

MINUTES

BERRYVILLE TOWN COUNCIL

Regular Meeting

May 13, 2025

7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, May 13, 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; Cindy Poulin, Treasurer; Neil White, Chief of Police

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Arnold called the meeting to order at 7:01 p.m.

2. Pledge of Allegiance

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

3. Approval of Agenda

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

4. Presentations, Awards, and Recognitions

None

5. Public Hearings

Public Hearing FY 2025-2026 Budget

Mr. Dalton asked Mrs. Poulin to explain any changes to the budget. Mrs. Poulin reviewed the budget preparation highlights **attached**. The draft budget has had no changes since the Town Council work session. Mr. Dalton added that a new patrol officer position in the Police Department will be added in FY26. Mr. Dalton

said availability fee revenue is difficult to forecast. There is a proposed development on South Church Street that will have 20 lots if approved as submitted. It is likely to be in front of the BADA this month.

6. Discussion of Public Hearing Items

The Mayor said the Council will vote on the budget at the June meeting.

7. Citizens' Forum

Mayor Arnold called on citizens who have signed up to speak during the forum. There were none.

8. Consent Agenda

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

9. Unfinished Business

Adoption of Proposed Schedule of Water and Sewer Fees and Changes

Mr. Dalton spoke about the Public Hearing held on April 8th, 2025. The Council adopted a 5-year rate plan in December 2024; rates are in line with the first year of that schedule. Mr. Dalton stated there is a potential change to the fee schedule, and there is a meter deposit that is being examined. It is something that could protect the Town and will be brought up in the near future when a Public Hearing is scheduled on another matter.

Ms. Gibson moved that the Council of the Town of Berryville adopt the **attached ordinance that makes the proposed Schedule of Water and Sewer Fees and Changes effective on June 21, 2025. The motion passed by voice vote.**

10. New Business

Bond release request from DR Horton

Mrs. Petti spoke about the DR Horton request for Bond release for three subdivisions. Historically, the Town reserves the bonds for one year after the streets have been accepted; that happened in July of 2024. Terry Russell, Rick Boor, and Mike Artz performed site visits and have a list of warranty items that are **in the packet**. Not included in the packet, because it was received after packet preparation, was an estimate of the suggested amount to retain from the Bond release for repairs of approximately \$160,000 to cover concrete issues. Mrs. Petti emailed DR Horton to set up a meeting to discuss the matter, they had not responded as of the Town Council meeting. Mr. Dalton recommended the Town Council not take action yet and discuss it further at the June Council meeting. Mrs. Harrison asked if the staff had looked at the Erosion and Sediment Control after the rain, Mrs. Petti said yes, and noted no deficiencies. Mr. Tibbens asked if there are any benefits to voting on this tonight, Mrs. Petti stated no there are not. Mr. Mazzarino asked what happens if we do not give the funds back in July, Mrs. Petti said we would need a clear reason to hold funds past the July one-year mark. Ms. Gibson questioned the Shenandoah Crossing amount at \$5,000,000 and wanted to make sure the number was correct; Mrs. Petti stated the number had been double checked. No motion was made and it was agreed that it would be on the June agenda.

Proposed Issuance of IFB #2025-03- Paving, Milling, and Line Striping

Mr. Dalton provided an overview of proposed IFB and noted that the offering will provide unit pricing that will be able to be utilized by the Town until December 2026.

Mr. Dalton discussed several projects that would have to be removed from the paving schedule if planned utility work was not completed in time. He also highlighted the fact that Freemont Court is being repaved because water lateral replacement had to be completed earlier this year and that Station Road paving would be paid for utilizing Town funds (i.e. not VDOT Reimbursement Funds).

Mrs. Harrison asked about the scope of work planned for Crow Street. Mr. Dalton explained that the following projects were planned:

- Installation of a new water main from South Church Street to South Buckmarsh Street,
- Replacement of the sidewalk on the south side of the street, and
- Paving the street.

Mrs. Harrison inquired about the north side of the street. Mr. Dalton stated that curb and gutter and sidewalk on the north side of Crow Street were not yet designed. He stated that the drop inlet at the entrance of the Crow Street Parking lot would be replaced before the paving. There was a discussion about the timing of work on the north side of the street. Mr. Dalton stated that improvements would have to be designed by an engineer and then with the unit pricing in place for both asphalt and concrete, it might be possible to get the work done in 2026 if the Council so wished.

Mr. Tibbens moved that Council of the Town of Berryville approves the issuance of IFB #2025-03 and authorizes the town manager to:

- **Award the IFB if the lowest responsible bidder's total price does not exceed funds available for this purpose.**
- **Execute any documents related to this matter.**

Motion passed by voice vote.

11. Council Member Reports

Mayor Arnold recognized Michelle Ridings, the Director of Economic Development and Tourism for Clarke County and thanked her for attending.

Mayor had a ribbon cutting at the farmers market that went very well. The Tree Committee was there giving away free tree saplings.

Mayor had a few items to put on the calendar, the new Fire Truck Push In is Saturday, May 31st. Also, at 1:00 p.m. in Rose Hill Park there will be a Rotary Club gathering to put in the new Peace Pole.

Mr. Tibbens said multiple citizens have come to him happy with staff, there was an issue on North Church Street with a down tree that was taken care of and another gentleman that had some good ideas that Mr. Tibbens will send to Mr. Dalton.

12. Staff Reports

Community Development, Mr. Russell explained that he had been contacted by the owner of a vacant commercially zoned property regarding its development. He stated that the owner, Mr. Alton Echols, would like to address the Council on several matters related to this property. Mayor Arnold recognized Mr. Echols for ten minutes. Mr. Echols explained that he and his partner wanted to see the Martin's Grocery Store expanded and a WAWA constructed on the seven-acre site. He stated that he and his partner have a contract with WAWA, but the Martin's Corporate will have a role in approving the use. He stated that he would like to see the Council change the requirements of the zoning ordinance that limit convenience store square footage to 2,000 square feet. He stated that the limitations need to be raised to 3,000 square feet, provided that gas station and restaurant uses on the site do not count against the square footage limitation. Mr. Echols mentioned that his bill for work at the Pickett SWMA was based on an incorrect percentage and he will work with his partner on this matter.

Mr. Dalton asked Mr. Echols to confirm that he wanted the limitation on convenience store retail space to be 3,000 square feet, Mr. Echols said yes.

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

Mrs. Harrison said they need to discuss Chapter 17 at the Committee's next meeting on May 27th.

Personnel, Appointments, and Policy

None

Public Safety

None

15. Closed Session

No closed session scheduled.

16. Adjourn

The Council adjourned at 8:34 p.m. on a motion by Ms. Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

FY 2025-2026 DRAFT BUDGET PREPARATION HIGHLIGHTS

REVENUES

GENERAL FUND

- Proposed decrease in Real Estate tax rate from .20 to .139.
- No increase in Personal Property tax rate.
- Proposed increase in PPTRA 35% to 49%.
- No increase in Machinery & Tools tax rate.
- No increase in Vehicle License Fees.
- No increase in Business & Professional License rates.
- Water Tank Site Lease adjustments per agreements.
- No increase in Lodging Tax, Meals Tax or Cigarette Tax.

WATER FUND

- Revenues reflect no proposed increase in Admin/Facility fees
- Revenues reflect an increase in User Fees from \$8.15 to \$10.30 per 1,000 gallons.
- Ten residential Availability Fees are projected.

SEWER FUND

- Revenues reflect no proposed increase in Admin/Facility fees
- Revenues reflect an increase in User fees from \$17.27 to \$17.78 per 1,000 gallons.
- Ten residential Availability Fees projected.

OPERATING EXPENSES

ALL FUNDS

- 4% increase and directed market adjustments in payroll.
- Police Dept CDP, promotions, and an additional patrol officer payroll increases included.
- 3.4% increase in Health Insurance costs.
- Employer contribution to VRS did not increase.
- TOTAL BUDGET increase of 8.29%.

GENERAL FUND

- Increase in Maintenance & Operational Expenses of 3.32%.
- Public Works additional Tech I position budgeted.
- Contingency is 3% of the Operating Budget.
- General Fund total increase of 7.11 %.

WATER FUND

- Decrease in Maintenance & Operational Expenses of 1.48%.
- There is currently no Debt Service in the Water Fund.
- Utility Director, Chief Operator and Public Works Tech I positions budgeted.
- Contingency is 3 % of the Operating Budget.
- Water Fund total increase of 7.87%.

SEWER FUND

- Decrease in Maintenance & Operational Expenses of 4.87%.
- Debt service reflects payments to VRA.
- Utility Director, Chief Operator and Public Works Tech I positions budgeted.
- Contingency is 3% of the Operating Budget.
- Sewer Fund total Increase of 11.96%.

AN ORDINANCE
Adopting the Town of Berryville Schedule of Water and Sewer Fees and
Charges

BE IT ORDAINED, by the Council of Town of Berryville, in accordance with Berryville Code Chapter 17, Water, Sewers and Sewerage Disposal, that it hereby adopts the following Schedule of Water and Sewer Fees and Charges:

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES
Effective June 21, 2025.

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: \$10.30 per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$12.87 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: \$17.78 per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$22.22 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 \$24.35

Sewer \$12.18

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: \$300

Residential: multi-family with master meter: \$245 per unit

Business/Commercial excluding restaurants and laundries: \$300

Restaurant: \$895*

Laundry: \$4,620*

Institutional: \$1,640*

Industrial: \$5,660*

*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

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	\$ 17,200	\$ 21,500	Meter Fee
3/4	1.5	\$ 27,100	\$ 32,249	Meter Fee
1	2.5	\$ 42,999	\$ 53,749	Meter Fee
1.5	4.375	\$ 75,248	\$ 94,062	Meter Fee
2	8	\$ 137,596	\$ 172,000	Meter Fee
3	16	\$ 275,193	\$ 344,000	Meter Fee
4	25	\$ 429,894	\$ 537,500	Meter Fee
6	50	\$ 859,978	\$ 1,074,999	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 .8 by the applicable water availability fee for demand ratio 1 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.

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

1.

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 18,468	\$ 23,085
3/4	1.5	\$ 27,702	\$ 34,628
1	2.5	\$ 46,170	\$ 57,714
1.5	4.375	\$ 80,800	\$ 97,820
2	8	\$ 147,747	\$ 184,686
3	16	\$ 295,494	\$ 369,372
4	25	\$ 461,710	\$ 577,144
6	50	\$ 923,419	\$ 1,154,287

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

1.

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 another 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: \$350

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$200

Laterals 50 Feet in Length or Greater: \$200 plus \$3.00 per linear foot

B. Inspections

Town staff: \$75 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

\$75 per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

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.

Hydrant flow tests: Hydrant flow tests must be scheduled with the Director of Public Works no less than three work days in advance of test. Contractor will supply gauges and will be responsible for recording results. Town personnel will operate hydrant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

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

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

Meter deposit: \$1,500 (deposit refunded upon return of undamaged meter)

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.

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: May 13, 2025

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: May 13, 2025

Town of Berryville 4/23/25

Shenandoah Crossing/ Fellowship Square/ Hermitage final walkover for bond reduction

Mike Artz Terry Russell

Shenandoah Crossing & Fellowship Square

Weeks

1. There are no stop bars or ADA crosswalk striping.
2. Weeks Drive
3. 440 Driveway spalling
4. 526 spalling in gutter pan at pond
5. 526 driveway spalling
6. 530 driveway spalling
7. 534 driveway spalling
8. 538 driveway spalling
9. 604 driveway spalling
10. 612 driveway spalling
11. 624 driveway & sidewalk spalling
12. 704 driveway spalling
13. 728 driveway spalling
14. Spalled sidewalk between 728 & 732
15. 737 sections of spalled sidewalk
16. 733 driveway spalling
17. 729 to 725 sidewalk spalling
18. Between 729 & 725 sidewalks spalling
19. 725 sidewalk spalling
20. 609 driveway spalling
21. 605 driveway spalling
22. 605 to 601 sidewalk spalling
23. 601 spalling on driveway & sidewalk to ADA Ramp
24. 537 to ADA ramp sidewalk spalling
25. 517 spalling on driveway
26. 435 to 431 sidewalk spalling
27. 421 driveway spalling
28. 417 spalling in gutter pan and C & G through 413 & 409
29. 405 spalling in gutter pan @DI

Pulliam

1. nothing noted

McCormick

1. Nothing noted

Wilson

1. 56 sidewalk spalling
2. 44 driveway spalling
3. 36 driveway spalling
4. 26 driveway & sidewalk spalling
5. 22 driveway spalling (bad)
6. 18 driveway spalling
7. 13 driveway spalling
8. 29 driveway spalling
9. 33 driveway spalling
10. 37 driveway and sidewalk spalling
11. 41 driveway and sidewalk spalling
12. 45 driveway spalling

Harper

1. 508 driveway spalling
2. 512 Sidewalks spalling
3. @ Intx of Harpers & Weeks sidewalk spalling on East side
4. spalling on sidewalk along w. side North of 517 Harper

Hermitage**Tyson**

1. 328 Spalling on driveway
2. 316 Spalling on driveway
3. 308 spalling on sidewalk
4. 257 spalling on driveway
5. 337 Spalling on driveway

Norris

1. 368 spalling on sidewalk
2. 372 spalling on driveway
3. 374 spalling on driveway
4. 380 spalling on driveway
5. 384 gutter pan spalling
6. 388 spalling on driveway
7. 392 gutter pan spalling
8. 400 gutter pan spalling
9. 404 gutter pan spalling
10. 412 driveway spalling
11. 416 driveway spalling
12. 429 driveway & sidewalk spalling
13. 421 Sidewalk spalling
14. 417 sidewalk and driveway spalling
15. 413 driveway spalling
16. 409 driveway spalling
17. 405 driveway spalling
18. 401 driveway spalling
19. 397 gutter pan spalling

Jones

1. 409 spalled driveways
2. 405 spalled gutter pans
3. 401 spalled driveways

Alexander

1. Nothing noted