

MINUTES
BERRYVILLE TOWN COUNCIL

Work Session

June 29, 2026

3:30 p.m.

A meeting of the Berryville Town Council was held on Monday, June 29, 2026, at 3:30 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; Paul Perez; Grant Mazzarino.

Absent

Ryan Tibbens

Staff Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Terry Russell, Community Development Director.

Press Mickey Powell, Winchester Star

Other Ken Dondero, Vice President, Tetra Corporation; John Regan, President and CEO, The Christopher Companies; David McElhaney, Principal, Urban, Ltd.; Clarke Massey, President and CEO, Tetra Corporation.

Attachment

Ryan Tibbens requested his comments be **attached** to the minutes.

1. Call to Order

Mayor Harry Lee Arnold, Jr. called the meeting to order at 3:30 p.m.

2. Approval of Agenda

Vice Mayor Erecka Gibson moved to approve the agenda as presented. Motion passed by unanimous consent.

3. Unfinished Business

None.

4. New Business

Mayor Arnold recognized Community Development Director Terry Russell to introduce the proposed conditional rezoning of the Friant Property. Mr. Russell presented an overview of the request, noting that the approximately 100-acre property is zoned Open Space Residential (34 acres), Business Park (7 acres), and DR-1 and DR-2 (60 acres). The applicant request is for rezoning of 42 acres to DR-4.

Mr. Russell continued by discussing concerns about table 12 in the Berryville Area Plan. He stated that Table 12 lists the Sub Areas in question as having a maximum yield of 112 dwelling units. He explained that the maximum yield enumerated in Table 12 was calculated with the assumption that approximately 30 acres of the site has a slope greater than 15%. Mr. Russell reported that the 30-acre number used to develop Table 12 was an estimate, even though a detailed topographic study was completed for Annexation Area B in 1991. He stated that the developer's engineer conducted a field survey that revealed that less than 3 acres of the site has a slope greater than 15%, with the Town's consulting engineer concurring with the study's conclusions. He stated that when accurate slope data was applied to the language of the Berryville Area Plan, the calculated maximum density for the site is 138 dwelling units. He noted that the proposed development would have 134 dwelling units.

Mr. Russell also reviewed the applicant's proffers and revisions that align the rezoning with Berryville Area Plan requirements, design of the proposed houses and landscaping, sidewalks and trails, and the availability of right-of-way for widening or adding a turn lane to Battletown Drive if needed. He then introduced Ken Dondero, the Vice President of Tetra Corporation.

Mr. Dondero introduced his co-applicants, thanked Mr. Russell, and highlighted changes/additions that his team made in response to staff, public, and Planning Commission comments. These include an escrow for sidewalk installation on Battletown Drive and negotiation (still underway) for a construction entrance from Cattlemans Lane. He reviewed the application's adherence to cluster zoning requirements, improvements in fire protection, utility availability, traffic impact, street lighting, and invited comments and questions from members of Town Council, emphasizing that his team believes they have met every requirement of the Berryville Area Plan to make the plan eligible for rezoning, except for adherence to the erroneous calculation in Table 12.

Mayor Arnold thanked Mr. Dondero and opened the floor for discussion/questions by/from the Council.

Grant Mazzarino asked Mr. Dondero to address why Black Twig was originally presented as an emergency access and has been promoted to being a through street. Mr. Dondero responded that the initial application listed it as an emergency access due to traffic computations which did not support a need for an additional ingress/egress. The plan for Black Twig was expanded to make it a street upon a strong recommendation by Clarke County Planning Director Brandon Stidham. Mr. Dondero noted that it increases the impact on the adjacent property owners, but sufficient right-of-way exists for the improvement.

In response to an additional query from Mr. Mazzarino, Mr. Dondero explained that the larger lots in the eastern land bay will have to be approximately 20,000 sq feet, while the cluster development of the western land bay would yield an average lot size of approximately 7,500 square feet. Upon additional request by Mr. Mazzarino, Mr. Dondero and John Regan discussed general controls in place for construction quality control. Town Manager Keith Dalton noted that design elevations, including rear elevations, have been provided by the applicant and would be made a part of the proffers for the development.

Mayor Arnold asked for discussion of the proposed retaining walls for Black Twig. David McElhaney responded that the additional width and run required by Virginia Department of Transportation requirements to establish Black Twig as a street rather than an emergency entrance would require more substantial retaining walls. Vice Mayor Gibson asked if the retaining walls would have to be maintained by the Town after acceptance of the street and Mr. Dalton replied in the affirmative.

Paul Perez asked the applicants if, in light of the Planning Commission recommendation for denial of the rezoning request, additional proffers or revisions are anticipated. Mr. Dondero responded that Planning Commission did not provide a reason or reasons for denial, therefore no changes were planned until/unless in response to Town Council request or direction. Mr. Regan mentioned that he believed the discrepancy in Table 12 of the Berryville Area Plan was the deciding factor in Planning Commission's denial, but as no reason was given for the denial, that was just his impression. Mr. Perez responded by asking if the applicant would be able to postpone their request until the Berryville Area Plan could be reviewed and revised, if needed. Mr. Dondero regretted that additional delay was impossible due to other contractual obligations.

William Steinmetz interposed a comment that he felt the changes to Black Twig and the proposed sidewalk provisions were helpful in addressing concerns voiced during the Planning Commission review.

Vice Mayor Gibson noted that the proposed homes would be two-story, while the existing neighborhood is mostly ranch-style homes. The applicant team discussed their plans for landscape buffers that would provide backyard privacy and shield existing homes from views of the new properties.

In response to a question by Mr. Dalton, Mr. McElhaney clarified that the stormwater control areas in the plans appear as ponds, but they are planned to be detention ponds rather than retention ponds.

Vice Mayor Gibson followed up with a question about whether, in the experience of the applicants, Homeowners Association (HOA) maintenance of walking trails and other areas that are open to the public (as these are proposed to be) has been successful. Mr. Regan responded that it is not an unprecedented approach, and insurance and repair/replacement funding would be required of the HOA. Mr. Russell noted that conditional zoning, such as is anticipated in this case, is enforceable under Berryville's Zoning Ordinance. Mr. Dalton and Town Council requested that the applicant require additional mowing adjacent to the trail system and other open-space areas to inhibit invasive species and pests and serve to deter wildlife interaction with users. Mr. Mazzarino asked what type of surface was anticipated for the trails and Mr. Dondero and Mr. McElhaney responded that asphalt is anticipated in upland areas and a soft-surface in flood prone areas. In response to general Council discussion, Mr. Regan offered to investigate a provision for lighting and trash receptacles to support the walking trails.

The discussion returned to a review of the proposed design of the homes. Vice Mayor Gibson asked if the homes were built and then sold, and Mr. Regan responded that, typically, two model homes are built and then each buyer would have a pre-construction opportunity for customization. There are anticipated to be 12-15 styles available, based on variations of two to three "base" options. The average home is expected to be around 2500 sq feet in the western bay and 3200+ square feet in the eastern bay. Controls are in place to prevent excessive repetition, or "cookie cutter" homes.

Mayor Arnold recognized Mr. Dalton for additional questions. Mr. Dalton asked for a review of the landscaping buffer plan. Mr. McElhaney detailed that one street tree per lot is planned and that an approximately 44 ft wide mixed tree buffer will be planted around the historic Bel Voi house. Mr. Dalton asked if this would be possible with the planned utility force main that is anticipated and Mr. McElhaney responded in the affirmative. Mr. Dalton then requested the applicants discuss the viewshed from Route 7. Mr. McElhaney described the existing cut bank that screens the rear of the houses from view, but offered additional tree screening if the Town determines that the bank elevation is not sufficient.

Mr. Dondero noted that he expects to resolve the negotiations for a temporary construction entrance off of Cattlemans Lane before the Town Council's anticipated Public Hearing.

Mr. Dalton asked for clarification regarding existence of sufficient right-of-way to establish Black Twig as submitted. Mr. Dondero replied that the right-of-way was verified.

Upon invitation of Town Council, Mr. Dondero revisited the proposed sidewalk sections on Battletown Drive, highlighting the areas that would be installed as part of the development, the areas where sufficient right-of-way exists, and the three lot frontages near the intersection with Bel Voi Drive where additional right-of-way would be necessary to establish uninterrupted sidewalks. The proposal includes proffered funds to defray Town expenses if the Town decides to install sidewalks along Battletown Drive to connect the applicant's sidewalk with the sidewalk on E. Main Street.

Mr. Russell asked how the proffers were calculated. Mr. Dondero responded that they were developed by a third-party analyst. Parks and school's proffers are based on the Capital Improvement Program (CIP) and in consultation with Clarke County Public Schools.

No more questions were posed by staff or Council, so Mayor Arnold reviewed the anticipated schedule, to wit:

During the July 14, 2026 regular Town Council meeting, Town Council is expected to set a Public Hearing for 7:00 p.m. at the September 8, 2026 meeting;

Following the Public Hearing, the Town Council is expected to render their decision at either the September 8, 2026 meeting or October 13, 2026 meeting.

5. Closed Session

Vice Mayor Gibson moved to enter closed session at 5:07 p.m.

Motion to enter Closed Session

Vice Mayor Gibson moved that Council of the Town of Berryville enter into closed session in accordance with Section 2.2-3711.A.1 of the Virginia Code, to consider prospective candidates for employment and Section 2.2-3711.29 of the Virginia Code in order to discuss the award of a public contract involving the expenditure of public funds. Specifically, the Council will discuss the bids received for the Wastewater Treatment Bar Screen project. Motion passed by voice vote.

The Council reentered open session at 5:36 p.m.

Certification Motion

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:

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

6. Adjourn

The meeting was adjourned at 5:37 p.m. on a motion by Vice Mayor Gibson.