

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
October 11, 2022
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

Staff: Present--Keith Dalton, Town Manager; Cynthia Poulin, 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 7:00 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

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

4. Presentations, Awards, and Recognitions

None.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

Kenneth Liggins said he was concerned about the permits required for the owners of properties for which the Council had recently mandated blight abatement plans. He asked the Council to issue an

order to the effect that permits, instead of running for six months, would be valid until the December 2023 deadline for repairs.

8. Consent Agenda

The consent agenda comprised the minutes of the September 13 Town Council regular meeting and their supporting documents.

Recorder Gibson moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote, with the exception of Ms. Harrison, who abstained because of her absence from the September meeting.

9. Unfinished Business

Request for Modification of Approved Spot Blight Abatement Plan for 112 Josephine Street.

Winchester attorney Susan French, representing property owner Donna Richardson, referred to decisions made regarding 112 Josephine Street among other properties discussed by the Architectural Review Board and Planning Commission in April and the Town Council in July, at which time the Council had approved blight abatement plans and deadlines provided by the town manager. She said the condition of 112 Josephine Street did not meet the definition of blight established by regulations in place since the 1960s, and protested what she described as the last-minute addition of prompt chinking as a requirement. She said chinking should be the last element in the restoration process and that it was a late addition to the plan by Mr. Dalton that neither the ARB nor Planning Commission had discussed in arriving at their recommendations. She said the Town was not demonstrating appropriate regard for the historical significance of the structure, that the matter of blight should never have been broached in association with 112 Josephine Street, and that the condition of the structure did not present any form of hazard.

Ms. Harrison, representative of the ward in which 112 Josephine Street is located, replied that the Town had received complaints about the structure from Josephine Street residents and that the Town had made many adjustments in the process of seeking a solution. She recalled a meeting in November of 2021 at which she and Mr. Dalton had discussed blight abatement with the owners of properties who had received notices, and said Ms. Richardson as owner of 112 Josephine Street had acknowledged at that time that the property was blighted and had asked for time to address the problem. Ms. Harrison said she had asked Ms. Richardson what she planned to do and that Ms. Richardson had replied that it was none of Ms. Harrison's business. Ms. Harrison said the structure had been boarded up since 2014, with no work having been done until the matter had become one of official concern.

Ms. Harrison said Ms. Richardson herself had described the property as abandoned. It also was described as abandoned by Maral Kalbian when she completed her survey of the street. She noted the encroachment of foliage and that a requested engineering report had never been undertaken.

She said the examination by an expert on historic buildings had not included the interior. Ms. Harrison said chinking is necessary for weather-proofing and noted that the gable windows were admitting birds to the interior. She said the plan provided by the Town allows for the discovery of additional problems.

Ms. Harrison said Ms. Richardson, who had been given the opportunity to comment on the plan before its adoption, had not met the deadline for response, despite Ms. Harrison's own request for concessions, and that shifting blame to Mr. Dalton, whom she described as lenient, was unacceptable. She said the Council had decided the manner in accordance with the Town Code, noting that the decline in property values, the incursion of animals in the structure, and the prospect of vandalism all fell within Code stipulations concerning welfare and public safety in the definition of blight. Ms. Harrison said no concessions were needed.

Mr. Mazzarino said accusations directed at the Town and its staff were not appropriate. He said talk of the Town destroying the structure was ignoring the fact that time, weather, and nature were already doing this, with deadline extensions exacerbating the problem. He said he would like to see the structure preserved but that it had been vacant for decades and had needed attention a long time ago.

Ms. Rodriguez asked whether the rear addition to the structure had been of concern at the beginning of the process. Mr. Dalton said that without authorization to be on the property, he had initially made an evaluation from the street, with concerns about the rear addition occurring after the evaluation by the owner's contractor. He said the requirement for an engineer's report had been withdrawn because of the expense for the property owner.

There was a brief discussion of the duration of permits. Mr. Dalton said that as of September 15 the owner of the property had not read the plan approved by the Council in July. He said permits run for twelve months and that he had advised Ms. French that extensions were possible for \$50. Ms. Rodriguez said her only concern was that the work be complete by December of 2023.

Ms. Harrison said Ms. Richardson had said in a previous meeting that she might not retain the rear addition.

Mayor Arnold said an engineer's report is important.

Mr. Dalton said the plan approved by the Council called for either repair or demolition of the rear addition, and reiterated that the owner had not read it.

Mayor Arnold said he had indicated in a previous meeting that his concern was only with the stipulated milestones being met and that none of them had been. He and Ms. Rodriguez briefly discussed the timing of permits.

Mr. Mazzarino asked when work on the property had last occurred. Ms. Harrison said late spring. Mr. Mazzarino said he would have liked to have seen more progress, that little had been accomplished.

Mayor Arnold suggested new milestones calling for a report by the property owner by December 15 and another report early in 2023. He and Mr. Dalton agreed on February 1. Recorder Gibson noted that this would allow slightly less than four months for the owner to find a contractor.

Ms. Rodriguez moved that the Council of the Town of Berryville amend the July 12, 2022 spot blight abatement plan for 112 Josephine Street as follows: to change the date for the first milestone, which is list of repairs to be completed on the structure, and the schedule of completion for that work provided to the Town manager, with a new due date of December 15, 2022; and to change the date of the second milestone, requiring all required permits issued for work on the structure by the new deadline, to February 1, 2023, with no additional changes to the schedule. She further moved that the Council hereby direct the Town Manager to modify the plan to incorporate these approved changes and authorize the mayor and recorder to execute the amended plan.

Mayor Arnold asked Mr. Dalton to read the milestones. Mr. Dalton said the first was the list of repairs and the schedule for their completion to be provided to the town manager by December 15, 2022, the original date having been September 15. He said the second milestone was for issuance of all required permits, with a new deadline of February 1, 2023 superseding the former date of December 1, 2022. He said the third milestone was completion of all work and required inspections passed, including debris and trash removal and site stabilization, by December 15, 2023. Mayor Arnold ascertained from Ms. French that she understood all of the above.

The motion passed by unanimous voice vote.

Review/Approval of Bid for Water, Sewer, and Drainage Improvements—2022

Mr. Dalton said the Town had received five bids—the low bidder being General Excavation, Inc. of Warrenton—for water and sewer improvements on Josephine, North Church, Bundy, and Osborne Streets and drainage improvements on Virginia Avenue, with the project being paid for with funds from the American Rescue Plan Act of 2021, water fund reserves, and sewer fund reserves. He said paving afterwards would be paid for via secondary road funds, excluding resurfacing on a portion of North Buckmarsh Street and the resurfacing of Virginia Avenue.

Recorder Gibson moved that the Council of the Town of Berryville approve the bid from General Excavation, Inc. of Warrenton, VA in the amount of \$2,262,002 and thereby authorize the Town Manager to execute contract documents and other documents related to this project on behalf of the Town. The motion passed by unanimous voice vote.

10. New Business

None.

11. Council Member Reports

Mayor Arnold said he had attended the ribbon-cutting at Lavish Studios on Crow Street and Unique Creations on West Main Street. He noted that several new businesses had opened in the last two years.

The other members had nothing to report.

12. Staff Reports

Nothing was added to the written reports for Public Works, Utilities, Police, Administration and Finance, and Town Manager.

Community Development

Ms. Dunkle told the Council that the Virginia Department of Transportation required an updated resolution for funding commitment and signature authority for projects on East and West Fairfax Streets that had already been approved and that are funded with Transportation Alternative Program grants.

Ms. Rodriguez moved that the Council of the Town of Berryville approve the attached resolution for funding commitment and signature authorization for VDOT projects. The motion passed by unanimous voice vote.

13. Committee Updates

Budget and Finance

Recorder Gibson had nothing to report. Mayor Arnold said he would substitute for Ms. McDonald on the committee if health problems prevented her participation.

Community Development

Ms. Rodriguez said the committee would next meet on October 24 at 9:00 a.m.

Personnel

Mayor Arnold noted the need to fill two vacancies on the Tree Board.

Public Safety

Committee chair Donna McDonald being absent, committee member Mr. Mazzarino said the committee had no particular concerns. Mayor Arnold reiterated his statement about Ms. McDonald.

Streets and Utilities

Ms. Harrison said the committee would meet again on October 24 at 10:00 a.m.

17. Closed Session

Mayor Arnold invited a motion for the Council to enter closed session. Recorder Gibson made the **attached** motion, which passed by unanimous voice vote, and the Council entered closed session at 7:41 p.m.

The Council resumed open session at 7:57 p.m. Ms. Rodriguez read the **attached** motion certifying the closed session.

18. Adjourn

The Council adjourned at 7:59 p.m. on a motion by Recorder Gibson.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, October 11, 2022

7:00 p.m.

Name: _____ **Town of Berryville Resident?**

Kenneth Diggins

Yes No

Berryville – Clarke County
Government Center
101 Chalmers Court, Suite A
Berryville, VA 22611



**TOWN OF
BERRYVILLE
VIRGINIA**

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**FUNDING COMMITMENT AND SIGNATURE AUTHORITY
FOR VDOT TRANSPORTATION PROJECTS**

WHEREAS, the Town of Berryville administers various transportation projects under agreements with the Virginia Department of Transportation (“VDOT”), including but not limited to SmartScale, Transportation Alternatives Program, Revenue Sharing, and the Highway Safety Improvement Program (collectively, “Transportation projects”); and

WHEREAS, the Town may be required to fund its share of engineering, right-of-way, and construction costs for these Transportation Projects; and

WHEREAS, the Town seeks to affirm their commitment to these Transportation Projects with VDOT;

NOW, THEREFORE BE IT RESOLVED, that the Town of Berryville commits to fund its local share of costs associated with all Transportation Projects under agreement between the Town and VDOT.

BE IT FURTHER RESOLVED THAT the Berryville Town Council hereby grants authority to the Town Manager to execute project administration agreements for any approved Transportation Projects.

Adopted this 11th day of October, 2022.

Attest:

Harry Lee Arnold, Jr., Mayor

Erecka L. Gibson, Recorder

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton

Town of Berryville

Town Council

MOTION TO ENTER CLOSED SESSION

Date: October 11, 2022

MOTION BY: Gibson

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-3 of the Code of Virginia, to discuss the acquisition of real property or disposition of publicly held property.

VOTE:

Aye: Unanimous voice vote

Nay:

Attest: _____

Erecka L. Gibson, Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: October 11, 2022

MOTION BY: Rodriguez

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 vote of all in attendance

Nay:

Absent/Abstain: McDonald absent

ATTEST: _____
Erecka Gibson, Recorder

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 24, 2022

A meeting of the Berryville Town Council Community Development Committee was held on Monday, October 24, 2022 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

Also present: Matt Bass, Clarke County Board of Supervisors

1. Call to Order

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

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Harrison, after Mr. Dalton noted that Ms. Harrison had requested the addition, under new business, of a discussion of a program for banners honoring veterans.

3. Unfinished Business

Street Decorations

Mr. Dalton said fifteen new decorations featuring a snowflake motif had arrived, twelve or thirteen of which would be placed in use after Thanksgiving. He said the Public Works Department would soon install new brackets needed for the decorations. Ms. Dunkle said the Town had received a discount of 18 percent on the decorations. In response to a question from Ms. Rodriguez, Mr. Dalton said the Town Council could decide how long to leave the decorations in place and that in the past the decorations had been in place from late November to late January.

Wayfinding Signs

Ms. Dunkle said she, Mr. Dalton, and the contractor for the wayfinding signage project, Frazier Associates of Staunton, had developed a timetable and plan of operations. She said community input

would occur *en route* to signs being installed by the end of 2023 if possible. She noted that funds provided via the American Rescue Plan Act of 2022 (ARPA) must be spent by that time, and that Frazier Associates had worked extensively with the Virginia Department of Transportation on similar projects in the past. Ms. Dunkle and Ms. Rodriguez briefly discussed possibilities for the Council's involvement.

Hogan's Alley

Mr. Dalton said Berryville Main Street had received a \$7,000 grant and that Ms. Dunkle would work with BMS to ensure that these funds and Town funds were coordinated. He noted the need for resurfacing, bollard repair, and stormwater management, and that a remembrance of John Hogan somewhere on the premises would be appropriate.

Ms. Rodriguez and Mr. Dalton briefly discussed capital improvements projects in the alley. In response to a question from Ms. Rodriguez, Mr. Dalton said it might be possible to use some ARPA funds, including the Town's grant program for central business district building and site improvements.

Ms. Harrison and Mr. Dalton discussed the need to consider how the alley will be used. Mr. Dalton also noted the relationship of the alley to the Crow Street parking lot and Rose Hill Park.

Berryville 225 Committee

Ms. Dunkle said the committee planning the 225th anniversary of the Town's founding had been considering a number of ideas for the anniversary itself on January 15, 2023, as well as a March speaker series, April art show, and coordination with Black History Month. She said the commemorative coins were selling well and that County social media had been effective.

There was a discussion of the need for funding beyond the \$5,000 in seed money approved by the Town Council.

4. New Business

Christmas Tree

Mr. Dalton said the tree's broken top would prevent installation of a star and that he had asked the Public Works Department to install more lights this year. There was a discussion of the need to use another tree, and when and how that might be possible.

Economic Development Update

Ms. Rodriguez said the Town-County joint committee, on which Mayor Jay Arnold also served, had been meeting quarterly and needed to have a meeting each year to consider the memorandum of

understanding and review the previous year's activities. Ms. Harrison said she would like for the Town Council to receive quarterly updates from the County economic development director and Berryville Main Street. Mr. Dalton said he would work toward this.

There was a discussion of the nationwide Veterans of Foreign Wars program for Hometown Heroes banners honoring veterans. Ms. Harrison said Mr. Bass had met with local chapters and that various municipalities wished to participate. She said she had spoken with Rappahannock Electric Cooperative and VDOT about the use of banners between Memorial Day and Veterans Day.

Mr. Bass said different localities likely would vary in the extent of their participation and regarding whether they coordinated their efforts or acted individually.

5. Closed Session

None.

6. Other

None.

7. Adjournment

The committee adjourned by consensus at 9:56 a.m. on a motion by Ms. Harrison.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 24, 2022

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Monday, October 24, 2022 at 10:00 a.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

Other Council member present: Mayor Jay Arnold

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

1. Call to Order

Ms. Harrison called the meeting to order at 10:02 a.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Rodriguez after her request for the addition of an update on recycling containers.

3. Unfinished Business

Removal of Street Trees

Ms. Dunkle said the Virginia Department of Transportation (VDOT) needed permit applications from the Town for removal of sidewalk concrete as part of the process and that she would pursue this.

Advisory Signage on Route 340 Indicating S. Church Street's Unsuitability for Tractor-Trailers

Mr. Dalton said he had spoken with VDOT and was attempting further contact with them.

Blight Abatement

Ms. Harrison said the time allowed for property owners to take action at 229 and 203 Josephine Street had expired without activity, and that 15 Academy Street needed attention. Mr. Dalton said he wanted to pursue changes to §5.5 of the relevant ordinance before proceeding, as the notification process is cumbersome and expensive. He said he would try to achieve this in December and then

proceed with notifications. Ms. Harrison and Mr. Dalton discussed the need to change the code verbiage regarding boarded-up windows to specify that this is permissible only as a temporary measure.

4. New Business

Parade Cleanup

Ms. Harrison asked who is supposed to clean up after a parade if it is not an official Town event, noting the problems created by candy thrown into the street. Mr. Dalton said the Town must handle street-cleaning but could require a deposit to defray the cost if the committee so directed.

There was a discussion of the new parade route and congestion at the terminus. Ms. Rodriguez and Mr. Dalton agreed on the usefulness of guidelines to be published and given to Berryville Main Street.

Leaf and Yard Waste Collection

There was a discussion of the possible use of the Public Works yard to deposit waste that residents could access for mulch. Mr. Dalton said this would require Public Works staffing. Ms. Dunkle said the leaves were being used, not stored at the Public Works yard. Ms. Harrison said she therefore had no concerns at present.

Recycling of Glass

The committee expressed a desire to resume the recycling of glass, but Mr. Dalton said there is no market for it and that it is not fiscally reasonable. He said he would periodically discuss the matter with the Town's refuse contractor regarding changes in market conditions.

Recycling Containers

Ms. Dunkle said small bins are being replaced with larger containers and that this is going well.

5. Other

Ms. Rodriguez asked whether the Streets and Utilities Committee and the Community Development Committee, which had met earlier in the morning and of which she is chair, should submit budget goals to the Council. Mr. Dalton said yes, suggesting Hogan's Alley and projects funded via the American Rescue Plan Act of 2021. He said the Walnut-Dorsey project was an example, and that he had recently met with the engineer on the project and would provide a report to the Council.

6. Closed Session

None.

7. Adjournment

The meeting adjourned at 10:49 a.m. on a motion by Ms. Rodriguez.

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 25, 2022

A meeting of the Berryville Town Council Budget and Finance Committee was held on Tuesday, October 25, 2022 at 10:00 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; Mayor Jay Arnold

Staff present: Keith Dalton, Town Manager; Cynthia Poulin, Treasurer; Paul Culp, Town Clerk

1. Call to Order

Recorder Gibson called the meeting to order at 10:02 a.m.

2. Approval of Agenda

Mayor Arnold moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

None.

4. New Business

Update: Reserves

There was a discussion of an escrow analysis as of June 30 and projected amounts after FY22 amounts are escrowed.

Ms. Poulin said she would be able to provide Mr. Dalton with fund balance information after she receives the auditor's report on FY22.

There was a brief discussion of the provision of budgeting versus actual expenditures for the next Town Council meeting.

Recorder Gibson asked whether the Town is on target. Ms. Poulin said it is and that revenues have exceeded expectations.

There was a discussion of how to categorize items funded via the American Rescue Plan Act of 2021 (ARPA). Recorder Gibson said she believed funds saved because of ARPA should go into reserves.

Recorder Gibson asked whether the Town would be able to spend its allotment of ARPA funds before the deadline. Mr. Dalton said he believed the Town would be able to do so.

There was a brief discussion of the budget process. Recorder Gibson said the committee could follow the budget calendar approved by the Town Council and that she did not anticipate any necessity for extra meetings.

There was a brief discussion of cost-of-living adjustments for staff salaries.

Update: Budget Reporting

Recorder Gibson said Kara Rodriguez, Town Council member representing Ward 4, had asked about the possibility of a long-range fiscal possibilities plan, which Recorder Gibson said she did not see as desirable unless it would have a definite impact. Ms. Poulin said the example provided had been produced by an expensive consultant rather than by a municipal treasurer and that the Town lacks the resources for such an expense. Recorder Gibson said such a plan is too limited in its predictive powers because of unknowable factors such as future revenue from real estate taxes. Ms. Poulin concurred.

Recorder Gibson recommended that future budget processes include an assessment of what might be possible in the event of a small increase in real estate tax revenue. She said it is important to allow for the possibility of increased operating expenses but that looking more than three years ahead is not feasible. Mr. Dalton and Ms. Poulin concurred.

There was a discussion of how to eliminate unnecessary staff reports on the budget.

5. Other

None.

6. Closed Session

None.

7. Adjourn

Recorder Gibson invited a motion to adjourn. Mayor Arnold so moved, with the meeting adjourning by consensus at 11:03 a.m.