

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 8, 2020
7:30 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; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 7:29 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

Mayor Arnold introduced Mr. Mazzarino, who was participating in the first Council meeting since his appointment to fill a vacancy in Ward 3, and invited a motion to approve the agenda.

Ms. McDonald moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations/Awards/Recognitions

None.

5. Public Hearings

Mayor Arnold prefaced the public hearing on proposed changes to water and sewer fees and charges by asking Mr. Dalton to explain the matter.

Mr. Dalton explained that in 2019 the engineering firm engaged by the Town had completed a study recommending that fees and charges be adjusted upward in order to assure continued safe and efficient operation of the Town water and sewer systems. He said the first adjustment in a planned multi-year process had occurred in November of 2019 and included a new administrative fee.

Mr. Dalton said the intent of the fee was to assure that costs not directly dependent on a particular consumer's rate of usage be carried by users as a whole. He said the plan called for a gradual increase over five years until attainment of the desired portion of the overall rate, and that last year's fee of \$2.50 each for water and sewer is scheduled to increase to \$7.13 for water and \$4.82 for sewer, while usage rates will remain the same. He said the Council and staff also wish to rename the administrative fee to reflect the fact that it is intended to cover costs more broadly associated with operation and maintenance of the system. He said the base water availability fee would go from \$13,500 to \$13,837.50 and the sewer availability base fee from \$14,500 to \$14,862.50, and that the new adjustments would take effect on November 19, as that will be a meter-reading day.

Ms. Rodriguez said there had been some support among Council members for referring to the administrative fee as a distribution fee or distribution cost, and Mr. Dalton said that this seemed proper to staff and that no decision by Council had occurred yet. He said he believed Mr. Jacobs was correct in his concern that "administrative fee" would not be an adequate term.

Mayor Arnold opened the floor for public comment at 7:38 p.m.

Wayne Webb described the administrative fee as regressive and recommended an increase in usage rates. He asked why every department in the Town government has contingency funds if interest is coming in. He said the interest income could be used to pay for the system but that a rate increase could be imposed in the event of a catastrophe. He said Berryville residents are paying to help Chesapeake Bay, because the improvements to the sewer plant primarily benefit Chesapeake Bay.

Mark Griffin identified himself as the Republican candidate for the Berryville seat on the Clarke County Board of Supervisors. He said the Town should have advertised the rate increase more effectively and that it should use monthly billing to communicate better. He said the new increases would hurt families most because of their greater usage of the system. He said the imposition of surcharges on residents outside the Town limits might be worthy of consideration, notwithstanding the fact that those residents do not pay Town taxes.

No other members of the public wished to speak.

Recorder Gibson moved that the public hearing be closed. The motion passed by unanimous voice vote, closing the public hearing at 7:45 p.m.

6. Discussion of Public Hearing Items

Ms. Rodriguez said the matter had been discussed exhaustively last year and that there were good arguments on both sides, with many scenarios to consider. She said she doubted the existence of a perfect solution but said she wished to assure the public that the Council would continue to study the matter.

Recorder Gibson said she would like for staff to consider revenue needs each year and adjust the model accordingly.

Ms. Harrison said the distribution fee is the fairest solution for everyone.

Mayor Arnold said having a fee and therefore a minimum payment helps offset the cost of having people on the system who are not actually using services at a particular time but whose presence on the system contributes to operating costs such as transmission lines, fire hydrants, and meter-reading procedures. He said the fee is the most equitable approach, and noted that the Town is still paying for the sewer plant and needs improvements to the water plant. He said Council will consider the matter annually.

7. Citizens' Forum

Jay Corbalis said he is a retired civil engineer who has been doing historical research on flood levels at the river and that in doing so he had encountered the Town's raw water intake structure, concerning which he had compiled an extensive report, which he had discussed with Mr. Dalton prior to the meeting. He said he had concerns about employee and public safety, water quality, sanitation problems, and erosion problems, and that he would like to discuss this further. Mayor Arnold recommended that Mr. Corbalis share his report with Mr. Dalton and said that perhaps a Council committee could consider the matter.

Mary Ivie said the Town should devote more attention to stormwater control. She said recent rains had caused water to surpass curb level near her place of business, which she said constituted a discouragement to prospective customers. She said the current year is not an exceptional one in its rainfall amount and that drought conditions have prevailed, so an unusual amount of rain cannot be cited as a cause of recent flooding.

8. Consent Agenda

The consent agenda comprised the minutes of the July 6 called meeting of the Town Council, the July 14 regular meeting and joint meeting with the Board of Supervisors, the July 23 special session, and the July 29 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

None.

10. New Business

None.

11. Council Member Reports

Mayor

Mayor Arnold said a citizen wished for Officer Preston Funk of the Berryville Police Department to receive recognition for his expertise and thoroughness in assisting her with the installation of child seats in an automobile. The mayor directed the clerk that Officer Funk be so recognized in the record.

Recorder

Recorder Gibson welcomed Mr. Mazzarino to the Council and thanked him for serving.

Ward 1

Ms. McDonald had nothing to add.

Ward 2

Ms. Harrison had nothing to add.

Ward 3

Mr. Mazzarino said he appreciated the opportunity to serve.

Ward 4

Ms. Rodriguez said all was well in her ward and that she wished students, faculty, and staff a good start to the school year.

12. Staff Reports

Public Works

Nothing was added to the written report provided in the agenda packet.

Public Utilities

Ms. Harrison, as chair of the Streets and Utilities Committee, asked Mr. Dalton whether new residential developments, specifically 120 new units for senior citizens, would create strain on the

water system. She noted that local water usage had increased recently because so many residents were staying at home during the pandemic.

Mr. Dalton said the plant normally operates at only 50 percent of its capacity, which provides ample flexibility.

Mayor Arnold asked for a motion to approve the proposed changes to water and sewer fees and charges.

Recorder Gibson moved that the Council of the Town of Berryville approve the attached Schedule of Water and Sewer Fees and Charges and that the new schedule become effective November 19, 2020. The motion passed by unanimous voice vote.

Police

Ms. McDonald, as chair of the Public Safety Committee, noted Berryville's growing population and the expansion of its housing opportunities, and asked Council to bear this in mind in evaluating the needs of a police department that she said is already stretched to its limit.

Community Development

Council had no questions on Ms. Dunkle's Community Development Update. She briefly described the status of construction in Robert Regan Village, Hermitage Phase V, and the Shenandoah Crossing and Fellowship Square Subdivisions.

Ms. Dunkle said staff needs Council input on next steps regarding action on the Southeast Collector study funded by the County and Town.

Mayor Arnold recommended against giving up on the matter. He said the collector road is in the Berryville Area Plan but would require financial partners from both the public and private sectors. He recommended that the Community Development and Streets and Utilities Committees discuss it.

Mr. Dalton stressed the need to consider both short-term opportunities and long-range considerations, even if this entails thinking decades ahead. He said the collector road and the expansion of the business park are vital matters requiring immediate effort.

There was a brief discussion of whether costs would be shared with the County.

Ms. Dunkle updated Council on the graphic design aspects of the Town's branding and marketing effort, which she said would be further discussed in the September 28 meeting of the Community Development Committee. She said the consulting firm engaged by the Town, Arnett Muldrow, had

been working on graphics for official vehicles, uniform patches, internal signage for the Government Center, and signage for Town-owned properties.

Administration and Finance

Mr. Jacobs and Recorder Gibson briefly discussed the purchase of utility billing forms.

Mr. Jacobs introduced the annual write-off of uncollectable personal property taxes from five years previous and the publication of delinquency on personal property taxes, noting that the total for 2014 was \$2,528.70.

Recorder Gibson moved that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for Tax Year 2014. The motion passed by unanimous voice vote.

Mr. Jacobs noted the effectiveness of publishing delinquencies, which he said prompts multiple individuals each year to come through with payment prior to publication.

Recorder Gibson moved that the Council of the Town of Berryville authorize the publication of the names of those delinquent for personal property and real estate taxes pursuant to Section 58.1-3924 of the Code of Virginia. The motion passed by unanimous voice vote.

Town Manager

Mr. Dalton had nothing further to report.

13. Committee Updates

Budget and Finance

Recorder Gibson said the committee would meet on September 22 at 10:30 a.m.

Community Development

Ms. Rodriguez said the committee would meet on September 28 at 9:00 a.m.

Personnel

Mayor Arnold said the committee would meet on September 22 at 9:00 a.m. to discuss an appointment to the Architectural Review Board.

Public Safety

Ms. McDonald said the committee would meet at 2:00 p.m. on September 29, in room A/B and not in the main meeting room as originally scheduled.

Streets and Utilities

Ms. Harrison said the committee would meet at 1:30 p.m. on September 22.

14. Closed Session

Mayor Arnold invited a motion to enter closed session to discuss acquisition or disposition of real property.

Ms. Rodriguez moved that the Council of the Town of Berryville enter a closed session in accordance with §2.2-3711-A-3 of the Code of Virginia, to discuss acquisition of real property or disposition of publicly held property. The motion passed by unanimous voice vote.

The Council entered closed session at 8:22 p.m. and reconvened in open session at 9:08 p.m.

Ms. Rodriguez 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

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Mazzarino: Aye

Rodriguez: Aye

Gibson: Aye

Arnold: Aye

The motion passed.

15. Adjourn

The Council and Mr. Dalton agreed to discuss Halloween after the Health Department makes its recommendations regarding Halloween observance during the pandemic.

Recorder Gibson pointed out an error on the Town website related to the availability of an online bill-payment process.

No other business coming before Council, Mayor Arnold invited a motion to adjourn.

Ms. McDonald moved to adjourn, with the motion passing by consensus at 9:15 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, September 8, 2020

7:30 p.m.

Name: _____ Town of Berryville Resident?

JAY CORBALIS Yes No

MARK Griffin Yes No

MARY WILSON Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

~~Effective November 22, 2019~~

Effective November 19, 2020

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: \$8.15 per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$10.18 per 1,000 gallons of usage. Minimum charge \$6.25 per month for usage under 1,000 gallons during billing period.

B. SEWER

1. Within corporate limits or the limits of an approved annexation area: \$17.27 per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$21.58 per 1,000 gallons of usage. Minimum charge \$18.75 per month for usage under 1,000 gallons during billing period.

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water ~~\$2.50~~ 7.13

Sewer ~~\$2.50~~ 4.82

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: ~~\$235~~ 240

Residential: multi-family with master meter: ~~\$188~~ 185 per unit

Business/Commercial excluding restaurants and laundries: ~~\$235~~ 240

Restaurant: ~~\$845~~ 835*

Laundry: ~~\$4,660~~ 4,560*

Institutional: ~~\$1,610~~ 1,580*

Industrial: ~~\$5,715~~ 5,600*

*Town Manager may increase or decrease on the basis of actual usage.

Note: Town Manager may establish reasonable deposit amounts for use types not anticipated by this schedule.

III. AVAILABILITY FEES

A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 13,500.00	\$ 16,875.00	Meter Fee
3/4	1.5	\$ 20,250.00	\$ 25,312.00	Meter Fee
1	2.5	\$ 33,750.00	\$ 42,187.00	Meter Fee
1.5	4.375	\$ 59,063.00	\$ 73,828.00	Meter Fee
2	8	\$ 108,000.00	\$ 135,000.00	Meter Fee
3	16	\$ 216,000.00	\$ 270,000.00	Meter Fee
4	25	\$ 337,500.00	\$ 421,875.00	Meter Fee
6	50	\$ 675,000.00	\$ 843,750.00	Meter Fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 13,840.00	\$ 17,300.00	Meter Fee
3/4	1.5	\$ 20,760.00	\$ 25,950.00	Meter Fee
1	2.5	\$ 34,600.00	\$ 43,250.00	Meter Fee
1.5	4.375	\$ 60,550.00	\$ 75,688.00	Meter Fee
2	8	\$ 110,720.00	\$ 138,400.00	Meter Fee
3	16	\$ 221,144.00	\$ 276,800.00	Meter Fee
4	25	\$ 346,000.00	\$ 432,500.00	Meter Fee
6	50	\$ 692,000.00	\$ 865,000.00	Meter Fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

Notes:

(a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.

(b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying the unit charge of \$10,800 11,072 for a multi-family residence times the total number of residential and commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

(c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 14,500.00	\$ 18,125.00
3/4	1.5	\$ 21,750.00	\$ 27,187.00
1	2.5	\$ 36,250.00	\$ 45,312.00
1.5	4.375	\$ 63,438.00	\$ 79,297.00
2	8	\$ 116,000.00	\$ 145,000.00
3	16	\$ 232,000.00	\$ 290,000.00
4	25	\$ 362,500.00	\$ 453,125.00
6	50	\$ 675,000.00	\$ 843,750.00

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1.

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 14,865.00	\$ 18,581.00
3/4	1.5	\$ 22,298.00	\$ 27,872.00
1	2.5	\$ 37,163.00	\$ 46,453.00
1.5	4.375	\$ 64,960.00	\$ 81,200.00
2	8	\$ 118,920.00	\$ 148,650.00
3	16	\$ 237,84.00	\$ 297,300.00
4	25	\$ 371,625.00	\$ 464,531.00
6	50	\$ 743,250.00	\$ 929,050.00

IV. LATERAL OR CONNECTION FEES

Connection to the Town's water distribution and/or sewer collection system may be completed only if the following conditions are met:

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or other applicable agency.

V. INSPECTIONS

A. Sanitary Sewer Camera Service and Storm Sewer Camera Inspection Service

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: \$300

Camera Fee: \$2.50 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$150

Laterals 50 Feet in Length or Greater: \$150 plus \$2.50 per linear foot

B. Inspections

Town staff: \$65 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

Notes: Cleaning of lines will be required prior to camera use. Line cleaning is the responsibility of the applicant. If lines are not clean and camera crew must remobilize later to perform the inspection, a second mobilization fee will be charged.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$100

All other meters: \$100 + cost

Note: Fee is refunded if meter is found to be over-registering.

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

Meter deposit: \$1,200

Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

IX. UNAUTHORIZED USE OF SERVICE

For unauthorized water withdrawals from fire hydrants or any other part of the Town water system, or when a customer willfully takes steps to reactivate service after service has been disconnected by the Town because of nonpayment of any charge owed to the Town, and the Town must take action to discontinue service again by removal of the meter or by any other necessary measures, a \$250 charge for unauthorized use of services will be imposed. This charge will be in addition to any other charge for water and sewer services owed to the Town, and in addition to any legal remedies the Town may pursue for unauthorized use of service.

Approved by Town Council on _____

TOWN COUNCIL
MOTION FOR APPROVAL:
ADOPTION OF RESOLUTION TO CHARGE OFF
DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEAR 2014

Date: September 8, 2020

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for Tax Year 2014.

VOTE:

Aye:

Nay:

Absent:

ATTEST: _____
Erecka L. Gibson, Recorder

TOWN OF BERRYVILLE
TOWN COUNCIL
RESOLUTION

WHEREAS, Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for tax year 2014, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this eighth day of September, 2020, that the attached list of delinquent personal property taxes for tax year 2014 shall be charged off the tax records of the Town of Berryville as uncollectible.

Harry L. Arnold, Jr., Mayor

I hereby certify that the foregoing Resolution was duly adopted by the Council of the Town of Berryville in meeting assembled September 8, 2020.

ATTEST:

Erecka L. Gibson, Recorder

TOWN OF BERRYVILLE
TOWN COUNCIL
RESOLUTION

WHEREAS, Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for tax year 2014, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this eighth day of September, 2020, that the attached list of delinquent personal property taxes for tax year 2014 shall be charged off the tax records of the Town of Berryville as uncollectible.

Harry L. Arnold, Jr., Mayor

I hereby certify that the foregoing Resolution was duly adopted by the Council of the Town of Berryville in meeting assembled September 8, 2020.

ATTEST:

Erecka L. Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: September 8, 2020

MOTION 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, 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.

VOTE:

Aye: *Unanimous roll call*

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Recorder

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 22, 2020

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee was held on Tuesday, September 22 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: Mayor Jay Arnold, Chair; Recorder Erecka Gibson

Staff present: Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk

1. Call to Order

Mayor Arnold called the meeting to order at 9:02 a.m.

2. Approval of Agenda

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

3. Unfinished Business

Closed Session

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

The committee returned to open session at 9:27 a.m. Recorder Gibson made the attached motion, which passed by unanimous roll-call vote.

4. New Business

Ms. Dunkle said she had contacted two members of the Planning Commission and one from the Board of Zoning Appeals to see if they wished to be reappointed. She said she had not heard from Ms. Barton but Doug Shaffer and Ryan Tibbens had agreed to continue on the Planning Commission and Board of Zoning Appeals, respectively. Ms. Dunkle added that the Clarke County Circuit Court would be appointing the BZA position upon Council's recommendation.

Ms. Dunkle distributed a talent bank form from Jessica Mitchell for consideration. Mayor Arnold asked if there were any other board vacancies at this time. Ms. Dunkle said there might be one on the

Tree Board. After discussion, it was determined that the Personnel Committee would recommend Mr. Burge's appointment and Mr. Shaffer's reappointment to the Planning Commission and wait to confirm Ms. Barton's interest in continuing on the Planning Commission, and that they would discuss Mr. Tibbens' appointment at the next meeting.

5. Other

No other business came before the committee.

6. Closed Session

There was no additional closed session.

7. Adjourn

There being no further discussion, Recorder Gibson moved for adjournment, which occurred by consensus at 9:38 a.m.

Town of Berryville
Personnel, Appointments, and Policy Committee
MOTION TO ENTER CLOSED SESSION

Date: September 22, 2020

MOTION BY:

SECOND BY:

I move that the Personnel, Appointments, and Policy Committee of the Council of the Town of Berryville enter a closed session in accordance with § 2.2-3711-A-1, Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment.

VOTE:

Aye:

Nay:

Attest: _____

Erecka L. Gibson, Recorder

Town of Berryville
Personnel, Appointments, and Policy Committee
CLOSED SESSION RESOLUTION

Date: September 22, 2020

MOTION BY:

SECOND BY:

I move that the Personnel, Appointments, and Policy 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, § 2.2-3712-D, 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.

ROLL CALL VOTE:

Aye:

Nay:

Attest: _____

Erecka L. Gibson, Recorder

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 22, 2020

A meeting of the Berryville Town Council Budget and Finance Committee was held on Tuesday, September 22 at 10:30 a.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; Paul Culp, Town Clerk

Press present: Mickey Powell, *The Winchester Star*

1. Call to Order

Recorder Gibson called the meeting to order at 10:30 a.m.

2. Approval of Agenda

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

3. Unfinished Business

There was no unfinished business.

4. New Business

Discussion: Reserves

Mr. Dalton said he hoped to be able to provide a framework for the Town's policy regarding reserves. He said members of the public sometimes have misperceptions about the Town having money in savings. He said each fund has a reserve to cover shortfalls and that there are also self-encumbered funds for particular purposes such as stormwater management and waste water treatment plant membranes that require long-range planning. He said the proposed framework would help the public understand the role savings play in the Town's fiscal goals and purposes. He said that if the Town Council wishes for him to proceed with the framework, the next step would be the apportionment of reserves.

Recorder Gibson said the proposed framework represented a good start, and recommended annual reviews.

Mr. Dalton said staff would estimate reserve goals but that the Council must decide each year whether to adhere to those goals.

Recorder Gibson said it should be made clear that some reserves are ongoing while others are for one-time needs.

There was a discussion of how to organize and arrange the framework.

Recorder Gibson asked whether the goals would be part of the budget process. Mr. Dalton said yes.

There was a discussion of the difference between contingency funds and reserves.

Mr. Dalton noted that the Town of Berryville, unlike some organizations that spend heavily at the end of a fiscal year, treats surpluses with care and puts them in reserves.

Ms. McDonald said the Town needs a larger police presence.

There was further discussion of how to organize the framework and categorize items.

Ms. McDonald recommended paying for things in advance whenever possible.

The committee and staff agreed that staff would provide additional details in the committee's next meeting.

Discussion: Audit Services

Mr. Jacobs said the request for proposal had changed little since the last time. He said he would like to be able to present it to the Council in November, with award to occur in February.

There was a discussion of the process for selecting an auditor and of the roles of the committee and treasurer.

There was a discussion of whether to have a one-year agreement or a multi-year agreement with optional renewals, with the consensus being that frequent changes of auditor are undesirable.

A discussion established that the committee members should comment on the RFP by the first of October, with the full Council to consider it in November.

Discussion: Report to Council Concerning Revenues and Expenses for First Quarter

Mr. Dalton said the report had been placed on the agenda after a Council member had asked for an update on economic conditions with particular reference to the COVID pandemic. He said he thought a quarterly report by Mr. Jacobs at October's end would be desirable.

Recorder Gibson said such reports are standard practice and should include data on expenses and reimbursements under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Mr. Jacobs said he could be ready in November.

A discussion established that a basic line-by-line comparison of actual conditions and budget, immediately following the quarter, would suffice for the Town Council but that a report comparing the first quarter of the current and previous fiscal years, with CARES Act data, should be made available in November.

Ms. McDonald recommended against excessive reporting, citing it as a potential cause of confusion.

Update: CARES Act

Mr. Jacobs said the Town had received its first reimbursement check, for expenses incurred through May 15. He said some reimbursements for the latter part of the 2020 fiscal year are still outstanding. Recorder Gibson asked if there is a definite schedule for reimbursement, and Mr. Jacobs said no. He explained the County's role as coordinator, and Recorder Gibson asked him to check on the timetable.

Ms. McDonald asked for examples of the Town's reimbursable expenditures. Mr. Dalton gave plexiglass barriers, personal protective equipment, sanitizing and cleaning products, and thermometers as examples.

There was a discussion of dealing with businesses in relation to the CARES Act. Mr. Dalton explained that the County coordinates this.

5. Other

Recorder Gibson said she would like an update on the Town's recently implemented online payment system. Mr. Jacobs said it was working well on the whole, albeit with some difficulties occasioned by the early rollout brought on by the pandemic, and that it continues to improve.

Recorder Gibson asked for a more detailed report in November, including information on how many users there are and how they perceive the system. She said she would also like an update on the Town's budget software.

6. Closed Session

There was no closed session.

7. Adjourn

Recorder Gibson invited a motion to adjourn. Ms. McDonald so moved, with the meeting adjourning by consensus at 11:37 a.m.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 22, 2020

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, September 22 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 present: Diane Harrison, Chair; Kara Rodriguez

Other Town Council member present: Mayor Jay Arnold

Staff present: Keith Dalton, Town Manager; Paul Culp, Town Clerk; Rick Boor, Director of Public Works; Christy Dunkle, Assistant Town Manager/Planner; Greg Jacobs, Assistant Town Manager/Treasurer; Jodi Kern, Utilities Clerk

Press present: Mickey Powell, *The Winchester Star*

Also present: Ron Mislowsky, office director for Pennoni Associates

1. Call to Order

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

2. Approval of Agenda

Mr. Dalton noted that the agenda item related to water and sewer billing should be moved from New Business to Unfinished Business.

Ms. Rodriguez moved to approve the agenda, with the motion passing by consensus.

3. Unfinished Business

Drainage Pipe Repair on Virginia Avenue

Mr. Dalton briefly updated the committee on the status of preliminary engineering reports and also described the resolution of a problem with a drainage pipe on Virginia Avenue that had necessitated a street closure and detour for a day and a half, with work being completed during the morning of the present meeting. He commended Mr. Boor and the Public Works Department, and thanked the property owners in the affected area for their cooperation. Mr. Boor said the project had gone well.

Update on Stormwater Management Preliminary Reports

Mr. Dalton said that since 2018 the Town had used stormwater reserve funds for PERs on multiple drainage projects, and yielded the floor to Mr. Mislowsky, who gave a brief presentation on Pennoni Associates' proposals for how to address with minimal inconvenience the drainage problems associated with the Town Run and Virginia Avenue.

Mr. Dalton said the Town Council must discuss the matter in planning for the Fiscal Year 2022 budget, and told Ms. Harrison that staff would be prepared to discuss it further in the next committee meeting.

Ms. Rodriguez asked where the stormwater project ranked with other projects in terms of timing. Mr. Dalton said Virginia Avenue is a priority because the Council has budgeted funds to complete the work. He said project costs are higher than anticipated, however, and the Town must complete the repairs described earlier in the meeting. He said staff needed to see where things stand with the budget and report back to Council. Mr. Mislowsky said Town Run should come next and that a draft report would be available in October.

Water and Sewer Billing and Water/Sewer Billing Outsourcing

Ms. Kern gave a presentation on billing procedures, meter-reading procedures, and the advantages in efficiency and cost-saving achievable via outsourcing of billing.

In response to a question from Ms. Rodriguez, Ms. Kern said the use of the recently implemented online bill payment for utilities is increasing, while it has been less popular for tax payment thus far.

Update: Rockcroft Subdivision Water Project

Mr. Boor said Public Works still had one more road crossing to complete. Mr. Dalton said the Public Works crew was working to get a main in place that would allow the Town and residents to proceed with needed work to create new connections for homes in the subdivision. He said he expected to be able to meet with residents in coming months to coordinate work.

Update: Transportation Alternatives Grant Application for Mosby Boulevard Sidewalk

Ms. Dunkle said the sidewalk grant funds will enable connection of Hancock Court with McNeil Drive along the north side of Mosby Boulevard. She said that Town had been given preliminary information from VDOT indicating that the grant had been approved and requesting confirmation as to whether the Town wished to continue with the project. Ms. Dunkle said she had responded that the Town would like to continue with the project once it is approved. She added that the Commonwealth Transportation Board will make the final approval.

Discussion: Southeast Collector

Ms. Dunkle said staff was concerned about the possibility of no forward movement occurring. Ms. Dunkle said staff requested direction on next steps for the project. She said the matter would require long-range planning. She said discussions with the County should occur to identify in-fill projects in the area and to contact respective property owners. She added that developers are responsible for building the infrastructure within development sites and those costs would be the responsibility of the respective owner/developers.

Ms. Harrison said the Council needs to determine a specific outline of tasks and priorities.

Mr. Dalton said further discussion with the County is needed, and that the will of the Town Council must be firmly established before staff undertakes extensive efforts.

Ms. Dunkle said it would be necessary to take into account current conditions and the needs of the community.

Ms. Rodriguez said she had heard only positive sentiments from other Council members, though the County Board of Supervisors had not been enthusiastic. She suggested public-private partnerships as an option.

Ms. Harrison said the committee needed a timeline before taking the matter to the full Council. She said this would be helpful in discussions with the County.

Mayor Arnold recommended a Council work session preliminary to giving staff direction on how to proceed. There was a discussion of when to have the work session.

Pedestrian Improvements in Fairfax Street Area

Mr. Dalton said that both West Fairfax and East Fairfax between Price's Lane and Page Street lack sidewalks. He reviewed plans for the sidewalk on the particular section of East Fairfax in question and suggested that the Council apply for a revenue-sharing grant to complete the project. He said he has not yet taken the next step in design on West Fairfax because the cost is such that he would like agreement from the Council.

4. New Business

None.

5. Other

There was no other business.

6. Closed Session

There was no closed session.

7. Adjourn

The meeting adjourned by consensus at 3:06 p.m. on a motion by Ms. Rodriguez.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 28, 2020

A meeting of the Berryville Town Council Community Development Committee was held on Tuesday, September 28, 2020 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: Chair Kara Rodriguez, Diane Harrison

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

Other Town Council member present: Mayor Jay Arnold

Also participating: Clarke County Economic Development Director Felicia Hart

1. Call to Order

Ms. Rodriguez called the meeting to order at 9:00 a.m.

2. Approval of Agenda

Ms. Rodriguez noted that Mr. Dalton had communicated to her a need to move the discussion of blight abatement, classified as New Business, to the early part of the meeting because of his schedule in his remote location. Ms. Harrison noted the need to add to New Business an upcoming meeting of local merchants. Ms. Harrison's motion for approval of the amended agenda passed by consensus.

3. New Business: Blight Abatement

Mr. Dalton directed the committee's attention to photocopies of the relevant portions of the Town Code, which he said provides for cases of blight that might endanger public health and also to cases that pose a significant but not immediate threat. He said he believes it desirable to contact property owners before beginning any formal process, and briefly described that process.

Using the photographs and maps in the agenda packet, Mr. Dalton directed the committee's attention to eight properties: 25 Cattleman's Lane; 12 First Street; and on Josephine Street the properties numbered 112, 114, 203, 225, 227, and 229. He said he was seeking the Town Council's guidance on how to proceed.

He and Ms. Rodriguez discussed whether property owners had been notified and what properties would have priority. Mr. Dalton said he had discussed the matter with the owners of 25 Cattleman's Lane and 12 First Street. He said the latter's proximity to the street and its apparent structural problems present concerns, and also enumerated the problems presented by various Josephine Street properties. He said 12 First Street, the log cabin on Josephine Street, and 227 Josephine Street probably should have priority.

Ms. Rodriguez asked whether the Town should engage an engineer to evaluate the properties. Mr. Dalton said that this could depend on access but that an engineer's opinion is warranted if the Council desires urgent action.

Ms. Rodriguez asked whether there had been any citizen complaints or expressions of concern. Mr. Dalton said 225 and 227 Josephine Street had elicited such comments and that the Public Works department had received complaints about 229.

Ms. Harrison said the historical nature of Josephine Street requires treating properties there with that history in mind. She said an engineer's opinion would be helpful in arriving at workable scenarios.

Mr. Dalton noted the expense of obtaining an engineer's opinion and said Council must bear this in mind in considering the Town's ability to get the actual work of abatement done within the limits established by the budget. He said public health is the essential matter.

Ms. Rodriguez said public input is important and asked Mr. Dalton what should happen next. Mr. Dalton said there had been complaints about multiple properties being dangerous and said an engineer's evaluation and a discussion with property owners are needed. He recommended following these measures with public input in a Town Council meeting. Ms. Rodriguez said engagement with the Josephine Street community would be especially important and that the citizens' forum portion of a Town Council meeting would be a good vehicle.

Mr. Dalton left the meeting at this point.

4. Unfinished Business

Discussion: Memorandum of Understanding on Economic Development

Ms. Dunkle introduced Ms. Hart and directed the committee's attention to her own report enumerating the items discussed in the July 17 meeting of the Town and County's joint MOU committee. Items included multiple matters related to accommodations, including hotels and Airbnb; grant programs; social media sites operated by the County with economic development and tourism in mind; Berryville Main Street's role; and CARES funding.

Ms. Hart noted the MOU committee's discussion of establishing training programs for local realtors.

Ms. Dunkle said the proposed Southeast Collector Road is critical for future development and said large-scale economic development projects are important for planning purposes.

Ms. Rodriguez commended Ms. Hart for her efforts.

Update: Branding

Ms. Dunkle directed the committee's attention to the proposed Town logo variants in the agenda packet. She explained the progress and timetable for developing and deploying the logo in its various applications. She said local business owners had expressed interest in selling items bearing the Berryville logo.

Ms. Rodriguez and Ms. Dunkle briefly discussed the Town website.

5. New Business

Update: Clarke County Director of Economic Development and Tourism

Ms. Hart said twenty-eight grant applications had been approved.

Discussion: Street Trees

Ms. Dunkle said that trees along Main and Buckmarsh Streets had been installed by Berryville Main Street in the 1990s, with the Town having purchased the grates, and that BMS can no longer maintain the trees, which now require maintenance or removal. She said staff needs guidance from the Town Council regarding how to proceed.

Ms. Rodriguez asked whether Ms. Dunkle had a cost estimate for replacing the trees. Ms. Dunkle said no.

Mayor Arnold said BMS no longer has maintenance resources and that the Town must maintain the trees if it wishes to keep them.

There was a discussion of the benefits and drawbacks of the trees, and of the benefits and drawbacks of replacing them with benches.

Ms. Dunkle said the Town Council must eventually make a decision, and recommended seeking advice from local tree farmers.

The committee agreed to discuss the matter further in its next meeting.

6. Other

Ms. Harrison said she had spoken with business owners about how to increase opportunities for owners of small businesses for the upcoming holiday season. She said occasions for interaction are needed and that a group of business owners will be meeting on October 5 at 6:00 p.m.

7. Adjourn

Ms. Rodriguez requested a motion to adjourn. Ms. Harrison so moved, and the meeting adjourned by consensus at 9:51 a.m.

BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 29, 2020

A meeting of the Berryville Town Council Public Safety Committee was held on Tuesday, September 29, 2020 at 2:00 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: Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Media: none

1. Call to Order

Chief White having been detained by duties off-site, Ms. McDonald allowed extra time before calling the meeting to order at 2:08 p.m.

2. Approval of Agenda

The clerk recommended moving the update on refuse collection and recycling into first position on the agenda in order to allow the meeting to progress in Chief White's absence. Ms. McDonald accepted the suggestion and invited a motion to approve the agenda as amended accordingly. Mr. Mazzarino so moved, with the motion passing by consensus.

3. Unfinished Business

Ms. McDonald went over the attached report by Town Manager Keith Dalton. She explained to Mr. Mazzarino, who was new to the committee, that decals on containers are new to Berryville. They discussed types of containers, the number of containers permitted for certain types of users, and the applicable fees.

Ms. McDonald then referred to the attached report on police department staffing and funding that Chief White had submitted at the committee's request. She said that in the next budget season the committee would ask for a new officer in a supervisory role, as the current situation with only one supervisory officer in addition to Chief White is not sustainable. She noted the report's mention of an 18 percent increase in calls for service over the last three years, and said that the department's accreditation process has been slowed by the need for Chief White to spend more time in the field than would be ideal, but noted that any supervisory officer would not be merely a desk officer.

There was a discussion of whether the hire should be internal or external.

The committee discussed the number of sworn officers possibly to be added to the department in coming years.

There was a discussion of the department's resources being stretched unduly when one or more officers must take leave time or go on light duties because of illness or injury.

Chief White was able to join the meeting at 2:31, and he and Mr. Mazzarino discussed the department's leave policies and the accrual process.

Chief White described the department's shift system and a supervisor's duties. Ms. McDonald asked that he provide a job description that the committee could forward to the full Town Council. Chief White said he trusts all his officers but that they need the support afforded by a sufficient supervisory presence. He said he expected the General Assembly to mandate more training for law enforcement personnel.

The discussion of internal promotion resumed. Chief White and the committee agreed that internal promotion, if feasible, would be preferable.

Mr. Mazzarino asked Chief White if the 18 percent increase in calls for service had been linear. Chief White said the level of activity had shown ups and downs rather than a linear pattern. He explained his basis for projections of future activity.

Chief White said he does not believe in using traffic enforcement as a means of generating revenue. He said it is for education and not for fundraising.

Mr. Mazzarino asked whether the department has a pay scale based on years of service. Chief White said no, that Mr. Dalton has researched this but that the necessary funding must be in place first.

4. New Business

Ms. McDonald asked Chief White for an update on the police department. Chief White said the department had been much occupied with matters related to COVID-19 and that the governor had provided no new guidelines recently. He said the department has a healthy stock of personal protective equipment and that his personnel had experienced no exposures to the virus recently. He said training is proceeding and that the number of calls for service is creeping upward.

5. Other

Ms. McDonald said she approved of Frederick County's plan to host a drive-through trick-or-treat. She said this would provide a safer, more controlled environment for the occasion.

Mr. Mazzarino and Chief White discussed problems that could arise if the Town attempted to forbid trick-or-treating in the traditional manner. They noted practical and legal problems associated with enforcement. They agreed that the best the Town could do would be to caution residents, refer them to the recommendations of public health agencies, and otherwise allow residents to decide for themselves.

6. Closed Session

None.

7. Adjourn

The meeting adjourned at 3:15 p.m. on a motion by Mr. Mazzarino, which passed by consensus.

**September 29, 2020
Update**

Garbage and Refuse Collection

The Town Manager intended to provide this update in person but he will not be able to attend the meeting. Accordingly, this brief update has been provided for inclusion in the packet.

The contract negotiations are nearly complete. A contract document was cleared by the Town's legal counsel and is being reviewed by the potential contractor.

Staff is working to finalize the decals that would be affixed to containers.

A notice regarding the changes to collection services (effective January 1) will be mailed to residents and businesses by October 7.

Police Department Staffing

Background

The police department provides 24 hour public safety services to the community of Berryville and mutual aid to the citizens of Clarke County. The department is currently composed of seven (7) full-time sworn officers, one (1) full-time sworn first line supervisor, one (1) sworn chief, and one (1) non-sworn full-time administrative assistant. In addition, the department also has an auxiliary officer program that currently has a single retired officer that still maintains his certification.

The addition of a department position was discussed during the fiscal year 2020-21 budget preparation. A position was not funded for the FY 2020-21 budget, and now the discussion has been requested by Council to continue within the Public Safety Committee.

The Town of Berryville has several areas of development currently underway, or well into formal planning stages. These developments include primarily residential structures, but there are also plans for commercial development within the town. Increased development and increased population often results in increased calls for service for public safety agencies.

Findings

While the police department provides a variety of services to the community, the primary service provided by the department is response to calls for service (CFS). In addition to response to CFS, the department has to be composed of enough resources to cover, at a minimum, continuing education training requirements, scheduled and unscheduled days of leave, and court appearances.

In 2016, the department responded to 2,591 CFS. In 2019, the department responded to 3,171 CFS. That is an 18% increase over the three year period. Again, this is strictly data concerning reactive calls for service and does not take into account any proactive activities that the department conducts.

The department currently utilizes two rotations and the first line supervisor floats between the two rotations. It would help build consistency within the rotations if a first line supervisor was assigned to each rotation. A first line supervisor would also be engaged in the accreditation process which the department has recently entered to assist with the additional workload associated with the process.

Financial Considerations

While preparing for the FY 2020-21 budget, funding numbers were generated for a sworn officer position as well as a sworn first line supervisor. These numbers include salary and benefits. Funding a full-time sworn officer would cost \$63,333.00 for the first year. Funding a full-time sworn first line supervisor would cost \$76,100.00 for the first year.

Deadline

This matter requires funding approval from the full Council during the budget process. A funding request using contingency funds could be forwarded to Council; however the most likely scenario would be to have information prepared to enter the next fiscal year budget process. Therefore, a position should be reached by January 12, 2021.

Other

Nothing to note.

Recommendation

No formal recommendation.