

**BERRYVILLE PLANNING COMMISSION**  
**Berryville-Clarke County Government Center**  
**Meeting Minutes**  
**July 25, 2023**

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A meeting of the Berryville Planning Commission was held on Tuesday, July 25, 2023 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

**ATTENDANCE:** Members of the Planning Commission present: William Steinmetz, chair, Kim Kemp, vice chair, Michael Bell, Gwen Malone, Michelle Marino, Tom Parker, Sheryl Reid

Absent: none

Staff present: Christy Dunkle, Community Development Director, Jean Petti, Deputy Town Manager

Press present: Mickey Powell, Winchester Star

**1. CALL TO ORDER – William Steinmetz, chair**

Chair Steinmetz called the meeting to order at 7:00 p.m.

**2. APPROVAL OF AGENDA**

Ms. Malone made the motion to approve the agenda as presented, seconded by Mr. Bell. The motion passed by voice vote.

**3. APPROVAL OF MINUTES**

Ms. Malone made one edit to the minutes. She made a motion to approve the June 27, 2023 minutes as amended, seconded by Ms. Reid. The motion passed by voice vote.

**4. PUBLIC HEARING – SPECIAL USE PERMIT**

Chair Steinmetz opened the public hearing. Ms. Dunkle described the request and the public notice. She said she had received five public comments, all of which were distributed to the Planning Commission members prior to the public hearing. Chair Steinmetz asked if any representatives from the church would like to discuss the request. Alethia Burks (agent) and Stephanie Washington approached the podium. Ms. Washington discussed the day care business and the need for such a facility in the community. She said there would be minimal traffic impacts and that transport for the students would be offered by the church. She described the programming of the facility.

Ms. Burks asked if there were any additional questions. There were none.

Chair Steinmetz recognized Thomas Brown, a resident of Berryville. Mr. Brown said he had been a member of the church for 73 years. He said he is not in favor of the day care center adding that the

church has been going through some difficult times. He said there does not need to be more fuel to the fire.

Chair Steinmetz recognized Phyllis Paige Washington, a resident of Berryville. Ms. Washington said she is the granddaughter of Benjamin Franklin Paige who is one of the founders of Josephine Street. She said she was representing ex-members of the church. She referenced guards and protesters outside of the church and said she is against the day care center.

Chair Steinmetz recognized Violah Jackson, a resident of Winchester. Ms. Jackson said she grew up on Josephine Street and was a lifelong member of Zion Baptist Church. She said her family home is on Josephine Street. She opined that the church is out to make money and was a non-loving environment with armed guards on the site.

Chair Steinmetz recognized Marietta Liggins, a resident of Berryville. Ms. Liggins said she grew up on Josephine Street and was a lifetime member of the church. She said she has been served no trespassing papers from church officials. She said she is against the day care and that Zion Baptist Church is dysfunctional and has no love for the community. She said she would not want to bring her children or grandchildren to the day care center with security guards outside.

Chair Steinmetz recognized Kenneth Liggins, a past resident of Josephine Street and resident of Kearneysville, WV. Mr. Liggins said he is the president of the Josephine Improvements Association. He said one of the applicants who signed the application was deceased and that the request should be nullified. He said the neighbor across the street is against the day care center. He asked who the leader of the church is and submitted information about the pastor's bankruptcy for the record.

Chair Steinmetz recognized Marcella Roberts. Ms. Roberts, a resident of Josephine Street, said has lived on Josephine Street all of her life and has spent 23 years in the school system. She stressed the need for child care access and the day care center would be an asset to the community. She said she would rather see a day care center rather than broken down homes on the street.

Chair Steinmetz recognized Lynette Wilkins. Ms. Wilkins said she is a past resident of Josephine Street and it has been home for all of her life. She said that issues in the church have not been resolved. She said safety is part of a day care center. She asked if the application could be turned down because of parking. She said this was not a good time for this facility to begin operation.

Chair Steinmetz recognized Dominic Viera. Mr. Viera said he is an attorney representing Zion Baptist Church. He said he wanted to address a couple of items in the documents that were presented. He said the guards at the church are in place to provide security to members of Zion Baptist Church who are being accosted and protests that are occurring that prompt the requirement for guards. He discussed the process of the courts appointing trustees and clarifying ownership of the church property. He added that the guards are in place to prevent further disruption to church services. He said further litigation has been brought to a conclusion.

Chair Steinmetz recognized Daniel Nelson. Mr. Nelson said he is a lifelong resident of Berryville. He said Zion's special use permit should be denied due to the dysfunctionality of the church. He said the church by-laws benefit a few people and that the members of the church did not vote on the matter which created a dictatorship. He said that people have a right to ask questions and that it is frowned upon by church leaders. Mr. Nelson said he was exiled from the church with a no trespassing order. He said the new leadership began in 2021. He said he saw a preacher and others get put out of the church in support of other members adding that it is inappropriate for church leadership to conduct themselves that way. He asked if they are responsible enough to operate a day care center. He asked if Zion Baptist Church should have the responsibility of these children. He said the church will continue to be confronted with protestors and that they are not going anywhere until the no trespassing orders are removed. He concluded by saying that the church officials are outsiders with no direct community ties and that he is concerned that the students may be in danger.

Chair Steinmetz recognized Nicole Hill. Ms. Hill, a resident of Upper Marlboro, MD, said her husband is the pastor of Zion Baptist Church. She said he started in 2021 after the pandemic and the church was in an uproar at that time. She said that the church serves the seniors and the community, offers school supplies to children at D.G. Cooley, and transport people to church. She said they can have one pastor at the church. Ms. Hill said church officials have repaired and cleaned up the buildings and the site and they are bringing life to the children in the area. She said they are not here to separate people. She said it is hard changing minds.

Chair Steinmetz recognized Diana Marshall. Ms. Marshall, a resident of District Heights, MD, said she grew up on Josephine Street and in Zion Baptist Church under various ministers. She said the church and the building belong to God. She said problems at Zion were occurring when new officials came in and that the issues need to be resolved prior to a nursery being started. She asked why the church had been incorporated. She spoke on the need for integrity, decisions from the heart, and the needs of children. She said she is a Paige and will always be one. She said church officials are taking the church van to Maryland to pick up people to worship.

Chair Steinmetz recognized Malinda Crosby. Ms. Crosby, a resident of Berryville, said she had been an educator for over 41 years. She said Mr. Nelson had verbally assaulted her and her granddaughter with a bull horn outside the church. She said it upset her but frightened her granddaughter and she asked why someone would do that. She said they are interested in changing the environment adding that a judge has issued a verdict. She said there were no day care centers in the community when she was working and that the focus should be on the children. She said please do not say you are concerned about the environment and the chaos adding that if you are part of it, then you need to change it.

Chair Steinmetz recognized Ellis Ross of Millwood. Mr. Ross said he is a 13-year member of the church and that there was a lot of conflict prior to Pastor Hill's arrival. He said guards are in place because situations can erupt in a moment's notice. He said guards are probably necessary to protect the children.

Chair Steinmetz recognized Dee Dee Liggins. Ms. Liggins said she was baptized at Zion Baptist Church in 1969. She said she has been a member of the church under five pastors. She said they had never put anyone out of the church. She said she worked most of her life and donated food and money to the homeless and the kids. She said the kids loved Dee Dee.

There being no further discussion, Ms. Malone made the motion to close the public hearing, seconded by vice chair Kemp. The motion passed by voice vote.

## **5. DISCUSSION – PUBLIC HEARING**

Chair Steinmetz opened up the floor to Commissioners' discussion. Ms. Marino asked about the parking. Ms. Dunkle identified the proposed parking spaces. Ms. Dunkle pointed out the spaces and that the rear spaces would be for employees who would be there throughout the day. Ms. Dunkle said they will be fencing the property and defined the special use permit process.

Chair Steinmetz asked about the number of students who will be at the facility. Ms. Burke verified the number as a maximum of both day care and after-school students with a maximum of 30 students. Ms. Dunkle said 24 were originally identified. There was a discussion about parking requirements.

Ms. Dunkle discussed the discrepancies of the mapping program and the lot merger paperwork. She said she discussed the issue with County Commissioner of the Revenue and they have clarified the situation. Ms. Dunkle confirmed the hours of operation with Ms. Burks of 6:00 a.m. and 6:00 p.m.

Ms. Reid said they need to update their application due to the death of one of the signatories. Ms. Dunkle said she will request an updated application.

Chair Steinmetz said that he researched the licensure of these programs. He said it is clear that the Town does not oversee licensure of day care centers in the Commonwealth. He said there is a lot of emotion tied into the church's efforts. He said the Planning Commission acts as an advisory board to Town Council and that their tasks are simple and defined.

Mr. Parker reiterated that this action is a land use matter adding that the church's situation is unfortunate. He said it has been his personal experience that day care centers are needed as he had been on waitlists for his children. He said that the Commonwealth is responsible for licensing, enforcement of standards, and inspections.

There being no further discussion, vice chair Kemp made the motion to recommend Town Council approval of a special use permit to operate a day care center at Zion Baptist Church with the following conditions:

- A fence is installed around the multi-purpose court and playground at the rear of the property
- The number of maximum students in the building be clarified
- Update the application signatures

Mr. Parker seconded the motion which passed by voice vote.

## **6. CITIZENS' FORUM**

No one spoke.

## **7. OLD BUSINESS – Short-term rentals**

Chair Steinmetz said he is pleased with the final draft of the definition of short-term rentals. Mr. Parker said the two-person limit per bedroom is in line with what we would expect.

There being no further discussion, Ms. Malone made the motion to recommend Council approve the definition of short-term rentals to Article I of the Berryville Zoning Ordinance and establish the use by special permit in the zoning districts identified in the staff report. Mr. Parker seconded the motion which passed by voice vote.

## **8. DISCUSSION – PLANNING UPDATE**

Ms. Malone asked the status of the Battletown Inn. Ms. Dunkle said Mr. Johnson has taken the property back. Ms. Reid asked about the status of the Godfrey House. Ms. Dunkle said it is likely that the County will move onto enforcement concerning the certificates of occupancy.

## **9. OTHER**

There was no further discussion.

## **10. ADJOURN**

There being no further discussion, vice chair Kemp moved for adjournment, seconded by Ms. Malone, with the motion passing by consensus at 7:45 p.m.

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William Steinmetz, Chair

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Christy Dunkle, Secretary