be ill-advised in the absence of annexation that would add to the Town's tax base.

Mayor Arnold closed the public hearing at 7:05 p.m.

6. Discussion of Public Hearing Items

No further discussion occurred.

Recorder Gibson offered the attached motion and ordinance setting tax levies for tax year 2021. The motion and ordinance passed by unanimous voice vote.

Recorder Gibson moved for the approval of the attached resolution providing for implementation of the 2005 changes to the Personal Property Tax Relief Act of 1998 for the Tax Year 2021. The motion passed by unanimous voice vote.

7. Citizens' Forum

No one addressed the meeting.

8. Consent Agenda

The consent agenda comprised the minutes of the March 9 Town Council regular meeting, the March 10 Town Council work session, the March 3 meeting of the Budget and Finance Committee, and the March 23 meeting of the Public Safety Committee.

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

9. Unfinished Business

Set Public Hearing on Proposed FY22 Budget

Mr. Dalton directed the Council's attention to an amended document correcting an error in the amount of funding stipulated for work on the Mosby Boulevard Sidewalk.

Recorder Gibson made the attached motion setting the public hearing for the May 11 regular meeting of the Council. The motion passed by unanimous voice vote.

10. New Business

None.

11. Council Member Reports

Mayor Arnold, Recorder Gibson, Ms. McDonald, Mr. Mazzarino, and Ms. Rodriguez had nothing to add.

Ms. Harrison requested that a discussion of the Josephine Street cemetery occur at the next regular meeting.

12. Staff Reports

Public Works

Nothing was added to the written report.

Public Utilities

Nothing was added to the written report.

Police

Nothing was added to the written report.

Community Development

Ms. Dunkle updated the Council on the meeting schedules of the various appointive bodies associated with planning and community development, and on construction in the Shenandoah Crossing and Fellowship Square subdivisions and in Hermitage Phase V.

Ms. Dunkle then directed the Council's attention to the report in the agenda packet in which she had explained that the Planning Commission was sponsoring a text amendment that would decrease the rear yard setback for single-family detached dwellings in the Older Person Residential zoning district from forty feet to thirty feet, and that the Council must have a public hearing on the matter.

Recorder Gibson moved that the Council of the Town of Berryville set a public hearing on the proposed tax amendment to Section 614 Older Person Residential for the May 11, 2021 meeting. The motion passed by unanimous voice vote.

Ms. Dunkle explained that the appointments of Tree Board members Howard Morrison and William Bigelow were expiring on April 30 and that Mary Serock's Architectural Review Board appointment would expire on June 30. She said they had all expressed interest in continuing to serve.

Recorder Gibson moved that the Council of the Town of Berryville reappoint Howard Morrison and William Bigelow to the Tree Board for four-year terms ending March 31, 2025, and Mary Serock to the Architectural Review Board for a four-year term ending on June 30, 2025. The motion passed by unanimous voice vote.

Administration and Finance

Nothing was added to the written report.

Town Manager

Invitation for Bids for Paving, Milling, and Striping

Mr. Dalton directed the Council's attention to the report in the agenda packet enumerating the sites to be paved, and asked the Council to authorize him as Town Manager to issue the IFB, award the bid, and execute related documents. He said the projects would be paid for with VDOT-reimbursable funds and that he hoped for completion before the end of FY21. A brief discussion between Mr. Dalton and Ms. Harrison established that Virginia Avenue would be taken care of next year.

Recorder Gibson moved that the Council of the Town of Berryville authorize the issuance of IFB#2021-01 and authorize the Town Manager to Award the IFB if the lowest responsible bidder's total price does not exceed funds available for this purpose and to execute any documents related to this matter. The motion passed by unanimous voice vote.

13. Committee Updates

Budget and Finance

Recorder Gibson said the committee would not meet in April.

Community Development

Ms. Rodriguez said the committee would meet on April 26 at 9:00 a.m.

Personnel

Mayor Arnold said the committee would meet on April 27 at 9:00 a.m. to discuss a Planning Commission vacancy.

Public Safety

Ms. McDonald said the committee would henceforth be meeting quarterly and would have to find an alternative venue before its next meeting in June because of room-booking conflicts arising from the need to meet on Tuesdays rather than on Mondays.

Streets and Utilities

Ms. Harrison said the committee would not need to meet in April.

14. Other

No further business came before the Council.

15. Adjourn

The Council adjourned by consensus on a motion by Recorder Gibson at 7:23 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

Absent:

ATTEST: Erecka Gibson, Recorder

**Town of Berryville
Town Council
Motion and Ordinance setting the tax levies for tax year 2021**

I hereby move that the Council of the Town of Berryville adopt the attached ordinance setting the tax levies for tax year 2021 amending the Code of the Town of Berryville, Chapter 16 – Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2021 there is hereby levied:

- 1) A tax rate of \$.20 per \$100 of assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;
- 2) A tax rate of \$1.25 per \$100 of assessed valuation on all taxable, tangible personal property, except machinery and tools, located within the Town of Berryville;
- 3) A tax rate of \$1.30 per \$100 of assessed valuation on tangible machinery and tools located within the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

Date: April 13, 2021

Motion by:

Vote:

Aye:

Nay:

Abstain:

Town Council

Motion for approval: Resolution to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the Tax Year 2021

I hereby move that the Council of the Town of Berryville adopt the attached resolution providing for the implementation of the 2005 changes to the Personal Property Tax Relief Act of 1998 for the Tax Year 2021.

Date:

Motion by:

Vote:

Aye:

Nay:

Abstain:

Absent:

ATTEST:

Erecka Gibson, Recorder

Town of Berryville

**Resolution
To Provide for the Implementation of the 2004-2005
Changes to the Personal Property Tax Relief Act of 1998
For the Tax Year 2021**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 505) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act (“the 2005 Appropriations Act”); and

WHEREAS, the legislative enactments require the Town to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the Town of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2021, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at less than \$1,000 will be eligible of 100 percentage of tax relief set by the Town Council during its annual budget deliberations.
2. Personal use vehicles valued between \$1,001 and \$20,000 will be eligible for 70 percentage of tax relief set by the Town Council during its annual budget deliberations.
3. Personal use vehicles valued at \$20,001 or more will be eligible for 70 percentage of tax relief on the first \$20,000 of assessed value set by the Town Council during its annual budget deliberations.
4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal property tax relief under PPTRA.

PASSED THIS 13th DAY OF APRIL 2021.

Harry L. Arnold, Jr., Mayor

ATTEST:

Erecka Gibson, Recorder

Town Council
Motion to set a public hearing of the Fiscal 2021-2022 Budget

I hereby move that the Council of the Town of Berryville set a public hearing for the Fiscal Year 2021-2022 Budget on May 11, 2021 at 7:00 p.m. or as soon thereafter as the matter may be heard.

Date: April 13, 2021

Motion by:

Vote:

Aye:

Nay:

Abstain:

Absent:

ATTEST: Erecka Gibson, Recorder

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
April 26, 2021

A meeting of the Berryville Town Council Community Development Committee was held on Monday, April 26, 2021 at 9:00 a.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

Other Town Council member present: Mayor Jay Arnold

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

1. Call to Order

Ms. Rodriguez called the meeting to order at 9:04 a.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. New Business

Blight Abatement

Mr. Dalton said he had little to add to previous discussions. He said he and Chief White had recently been dealing with the aftermath of an explosion and fire at a particular residence on Main Street. He said \$20,000 is being budgeted for blight abatement in the coming fiscal year and that he recalled that the newly adjusted blight abatement reserve would have \$50,000.

Parking Meters

Chief White directed the committee's attention to the memorandum outlining his findings from discussions with three vendors of contactless parking payment systems. He said such systems are primarily a convenience paid for by the end user, but that the Town would incur some monthly costs that could cause a significant negative impact if the system is not used extensively. He noted that most of the people parking downtown are local residents and that visitors from out of town probably are not from a youthful demographic that would suggest extensive use of contactless meters.

Ms. Dunkle concurred, and expressed concerns about staff time involved in operating the program.

Chief White described the process of administering such a system, and recommended contacting the Winchester Parking Authority for further details. He said the Public Works, Finance, and Police Departments would all be involved in operating the system. Chief White said the vendors themselves had expressed doubt about the need for a contactless payment system in a town with only 99 meters. He said the current system meets the Town's needs.

Ms. Rodriguez suggested revisiting the matter if/when the Town receives a larger influx of tourists during the week.

4. New Business

The committee having asked for a discussion of updates to the Town website, Ms. Dunkle asked what specific changes the members had in mind beyond adjustments to branding and aesthetics in line with the Town's branding and marketing campaign that had commenced in 2020.

Ms. Harrison mentioned her favorable view of the websites of specific municipalities served by the same vendor as the one used by the Town of Berryville. She said that analytics should be used to determine which pages are seeing frequent use and which could be eliminated due to light traffic.

Other suggestions from the committee included improvement of the payment section; addition of a community events calendar, a page or section for prospective businesses, a page on economic development, and a page on recreational opportunities; addition of a packet for new residents; and more convenient display of news items.

5. Other

Ms. Dunkle said the Town would receive its Tree City USA recognition and designation on the following Saturday at 10:00 a.m. at the farmers' market.

The committee agreed to meet again at 9:00 a.m. on June 28.

8. Adjournment

Ms. Harrison moved to adjourn, with the motion passing by consensus at 9:47 a.m.

AN ORDINANCE AMENDING
ARTICLE VI, SECTION 614.8(c)(3) REAR YARD SETBACK
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Older Person Residential, Section 614.8 Regulations for Single Family Detached Dwellings, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI

614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements:
 - (1) Front Yard: 20 feet
 - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
 - (3) Rear yard: ~~40~~ 30 feet
- (d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines
- (e) Parking Requirements: The number of required off-street parking spaces shall be a total of 2 per unit.

SIGNED: _____

Harry Lee Arnold, Jr., Mayor

ATTEST



Erecka L. Gibson, Recorder