

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

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

Planning Commission: Present—Kim Kemp, Vice-chair; William Steinmetz; Gwen Malone; Michelle Marino; Sheryl Reid; Krish Mathur; Ryan Tibbens. Absent—Thomas J. Parker, Jr.

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

Press: Mickey Powell, *The Winchester Star*.

1. Call to Order

Mayor Arnold and Vice-chair Kemp called the Town Council and Planning Commission, respectively, to order at 7:00 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

Mayor Arnold and Ms. Kemp requested motions of approval for the agendas of the two deliberative bodies.

Recorder Gibson moved to approve the Town Council agenda as presented. The motion passed by unanimous voice vote.

Ms. Reid moved for approval of the Planning Commission agenda as presented, seconded by Ms. Malone. The motion passed by unanimous voice vote.

4. Presentations/Awards/Recognitions

None.

5. Public Hearings

Joint public hearing of Town Council and Planning Commission Regarding Annexation Area B-9

Proposed adoption of an Ordinance to provide for annexation of three areas aggregating approximately 130 acres, plus or minus, of the territory of Clarke County, Virginia, situated adjacent to the current corporate limits of the Town of Berryville. The area to be annexed will be referred to as Annexation Area B-9.

Proposed adoption of an Ordinance amending the Berryville Zoning Map to apply Town zoning to the proposed Annexation Area B-9 upon the effective date of annexation.

Adoption of an Ordinance pursuant to the Charter of the Town of Berryville, Chapter 1, Section 1.3, by which the Town of Berryville shall be divided into four (4) Wards, and by which Ordinance the boundaries of the four Wards shall be determined so as to evenly distribute the population of the Town of Berryville.

Mayor Arnold and Ms. Kemp opened the public hearings at 7:03 p.m.

Ms. Dunkle displayed maps of the areas and parcels under consideration: Area 1, the Berryville Public Works facility, comprising approximately nine acres; Area 2, 341 and 343 First Street, comprising approximately 10 acres; and Area 3, approximately 11 acres on Battletown Drive and the approximately 100 acres of Bel Voi Farm/Friant Enterprises.

Ms. Dunkle also showed maps of proposed ward boundaries drawn according to population. She explained that new census data will likely necessitate the redrawing of all ward boundaries in the near future.

Mayor Arnold then invited comments from members of the public.

Cathy Mills Mann said she owned the property at 341 First Street, and noted that property owners in the annexation area would be required to pay Town taxes. She asked how they would benefit from the new arrangements. Mayor Arnold said the Council and Planning Commission had called the present hearing in order to listen to the public and not to present their own views, but that Town staff would be providing further information.

Turner Kobayashi noted that the area would be zoned for residential use and asked how many homes would be added, and who would be responsible for maintaining an easement on his property. Mayor Arnold reiterated his remarks to Ms. Mann.

Mayor Arnold then invited comments from Council.

Ms. Rodriguez asked how many units per acre were allowable under current zoning provisions for Area 3. Ms. Dunkle said approximately 113. Ms. Rodriguez asked whether any development was currently in progress, and Ms. Dunkle said there are no applications at present. Ms. Rodriguez asked whether the current utility capacity is sufficient for development, and Ms. Dunkle said yes.

With no other members of the public or the deliberative bodies expressing a desire to comment, Mayor Arnold and Ms. Kemp closed the public hearing at 7:10 p.m.

6. Discussion of Public Hearing Items

Mayor Arnold said the Planning Commission would discuss the matter on October 26 and that the Town Council needed the Planning Commission's recommendation in time to reach a decision in its regular meeting of November 9.

There being no further discussion, Ms. Kemp requested a motion for the Planning Commission to adjourn. Ms. Reid so moved, seconded by Ms. Malone, with the motion passing by voice vote at 7:11 p.m.

Mayor Arnold called a brief recess for the Council. The meeting resumed at 7:20 p.m.

7. Citizens' Forum

No one addressed the meeting.

8. Consent Agenda

The consent agenda comprised the minutes of the September 14 Town Council regular meeting and the September 28 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

None.

10. New Business

None.

11. Council Member Reports

None of the Council Members had anything to report.

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 did not add to her written reports, other than noting that Skyline Quilters and Barns of Rose Hill had thanked the Town for the assistance they had received through the Virginia Commission for the Arts Creative Communities Partnership Grants and the Town's provision of matching funds.

Administration and Finance

Ms. Poulin added nothing to her written report other than a minor correction.

Town Manager

Update on American Rescue Plan Act of 2021

Mr. Dalton did not add to his written report.

Lease Renewal: 23 East Main Street

Mr. Dalton directed Council's attention to the draft lease in the agenda packet and noted that staff would need guidance from Council regarding the term of rent and the use of upstairs areas and leasing thereof. He said staff had added to the old lease sections of work to be performed by the lessor, including creation of a vestibule on the second floor and stabilization of the livery stable, and use of the parking lot.

Ms. Harrison, Mayor Arnold, and Mr. Dalton discussed the term of rent for Berryville Main Street and the entities sub-leasing. Mayor Arnold concurred with Ms. Harrison's suggestion that it would be reasonable to limit renters under the sub-lease to a term of 24 months, with the option of going month-to-month until a new occupant is found. Mr. Mazzarino asked how much notice the month-to-

month occupant should receive when a new occupant is found, and Ms. Harrison said 30 days would be appropriate.

Mayor Arnold and Mr. Dalton discussed use of the parking lot for events. Mr. Dalton said this could occur at the discretion of the town manager and that insurance coverage requirements would apply.

Mayor Arnold and Ms. Harrison discussed the importance of the incubator space.

The consensus of the Council was that BMS should be offered a three-year lease. Mr. Dalton recommended that two extensions of one year each be permitted.

Mr. Mazzarino asked about the historic level of demand, and there was a discussion of past occupants. Ms. Harrison said the incubator space has been successful and has achieved the goal business expansion in Berryville. The Council agreed that the 24-month lease on the incubator space should be extended by one year as a one-time measure prompted by pandemic conditions.

Recorder Gibson moved that the Council of the Town of Berryville set a public hearing regarding the leasing of 23 East Main Street for the November 9, 2021 regular meeting of the Town Council. The motion passed by unanimous voice vote.

13. Committee Updates

Budget and Finance

Recorder Gibson said the committee had met in September to discuss the budget calendar but would not meet this month. She and Mr. Dalton briefly discussed the timetable for standing committees to determine the budgetary needs for their areas of oversight.

Recorder Gibson moved that the Council of the Town of Berryville approve the **attached budget calendar for FY 2022-23. The motion passed by unanimous voice vote.**

Community Development

Ms. Rodriguez said the committee would meet on October 25 at 9:00 a.m.

Personnel

Mayor Arnold said the committee had met earlier in the evening to discuss vacancies and potential vacancies on appointive bodies and now recommended that the Council reappoint John Hudson to the Berryville Area Development Authority and Thomas R. Parker, Jr., to the Planning Commission, and that it appoint Kelly Wood-Brondstater to the Tree Board and ask the circuit court to appoint Gerald William Dodson to the Board of Zoning Appeals.

Recorder Gibson moved that the Council of the Town of Berryville reappoint John Hudson to the Berryville Area Development Authority for a three-year term that will expire on December 31, 2024. The motion passed by unanimous voice vote.

Recorder Gibson moved that the Council of the Town of Berryville reappoint Thomas R. Parker, Jr., to the Berryville Planning Commission for a four-year term that will expire on September 30, 2025. The motion passed by unanimous voice vote.

Recorder Gibson moved that the Council of the Town of Berryville appoint Kelly Wood-Brondstater to the Berryville Tree Board to complete the unexpired term of Derek Sprincis, which expires on December 31, 2023. The motion passed by unanimous voice vote.

Recorder Gibson moved that the Council of the Town of Berryville recommend to the Clarke County Circuit Court the appointment of Gerald William Dodson to the Berryville Board of Zoning Appeals for a five-year term beginning January 1, 2022. The motion passed by unanimous voice vote.

Public Safety

Committee Chair McDonald being absent, Mr. Mazzarino spoke for the committee, which he said had not met in September but would meet on October 25 at 1:30 p.m.

Streets and Utilities

Ms. Harrison said the committee had not met in September but would meet on October 26 at 1:30 p.m.

14. Closed Session

No closed session occurred.

15. Other

No other business came before the Council

16. Adjourn

The Council adjourned by consensus on a motion by Recorder Gibson at 7:52 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

DRAFT

BUDGET CALENDAR FY 2022-2023

ACTIVITY	RESPONSIBILITY	DATE
Standing Comm. Budget Priorities	Standing Committees	October 29, 2021
Council Budget Priorities	Town Council	November 30, 2021
Ask for Department & CIP Budget Requests	Town Manager Town Treasurer	January 12, 2022
Prepare Budget & CIP Requests	Department Heads	January 12, 2022 February 2, 2022
Submit Departmental & CIP Budget Requests to Treasurer	Department Heads	February 2, 2022
Prepare Initial Revenue Estimates for Upcoming FY	Town Treasurer	January 12, 2022 February 2, 2022
Review Department & CIP Budget Requests	Town Manager Town Treasurer	February 2, 2022 February 18, 2022
Prepare Non-departmental Budget Requests	Town Treasurer	January 12, 2022 February 2, 2022
Review/Revise Budget Estimates with Dept Heads	Town Manager	February 2, 2022 February 18, 2022
Budget Committee Work session.	B&F Committee Town Staff	March 2 at 10:30 am A/B Meeting Room
Council Budget Work session	Town Council Town Staff	Mar 9 at 3:00 pm Main Mtg Room
PH Ad to Newspaper	Town Treasurer	March 29, 2022
Tax PH Notice Published	Town Staff	April 5, 2022
Public Hearing Real Estate Tax Rates	Town Council	April 12, 2022
Council Meeting Set 2022 Tax Rates	Town Council	April 12, 2022
Print & Proof Budget	Town Treasurer	April 12, 2022 April 29, 2022
PH Ad to Newspaper	Town Treasurer	April 19, 2022
Budget PH Notice Published	Town Staff	April 26 & May 3, 2022
Public Hearing FY 2022-2023 Budget	Town Council	May 10, 2022
Adopt Budget & Appropriate Funds	Town Council	June 14, 2022
Print & Distribute Approved Budget	Town Treasurer	June 15, 2022 June 30, 2022

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 12, 2021

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee occurred at 6:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee: Mayor Jay Arnold, Chair; Recorder Erecka Gibson

Staff participating: Christy Dunkle, Community Development Director

1. Call to Order

Mayor Arnold called the meeting to order at 6:28 p.m.

2. Approval of Agenda

Recorder Gibson moved to approve the agenda. The motion passed by consensus.

3. Closed Session

Recorder Gibson made the following motion to enter closed session:

Recorder Gibson moved that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, to interview individuals being considered for appointment to Town Boards. The motion passed unanimously.

The committee returned to open session at 6:39 p.m. Recorder Gibson made the motion as follows:

Recorder Gibson moved that the Personnel 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 Council 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.

The motion passed by roll-call vote:

Mayor Arnold: Aye

Recorder Gibson: Aye

4. Unfinished Business

The committee discussed appointments to the Board of Zoning Appeals and the Tree Board. The consensus was that they would make recommendations to Town Council that the Clarke County Circuit Court appoint Gerald Dodson to the Board of Zoning Appeals and that Kelly Wood-Brondstater be appointed to the Tree Board.

5. New Business

Ms. Dunkle said that both John Hudson and Thomas Parker, Jr., had been appointed to the Berryville Area Development Authority and Planning Commission, respectively, in June to fill unexpired terms. The consensus was that the committee would make recommendations to Town Council for both candidates to continue on their respective boards.

6. Other

There was no other business.

7. Adjourn

The meeting was adjourned at 7:47 p.m.

BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 25, 2021

A meeting of the Berryville Town Council Public Safety Committee was held on Monday, October 25, 2021 at 1:30 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the Committee: Chair Donna McDonald; Grant Mazzarino

Staff: Keith Dalton, Town Manager; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Media: none

1. Call to Order

Ms. McDonald called the meeting to order at 1:30 p.m.

2. Approval of Agenda

Ms. McDonald invited a motion to approve the agenda. Mr. Mazzarino so moved, with the motion passing by consensus.

3. Unfinished Business

Open Positions

Chief White said two positions are open, one of them newly created and the other because of the resignation of an officer. He said the applicant pool is very small and that none of the applicants are certified, and that training requirements would mean that new hires would not be formally in service with the department until November of 2022. He said law enforcement personnel throughout the state are leaving the profession in large numbers, some as retirees and others for other types of work, with very few young people aspiring to law enforcement careers.

Mr. Mazzarino said most communities in the U.S. could expect to have law enforcement staffing problems for many years. Mr. Dalton said the profession had been maligned extensively during the previous two years and that this is a decisive factor. Mr. Mazzarino said the profession has become extremely hazardous physically and legally. Chief White and Ms. McDonald cited dangers to the mental wellbeing of personnel.

There was a discussion of recruiting and outreach. Chief White said such a small department lacks the resources for a job fair. He told Ms. McDonald that he has addressed eighth-grade groups for the last two years but that high schools are resistant to impositions on instructional time. He noted that the state code stipulates a minimum age of twenty-one for officers. Mr. Mazzarino said colleges and the military provide the best talent pool, and Chief White said he does contact military recruiters.

Mr. Dalton said Berryville has difficulty competing with larger jurisdictions, that it provides advantages in size and in pace and quality of life but that it must address the salary differential.

4. New Business

Department Report

Chief White said the accreditation assessors had visited on the 19th and 20th and had been favorably impressed. He said they would present their findings to the accreditation commission in early December, that he was optimistic about the outcome, and that a team would visit again in four years to complete the process. He said only about a fourth of Virginia's law enforcement agencies are accredited and that accreditation would help with recruiting.

Mr. Dalton said he had met the assessors and that they had been pleased with the department. Ms. McDonald and Mr. Mazzarino commended Chief White for his efforts.

Chief White said the portable radios the officers carry on their persons and the mobile radios in police cars have been ordered and will be paid for by funds made available by the American Rescue Plan Act. He said the mobile radios had not yet arrived and that some accessories for the portable units still had not yet been delivered.

Chief White said the closure of numerous mental health facilities had resulted in officers spending vast amounts of overtime dealing with mental health calls for people who in many cases never receive treatment. He said the department must sometimes run two shifts simultaneously because officers are unable to leave the side of detainees for whom there is no immediate treatment available. Chief White and Mr. Mazzarino agreed that localities are powerless to alter a situation that only the Commonwealth can address. A discussion established that Chief White's letters to elected officials had prompted only standardized responses.

Ms. McDonald asked whether persons other than law enforcement officers could legally carry out the required oversight of detainees. Chief White explained that any competent person over the age of eighteen was technically permitted to do so but that such a person must have the ability to restrain the detainee as necessary and that the prospect of litigation was also a deterrent for persons other than law officers.

Mr. Dalton noted that the application of so much manpower to mental health matters sometimes compromises enforcement in other areas.

FY23 Budget Goals

Chief White said the department is in good condition regarding capital projects but that it must address compensation needs if it is to retain experienced officers. He reiterated that overtime has become burdensome, and said that wholesale changes to the state code had resulted in a sharp increase in training hours also. He said raises of 5 to 8 percent would be advisable, and noted the current inflationary trend.

Mr. Dalton said other Town departments would need salary enhancement as well. There was a discussion of whether to make cost-of-living adjustments on a year-by-year basis or according to a multi-year plan.

The committee agreed to present to the full Council a proposal for an increase of 5 to 8 percent for police salaries in the coming budget cycle.

5. Other

Ms. McDonald said the committee would probably not need to meet until January 24 at 3:00 p.m. The committee decided to schedule its meetings for the fourth Monday in each month, as needed, at 3:00 p.m.

6. Closed Session

None.

7. Adjourn

The meeting adjourned at 2:31 p.m. on a motion by Mr. Mazzarino, which passed by consensus.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 26, 2021

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, October 26, 2021 at 1:30 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

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

Staff present: Keith Dalton, Town Manager; Paul Culp, Town Clerk; Christy Dunkle, Community Development Director; Neil White, Chief of Police

1. Call to Order

Ms. Harrison called the meeting to order at 1:32 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Unfinished Business

None.

4. New Business

Sidewalks

There was a discussion, prompted by an inquiry from a resident of Berryville Glen, regarding whether construction of sidewalks on Jack Enders Boulevard would be feasible, concluding with the determination that the expense would be very high. Mr. Dalton said the project can be considered when the Town is seeking grants from the Virginia Department of Transportation.

Ms. Dunkle said environmental applications were underway for the sidewalks on Mosby Boulevard.

There was a discussion of utility easements on East and West Fairfax Streets.

Street Lights

There was a discussion of a letter from a resident who said Mosby Boulevard near Early Drive was insufficiently lit. Ms. Dunkle said Rappahannock Electric Cooperative standards had been met. Mr. Dalton said he would respond to the resident.

Ms. Harrison expressed concern about insufficient lighting for the crosswalk at West Main Street and Hermitage.

Dangerous Trees

There was a discussion of the possibility of creating an ordinance dealing with dangerous trees. Ms. Harrison noted the presence of dead trees near power lines and of a sizable number of older trees within the Town limits. Ms. Rodriguez said it would be necessary to develop specific definitions for immediate and serious danger.

Mr. Dalton said the matter was challenging because danger is not always evident without consulting an arborist, which tends to be costly. He said ambiguities about enforcement were also problematic, along with liability concerns. He noted that the Town already has authority to deal with low-hanging branches that block signs, sidewalks, or streets.

Ms. Harrison suggested a request for proposals with an eye to addressing the matter in the long term.

FY23 Budget Goals

The committee agreed with Mr. Dalton that the completion of infrastructure projects launched with funding from the American Rescue Plan Act would be sufficient because of the number and magnitude of such projects.

5. Other

There was a discussion of the calendar for meetings of the Council's standing committees, and of the Streets and Utilities Committee's preferences for meeting times. The committee agreed with Mr. Dalton that the clerk should contact the entire Council with suggestions made thus far.

6. Closed Session

None.

7. Adjournment

The meeting adjourned by consensus at 1:53 p.m.

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

A meeting of the Berryville Town Council Community Development Committee was held on Monday, October 25, 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

Staff participating: Keith Dalton, Town Manager; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk

1. Call to Order

Ms. Rodriguez called the meeting to order at 9:02.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Harrison.

3. Unfinished Business

Discussion: Blight Abatement

Mr. Dalton said he was preparing letters to send later in the week to owners of properties at 112, 114, 203, 225, and possibly 229 Josephine Street and 12 First Street, notifying them that remedial measures for those properties would be necessary and requiring that plans for such measure be submitted to him within thirty days.

Mr. Dalton said he had scheduled a meeting for November 4 at 6:30 p.m. to explain the process. Ms. Harrison said she would attend, and characterized the meeting as intended to promote understanding of laws that apply to all properties in Berryville.

Mr. Dalton said the Planning Commission must approve plans for blight abatement, and recommended that the Town Council and the Planning Commission hold a joint public hearing. The committee concurred.

Discussion: Town Website

There was a brief discussion of the timeline of the redesign project for the website, which Ms. Dunkle said was supposed to be completed in mid-December.

4. New Business

Budget Goals for FY23: Wayfinding Signs

Ms. Dunkle noted that the Council had discussed the matter in the past and that a large infusion of additional funds had occurred via the American Rescue Plan Act, with the total cost estimated at approximately \$140,000. She said that the Virginia Department of Transportation had implemented new regulations since Frazier Associates had created a scope of work and provided a cost estimate in 2018, and that it would be advisable to continue dealing with Frazier and to obtain an updated estimate.

There was a brief discussion of the task group of community members, Town staff, and elected officials recommended by Frazier. Ms. Rodriguez said the group should focus on location initially instead of being diverted by design matters in the preliminary stages. Mr. Dalton and the committee agreed that final authority would rest with the Council and not with the task group.

A discussion established that the timeline for the project was unclear because of the necessity for VDOT reviews.

Ms. Rodriguez recommended convening the group in early 2022 and acting promptly in order to meet the established deadlines for use of ARPA funds. Mr. Dalton said the first priority would be conferring with Frazier again.

Anniversary of Berryville's Founding

Ms. Harrison noted that 2023 would mark the 225th anniversary of the establishment of Berryville and recommended planning some sort of commemorative event. Ms. Rodriguez concurred and recommended coordination with the Town's branding and marketing efforts. There was a brief discussion of what other jurisdictions have done in similar circumstances. The committee agree to take the matter to the full Council.

5. Other

Ms. Harrison initiated a brief discussion of the Main Street mural project.

6. Adjournment

The committee adjourned by consensus at 9:45 a.m. on a motion by Ms. Harrison.