

**MINUTES
BERRYVILLE TOWN COUNCIL
Regular Meeting
November 12, 2024**

A meeting of the Berryville Town Council was held on Tuesday, November 12, 2024 at 6:30 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

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

Absent: No one

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 6:30 p.m.

2. Closed Session

Motion for closed session at 6:33 p.m.

Mrs. Harrison moved that the Council of the Town of Berryville enter a closed session in accordance with the Code of Virginia §2-2-3711.7 in order to consult with legal counsel and receive a briefing from Town Staff pertaining to a consent order proposed by the Virginia Department of Health.

The motion passed by voice vote.

Mayor Arnold announced that the Council was back in open session at 7:15 p.m.

Mayor Arnold requested that a member of Council make a motion to adopt a resolution certifying the closed session.

Vice Mayor Gibson moved that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on November 12, 2024 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act.

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.

Town Clerk, Brandel Kelsey, conducted a roll call vote on the motion.

Mr. Steinmetz- Aye

Mrs. Harrison- Aye

Mr. Mazzarino- Aye

Mr. Tibbens- Aye

Ms. Gibson- Aye

Mr. Arnold- Aye

3. Pledge of Allegiance

Mayor Arnold invited all those assembled to stand for the Pledge of Allegiance.

4. Approval of Agenda

Vice Mayor Gibson made the motion to approve the agenda as presented.

The motion passed by voice vote.

5. Presentations, Awards, and Recognitions

Mayor Arnold recognized Doug Shaffer, Berryville Representative to Clarke County Board of Supervisors.

Mayor Arnold recognized Christina Kraybill, Berryville Main Street President. Mrs. Kraybill reviewed activities sponsored by Berryville Main Street and future endeavors planned by the organization.

6. Public Hearing

Proposed franchise agreement between the Town of Berryville, Virginia, a political subdivision of the Commonwealth of Virginia and Shenandoah Cable Television, LLC to construct, operate, and maintain a cable system in the Town of Berryville.

Mayor Arnold asked if the Council has any questions, then after questions are addressed, Mayor Arnold will open the public hearing.

Mayor Arnold recognized the Town Manager and asked him to summarize the proposed agreement.

Mr. Dalton stated that the proposed agreement is in the packet. He advised that Bud Zirkle, Glo Fiber Regulating and Industry Affairs Adviser, is in attendance to answer any questions. Mr. Zirkle thanked the Town Council for entertaining this franchise agreement and stated the services from Shentel and Glo Fiber will be of great benefit to the Community.

Vice Mayor Gibson asked if the "Courtesy Cable" would also be extended to businesses that move to a new location or if another location is added for a business. Mr. Dalton stated that would be a matter of negotiation and could be worked into the contract.

Mr. Mazzarino asked Mr. Zirkle what the timing was for putting a franchise agreement in place and for the actual construction. Mr. Zirkle said that they will work with the power company to get the project "make ready" before construction can begin, which takes 6-12 months. He added that the construction takes 6-9 months, stating that the process should take 18-24 months.

There were no speakers, Mayor Arnold closed the public hearing.

7. Discussion of Public Hearing Item

Proposed franchise agreement between the Town of Berryville, Virginia, a political subdivision of the Commonwealth of Virginia and Shenandoah Cable Television, LLC to construct, operate, and maintain a cable system in the Town of Berryville.

Mayor Arnold asked for questions or comments from Council. There were none.

Mr. Tibbens moved that the Council of the Town of Berryville approve the attached franchise agreement between the Town and Shenandoah Cable Television, LLC to construct, operate, and maintain a cable system in the Town of Berryville. The Mayor and Town Manager be authorized to make non-substantive changes to the attached agreement as needed and the mayor be authorized to execute the agreement on behalf of the Town.

The motion passed by voice vote.

8. Citizens' Forum

Mayor Arnold recognized Hunter Dickenson town resident.

Ms. Dickenson, said that she had heard that a sidewalk is in the works along East of the railroad tracks. She said that she walks into town quite often and is concerned about her safety. Ms. Dunkle stated there is a grant for this project and preliminary engineering is set to start in August 2025. Ms. Dunkle invited Ms. Dickenson to come into the Town Planning Office to discuss the project.

9. Consent Agenda

Mayor Arnold asked if there were any questions or concerns about items on the consent agenda, there were none.

Mr. Tibbens moved to adopt the consent agenda as presented.

The motion passed by voice vote.

10. Unfinished Business

No items

11. New Business

Proposed Order by Consent for Public Water System Identification No. VA2043125 Town of Berryville

Mayor Arnold recognized the Town Manager and asked that he provide an overview of the proposed order.

Mr. Dalton said the Town of Berryville received a proposed consent order from the Virginia Department of Health. He said that the Town has received six notices of alleged violations since June 2023 for a chlorine byproduct known as HAA5 in the water. Mr. Dalton agrees with the VDH that the Town should enter into an action plan to ascertain the root. The high HAA5 level and abate the cause. He added that the Town will repeat steps it has taken over the two years, but it will be necessary to remedy the problem.

Mr. Tibbens asked if the VDH would help us after we go through these steps again in order to find a resolution. Mr. Dalton said that VDH has indicated they will continue to advise and support Town Staff.

Mr. Mazzarino asked if actions to-date were the result of VDH directive? Or engineers? Or Town staff? Mr. Dalton responded that VDH has been working with the Town's engineers and staff to try to figure out how to lower HAA5 levels. He added that if VDH knew how to fix the problem, they would have told us.

Mr. Steinmetz complimented staff and VDH on their efforts.

There being no further discussion, Mr. Mazzarino moved that the Council of the Town of Berryville approve the attached State Board of Health Order by Consent Issued to the Town of Berryville for the Town of Berryville Water Works PWSID No. 2043125 and further moved that the mayor and town manager be authorized to make non-substantive changes to the attached order as needed and the mayor be authorized to execute the agreement on behalf of the Town.

The motion passed by voice vote.

12. Council Member Reports

Mayor Arnold spoke about the Veterans Day Event and congratulated Will Watson on his Veteran of the Year award.

Mr. Steinmetz thanked the community for their support in the recent election.

Mr. Mazzarino said that the concrete issues in Phase V of the Hermitage subdivision are being addressed by the developer.

13. Staff Reports

Mayor Arnold asked Council members if they have any questions regarding reports that have been provided by the Town Manager, Deputy Town Manager, and department heads.

Ms. Dunkle requested that the Council set a public hearing for a special use permit for their December 10 meeting.

Mr. Steinmetz moved that the Council of the Town of Berryville set a public hearing for Tuesday, December 10, 2024 for a special use permit to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street.

The motion passed by voice vote.

14. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council.

Budget and Finance Committee

Vice Mayor Gibson stated that the budget calendar for approval of the FY26 is provided in the packet, adding that all dates are in the calendar.

Community Development Committee

Mr. Tibbens discussed the plans related to parks and Livery Stable. No action has yet been recommended by the Committee.

Personnel, Appointments, and Policy

Appointment to Planning Commission:

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Tim Sinclair to a term on the Planning Commission with such term to commence immediately and expire on 12/31/2028.

The motion passed by voice vote.

Appointment to Tree Board:

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Sharon Wolf to a term on the Tree Board with such term to commence immediately and expire on 12/31/2027.

The motion passed by voice vote.

Public Safety:

Nothing to report.

Streets and Utilities:

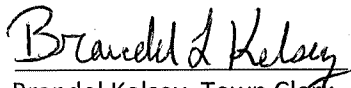
Ms. Harrison noted that the new signs identifying the industrial area have been installed.

15. Adjourn

The Council adjourned at 7:55 p.m. on a motion by Vice Mayor Gibson.

The motion passed by voice vote.

Erecka L. Gibson, Vice Mayor



Brandel Kelsey, Town Clerk

Berryville Town Council Personnel Committee
Motion- Closed Session Resolution

Date: 11-12-2024

Motion By: Vice Mayor Erecka Gibson

Second By: Mayor Harry Lee Arnold

I move that the Personnel Committee of the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Resolution

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this committee that such a 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.

VOTE:

Aye: 2

Nay: 0

Absent/Abstain: 0

Attest:



Erecka L. Gibson, Vice Mayor