

MINUTES

BERRYVILLE TOWN COUNCIL

**Regular Meeting
March 10, 2026
7:00 p.m.**

A meeting of the Berryville Town Council was held on Tuesday, March 10, 2026, 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; Grant Mazzarino; Ryan Tibbens.

Absent: Paul Perez

Staff

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

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Harry Lee Arnold, Jr. 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

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

4. Presentations, Awards, and Recognitions

Chief Jason Winner presented Amy Hernandez-Benavides to the Council in recognition of her graduation from the Police Academy. Council extended congratulations to Ms. Hernandez-Benavides.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

None.

7. Citizens' Forum

Marianne Casey, of 10 West Fairfax Street, expressed concerns regarding the addition of sidewalk on W. Fairfax St. She requested that Community Development Director Terry Russell conduct a walkthrough of the project with residents.

8. Consent Agenda

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

9. Unfinished Business

Discussion: Proposed investment of reserve funds

Treasurer, Cindy Poulin, provided background on the Virginia Investment Pool (VIP). The Budget and Finance committee recommended that the Town consider joining the investment Pool in some capacity.

Mr. Steve Melroy, representing the VIP, participated via video conference to provide an overview. He explained that the VACo/VML VIP serves numerous cities, towns, and counties, and outlined three investment options: the Stable NAV Liquidity Pool, Stable NAV/Fixed Term Portfolios, and the 1–3 Year High Quality Bond Fund. Council was advised that adoption of an ordinance is required for participation.

Discussion: Proposed amended Reserve Specifics

Mrs. Poulin reviewed the proposed amendments to the Reserve Specifics. Vice Mayor Erecka Gibson confirmed that no changes had been made since the work session.

Vice Mayor Erecka Gibson moved that the Council of the Town of Berryville approve the attached Reserve Specifics document. The motion passed by voice vote.

Discussion: Proposed investment of reserve funds

Vice Mayor Gibson moved that the Council of the Town of Berryville approve and adopt the attached ordinance authorizing participation by the Town of Berryville, Virginia in the VACo/VML Virginia Investment Pool for the purpose of investing funds in accordance with Virginia Code §2.2-4501, et seq and Virginia Code §15.2-1300 and authorize the treasurer or town manager to sign the agreement and other related documents.

Discussion: Proposed repeal and re-adoption of Chapter 17 Berryville Code

Deputy Town Manager, Jean Petti discussed the proposed repeal and re-adoption of the Chapter 17 Berryville Town Code. Mrs. Petti explained the proposed changes to Article 2, 3, and 4 as attached. Mr. Dalton talked about the **attached** document Berryville Town Council Legislative Finding Required Connection to Town's Sewage Collection System. Council inquired about the number of affected properties and the duration of

existing conditions. Mr. Dalton indicated he would provide an inventory at a future meeting and consult with the Town Attorney. Mr. Mazzarino asked about potential grant assistance for residents; Mr. Dalton stated that he was not aware of any such grants, but staff would research the matter. Mr. Dalton will consult the attorney and present a draft finding to the Council.

10. New Business

Discussion: RFP for Financial Audit Services

Mrs. Poulin presented Request for Proposals (RFP) for financial audit services. Vice Mayor Gibson asked whether the matter would be discussed at a regular Budget and Finance Committee meeting; Mr. Dalton advised that a special meeting would be required to meet the review schedule. He noted that proposal review would occur in closed session.

Vice Mayor Gibson moved that the Council of the Town of Berryville approve the issuance of RFP#2026-01 and authorize the Town Manager to:

- **Award a contract to the best qualified responsive bidder after review by the audit RFP review working group, and**
- **Execute any documents related to this matter.**

The motion passed by voice vote.

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint the Budget and Finance Committee and the Treasurer to review submissions submitted in response to RFP#2026-01 and rank the firms to determine which firm would best serve the needs of the Town. The motion passed by voice vote.

Discussion: IFB Wastewater Treatment Plant Bar Screen

Mr. Dalton presented information and images explaining the function and necessity of bar screens. He stated the project would be ready for bidding upon Council approval, with final award determination by Council at a future meeting.

Public comment was received from Lonnie Grimes II regarding potential impacts on utility rates and operational costs. Mr. Dalton explained that the equipment would reduce costly maintenance and prevent costly damage to equipment. He confirmed that dumpster usage would remain consistent with current screening operations. Mr. Tibbens asked if this was already in the FY26 budget and Mr. Dalton said yes, and also in the proposed FY27 Budget as it appears much of the expense will come in the FY27.

William Steinmetz moved that the Council of the Town of Berryville authorize the Town Manager to issue an IFB for the purchase and installation of a bar screen for the wastewater treatment plant. The motion was passed by voice vote.

Discussion: IFB Water Treatment Plant Duct Bank

Mr. Dalton presented information regarding the duct bank project. He recommended advancing this portion of the Water Treatment Plant expansion project separately because of time constraints related to access to

easements. Once bids are received, they would be presented to Council for approval. Mr. Dalton noted that Casey Trees has been responsive and accommodating.

Mr. Mazzarino moved that the Council of the Town of Berryville authorize the Town Manager to issue an IFB for the construction of a portion of the duct bank that will serve an upgraded raw water pumping station and treatment plant. The motion passed by voice vote.

11. Council Member Reports

Vice Mayor Gibson said she had her first meeting with the Northern Shenandoah Valley Regional Commission and she had a link for a free Septic Pump out Program [NSVRC | Septic Pump-Out Program](https://www.nsvregion.org/programs-services/septic).
<https://www.nsvregion.org/programs-services/septic>.

Mr. Steinmetz noted the Planning Commission will meet regarding the Friant Properties on Tuesday, March 24, 2026.

12. Staff Reports

Chief Winner presented his Annual Report for the Police Department, which is also available on the Town website. Mr. Dalton thanked Chief Winner and Administrator Leslie Kelley for their hard work.

Mrs. Poulin requested Council set a public hearing for proposed tax rates for Tax Year 2026.

Vice Mayor Gibson moved that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to review the proposed Tax Year 2026 tax rates on all real property, including real property and tangible personal property of public service corporations, and all other tangible personal property, including machinery and tools. The motion passed by voice vote.

Mrs. Poulin requested Council set a public hearing for proposed amendments to the Town's Schedule of Water and Sewer Fees and Charges. She reviewed primary elements of the schedule with the Council.

Mr. Tibbens moved that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to review the attached draft Schedule of Water and Sewer Fees and Charges. The motion passed by voice vote.

Mrs. Petti requested Council set a public hearing for a proposed repeal and re-adoption of Appendix C of the Berryville Code- Erosion and Sediment Control. Mrs. Petti explained the proposal **attached**.

Mr. Mazzarino moved that the Council or the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to consider the repeal and re-adoption of Appendix C- Erosion and Sediment Control Ordinance. The motion passed by voice vote.

Mrs. Petti requested Council set a public hearing for proposed revisions to the Town's Regulations for Special Events and Demonstrations. Mrs. Petti explained the changes. Council discussed attendance estimates and enforcement limitations.

Mr. Steinmetz moved that the Council of the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to consider revisions to Regulations for Special Events and Demonstrations. The motion passed by voice vote.

Mrs. Petti would like the Council to set a public hearing for Construction Standards Manual, Sections 3 and 4.

Mr. Mazzarino moved that the Council or the Town of Berryville set a public hearing for 7:00 p.m., or as soon thereafter as this matter may be heard, on April 14, 2026 to consider revisions to the Construction Standards and Specifications Manual. The motion passed by voice vote.

Mrs. Petti requested Council set a public hearing for a proposed amendment of the Berryville Code Sections 10-49 Parking of Commercial vehicles in residential areas and 10-50 Parking and storage of travel trailers etc. in residential areas. Mrs. Petti advised the rate is too low to deter residents from parking their travel trailers in the Town limits. Mr. Tibbens said that the language should be changed in regards to size of the travel trailers, noting they are much larger now. No motion was made.

13. Committee Updates

Mayor Arnold recognized the chairs of the standing committees of the Town Council for updates.

Budget and Finance Committee

Community Development Committee & Streets and Utilities Committee

Mr. Tibbens said the Committee met and discussed the VCA grant and potential sidewalks, no formal updates at this time.

Personnel, Appointments, and Policy

Mayor Arnold noted a potential Tree Board candidate may be interviewed soon.

Public Safety

14. Closed Session

Discussion about renewal of a lease at 201 Tom Whitacre Circle

Motion to enter Closed Session

Vice Mayor Gibson moved that the Council of the Town of Berryville enter closed session in accordance with code of Virginia §2.2-3711.3, to discuss the renewal of a lease on and around the elevated water tower at 201 Tom Whitacre Circle. Motion passed by voice vote.

The Council returned to open session at 9:50 p.m.

Certification Motion and Resolution

Mr. Steinmetz 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:

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	Aye
Mr. Perez	Absent
Mr. Mazzarino	Aye
Mr. Tibbens	Aye
Ms. Gibson	Aye
Mr. Arnold	Aye

15. Adjourn

The Council adjourned at 9:51 p.m. on a motion by Vice Mayor Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

**Berryville Town Council
Legislative Finding
Required Connection to Town's Sewage Collection System**

The Council of the Town of Berryville hereby makes the following findings:

- The Berryville Code requires that all properties which are two hundred and fifty feet or closer to the Town's sewer collection system to connect to said system at their expense.
- Twenty-seven active septic systems have been identified as being in service within the current corporate limits of the Town of Berryville.
- No new septic systems have been authorized within the current corporate limits of the Town of Berryville since 1988.
- The expected useful life of septic systems in Berryville is not expected to exceed fifty years. After such time such systems may endanger public health.
- By the year 2039, all septic systems in the Town of Berryville will have exceeded their expected useful life.
- No major repairs to existing septic systems will be permitted within the corporate limits of the Town.
- No replacement septic systems will be permitted to be installed within the Town of Berryville.
- To safeguard public health, all properties being served by a septic system within the Town of Berryville will be required to connect to the Town's sewer collection system no later than January 1, 2039.
- The owners of properties who abandon septic systems in Town must:
 - o Pay required availability and related fees to the Town.
 - o Open a sewer billing account with the Town.
 - o Connect to the sewage collection system at the owner's cost.
 - o Abandon the septic system in accordance with Virginia Department of Health requirements.

These findings were made by a vote of the majority of the Town Council assembled in a public meeting on _____. This finding shall be made a part of and attached to the minutes of the meeting at which they were approved.

ATTEST:

Erecka L. Gibson, Vice Mayor

APPENDIX C

EROSION AND SEDIMENT CONTROL ORDINANCE

Sec. 1. Purpose and Authority.

This ordinance is adopted pursuant to Code of Virginia §62.1-44.15:51 et seq. and the Virginia Erosion and Stormwater Management Regulations (9VAC25-875). The purpose of this ordinance is to prevent erosion, protect water quality, and ensure compliance with the Virginia Erosion and Stormwater Management Program (VESMP).

Sec. 2. Adoption of State Standards

The Town adopts and incorporates by reference the Virginia Erosion and Stormwater Management Regulations (9VAC25-875). The *Virginia Stormwater Management Handbook* is adopted as technical guidance; enforceable standards remain statutory and regulatory.

Sec. 3. Applicability and Exemptions

This ordinance applies to all land-disturbing activities unless exempted under §62.1-44.15:34 and 9VAC25-875-40, including agricultural, silvicultural, small disturbance, and emergency exemptions.

Sec. 4. Definitions

Terms used in this ordinance shall have meanings assigned in §62.1-44.15:51 and 9VAC25-875-10, including 'land-disturbing activity', 'responsible party', and 'agreement in lieu of a plan'.

Sec. 5. Program Authority and Administration

The Town is designated as a Virginia Erosion and Sediment Control Program (VESCP) Authority. The Program Administrator, acting on behalf of the Town, is authorized to approve plans, issue permits, inspect sites, enforce compliance, issue stop-work orders, and pursue legal remedies.

Sec. 6. Plan Submission and Approval

No land-disturbing activity may begin without approved erosion and sediment control plans or an agreement in lieu of a plan, as required by 9VAC25-875-60.

Sec. 7. Land-disturbing Permit Requirement

A Land-Disturbing Permit must be issued prior to clearing, grading, or excavation. Financial guarantees, proof of responsibility, and fees may be required.

Sec. 8. Fees

Fees shall be assessed pursuant to § 62.1-44.15:56 and shall recover reasonable administrative costs. A fee schedule shall be adopted by Town Council resolution.

Sec. 9. Inspections and Compliance Monitoring

The Erosion and Sediment Control Inspector (Inspector) or designee shall conduct inspections before, during, and after land disturbance. The responsible party shall allow site access and maintain inspection records.

Sec. 10. Enforcement Authority

The Program Administrator or Inspector, or designee, may issue violation notices, stop-work orders, require corrective action, perform work in default, and pursue civil penalties and injunctive relief.

Sec. 11. Civil Penalties

Civil penalties may be assessed pursuant to §62.1-44.15:63, including fines per violation per day and recovery of enforcement costs.

Sec. 12. Stop-Work Orders

Stop-work orders may be issued for permit violations, failed controls, or threats to water quality or public safety.

Sec.13. Appeals and Due Process

Appeals may be filed within 30 days of a decision, and reviewed by Town Council at their next regularly scheduled meeting, with rights to judicial review in Circuit Court.

Sec. 14. Financial Guarantees

The Program Administrator may require bonds or other financial security to ensure stabilization and compliance.

Sec. 15. Program Evaluation and Reporting

The Program Administrator shall maintain the program and submit required reports.

Sec. 16. Severability

If any provision of this ordinance is invalid, remaining provisions shall remain in effect.

Sec. 17. Effective Date

This ordinance shall take effect upon adoption by Town Council.

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: March 10, 2026

MOTION BY:

I move that the Council of the Town of Berryville enter closed session in accordance with Code of Virginia §2.2-3711.3, to discuss the renewal of a lease on and around the elevated water tower at 201 Tom Whitacre Circle.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

Town Council
Motion
CLOSED SESSION RESOLUTION

DATE: March 10, 2026

MOTION BY:

I move 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.

VOTE:

AYE:

NAY:

ABSENT:

ABSTAIN:

ATTEST:

Erecka Gibson, Vice Mayor