



Community Development Committee

MEETING AGENDA

Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor - AB Meeting Room

January 23, 2024

4:00 p.m.

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1. Call to Order – Ryan Tibbens, Chair
 2. Approval of Agenda
 3. Zoning regulations for portable storage containers – Christy Dunkle
 4. Virginia Commission for the Arts Creative Communities Partnership Grant – Christy Dunkle
 5. Rules for Use of Town Property – Jean Petti
 6. Other
 7. Closed Session
 8. Adjourn

Community Development Committee Agenda Item Report Summary

January 23, 2024

Item Title

Zoning regulations for portable storage containers

Prepared By

Christy Dunkle

Background/History/General Information

Town staff has drafted zoning regulations for portable storage containers after receiving complaints about the containers in the Town.

Findings/Current Activity

Staff is requesting review and comment on the following draft ordinance establishing Section 325 Portable storage containers in Article III of the Berryville Zoning Ordinance:

SECTION 325 – PORTABLE STORAGE CONTAINERS (5/13)

- 325**
- (a) A zoning permit is required for any portable storage container placed on residential property in the Town of Berryville.
 - (b) In residential districts, a maximum of two (2) portable storage containers may be allowed on a lot for a period no longer than fifteen (15) days in any consecutive twelve-month period. A maximum of one (1) portable storage container may be allowed on a lot for a period no longer than sixty (60) days in any consecutive twelve-month period.
 - (c) Where there is a change in ownership of the lot, the date upon which title to the lot is conveyed shall begin a new 12-month period.
 - (d) The portable storage container must be at least five (5) feet from the property line or on the driveway of the lot.
 - (e) One (1) portable storage container may be placed in a legal parking place on the street when space is not available on site for a maximum of seven (7) days.
 - (g) No portable storage container may have dimensions greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.
 - (h) All portable storage containers shall be maintained in a condition free from fust, peeling paint, and other forms of deterioration.

+++++

Staff is also requesting input on establishing a definition for “portable storage container.” Three sample definitions are below:

- *A temporary portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or*

merchandise. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet.

- *A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise. Such a temporary portable storage container shall not be considered a permanent accessory structure.*

- *A portable storage container is defined as a purpose-built, fully enclosed, box-like container that is designed for temporary storage of household goods and equipment and which has signage on one or more of its outer surfaces. These containers are uniquely designed for ease of loading to and from a transport vehicle.*

Other discussion items include:

- Should there be regulations for commercial application?
- Should there be additional regulations for those located on the public right-of-way?

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Discuss at the meeting.

Sample Motion

N/A

Community Development Committee Agenda Item Report Summary

January 23, 2024

Item Title

VCA Creative Communities Partnership grant

Prepared By

Christy Dunkle

Background/History/General Information

The Town of Berryville has applied for and received funds annually from the Virginia Commission for the Arts (VCA) since 2012 with the exception of 2019. The intent of the grant, now called the Creative Communities Partnership Grant, is to encourage local governments to support the arts. A line item totaling \$4,500 is included in the proposed budget. If approved, the grant is matched by the VCA in the same amount. The \$4,500 match will be included in the updated budget should Council wish to pursue the funding.

Following is a description of the Creative Communities Partnership Grant:

Purpose: To encourage local and tribal governments to support the arts.

Description: The Commission will match, up to \$4,500, subject to funds available, the tax monies given by independent town, city, county, and tribal governments to independent arts organizations. The funding, which does not include school arts budgets or arts programming by local governments, committees, or councils of government, nor departments such as parks and recreation, may be sub-granted either by a local arts commission/council or directly by the governing body.

Eligible Applicants: Independent city, town, county, or tribal governments in Virginia.

Eligible Activities: Sub-grants to independent, ADA-compliant arts organizations for arts activities in the locality, including activities that provide opportunities for underserved, under-resourced, and under-represented communities. The Commission does not match payments paid to performers for specific performances. Local governments seeking such funding should apply to the Virginia Touring Grants program.

NOTE: The Commission does not match payments paid to performers for specific performances. Local governments seeking such funding should apply to the Virginia Tour Program.

Application Deadline: April 1, 2024 by 5:00 p.m. EST for local and tribal government grants awarded for the grant period of July 1, 2024 - June 30, 2025.

Findings/Current Activity

In 2021, the Community Development Committee recommended an application process through which the Town identifies local arts organizations who may want to benefit from the grant. Four grant applications were received in 2023 from the following organizations, each receiving \$1,125 from the Town and \$1,125 from the VCA grant:

- Barns of Rose Hill
- Blue Ridge Studio for the Performing Arts
- Main Street Chamber Orchestra, Inc.
- Northern Shenandoah Valley Quilt Show

Schedule/Deadlines

Staff is recommending the following schedule:

- application posted on the website no later than February 1, 2024
- application deadline February 23, 2024
- review and recommendation by the Community Development Committee meeting at their February 27, 2024
- committee recommendation to Town Council at the March 12, 2024 meeting
- Creative Communities Partnership Grant application is due by April 1, 2023

Other Considerations

Staff will forward the application to previous recipients and write a short submission to the ClarkE-News email about the opportunity.

Recommendation

Review and approve the application and schedule proposed by staff.

Sample Motion

N/A

Attachment

- Town of Berryville grant application

Berryville – Clarke County
Government Center
101 Chalmers Court, Suite A
Berryville, VA 22611



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BERRYVILLE
EST. 1798 *Genuine* VIRGINIA

**Creative Communities Partnership Grant
Participant Application**

Deadline: February 23, 2024

PLEASE NOTE: applicants must be an organization whose primary purpose is the arts (production, presentation or support of dance, literary arts, media arts, music, theater, or visual or related arts), that are incorporated in Virginia. They must also have their headquarters and home seasons, or activities equivalent to a home season, within the state. Funding cannot be provided for payment to performers for specific performances. For more information about the Virginia Commission for the Arts' Creative Communities Partnership Grant program, please visit <https://vca.virginia.gov/grant/creative-communities-partnership-grants/>. Additional information can also be found on the Town of Berryville's web site at <http://berryvilleva.gov/>.

Name of Arts Organization: _____

Applicant Name: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit#

City State ZIP Code

E-Mail: _____

Phone: _____

Has this organization received a Local Arts Grant from the Town of Berryville in the past?

Yes No

Grant amount requested: (maximum \$4,500) _____

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

Please give a brief description of the organization, proposed project, and who will participate.

Please list the organization's officers, board of directors, and key staff as applicable.

How will the community benefit from the project?

Please attach the organization's budget.

Please select the category that best describes your organization's primary focus.

- Arts Education
- Dance
- Multidisciplinary
- Music
- Opera
- Theater/Storytelling
- Visual Arts
- Other (please describe) _____

Populations Benefitted

Please select any categories that, by your best estimate, will make up 25% or more of the population that will directly benefit from the award during the period of support.

Racial or Ethnic Groups

- American Indian/Alaskan
- Asian/Pacific Islander
- Black/African American
- Hispanic/Latino
- White/Caucasian
- Other

Other Distinct Groups

- Individuals with disabilities
- Individuals in institutions (hospitals, hospices, assisted care, etc.)
- Individuals below the poverty line
- Individuals with limited English proficiency
- Military veterans/active duty personnel
- Youth at risk

Age

- Children/Youth (0-18 years)
- Adults (25-64)
- Young adults (19-24 years)
- Older adults (65+ years)

Arts Education Choose the one item which best describes the funded activities.

- 50% or more of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists)
- Less than 50% of the funded activities are arts education directed to K through 12 students, higher education students, pre-kindergarten children, and/or adult learners (including teachers and artists)
- None of the funded activities involve arts education

Signature

Date

Community Development Committee Meeting
23 January 2024

Item Title: Rules for Rose Hill Park and Municipal lots

Prepared By: Jean Petti

Background/History General Information

Staff, with direction from Community Development Committee, has been revising rules for Rose Hill Park (including the basketball courts) and municipal parking lots.

Attachments

Proposed revision

- Sec 13.35- Regulation of Use and Conduct in Rose Hill Park
- Sec. 13-36- Town manager authorized to establish for use of or restrict access to town-owned property
- Rules for Rose Hill Park Established by the Town Manager
- Rules for the John Rixey Moore and Crow Street Municipal Parking Lots established by the Town Manager

Sec. 13-35. - Regulation of Use and Conduct in Rose Hill Park

It shall be unlawful for any person or persons to violate the following regulations pertaining to the use of Rose Hill Park.

- (a) Park is open from dawn until dusk unless hours are extended by the town council or town manager. Use of or presence in park when closed will be considered trespassing.
- (b) Consumption of alcoholic beverages is prohibited, unless approved by the Virginia Alcoholic Control Authority and the town manager as a part of a special event. Consumption of other intoxicants, including but not limited to marijuana and products derived therefrom, is prohibited. Use of tobacco products is prohibited. {added per Tibbens}
- (c) Glass containers are prohibited.
- (d) Fires may not be built except in grills designed for food preparation or for special ceremonies as authorized by the town manager.
- (e) Camping is prohibited.
- (f) Relic hunting or use of metal detectors or similar devices, except by authorized town employees or contractors, is prohibited.
- (g) Littering is prohibited.
- (h) Hunting, trapping, feeding, or release of animals {added per Committee comments}, except by authorized town employees or contractors, is prohibited.
- (i) Discharge of firearms except by law enforcement personnel while in performance of their official duties, or by authorized town employees or contractors, is prohibited. Nothing in this section prohibits the firing of military salutes as a part of an event approved by the town council or town manager.
- (j) Use of bow and arrow, slingshots, or other similar devices, except by authorized town employees or contractors, is prohibited.
- (k) Motorized vehicles, except those driven by authorized law enforcement personnel, emergency services personnel, town employees, contractors, or ~~event staff~~ persons staffing approved events {change made per Committee comments}, are prohibited. At no time may any motorized vehicle drive across the park's paved paths or picnic table pads.
- (l) The town manager shall cause these rules to be posted in the park.
- (m) The police department and the town manager are authorized to eject any person violating the rules enumerated above. The town manager is authorized to revoke future use of the park by persons who violate the rules enumerated above.

Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.

Sec. 13-36.- Town manager authorized to establish for use of or restrict access to town-owned property.

- (a) The town manager is authorized to establish and enforce rules for use of town-owned property. Rules established by the town manager shall be posted in a conspicuous location on said property.
- (b) The town manager is authorized to restrict access to town-owned property.
- (c) The police department and the town manager are authorized to eject any person violating rules established in accordance with this section. The town manager is authorized to revoke

future use of the park by persons who violate the rules established in accordance with this section.

13-37 renumbered to 13-38

13-38 renumbered to 13-39

13-39 renumbered to 13-40

Rules for Rose Hill Park Established by the Town Manager

The following rules and regulations concerning the use of town property were adopted by the town manager in accordance with Sections 13-36 and 13-37 of the Berryville Code.

Use of playground equipment and basketball courts when equipment or courts are wet or covered in snow and or ice {added per Dalton} is prohibited.

Use of playground equipment or basketball courts during thunderstorms is prohibited.

Unless permitted as a part of a special event, no amplified sound that is detectable outside of the boundaries of Rose Hill Park or that disturbs the peace of other park patrons, is permitted.

Making loud noises, yelling, or use of profanity that is detectable outside the boundaries of Rose Hill Park or that disturbs the peace of other park patrons, is prohibited.

Application of paint, tape, chalk, or other non-permanent or permanent markings to the gazebo, basketball court, walkways, or other surfaces in the park is prohibited, unless authorized by the town manager.

Play in Town Run (Dog Run) is prohibited.

~~Adult supervision required for children 12 years of age and under.~~ {removed per Harrison}

Shoes are required to be worn at all times.

Pet excrement deposited in the park must be collected by the owner or custodian of the animals and disposed of in litter receptacles.

No wheeled or tracked conveyances, with or without a motor, including but not limited to bicycles, scooters, rollerblades, roller skates, skateboards, or the like are permitted in the basketball court or gazebo. Non-motorized bicycles, scooters, rollerblades, roller skates, skateboards, or the like may be used in other areas of the park, provided that they are operated in a safe manner. Nothing in this section shall be construed to prohibit the use of personal assistance mobility devices anywhere in the park.

Hanging on basketball rim, nets, or goals is prohibited.

Pets are prohibited from the basketball court.

Access to basketball court is determined on a first-come-first-served basis. Use of court is limited to one hour when others are waiting.

Rules for the John Rixey Moore and Crow Street Municipal Parking Lots established by the Town Manager

Unless permitted as a part of an approved special event, no amplified sound that is detectable outside of the boundaries of the parking lots or that disturbs the peace of other parking lot patrons, is permitted.

Making loud noises, yelling, or use of profanity that is detectable outside the boundaries of the parking lots or that disturbs the peace of other parking lot patrons, is prohibited.

Application of paint, tape, chalk, or other non-permanent or permanent markings to surfaces in the parking lot is prohibited authorized by the town manager.

Wheeled or tracked conveyances, with or without a motor, including but not limited to bicycles, scooters, rollerblades, roller skates, skateboards, or the like used in the parking lots may not be operated in an unsafe manner in the parking lots. Such conveyances may be used for traveling through the parking lots, but play or sporting events are not permitted, unless authorized by the town manager as a part of a special event. Motorized toy vehicles are prohibited from being operated in the parking lots, unless authorized by the town manager as a part of a special event. Nothing in this section shall be construed to prohibit the use of personal assistance mobility devices anywhere in the parking lot.

Consumption of alcoholic beverages is prohibited, unless approved by the Virginia Alcoholic Control Authority and the town manager as a part of a special event. Consumption of other intoxicants, including but not limited to marijuana and products derived therefrom, is prohibited.

Camping is prohibited.

Littering is prohibited.

Parking of vehicles in a manner that utilizes more than one parking space or blocks travel ways, is prohibited, unless authorized by the town manager as a part of a special event.

Those parking in these lots must abide by posted parking time limitations and, where applicable pay meter fees as required, unless authorized by the town manager as a part of a special event.

The police department and the town manager are authorized to eject any person violating these rules. The town manager is authorized to revoke future use of the park by persons who violate these rules.