

MINUTES

BERRYVILLE TOWN COUNCIL

Regular Meeting

January 13, 2026

7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, January 13, 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; 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 7:01 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

None.

5. Public Hearings

Text Amendment to Article III- Supplementary Regulations Section 303- Fences

The Community Development Director Terry Russell presented the Text Amendment to Article III. He stated that no comments were received during the Planning Commission Public Hearing. Mr. Mazzarino asked if a resident took down their nonconforming fence could they just replace it. Mr. Russell responded that

maintenance is permissible and replacement would have to occur within two years or a new permit would be required. William Steinmetz questioned whether a permit would be required to repair an existing fence. Mr. Russell said no. Mayor Arnold inquired whether fence materials could be changed without obtaining a permit and Mr. Russell responded that the regulation focuses primarily on fence height rather than materials.

Mayor Arnold opened the public hearing on Text Amendment to Article III- Supplementary Regulations Section 303- Fences.

No citizens signed up to speak.

Mayor Arnold closed the public hearing.

6. Discussion of Public Hearing Items

Text Amendment to Article III- Supplementary Regulations Section 303- Fences

Mr. Steinmetz moved that the Council of the Town of Berryville adopt the attached amended Article III- Supplementary Regulations Section 303- Fences as presented. Motion passed by voice vote.

7. Citizens' Forum

None.

8. Consent Agenda

Vice Mayor Erecka Gibson moved to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business

Bond Reduction Request from DR Horton

Deputy Town Manager Jean Petti addressed the Council regarding the bond release request from DR Horton for Hermitage V. She reported that she conducted a site visit with Mr. Russell and the Director of Public Works Doug Riseden.

Staff requests full release of the Erosion and Sediment Control bond while retaining \$59,613.00 for sidewalks, driveway aprons, and gutters. Mr. Mazzarino asked whether DR Horton had commented on repairing the concrete. Mrs. Petti stated that photographs had been emailed to DR Horton, but no response had been received as of the meeting.

Town Manager Keith Dalton asked Mrs. Petti to provide an update regarding the property behind Rick Figert's home on Jones Court involving DR Horton. Mrs. Petti explained that the stormwater installation does not meet functionality standards and DEQ identified deficiencies during an inspection with DR Horton. She stated that DR Horton is currently working with a second vendor to address the issues, but no update has been received this year. Mr. Dalton confirmed that this issue is not covered under the bond currently under consideration. Mrs. petti agreed.

Ryan Tibbens moved that the Town of Berryville release the Hermitage V Erosion and Sediment Control bonds in full. He further moved that the Hermitage V Public Improvement bonds be reduced to \$59,613.00. Motion passed by voice vote.

Bond Reduction Request from the LGV group

Mrs. Petti spoke regarding the bond reduction for 410 Jack Enders Boulevard. She stated that only one building has been constructed and that staff has reviewed the as-built plans and worksheets submitted by LGV Group. A significant amount of work has been completed, LGV Group is requesting a reduction of the subdivision bond to \$364,784.37. Staff recommends authorizing the town manager to approve the bond reduction once the revised as-built plans are submitted, as staff has no reason to believe the site does not meet applicable standards.

Vise Mayor Gibson moved that the Council of the Town of Berryville authorize the town manager to reduce the amount retained for the LGV Group LLC Subdivision bond to not less than \$364,784.37 when revised as-built plans show conformance to standards for positive drainage and conformance with Constructions Standards and Specifications Manual. Motion passed by voice vote.

10. New Business

Council and Town Council standing committees for calendar 2026 Draft

Mr. Tibbens moved that the Council of the Town of Berryville approve the **attached meeting calendar for 2026 as amended and the Committee Assignments for 2026. Motion passed by voice vote.**

11. Council Member Reports

Mr. Tibbens wanted to say welcome to the Town to Chief of Police, Jason Winner.

12. Staff Reports

Mr. Russell reviewed his staff report, which is **attached**.

Mr. Dalton welcomed Chief of Police Jason Winner, noting he has had a strong start in his first week and that the town is fortunate to have him.

13. Committee Updates

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

Budget and Finance Committee

None.

Community Development Committee & Streets and Utilities Committee

Mayor Arnold let the Council know he will fill in if needed on this committee.

Personnel, Appointments, and Policy

Mayor Arnold announced openings on the Planning Commission and Tree Board Committees.

Public Safety

Mr. Mazzarino also welcomed Chief of Police Jason Winner.

14. Closed Session

None.

15. Adjourn

The Council adjourned at 7:43 p.m. on a motion by Mr. Mazzarino.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

Town of Berryville
Motion to adopt Article III- Supplementary Regulations Section
303- Fences

Date: January 13, 2026

MOTION BY: William Steinmetz

I move that the Council of the Town of Berryville adopt the attached amended Article III- Supplementary Regulations Section 303- Fences as presented.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town Council Agenda Item Report Summary

January 13, 2026

Item Title

Public Hearing – Zoning Ordinance text amendments for fences

Prepared By

Terry Russell

Background/History/General Information

A text amendment to ARTICLE III – SUPPLEMENTARY REGULATIONS SECTION 303 – FENCES, 303.3. of the Berryville Zoning Ordinance to amend the height of fences in front setbacks in residential zones and in front setbacks for residential uses in commercial zones.

Fences are regulated by **Section 303 – Fences** of the Berryville Zoning Ordinance. Fences may be located along property lines up to a height of six feet. In some cases, fences this height cause the front yards of adjacent properties to feel too enclosed and may cause a vision obstruction for vehicles exiting the adjacent properties. In other jurisdictions fences tend to be lower in height in front yards than in rear yards. A maximum height of 4 feet is common in other jurisdictions. The following proposes amended language that would lower the maximum height of fences to 4 feet in front setbacks.

ARTICLE I – DEFINITIONS

* * *

SECTION 102 – SPECIFIC TERMS

* * *

fence - A barrier, usually made of posts and wire, boards, or masonry, intended to prevent escape or intrusion or to make a boundary. Trees, shrubbery, or other foliage does not constitute a fence under this definition.

* * *

ARTICLE III – SUPPLEMENTARY REGULATIONS

* * *

SECTION 303 – FENCES

303.1 No fragile, readily flammable material such as paper, cloth, or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

- 303.2** No fence shall be constructed within two (2) feet of any right-of-way line **(12/98)**, except on corner lots as set forth in Section 302.
- 303.3** Fences shall not exceed a height of six (6) feet, except that fences shall not exceed a height of four (4) feet in front setbacks in residential zones and in front setbacks for residential uses in commercial zones, as measured from the top-most point thereof to the ground or surface, along the center line of the fence, in a commercial or residential zone, except on corner lots as set forth in Section 302.
- 303.4** Fences in commercial zones shall not exceed a height of six (6) feet, as measured from the top-most point thereof to the ground or surface, along the center line of the fence, except on corner lots as set forth in Section 302. The Planning Commission may approve fences of up to ten (10) feet in height on a case-by-case basis. **(12/98)**
- 303.5** Fences surrounding industrial sites, public playgrounds, institutions, or schools may not exceed a height of fourteen (14) feet.

Findings/Current Activity

Staff has received concerns from citizens regarding the height of fences in front yards in some locations. It is common in local jurisdictions to restrict fences to lower heights in front yards to prevent vision obstructions for vehicles and other security considerations, while providing higher height limits in rear yards to enhance privacy.

Schedule/Deadlines

N/A

Planning Commission

The Planning Commission held a public hearing on November 25, 2025. It recommended that the Town Council approve the Zoning Text Amendment as proposed.

Recommendation

Staff recommends that the Town Council approve the Zoning Text Amendment as proposed.

Sample Motion

I move that the Town Council of Berryville, VA approve a text amendment to ARTICLE III, SUPPLEMENTARY REGULATIONS, of the Berryville Zoning Ordinance, Section 303.3 as follows: Fences shall not exceed a height of six (6) feet, except that fences shall not exceed a height of four (4) feet in front setbacks in residential zones and in front setbacks for residential uses in commercial zones, as measured from the top-most point thereof to the ground or surface, along the center line of the fence, in a commercial or residential zone, except on corner lots as set forth in Section 302.

Town of Berryville

Motion to release Hermitage V Erosion and Sediment Control bonds in full

Date: January 13, 2026

MOTION BY: Ryan Tibbens

I move that the Council of the Town of Berryville release the Hermitage V Erosion and Sediment Control bonds in full. I further move that the Heritage V Public Improvement bonds be reduced to \$59,613.00.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to reduce LGV Group LLC Subdivision Bond

Date: January 13, 2026

MOTION BY: Vice Mayor Erecka Gibson

I move that the Council of the Town of Berryville authorize the Town Manager to reduce the amount retained for the LGV Group LLC Subdivision Bond to not less than \$364,784.37 when revised as-built plans show conformance to standards for positive drainage and conformance with Constructions Standards and Specifications Manual.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Town of Berryville
Motion to approve TC meeting calendar for 2026

Date: January 13, 2026

MOTION BY: Ryan Tibbens

I move that the Council of the Town of Berryville approve the attached meeting calendar for 2026 as amended and the Committee Assignments for 2026.

VOTE:

Aye: ALL

Nay: 0

Absent: Paul Perez

Abstain: 0

ATTEST

Erecka Gibson, Vice Mayor

Council and Town Council Standing Committees for Calendar 2026

Draft

Dates in bold are meetings that have been rescheduled

Town Council Meeting

7 p.m. second Tuesday, monthly, Main meeting room

Jan 13

Feb 10

Mar 10

Apr 14

May 12

Jun 9

Jul 14

Aug 11

Sep 8

Oct 13

Nov 10

Dec 8

Town Council work session

3:30 p.m. first Monday, monthly, Main meeting room

Jan 5

Feb 2

Mar 2

Apr 6

May 4

Jun 1

Jul 6

Aug 3

Aug 31

Oct

Nov 2

Nov 30

TC Personnel Committee

2 p.m. fourth Monday, monthly, AB meeting room

Jan 26

Feb 23

Mar 23

Apr 27

May 18

Jun 22

Jul 27

Aug 24

Sep 28

Oct 26

Nov 23

Dec 28

TC Budget & Finance Committee

3 p.m. fourth Monday, monthly, AB meeting room

Jan 26

Feb 23

Mar 23

Apr 27

May 18

Jun 22

Jul 27

Aug 24

Sep 28

Oct 26

Nov 23

Dec 28

TC Community Development Committee/ Streets & Utilities Committee

3:30 p.m. fourth Tuesday, monthly, AB meeting room

Jan 27

Feb 24

Mar 24

Apr 28

May 26

Jun 23

Jul 28

Aug 25

Sep 22

Oct 27

Nov Cancelled

Dec Cancelled

TC Public Safety Committee

3 p.m. fourth Thursday, quarterly. AB meeting room

Feb 26

May 28

Aug 27

Oct 22

Town Council Committee/Board Assignments 2026

Standing Committees of the Council

Budget & Finance	Erecka Gibson, Chair & Grant Mazzarino
Community Development	Ryan Tibbens, Chair & Paul Perez
Personnel	Jay Arnold, Chair & Erecka Gibson
Public Safety	Grant Mazzarino, Chair & William Steinmetz
Streets & Utilities	Paul Perez, Chair & Ryan Tibbens

Other

Northern Shenandoah Valley Regional Commission

Erecka Gibson
Terry Russell (Alternate)

Berryville Main Street Liaison

Jay Arnold

Berryville-Clarke County Joint Committee on Economic Development & Tourism

Jay Arnold
William Steinmetz

Planning Commission Liaison

William Steinmetz

Berryville Area Development Authority Liaison

Jay Arnold

Bee City USA Committee Liaison

Erecka Gibson

Clarke County Economic Development Advisory Committee

Ryan Tibbens