

MINUTES  
BERRYVILLE TOWN COUNCIL  
Berryville-Clarke County Government Center  
Regular Meeting  
January 9, 2024  
7:00 p.m.

**Town Council:** Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; William Steinmetz; Diane Harrison; Grant Mazzarino; Ryan Tibbens.

**Staff:** Present--Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department

**Press:** Mickey Powell, *The Winchester Star*

**1. Call to Order**

Mayor Arnold called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

**3. Approval of Agenda**

Vice Mayor Gibson moved to approve the agenda. The motion passed by unanimous voice vote.

**4. Presentations, Awards, and Recognitions**

None.

**5. Public Hearings**

The proposed transfer of .105 acres from Tax Map Parcel 14-((A))-7 (owned by the Clarke County School Board) to Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville), .287 acres from Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville) to Tax Map Parcel 14-((A))-7 (owned by the Clarke County School Board), and .426 acres from 14-((A))-5 (owned by Paul Howell) to Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville), and the establishment of easements on Tax Map Parcels 14-((A))-5 (owned by Paul Howell) and 14-((A))-6 (owned by the Town of Berryville).

Ms. Dunkle read the public hearing notice and Mr. Dalton displayed maps and briefly summarized the proposed land transfer and rezoning as discussed in prior meetings. He replied in the negative to Mr. Mazzarino's question about whether difficulties with utility easements were expected.

Mayor Arnold opened the hearing at 7:05 and closed it immediately after ascertaining that no member of the public wished to speak.

## **6. Discussion of Public Hearing Items**

Mr. Steinmetz as chair of the Planning Commission said that no opposition or reservations had been expressed in that body's deliberations.

Mr. Steinmetz moved that the Council of the Town of Berryville adopt the attached ordinance approving the transfer of .105 acres from Tax Map Parcel 14-((A))-7 (owned by the Clarke County School Board) to Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville, .287 acres from Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville to Tax Map Parcel 14-((A))-7 (owned by the Clarke County School Board), and .426 acres from Tax Map Parcel 14-((A))-5 (owned by Paul Howell) to Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville), and the establishment of utility and access easements on Tax Map Parcels 14-((A))-5 (owned by Paul Howell) and 14-((A))-6 (owned by the Town of Berryville) contingent upon the following

- a. approval of the proposed boundary line adjustments by the Clarke County School Board, Berryville Town Council, and Paul R. Howell and the Berryville Area Development Authority and
- b. the recordation of the boundary line adjustment and associated deeds completing this boundary line adjustments and transfer of property ownership in the land records of the Circuit Court of Clarke County.

Mr. Steinmetz further moved that the Town Manager be authorized to amend deeds and other pertinent documents after consultation with legal counsel and sign documents related to this matter on behalf of the Town. The motion passed by unanimous voice vote.

## **7. Citizens' Forum**

Rick Figert addressed the Council regarding drainage problems on and near his property in Phase V of the Hermitage subdivision. He said he had discussed the matter with Town staff and had found this helpful but that the homeowners' association was not addressing the problem and that he was afraid that the Department of Environmental Quality would make him liable for the condition of a common area. Ms. Dunkle said DEQ handles stormwater matters in Berryville that she had been working with Mr. Figert and another homeowner to rectify the problem. A discussion established that staff efforts would continue.

## **8. Consent Agenda**

The consent agenda comprised the minutes of the December 12 Town Council regular meeting, the

December 21 Town Council called meeting, the December 18 Personnel Committee meeting, and the December 19 Streets and Utilities Committee meeting.

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

#### **9. Unfinished Business**

None.

#### **10. New Business**

Ms. Dunkle directed the Council's attention to the attached resolution for requesting acceptance from the Commonwealth Transportation Board, which would entitle the Town for state maintenance funds for enumerated lane miles.

Mr. Dalton and Mr. Mazzarino briefly discussed the Town's maintenance obligations.

**Ms. Harrison moved that the Council of the Town of Berryville adopt the attached resolution in order to request acceptance of the streets identified in the resolution into the VDOT Urban Highway System and Maintenance Inventory. The motion passed by unanimous voice vote.**

#### **11. Council Member Reports**

Mayor Arnold said the drought watch declaration of September 2 was still in effect and that staff remained in regular contact with the Department of Environmental Quality.

Mr. Mazzarino said he would like to speak further with Mr. Figert.

Mr. Tibbens said he had attended the December meeting of the County Board of Supervisors, representing the Council.

The other members had nothing to add.

#### **12. Staff Reports**

Nothing was added to the written reports for Public Works, Utilities, Administration and Finance, Police, or Deputy Town Manager.

#### **Community Development**

Ms. Dunkle said the annual Virginia Commission for the Arts Creative Communities Partnership Grant would soon require the attention of the Community Development Committee.

## Town Manager

Mr. Dalton briefly updated the Council on the progress of blight abatement work at 12 First Street, 225 Josephine Street, 229 Josephine Street, and 114 Josephine Street. He recommended that the Council set a definite deadline for compliance with measures agreed upon previously. The consensus of the Council was that Mr. Dalton should draft letters to the property owners for the Council to examine prior to its February meeting.

### 13. Committee Updates

Vice Mayor Gibson said the Budget and Finance Committee would not meet in January. Mr. Mazzarino said the same of Public Safety.

Mayor Arnold said the Personnel Committee had met in December 18 and had interviewed multiple candidates for appointment to the Planning Commission, and that a recommendation in February was possible. He said the committee recommended the appointment of Nancy Merriman to the Clarke County Parks and Recreation Board to replace Ronald Huff, who did not wish to continue on that body after the expiry of his term on January 31.

**Vice Mayor Gibson moved that the Council of the Town of Berryville recommend to the Clarke County Board of Supervisors that Nancy Merriman be appointed to the Clarke County Parks and Recreation Board for a term commencing on January 1, 2024 and ending December 31, 2027. The motion passed by unanimous voice vote.**

A discussion established that the Streets and Utilities Committee would meet on January 23 at 3:00 p.m. to discuss signage related to truck traffic.

A discussion established that the Community Development Committee would meet on January 23 at 4:00 p.m.

### 14. Other

No other business was discussed.

### 15. Closed Session

Not applicable.

### 16. Adjourn

The Council adjourned at 7:40 p.m. on a motion by Vice Mayor Gibson.

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Erecka L. Gibson, Vice Mayor

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Keith Dalton, Town Manager

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



[T] 540/955-1099  
[F] 540/955-4524  
[E] info@berryvilleva.gov  
www.berryvilleva.gov

**TOWN OF  
BERRYVILLE  
VIRGINIA**

**RESOLUTION OF GOVERNING BODY OF THE TOWN OF BERRYVILLE**

The governing body of the Town of Berryville, Virginia, consisting of six members, in a duly called meeting held on the 9<sup>th</sup> day of January, 2024 at which a quorum was present, **RESOLVED** as follows:

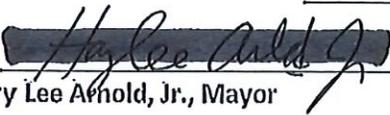
**A RESOLUTION: REQUESTING ACCEPTANCE OF ALEXANDER DRIVE, HARPER DRIVE, JONES COURT, McCORMICK COURT, NORRIS STREET, PETAL DRIVE, PULLIAM COURT, WEEKS COURT, WILSON DRIVE AND PORTIONS OF FAIRFAX STREET, TYSON DRIVE, DUNLAP DRIVE, AND JACK ENDERS BOULEVARD INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN HIGHWAY SYSTEM AND MAINTENANCE INVENTORY**

**WHEREAS**, the streets referenced above have been completed and are now eligible for VDOT maintenance funding; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Berryville, Virginia hereby requests VDOT to accept the streets referenced above as identified on the attached U-1 forms and accompanying documentation into the Urban Highway System and Maintenance Inventory for maintenance payments in accordance with § 33.1-41.1 of the Code of Virginia, 1950 as amended.

Passed this 9<sup>th</sup> day of January, 2024.

THE TOWN OF BERRYVILLE

Attest:   
By: Harry Lee Arnold, Jr., Mayor

**CERTIFICATION**

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 9<sup>th</sup> day of January, 2024.

  
Erecka L. Gibson, Vice Mayor

Harry Lee Arnold, Jr.  
Mayor

Erecka L. Gibson  
Vice Mayor

**Council Members**

William Steinmetz  
Ward 1

Diane Harrison  
Ward 2

Grant Mazarino  
Ward 3

Ryan Tibbens  
Ward 4

Keith R. Dalton  
Town Manager

**AN ORDINANCE  
APPROVING THE ADJUSTMENT OF PROPERTY LINES OF AND  
THE TRANSFER OF LAND BETWEEN  
TAX MAP PARCELS 14-((A)) – 6, 14-((A)) – 7, AND 14-((A))- 5**

BE IT ORDAINED, by the Council of Town of Berryville, that it hereby approves the adjustment of boundary lines and associated transfer of property, and establishment of easements has described below:

- transfer of .105 acres from Tax Map Parcel 14-((A))- 7 (owned by the Clarke County School Board) to Tax Map Parcel 14-((A))- 6 (owned by the Town of Berryville,
- transfer of .287 acres from Tax Map Parcel 14- ((A)) - 6 (owned by the Town of Berryville to Tax Map Parcel 14-((A))-7 (owned by the Clarke County School Board),
- transfer of .426 acres from Tax Map Parcel 14-((A))-5 (owned by Paul Howell) to Tax Map Parcel 14-((A))-6 (owned by the Town of Berryville), and
- the establishment of utility and access easements on Tax Map Parcels 14-((A))-5 (owned by Paul Howell) and 14-((A))-6 (owned by the Town of Berryville).

VOTE:

Recorded Vote:

Ayes:

Arnold, Gibson, Steinmetz, Harrison, Mazzarino, & Tibbens

Nays:

None

Abstain:

None

Absent During Meeting:

None

SIGNED   
Harry Lee Arnold, Jr., Mayor

Date: November 14, 2023

ATTEST:   
Erecka L. Gibson, Vice Mayor

Date: November 14, 2023

**BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**January 23, 2024**

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A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, January 23, 2024 at 3:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

**Members of the committee present:** Diane Harrison, Chair; Ryan Tibbens

**Staff present:** Jean Petti, Deputy Town Manager; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Chief of Police Neal White

**1. Call to Order**

Ms. Harrison called the meeting to order at 3:04 p.m.

**2. Approval of Agenda**

The agenda was approved by consensus on a motion by Mr. Tibbens.

**3. Unfinished Business**

**Proposed Truck Route**

Ms. Petti said VDOT's traffic engineering staff had agreed to the Town's request for establishment of the route and was working on appropriate signage. A brief discussion established that the matter would not require further action by the full Town Council.

**Construction Standards Updates**

Ms. Dunkle directed the committee's attention to proposed changes of verbiage in the relevant documents, to the effect that PVC pipe would no longer be permissible for water mains and appurtenances and that fiberglass hydrant marker flags must be installed by developers. She also noted changes to dimensions of water meter boxes and frames and to the identities of the suppliers thereof. A brief discussion established that matters pertaining to water mains and appurtenances and hydrant flags would require the attention of the full Council, preferably in its next meeting.

**Streets and Street Lighting**

Ms. Dunkle directed the committee's attention to the need for review of the right-of-way

size recommendations and street light placement recommendations. A brief discussion established that placement of lights could be determined by conditions at a given site, in the absence of legislative mandates.

#### **4. Unfinished Business**

None.

#### **5. Other**

The committee briefly discussed sidewalk buffer strips, snow shoveling, and snow emergency routes.

#### **7. Adjournment**

The meeting adjourned by consensus at 3:25 p.m. on a motion by Mr. Tibbens.

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**23 January 2024**

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A meeting of the Berryville Town Council Community Development Committee was held on Tuesday, January 23, 2024 at 4:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

**Members of the committee present:** Ryan Tibbens, chair; Diane Harrison

**Staff participating:** Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Police Chief Neal White

**1. Call to Order**

Mr. Tibbens called the meeting to order at 4:00.

**2. Approval of Agenda**

The agenda was approved by consensus on a motion by Ms. Harrison.

**3. Zoning Regulations for Portable Storage Containers**

Ms. Dunkle said Town staff had drafted zoning regulations for portable storage containers after receiving complaints about such containers, and read the draft ordinance.

The consensus of the committee was that a permit for a container should be required.

There was a discussion whether to have any verbiage that would differentiate between commercial and residential use. Mr. Tibbens recommended removal of the word "residential," after which there was a discussion of how to regulate different sizes and of the timeframe for commercial use, including verbiage governing accessory structures. Ms. Dunkle said staff would make the necessary modifications, including some adjustments to suggested definitions of "portable storage container."

Ms. Dunkle said the ordinance, if passed, would be retroactive.

#### **4. Virginia Commission for the Arts Creative Communities Partnership Grant**

The committee agreed that the Town should proceed with posting the application materials on its website as it has done in previous years.

#### **5. Rules for Use of Town Property**

Ms. Petti directed the committee's attention to the regulations with proposed changes in bold type.

The consensus of the committee was that the tobacco prohibition be dropped because of difficulty of enforcement, that "animals" be changed to "wildlife" at Chief White's recommendation, and that references to snow and ice be deleted in favor of verbiage indicating use of facilities at one's own risk under any conditions. The committee made no recommendations for changes to rules for the parking lots other than correction of minor typographical errors, and concluded that the matter was ready for presentation to the full Town Council if the town manager agreed to the proposed adjustments.

#### **6. Other**

None.

#### **7. Adjournment**

The committee adjourned by consensus at 4:42 p.m. on a motion by Ms. Harrison.