

MINUTES

**BERRYVILLE TOWN COUNCIL
Regular Meeting
June 10, 2025
7:00 p.m.**

A meeting of the Berryville Town Council was held on Tuesday, June 10, 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; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

Absent: William Steinmetz

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Cindy Poulin, Treasurer; Sergeant Andrews, Berryville Police Department

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

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

4. Presentations, Awards, and Recognitions

None

5. Public Hearings

None

6. Discussion of Public Hearing Items

None

7. Citizens' Forum

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

Rick Figert, resident of Hermitage V at 417 Jones Ct, addressed a complaint about a storm water pond on his property. The water does not drain very quickly and is causing an excessive number of toads reproducing and covering his property. Mr. Figert stated that he had spoken with Terry Russell on this matter and that he was being very helpful. Mr. Mazzarino let the Council know he has walked the property in the past with DEQ and DEQ stated the location met standards. Mr. Dalton asked Mr. Figert how long the water ponds in the forebay and his response was eight to ten days. Mr. Dalton stated the stormwater management in the subdivision is under the purview of the state, but Town staff will investigate the matter for him.

Rick Figert, resident of Hermitage V at 417 Jones Ct, spoke again. He wanted to address the concrete spalling on aprons and sidewalks in his subdivision. Mr. Russell stated the staff has spoken with engineers from DR Horton about a list of properties that have been looked at. The Town staff will email Mr. Figert information on the progress of this discussion.

Matthew Holcomb, resident at 728 Weeks Ct, spoke about the Bond Release for DR Horton in Shenandoah Crossing. He stated the concrete was eroding on his driveway as well as sidewalks in the subdivision. He was told by D.R. Horton that he was to avoid using salt for snow removal for the first year. He obliged, then used salt the second year and it has already started to erode. Can the Town withhold the bond for this reason? Mr. Dalton stated the bonds are held for public improvements and not for personal property, so the bond can be withheld for the sidewalks and aprons, but not his driveway. Mayor Arnold suggested Mr. Holcomb speak to neighbors and come together to speak with DR Horton about the issues. The Town staff will email Mr. Holcomb information on the progress of the public locations in his subdivision that are being looked at by D.R. Horton.

8. Consent Agenda

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

9. Unfinished Business

Proposed FY26 Budget

Mr. Dalton stated there was a public hearing last month for the proposed FY26 budget and the only item he wanted to highlight was the real estate tax rate going down from 0.2 to 0.139/ \$100 of assessed value

Ms. Gibson moved that the Council of the Town of Berryville adopt the **attached budget for fiscal year 2025-2026, an approved copy of which shall be incorporated into and become a part of the official minutes of this meeting, and further the funds as set forth in this approved budget shall hereby be appropriated for fiscal year 2025-2026. The motion passed by voice vote.**

Berryville Code Chapter 17 Review

Mr. Dalton stated there will be a work session on the Berryville Code Chapter 17 Review on June 30, 2025. Council discussed the matter briefly and Mr. Dalton let them know he will integrate Council suggestions into a draft to have available for them at the work session.

Bond release request from DR Horton

Mrs. Petti informed Council that the bond release request from DR Horton is approaching the 1-year mark on July 1, 2025. This would be a bond release for erosion and sediment control and public improvements. The Council discussed this matter and decided to postpone the decision to release the bonds pending response from DR Horton about warranty items. Mr. Dalton asked that a letter be signed by Mayor Arnold to present to DR Horton.

10. New Business

None

11. Council Member Reports

None

12. Staff Reports

Director of Community Development, Mr. Russell stated the Town staff had prepared a draft revised Annexation Agreement-BAP review schedule. If the Council agrees to this process, the Town will need to appoint two persons to serve on a joint Town/County Annexation Agreement Amendment Review Committee.

Under the Public Utilities report, Mr. Dalton addressed the HAA5 water violation. Most recent test results were below the MCL (maximum containment level), and the running annual average level is no longer a violation. He advised the third quarter will likely see higher values because of the heat.

Director of Community Development, Mr. Russell spoke about Virginia Senate Bill 974, which concerns the means by which subdivisions and site plans are approved. Approvals would all go through an agent that was chosen by the Council, not the Planning Commission or Berryville Area Development Authority.

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

None

Personnel, Appointments, and Policy

Reappointment for Mary Serock for the Architectural Review Board.

Ms. Gibson moved that the Council of the Town of Berryville reappoint Mary Serock to the Berryville Architectural Review Board to a term which begins on July 1, 2025 and expires on June 30, 2029. The motion passed by voice vote

Public Safety

None

14. Closed Session

The Council of the Town of Berryville will conduct a closed session in accordance with §2.2-3711-A-1 to review the performance of an employee of the Town Council.

Mr. Tibbens moved that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 to review the performance of an employee of the Town Council.

Certification Motion and Resolution

Ms. Gibson moved that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting in 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 BY ROLL CALL:

Mr. Steinmetz-	Absent
Mrs. Harrison-	Aye
Mr. Mazzarino-	Aye
Mr. Tibbens-	Aye
Ms. Gibson-	Aye
Mr. Arnold-	Aye

15. Adjourn

The Council adjourned at 8:30 p.m. on a motion by Ms. Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk