

MINUTES

BERRYVILLE TOWN COUNCIL

Regular Meeting

April 08, 2025

7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, April 08, 2025 at 7:00 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: None

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Neil White, Chief of Police

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Arnold called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

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

3. Approval of Agenda

Mrs. Gibson moved to approve the agenda as presented. The motion passed by voice vote.

4. Presentations, Awards, and Recognitions

Mayor Arnold recognized Doug Shaffer, Clarke County Board of Supervisors and thanked him for attending.

5. Public Hearings

Proposed Tax Rates for Tax Year 2025- Will be rescheduled and readvertised.

Mayor Arnold explained that the public hearing notice that was published for this hearing contained an error. There will be a special meeting held to conduct a public hearing on the rates. Town staff has suggested the newly advertised public hearing be held on April 29, 2025 at 7:00 p.m.

Mayor Arnold noted the corrected proposed tax rates for the year 2025:

Real estate- \$0.139 per \$100 of assessed value
Personal property- \$1.25 per \$100 of assessed value
Machinery and tools- \$1.30 per \$100 of assessed value

Mrs. Harrison moved that the Council of the Town of Berryville schedule a special meeting on April 29, 2025 at 7:00 p.m. She further moved that at said meeting the Council hold a public hearing on the proposed tax levies for Tax Year 2025. The motion passed by voice vote.

Mayor Arnold recognized anyone who wanted to speak about the Public Hearing for the Proposed Tax Rates for Tax Year 2025.

Craig Mattice, Berryville Resident, said the budget shows an increase in revenue and does not understand why the Town can not reduce taxes. He stated he reviewed the audited report for the budget and it showed a large surplus. He said there is no explanation on why the Rose Hill project isn't finished yet, it was supposed to be finished by the end of the fiscal year. He knows that there have been delays with the contracting company, but says there has been no explanation. Now it shows that the plan is going up by \$75,000 for the next year. He is not feeling heard by the Council, he is the one out here every time and the Council doesn't take his concerns seriously.

Proposed Amendment to the Schedule of Water and Sewer Fees and Charges

Mr. Dalton spoke about the packet changes. He said the changes being adopted will abide by the 5-year rate plan schedule. The rate study explains why the increases are needed.

Mayor Arnold recognized anyone who wanted to speak about the Public Hearing for the Proposed Amendment to the Schedule of Water and Sewer Fees and Charges.

Mr. Mattice stated that nothing in the programs is helping the citizens. There are no special programs to help the citizens that cannot pay their bills. He stated that he is speaking for people that won't speak for themselves. He thinks the people are getting pushed away.

6. Discussion of Public Hearing Items

Proposed Tax Rates for Tax Year 2025

A special meeting will be held on April 29, 2025 at 7:00 p.m.

Proposed Amendment to the Schedule of Water and Sewer Fees and Charges

Mrs. Gibson wanted on record that the PPTRA is set at 49%.

7. Citizens' Forum

Mayor Arnold called on citizens who have signed up to speak during the forum.

Mr. Mattice requested that \$1,000.00 be donated to Meals on Wheels. He emailed the Town Council on April 7th and Mr. Tibbens did reply that he would look into it. Mr. Mattice said he asked for this before and it did not happen. He stated that he wants to have a Town Hall style meeting, so there can be dialogue. He wanted Town Council and staff to know the audit report shows taxes can be reduced.

8. Consent Agenda

Mr. Mazzarino moved to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business

Berryville Area Plan

Mr. Russell explained the resolution attached for the Berryville Area Plan. Mrs. Harrison said the next meeting would be in May. Mr. Tibbens asked if the resolution was something that can be handled tonight. Mayor Arnold said tonight it would be approved so it can go to the Board of Supervisors and Berryville Area Development Authority. Mr. Dalton read the ending clause of the resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville proposes that the Berryville Area Development Authority consider developing and recommending amendments to the Berryville Area Plan that provide for the expansion of the Berryville Area to: 1) include the Southeastern Potential Future Growth Area to provide for the logical expansion of the Clarke County Business Park and completion of the Southeastern Collector Road, 2) include portions of the Western and South Potential Future Growth Areas to provide for the development of new single-family detached housing at a density of four units per developable acre, and 3) that the areas enumerated above be included in the Berryville Area, and zoning designations appropriate to revised Berryville Area Plan requirements be placed on the areas in question no later than January 1, 2027.

Mrs. Harrison moved that the Council of the Town of Berryville adopt the attached resolution related to the update of the Berryville Area Plan, and forward the resolution to the Berryville Area Development Authority and the Clarke County Board of Supervisors. The motion passed by voice vote.

10. New Business

None

11. Council Member Reports

Mr. Tibbens said multiple citizens have come to him happy with the Mosby Blvd sidewalk project moving forward.

12. Staff Reports

Mayor Arnold recognized the department heads present at the meeting, to provide any additional information that they thought may be helpful to the Council.

Mrs. Petti showed the Council how to navigate to the Agendas and Minutes on the Town of Berryville Website. She also explained about how Mrs. Kelsey will be working with special software to make all documents that will be available online, to the public, ADA compliant.

Mrs. Petti discussed how she and Mr. Russell have walked around the Town and looked at most of the sites for the Wayfinding Signs. They have also had meetings with VDOT and Frasier. The biggest obstacles seem to be the monument signs, which will need easements. The smaller signs can be moved forward. Mrs. Harrison has helped identify the signs that can be streamlined. Mr. Dalton said a discussion could be held about the Wayfinding signs at the June 2nd work session, if the Council so wishes. The agreed to discuss this matter on June 2, 2025 beginning at 3:30 p.m.

Mr. Dalton spoke about Berryville Code Chapter 17- Water, Sewers, and Sewage Disposal. He would like the Council to review and update, He suggested that it be taken up in September at the Streets and Utilities Committee meeting. Mrs. Harrison asked if it could be sped up and discussed at the June 24th meeting instead. Mr. Dalton stated that presumably the matter would be before the Council in September.

Mr. Dalton wanted the Council to be aware that a request for Bond Reductions will be coming in the next few months from DR Horton.

13. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council to introduce action items, provide updates, and impart additional information that they think may be helpful to the Council.

Budget and Finance Committee

None

Community Development Committee & Streets and Utilities Committee

Grass Development / Streets and Utilities Committee

The Committee has worked with Town staff to develop a new ordinance that will address nuisance grass, weeds, and brush and how such nuisances may be abated. The draft the Committee produced is attached. Mr. Dalton asked Chief White to review the ordinance. Chief White explained the changes to the ordinance.

Mrs. Harrison moved that the Council of the Town of Berryville adopt the attached ordinance establishing a new Berryville Code Chapter 8, Article III Nuisance Grass, Weeds, and Brush; Enforcement and eliminating Berryville Code Section 13-32 Removal of weeds and other foreign growth and Berryville Code Section 13.32.1 When action to be taken pursuant to section 13.32. The motion passed by voice vote.

Personnel, Appointments, and Policy

None

Public Safety

None

15. Closed Session

No closed session scheduled.

16. Adjourn

The Council adjourned at 7:54 p.m. on a motion by Mrs. Harrison.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

Memorandum

Date: April 4, 2025
To: Town Council
From: Cynthia Poulin, Director of Finance
Cc: Keith Dalton, Town Manager
Jean Petti, Deputy Town Manager
Subject: Special Meeting for Corrected PH on 2025 Tax Rates

It has been brought to my attention that the Public Hearing notice that was published for the tax rates was incorrect. The Real Estate rate was published as \$.0139 and should have been \$.139. With that said, I will need to publish the correct PH notice that will go in the paper on 4/15/2025 and the meeting to be held on 4/29/2025.

Unfortunately, this PH and the Budget PH cannot be scheduled during the same meeting as stated in the code below and has to be seven(7) days prior to the meeting.

Per Virginia Code: § 58.1-3321

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of any public hearing held pursuant to this section shall be given at least seven days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business.

The new draft PH notice is below:

So far we have heard from everyone but one and the dates that everyone is available are Friday April 25th or Tuesday April 29th, both at 7:00 p.m.

Report- Proposed Tax Levies for Tax Year 2025

April 8, 2025

Item Title:

Special Meeting for Corrected Public Hearing on 2025 Tax Rates

Prepared By:

Jean Petti, Deputy Town Manager

Current Information

The Public Hearing notice that was published for the tax rates was incorrect. The Real Estate rate was published as \$0.0139 and should be \$0.139. The correct rate will need to be published and a new Public Hearing set.

Per Virginia Code §58.1-3321

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of any public hearing held pursuant to this section shall be given at least seven days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business.

Recommendation

Move to set a public hearing on a date not the same as the annual budget hearing to hear public comment on the corrected proposed Tax rates for Tax year 2025.

BERRYVILLE TOWN COUNCIL

MOTION TO SET PUBLIC HEARING FOR APRIL 29, 2025 ON
CORRECTED PROPOSED 2025 TAX RATES

Date: April 8, 2025

Motion By: Mrs. Harrison

Second By:

I move that the Council of the Town of Berryville set a public hearing for its April 29, 2025 meeting to hear public comment on the corrected proposed Tax rates for Tax year 2025.

VOTE:

Aye: ALL

Nay: NONE

Absent: NONE

ATTEST:

Erecka L. Gibson, Vice Mayor



A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE

WHEREAS the Town of Berryville and Clarke County entered in an agreement defining the Town's future annexation rights in December 1988;

WHEREAS it was the desire of the Town and the County to provide for the regular and orderly urban growth of the Town consistent with the Town and the County Comprehensive Plans;

WHEREAS based on a study completed by the Town Council, it was determined that certain lands located in Clarke County adjacent to the Town were feasible to be annexed by the Town in the future, known as Areas A and B;

WHEREAS Annexation Area A became part of the Town on January 1, 1989;

WHEREAS the Berryville Area Development Authority (BADA) was created on March 27, 1990 to administer the Town's Subdivision Ordinance and the County's site plan development standards for all land use proposals in Area B;

WHEREAS the Berryville Area Plan was adopted in 1992 by the Town of Berryville and Clarke County to serve as a joint land use plan for the Berryville Annexation Area;

WHEREAS the Berryville Area Plan, which was last comprehensively amended and adopted by the Town of Berryville and Clarke County in 2016, includes three potential future growth areas intended to provide for business and residential development, and provides the means to utilize dwelling units planned for in various sub-areas, but not developed;

WHEREAS the BADA has embarked on a comprehensive review of the Plan;

WHEREAS the Berryville Area Plan was established to provide for appropriate development of land that has resulted in the growth of the population of the Town at an annual rate of approximately 1.5%;

WHEREAS there is a need to expand the tax base of the community, and a need to provide adequate vehicular transportation capacity and access to business and industrial areas of the southeastern area of the Town;

WHEREAS the Southeastern Collector Road has been part of the plan for the southeastern quadrant since the inception of the Berryville Area Plan;

WHEREAS the Southeastern Collector Study, completed in 2020, presented alternative concepts for the Southeastern Collector Road, and determined that such a connection is viable;

WHEREAS the Western Potential Future Growth Area, the South Potential Future Growth Area, and the Southeastern Potential Future Growth Area offer the most logical and best situated lands for future annexation Areas;

WHEREAS the Western and South Potential Future Growth Areas present the greatest opportunity for creation of new residential units; and

WHEREAS the Southeastern Potential Future Growth Area offers the opportunity for income producing growth in the Town and the County.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville proposes that the Berryville Area Development Authority consider developing and recommending amendments to the Berryville Area Plan that provide for the expansion of the Berryville Area to: 1) include the Southeastern Potential Future Growth Area to provide for the logical expansion of the Clarke County Business Park and completion of the Southeastern Collector Road, 2) include portions of the Western and South Potential Future Growth Areas to provide for the development of new single-family detached housing at a density of four units per developable acre, and 3) that the areas enumerated above be included in the Berryville Area, and zoning designations appropriate to revised Berryville Area Plan requirements be placed on the areas in question no later than January 1, 2027.

By order of the Town Council this 8th day of April, 2025.

Harry Lee Arnold Jr., Mayor

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT BERRYVILLE CODE CHAPTER 8, ARTICLE III NUISANCE
GRASS, WEEDS, AND BRUSH

Date: April 08, 2025

Motion By: Mrs. Harrison

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance establishing a new Berryville Code Chapter 8, Article III Nuisance Grass, Weeds, and Brush; Enforcement and eliminating Berryville Code Section 13-32 Removal of weeds and other foreign growth and Berryville Code Section 13.32.1 When action to be taken pursuant to Section 13.32.

VOTE:

Aye: All

Nay: NONE

Absent: NONE

Attest: _____
Erecka L. Gibson, Recorder

ARTICLE III. NUISANCE GRASS, WEEDS, AND BRUSH; ENFORCEMENT

Sec. 8-35. Definitions.

For purposes of this article, the following terms mean as follows:

Costs means the cost to the town to abate grass, weed, or brush nuisance, including, but not limited to, administrative costs, the cost of delivering the notice, labor, equipment, contractor's fees, and any other cost directly associated with the action taken to abate the nuisance.

Foreign Growth means invasive plants introduced by human activity into a region in which they did not evolve, and which cause harm to natural resources, economic activity, or humans. Information on foreign growth may be found in the Virginia Invasive Plant Species List, within the Virginia Department of Conservation and Recreation.

Growing Season means the time period beginning April 25th and ending October 5th. Source: Vegetable Planting Guide and Recommended Planting Dates, Virginia Cooperative Extension Publication 426-331.

Owners means persons holding title to any land or lot in the town, lessees, tenants and principal occupants of any land or lot in the town or agents of persons holding title to such lands or lots, and agents of persons having care, custody, control or management of the land or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots in the town for others.

Weed or weeds means wild or uncontrolled growth or vegetation of every kind standing on land, other than trees, ornamental shrubbery, cultivated flowers and garden vegetables.

Sec. 8-36. Purpose and authority of article.

Permitting weeds as defined by this article, grass, or brush more than twelve (12) inches in height to be present or to remain upon real property in the town is hereby declared to be a public nuisance and detrimental to the health, safety, and welfare of the public. The purpose of this article is to provide penalties for and actions for the abatement of conditions in violation of this article, pursuant to Virginia Code, §§ 15.2-900, 15.2-901, and 15.2-1115.

Sec. 8-37. Prohibited conditions on real property.

(a) Owners of property within the town shall not allow grass, weeds and other foreign growth thereon to exceed 12 inches in height.

(b) The owners of occupied or vacant developed or undeveloped property in the town, including such property upon which buildings or other improvements are located, shall cut grass, weeds and other foreign growth on such property or any part thereof in accordance with the provisions of this Article and at such time or times as council shall prescribe. Council may, whenever it is deemed necessary, after reasonable notice as set forth in Section 8-39, have such grass, weeds or foreign growth cut by its agents or employees, in which event the cost

thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected as provided in this Article

(c) For the purposes of this section, one (1) written notice per growing season to the owner of the subject property shall be considered reasonable notice.

Sec. 8-38. General penalty.

(a) Violations of section 8-37 shall be subject to a civil penalty of fifty dollars (\$50.00) for the first violation, or violations arising from the same set of operative facts. Each business day during which the same violation is found to have existed shall constitute a separate offense. Subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be subject to a civil penalty of two hundred dollars (\$200.00). In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000.00) in a twelve-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, six thousand dollars (\$6,000.00) in a twelve (12) month period.

(b) Every charge authorized by this section which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as liens for other unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia, 1950, as amended. The town may waive such liens only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(c) Violations of any provision of this section shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(d) The general penalties contained in this section shall be available in addition to the town's authority to compel abatement of the violation as provided in section 8-39.

Sec. 8-39. Notice of abatement; abatement by owner.

(a) Whenever a violation of this Article is found to exist within the town, the town manager or their designee may give written notice to the owner or occupant, or both, of the violation and require that the violation be corrected or abated as required by the notice of abatement. The notice of abatement shall provide the owner or occupant, or both, five (5) business days to correct or abate the violation.

(b) The town manager or their designee shall provide the owner or occupant, or both, a copy of the notice of abatement by one or more of the following methods:

- a. Mail written notice thereof to the owner, at the owner's address as determined from public records, via first-class mail.
- b. Mail written notice thereof to the occupant, at the address where the violation is observed, via first-class mail.
- c. Hand-deliver written notice to the owner or occupant personally, noting the date, time and place of personal delivery.

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- d. If notice by the foregoing methods have been unsuccessful or cannot be obtained, then by posting a copy of the notice of abatement in a conspicuous place on the real property for a period of ten (10) calendar days. For unimproved real property, placement of the notice of abatement on a stake in a conspicuous location on the property shall be sufficient.

(c) The notice of abatement shall contain the following:

- a. Describe the real property where the violation exists by street address or reasonable alternative means;
- b. Set forth the violation of this Article;
- c. Demand the correction or abatement of the violation;
- d. Advise that if the violation is not corrected or abated within five (5) business days, then the town may proceed to abate the violation and charge the owner the costs associated with such abatement plus an administrative fee;
- e. Advise that the town may cause the issuance of a summons for the unlawful violation of the provisions this Article;
- f. Advise that the town's costs, together with the administrative fee if unpaid, will constitute a lien against the real property in favor of the town, and a personal liability of the owner; and
- g. Advise that for the purposes of this Article, one (1) written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.

Sec. 8-40. Abatement of violation by the town.

(a) If grass, weeds, or other foreign growth have not been cut within five (5) business days from the date of the notice provided for in Section 8-39, the town manager or his or her designee may cause the cutting of such grass, weeds or other foreign growth forthwith by the town's employees or a private contractor engaged by the town for such purpose.

(b) Where grass, weeds or other foreign growth have been cut by order of the town manager or his or her designee pursuant to the provisions of this section, the cost of such cutting and a \$50.00 fee to offset the administrative expenses shall be charged to the owner of the property. If such charges are not timely paid, the unpaid amount due shall be added to the town real estate tax bill on such property and shall be a lien on such property as described at Section 8-38, subpart b.