

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 10, 2024
7:00 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

Staff: Present--Keith Dalton, Town Manager; Miranda Dodson, Town Clerk; Christy Dunkle, Community Development Director; Sgt Tim Bristol, 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

Mayor Arnold requested attendees stand for the pledge of allegiance.

3. Approval of Agenda

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

4. Presentations, Awards, and Recognitions

There were no presentations, awards, or recognitions.

5. Public Hearings

Matthew and Deborah Renzi, Owners, are requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court, identified as Tax Map Parcel number 14A7-((2))-64, zoned DR-4 Detached Residential. SUP 03-24

Ms. Dunkle discussed the special use permit request with the changes that Mr. and Ms. Renzi made to their original application. She also presented recommendations from the Planning Commission meeting that was held on August 27, 2024.

Mayor Arnold called on Adam Mank to speak.

Mr. Mank is a Berryville resident and a current client wanting to train at Mr. and Ms. Renzi's gym. Mr. Mank spoke in favor of the special use permit as this will allow him to train in a positive environment.

He also said that this training is an outlet for him and strongly encouraged Council to approve the special use permit.

Mayor Arnold thanked Mr. Mank for speaking and called on the next speaker Meke McDonald.

Mr. McDonald is a Berryville resident and spoke in favor of the special use permit for Mr. and Ms. Renzi. He briefly described the training that Mr. Renzi offers at his gym called Muay Thai. He then spoke on the benefits that the training offers as well as this being a stress release for him.

Mayor Arnold thanked Mr. McDonald for speaking and then called on the next speaker Matthew Renzi.

Mr. Renzi gave a brief background on how long he has been teaching Muay Thai and how it has made such an impact on his life. He also said that he wants to bring Muay Thai to Berryville and having this special use permit will allow him to do so. He informed Council that he took the feedback from the Planning Commission and has incorporated their recommendations in his application. Mr. Renzi thanked the Council for their time and expressed hope they would approve the special use permit.

6. Discussion of Public Hearing Items

Mr. Dalton discussed the changes he had made to the conditions set by the Planning Commission.

Council Member Steinmetz said that he agreed with the few changes that Mr. Dalton made to the recommendations from the Planning Commission.

Council Member Mazzarino questioned closure of the garage door and the impact on temperatures in the summer and winter. Mr. Renzi told Council that he has portable heaters and A/C units in the garage and that they are working to get it sound proofed.

Council Member Tibbens said that he agrees with the Planning Commission and Town Manager's conditions for the special use permit.

There was no further discussion from Council or Staff.

Council Member Steinmetz moved that the Council of the Town of Berryville approve Special Use Permit 03-24 in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court with the following conditions:

- No more than six (6) clients per session;**
- All activities must take place within the structure with the garage door and windows closed;**
- No noise from business-related activities may be detected off-site;**
- Hours of operation from 9:00 a.m. to 12:00 p.m. on Mondays, Wednesdays, and Fridays from June through August; 6:00 p.m. until 8:00 p.m. on Mondays and**

Wednesdays from September through May; and Tuesday and Thursday evenings from 6:30 p.m. until 8:00 p.m. and Saturdays from 10:00 a.m. until 12:00 noon throughout the year;

- Signage shall be limited to a nameplate no more than two square feet per Section 315.5(a) of the Berryville Zoning Ordinance;

- Special Use Permit 03-24 shall be revoked if the off-site parking agreement with Martin's is not maintained;

- On-street parking related to business activities at 308 Breckinridge Court is prohibited; and

- A maximum of two (2) clients parking on-site.

The motion passed by unanimous voice vote.

7. Citizens' Forum

Mayor Arnold called on Craig Mattice to speak.

Mr. Mattice asked Council to donate \$1,000.00 to the Clarke County Shenandoah Area Agency on Aging. This is a Meals on Wheels program that helps people on fixed incomes receive a hot meal. Mr. Mattice explained that this branch helps residents in the town of Berryville and asked Council to consider adding this to the annual budget under Social Service.

Mayor Arnold thanked Mr. Mattice for speaking.

8. Consent Agenda

Mayor Arnold asked for a motion to approve the consent agenda.

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

9. Unfinished Business

There was no unfinished business.

10. New Business

There was no new business.

11. Council Member Reports

Mayor Arnold reported that The Big Flea by Berryville Main Street is this weekend. He also said that the Annual Cruise-In was a great success and that there was a ribbon cutting ceremony for a new business.

There were no other reports from Council Members.

12. Staff Reports

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

Finance

Mr. Dalton reported that there is a resolution for Delinquent Personal Property Taxes 2017 and 2018.

Vice Mayor Gibson moved that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for the tax years 2017 and 2018.

Ms. Dodson then read the attached resolution.

Council Member Tibbens asked what happens when they are “charged off”. Mr. Dalton answered that the records are removed from the Town’s current record of accounts receivable.

Council then discussed that the list of the delinquent taxes are people that are deceased, moved out of the area, or only lived in the area for a short period of time. There was no further discussion.

The motion passed by unanimous voice vote.

Community Development

Ms. Dunkle asked Council to set a public hearing for a special use permit for a home occupation at the property located at 22 Jack Enders Boulevard.

Council Member Mazzarino made the motion for the Council of the Town of Berryville set a public hearing for Tuesday, October 8, 2024 for a special use permit in order to operate a home occupation (fitness classes) at the property located at 22 Jack Enders Boulevard. The motion passed by unanimous voice vote.

Town Manager

Mr. Dalton reported that Police Chief Neal White was up for reappointment for the Old Dominion Alcohol Safety Action Board for a 3-year term and the Old Dominion Community Criminal Justice Board for a 3-year term.

Mayor Arnold asked for the motions to reappoint Chief Neal White.

Council Member Mazzarino moved that the Council of the Town of Berryville reappoint Neal White, Chief of Berryville Police, to the Old Dominion Alcohol Safety Action Board for a 3-year term. The motion passed by unanimous voice vote.

Council Member Tibbens moved that the Council of the Town of Berryville reappoint Neal While, Chief of Berryville Police, to the Old Dominion Community Criminal Justice Board for the a 3-year term. The motion passed by unanimous voice vote.

Mr. Dalton discussed how Trick or Treating is reflected in the Berryville Code.

Mayor Arnold asked for the motion to set the date and time for Trick or Treating.

Council Member Tibbens moved that the Council of the Town of Berryville, in accordance with §13-38 of the Berryville Code, designate October 31, 2024 between the hours of 6:00 p.m. and 8:30 p.m. as the period in which trick-or-treating may occur within the Berryville town limits. Residents who wish to participate in giving treats should turn on their porch lights during designated hours. Trick-or-treaters should only visit homes at which a porch light is activated. The motion passed by unanimous voice vote.

There were no further reports from staff.

13. Committee Updates

Budget and Finance

Vice Mayor Gibson asked Council Members about setting an October work session to discuss water and sewer rates. She then asked Mr. Dalton if the town treasurer would have the report complete for review. Mr. Dalton to follow up with Town Treasurer that the report will be ready for review. Council agreed to keep the regularly scheduled work session for October 7, 2024 at 3:00 p.m.

Community Development

Council Member Tibbens said that the Community Development and Streets and Utilities Committee will have a joint meeting on Tuesday, September 24, 2024 at 3:30 p.m.

Personnel, Appointments, and Policy

Mayor Arnold said that the committee will be meeting soon and looking for citizens to join the Planning Commission and Tree Board.

Public Safety

Council Member Mazzarino said the committee has not met in a while and will work to meet on October 21st or 23rd to review budget items.

Streets and Utilities

No reports.

14. Closed Session

Mayor Arnold asked for a motion to enter closed session.

Vice Mayor Gibson moved that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia for consideration of prospective candidates for employment. The motion passed by unanimous voice vote.

The Council entered closed session at 7:42 p.m.

Vice Mayor Gibson 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.

Motion passed by unanimous roll-call vote.

Open session resumed at 8:31 p.m.

15. Adjourn

The Council adjourned at 8:33 p.m. on a motion by Mr. Steinmetz. The motion passed by unanimous voice vote

Erecka L. Gibson, Vice Mayor

Miranda Dodson, Town Clerk