

MINUTES

**BERRYVILLE TOWN COUNCIL
Regular Meeting
September 09, 2025
7:00 p.m.**

A meeting of the Berryville Town Council was held on Tuesday, September 09, 2025, 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:

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Chief Tim Bristol, Berryville Police Department

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Arnold called the meeting to order at 7:05 p.m.

2. Pledge of Allegiance

Mayor Arnold invited all those assembled to stand for the Pledge of Allegiance.

3. Approval of Agenda

Ms. Gibson moved to approve the agenda as presented. The motion passed by voice vote.

4. Presentations, Awards, and Recognitions

None

5. Public Hearings

Special Use Permit- Home Occupation- Renzi 308 Breckinridge Court

Terry Russell, the Community Development Director, explained the amendment to the Renzi Special Use Permit. The hours will be changing to 9:00 a.m. to 1:00 p.m. and 6:00 p.m. to 8:00 p.m. Monday through

Friday. The Planning Commission has recommended the Council approve the SUP. Mr. Renzi spoke to the Council to say that business is going well.

Special Use Permit- Contractors establishment with outdoor storage- Nova Power Systems, Inc- 3 Cattleman's Lane

Mr. Russell explained the Special Use Permit for Nova Power Systems, including recommended Staff stipulations as follows: the outside storage cannot go outside the designated area (**attached**), it must not exceed 20 feet high, and storage cannot reduce required parking. The Planning Commission has recommended to the Council the Special Use Permit be approved. Mr. Steinmetz asked if the 20 feet height restriction was discussed at the Planning Commission meeting and Mr. Russell stated it was not. Mr. Steinmetz also wanted to know if there were any height restrictions on other commercial properties, Mr. Dalton said that he did not know.

Bryant White, representative for the owner Chris Bruner of Nova Power Systems spoke to the Council. The company is looking forward to doing business with the Town and giving citizens job opportunities. He wanted Council to know most of the assembly would be happening in the building. Mr. Mazzarino asked if they have more than one location, Mr. Bruner said yes, they do, this would be their second industrial lot. A citizen, Mr. David Lerch, wanted to state to the Council that he was in support of the outside storage.

Proposed amendment of the Fiscal Year 2026 Budget

Mr. Dalton described the three elements of the proposed amendment to the FY2026 Budget.

It is proposed that \$100,000 be removed from the TAP Project Reserve Fund and placed in General Fund Revenues. These funds, if placed in the FY26 Budget would be used for the Mosby Blvd. / East Fairfax TAP project.

It is proposed that \$150,000 be removed from the Water Distribution System Reserve and placed in Water Fund Revenues. These funds, if placed in the FY26 Budget would be used for replacement of the water main on Dorsey Street.

It is proposed that \$300,000 be removed from the Sewer Collection System Rehabilitation Reserve and placed in Sewer Fund Reserves. These funds, if placed in the FY26 Budget would be used for rehabilitation of the sewer collections system in the Bel Voi and Battletown Drives area, if the Streets and Utilities Committee deemed the projects in question worthy of funding. Mr. Dalton expressed his desire to have this matter discussed by the Streets and Utilities Committee in the near term. Mr. Tibbens inquired as to what would happen if these funds were added to the budget and not expended. Mr. Dalton stated that these unspent funds would be fund balance at the end of the year and would then be distributed to reserve funds when the Council approved a revised Reserve Funds Specifics.

6. Discussion of Public Hearing Items

Special Use Permit- Home Occupation- Renzi 308 Breckinridge Court

Mr. Steinmetz moved that the Council of the Town of Berryville approve an amendment to Special Use Permit SUP 03-24 to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court with conditions as follows:

- No more than six (6) clients per session,
- All activities must take place within the structure with the garage door and windows closed;
- No noise from business-related activities may be detected off site;
- Hours of operation from 9:00 a.m. to 1:00 p.m., and 6:00 p.m. to 8:00 p.m. on Monday through Friday.
- Signage shall be limited to a nameplate no more than two square feet per section 315.5(a) of the Berryville Zoning Ordinance;
- Special Use Permit 24-03 shall be revoked if the off-site parking agreement with Martin's is not maintained;
- On-street parking related to business activities at 308 Breckinridge Court is prohibited; and
- A maximum of two (2) clients parking on-site.

Motion passed by voice vote.

Special Use Permit- Contractors establishment with outdoor storage- Nova Power Systems, Inc- 3 Cattleman's Lane

Mr. Mazarino moved that the Council of the Town of Berryville approve Special Use Permit SUP 01-25 in order to allow a contractor's establishment with outdoor storage on the property located at 3 Cattleman's Lane, provided that said outdoor storage:

- Is confined to the area shown labeled for "Outside Storage" on the **attached** plat dated 7/16/18,
- May not extend within five (5) feet of any side or rear property line or within ten (10) feet of the front property line with Cattleman's Lane,
- May not exceed twenty (20) feet in height, and
- May not occupy parking areas required by the Berryville Zoning Ordinance.

Motion passed by voice vote.

Proposed amendment of the Fiscal Year 2026 Budget

Mr. Tibbens moved that the Council of the Town of Berryville amend the FY2026 Budget and appropriate funds as follows:

General Fund

General Fund Revenue Fund Balance Forward (Line Item #100-300000-0000) increased by \$100,000 to \$635,000.

General Fund Expense: Mosby Boulevard Sidewalk (Line Item #100-4094200-9004) increased by \$100,000 from \$0.

Reduce the Transportation Alternative Program (TAP) Project Reserve by \$100,000, leaving a balance of \$794,000.

Water Fund

Water Fund Revenue Fund Balance Forward (Line Item #501-3000000-000) increase by \$150,000 from \$0.

Water Fund Expense: Water Distribution System Upgrades (Line Item #501-4094200-8361) increased by \$150,000 to \$275,000.

Reduce Water Distribution System Reserve by \$150,000, leaving a balance of \$1,050,000.

Sewer Fund

Sewer Fund Revenue Fund Balance Forward (Line Item #502-3000000-000) increase by \$300,000 to \$690,000.

Sewer Fund Expense: Sewer Fund Collection System Rehab (Line Item #502-4094200-8134) increase by \$300,000 from \$0.

Reduce Sewer Collection Reserve by \$300,000, leaving a balance of \$1,700,000.

7. Citizens' Forum

Mayor Arnold called on citizens who have signed up to speak during the forum.

Mrs. Mary Ivie is a resident that lives on 12 Dorsey St and wanted to let the Council know that she is still having issues with the large trucks coming down the side streets, Walnut St, Dorsey St and Rice St. She saw a truck going down Rice St tonight. She knows people walk their dogs at night and is afraid someone is going to get hurt, the trucks do not go the speed limit. She would like a temporary sign put up that says no trucks.

Mr. Gerald Dodson thanked the Council for approving the Peace Pole on behalf of the Clarke County Rotary Club. He is very happy with it and said there is a QR code that you can scan from the pole, to see other Peace Poles.

Kimberly Chambers is a resident that lives on 122 W Main St. She has lived there for 12 years. She has noticed over the years that there is more traffic and more people speeding through town. She would like a digital speed monitor or speed bumps put on W Main St. She has spoken with VDOT and advised that they will be contacting to Mr. Dalton soon.

Bryan Bielinski is a resident that lives at 413 Montgomery Ct. There is a lot of traffic and speeding happening in Hermitage. He would like to see 4 way stops put in. He knows lots of children walk to school. He also is concerned about a white work van with no windows being parked on the street near his house every day. He

asked would the Town make the van park in the person's driveway or not be there at all? He said the person who lives at the home it's parked near does not own the business that is written on the side of the van.

8. Consent Agenda

Mr. Steinmetz moved to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business

None

10. New Business

None

11. Council Member Reports

Mrs. Kelsey read the resolution (**attached**) recognizing the service of Rick Boor, Director of Public Works. Mr. Boor will be retiring on September 30, 2025.

Mr. Dalton wanted to make a statement regarding Mr. Boor. He stated that Mr. Boor's retirement is a big loss for the Town, he is happy for Mr. Boor in his next steps in life. Mr. Boor has the biggest heart and was very dedicated to the Town. He has served the Town well and has helped build a well-equipped and well-trained Public Works Department. He will be greatly missed.

Mr. Tibbens moved that the Council of the Town of Berryville approve the attached resolution honoring Rick Boor's service to the community. Motion passed with voice vote.

Mayor Arnold announced that Mr. Douglas Riseden has been hired to be the next Director of Public Works.

Announcement of names of candidates under consideration for appointment as Ward 2 Councilmember

Candidates:

- Paul Perez of 116 South Church Street
- Patrick Irish of 765 McGuire Circle

The Mayor thanked the applicants for their interest in serving the Town and stated that the Council will hold interviews with the candidates on September 24, 2025. The Council expects to make an appointment for Ward 2 Councilmember on October 14, 2025.

12. Staff Reports

Mr. Steinmetz said he was thankful for the Public Works for picking up branches.

Mr. Tibbens seconded the thanks to Public Works.

Town Manager

Mr. Dalton spoke about the proposed charge off of delinquent personal property taxes for Tax Year 2019.

Ms. Gibson moved that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for Tax Year 2019. The motion passed by voice vote.

Deputy Town Manager

Mrs. Petti explained that D.R. Horton emailed an update on the Bond release, they are in the process of fixing said issues, but are not finished yet.

Mrs. Petti introduced Bryan Byrd from Glo Fiber to speak about the pavement restoration standards. Mr. Byrd stated the construction has started and the first area is completed. The project will be running twenty miles of fiber and ten of that will be underground. The project should wrap up mid-2026. Mr. Byrd explained the state requires a visual inspection at every utility crossing. The standards their company normally goes with has them patch approximately four feet. The Berryville standard from VDOT is twenty-five feet. If the Town does not change the patching requirements, then there will be approximately 700 homes out of the 1,800 projected which will not have service. It would simply not be cost effective for Glo Fiber to bury their line with the Towns patch requirement. Mr. Steinmetz asked approximately how many test pits would need to be cut and it was stated that fifty was just for one subdivision. Mrs. Petti spoke to the fact that she contacted some of their references whom said the patches looked acceptable after one to two years, she could not reach anyone who had used them longer than that time frame. Mr. Dalton said there may be a compromise that can be made on side streets, but he would not advise lowering the standards for collector roads. Mr. Tibbens wanted to know if the construction standards were available to Glo Fiber before the contract was signed and Mr. Dalton said yes, they were. Mr. Tibbens asked for the economic cost difference to be given to the Council so that can help them make an informed decision. There was no motion made, there will be more information provided to Council and brought to the October 14th meeting.

Town Manager

Mr. Dalton spoke about establishing the date and time for Trick-or-Treating.

Mr. Steinmetz moved that the Council of the Town of Berryville, in accordance with §13-38 of the Berryville Code, designate October 31, 2025 between the hours of 6:00 p.m. and 8:30 p.m. as the period in which trick-or-treating may occur within the Berryville town limits. Residents who wish to participate in giving treats should turn on their porch lights during designated hours. Trick-or-Treaters should only visit homes at which a porch light is activated. Motion passed by voice vote.

Mr. Dalton proposed the setting of a Special Meeting for September 24, 2025 at 3:30 p.m.

Ms. Gibson moved that the Council of the Town of Berryville, in accordance with §3.12 of the Town of Berryville Charter, set a special meeting on September 24, 2025 at 3:30 p.m. Motion passed by voice vote.

The Mayor advised that there is a vacant spot on the Berryville Area Development Authority. Mayor Arnold expressed his interest in being appointed to the Authority.

Mr. Tibbens moved that the Council of the Town of Berryville appoint Harry Lee Arnold, Jr to the Berryville Area Development Authority with his term becoming effective on September 10, 2025 and ending July 1, 2028. Motion passed by voice vote with Mayor Arnold abstaining.

13. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council to introduce action items, provide updates, and impart additional information that they think may be helpful to the Council.

Budget and Finance Committee

None

Community Development Committee & Streets and Utilities Committee

Mr. Tibbens advised there would be no meeting for September because there would be no quorum.

Personnel, Appointments, and Policy

Mayor stated there are two open positions on the Planning Commission and one on the Tree Board.

Public Safety

None

Mr. Dalton said there are two items to discuss in the closed session, legal representation for the Town and two candidates for Ward 2. Ms. Gibson asked if once a new Ward 2 Councilmember is chosen can the appointments to committees be changed. Mayor said they can be shuffled.

14. Closed Session

The Council of the Town of Berryville will conduct a closed session in accordance with §2.2-3711.A.1 to consider prospective candidates for appointment to the Town Council and in accordance with §2.2-3711.A.1 for discussions related to the appointment of a Town Attorney.

Mr. Mazzarino moved that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711.A.1 to consider prospective candidates for appointment to the Town Council and in accordance with §2.2-3711.A.1 for discussions related to the appointment of a Town Attorney.

Certification Motion and Resolution

Ms. Gibson 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. Mazzarino-	Aye
Mr. Tibbens-	Aye
Ms. Gibson-	Aye
Mr. Arnold-	Aye

15. Adjourn

The Council adjourned at 9:29 p.m. on a motion by Ms. Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

LEGEND

These standard symbols will be found in the drawing.

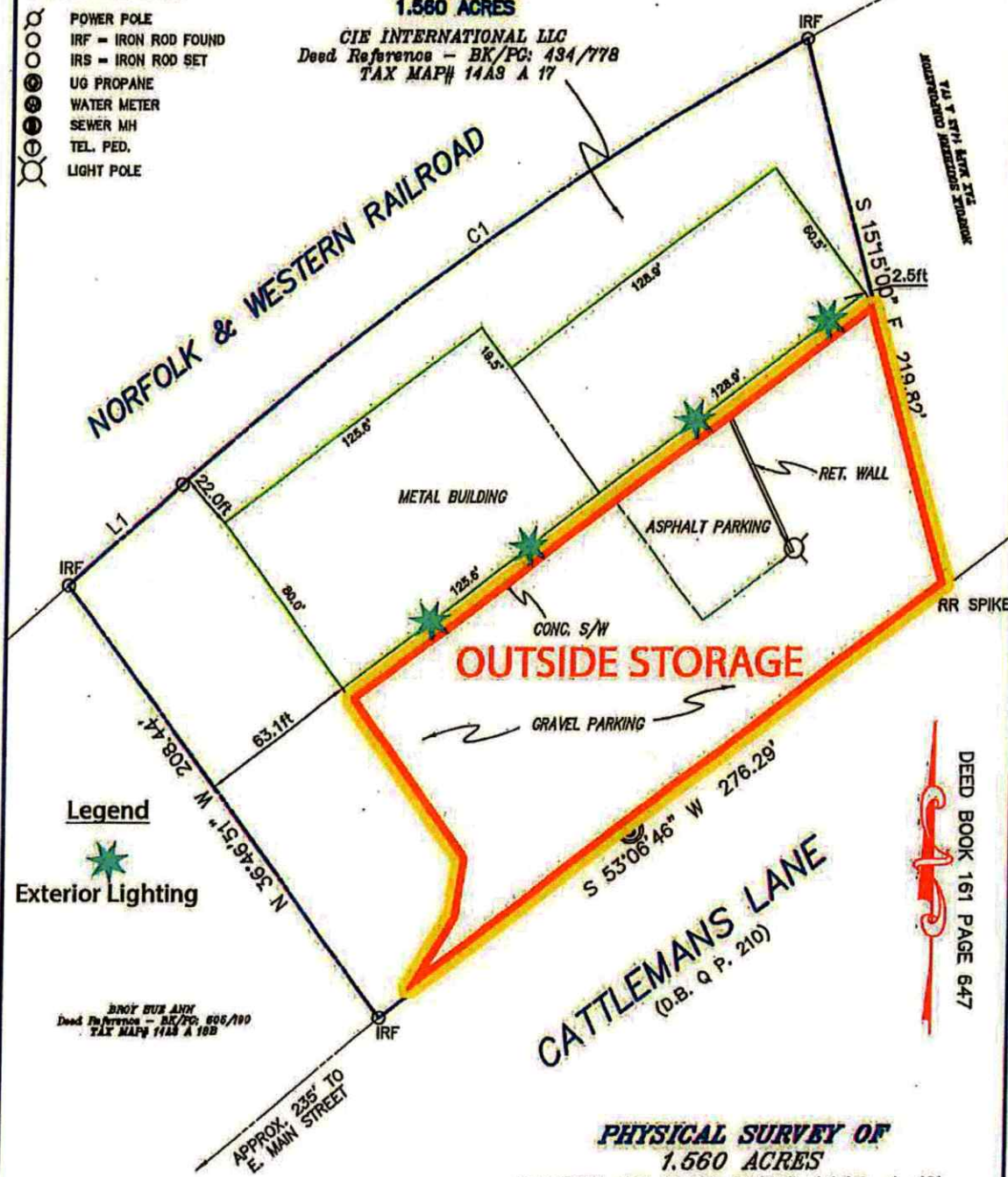
- POWER POLE
- IRF - IRON ROD FOUND
- IRS - IRON ROD SET
- UG PROPANE
- WATER METER
- SEWER MH
- TEL. PED.
- LIGHT POLE

CURVE	RADIUS	CHORD LENGTH	CHORD BEARING
C1	1399.40'	298.56'	N 54°46'38" E

LINE	BEARING	DISTANCE
L1	N 48°39'16" E	58.70'

1.560 ACRES

67955 SQ. FT.
1.560 ACRES
CIE INTERNATIONAL LLC
 Deed Reference - BK/PG: 434/778
 TAX MAP# 14A3 A 17



Legend
 Exterior Lighting

DROY BUE ANH
 Deed Reference - BK/PG: 806/100
 TAX MAP# 11A3 A 10B

DEED BOOK 161 PAGE 647

PHYSICAL SURVEY OF
1.560 ACRES
 KNOWN AS TAX MAP# 14A3 A 17
#3 CATTLEMANS LANE
 LONGMARSH MAGISTERIAL DISTRICT
 CLARKE COUNTY, VIRGINIA
 SCALE 1"=50' DATE 7-16-18

** THIS SURVEY REPRESENTS A PHYSICAL SURVEY ONLY
 ALL EXISTING CORNERS FROM THE ORIGINAL SURVEY
 WERE MARKED WITH WOODEN STAKES.
 A BOUNDARY SURVEY IS REQUIRED IN ORDER TO
 RESTORE THE MISSING MONUMENTS.



- 1.) NO TITLE REPORT FURNISHED.
- 2.) CURRENT ZONING FOR THIS PARCEL IS COMMERCIAL
- 3.) EASEMENTS & OTHER ENCUMBRANCES NOT SHOWN MAY EXIST.
- 4.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
- 5.) BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM RECORD DEED BOOK 161 PAGE 647
- 6.) SETBACKS IF SHOWN ARE TAKEN FROM THE SURVEY OF RECORD, COUNTY ZONING IS SUBJECT TO CHANGE, VERIFY WITH COUNTY FOR ACCURAOY.

CEDAR MOUNTAIN LAND SURVEYING
 www.cedarmountainlandsurveying.com

CEDAR MOUNTAIN LAND SURVEYING
 9278 HIRTLEY TRAIL, CULPEPER, VA 22701
 (640) 718-1776 CMLS@COMCAST.NET

TOWN COUNCIL
MOTION FOR APPROVAL
AMENDING THE 2025-2026 FISCAL YEAR BUDGET OF
THE TOWN OF BERRYVILLE

Date: September 9, 2025

Motion By:

Second By:

I move the Council of the Town of Berryville amended the FY 2026 Budget and appropriate funds as follows:

General Fund

General Fund Revenue Fund Balance Forward (Line Item # 100-300000-0000) increased by \$100,000 to \$635,000.

General Fund Expense: Mosby Boulevard Sidewalk (Line Item #100-4094200-9004) increased by \$100,000 from \$0.

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Sewer Fund Expense: Sewer Fund Collection System Rehab (502-4094200-8134)
increase by \$300,000 from \$0.

Reduce Sewer Collection Reserve by \$300,000, leaving a balance of \$1,700,000.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST: _____
Erecka Gibson, Vice Mayor



**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE HONORING
Rick Boor**

WHEREAS, Rick Boor has served and led the Town of Berryville's Public Works Department for twenty-seven years, planning and directing the activities of his department in installing, maintaining, and repairing essential services- such as streets, sidewalks, parks, water and sewer, and storm sewer- that support and protect our community; and

WHEREAS, he responded at all hours and in all weathers to emergencies to ensure uninterrupted water and sewer service to the businesses and residents of Berryville and to clear and repair essential infrastructure after storm damage and traffic incidents, and developed relationships of trust and respect with the team of Public Works staff, other departments, vendors, regulatory personnel, and citizens of Berryville; and

WHEREAS, Rick prepared for winter weather and conducted ice and snow removal from thirty-nine miles of Town streets, as well as all Town-owned lots and walks, providing for the safe transportation of first responders, citizens and employees of the Town, and visitors and vendors; and

WHEREAS, he provided invaluable review for site and construction planning functions of Town regarding street lighting, water and sewer service, fire protection, signage, street and sidewalk installation, expansion, and repair, particularly during the construction of the Berryville Clarke-County Government Center, Berryville's Wastewater Treatment Plant, and Berryville's Public Works Yard; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville honors Rick Boor's exemplary level of dedication and service, gratefully recognizes his contribution to the Town of Berryville to expand and improve the function of the Public Works department, and thanks him for his deep commitment to the wellbeing of Berryville and its citizens.

By order of the Town Council this 9th day of September, 2025.

Harry Lee Arnold Jr., Mayor

Erecka L. Gibson, Vice Mayor

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Council Members

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

**Town of Berryville
Town Council
Resolution**

WHEREAS, Section § 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which the taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for the tax year 2019, has remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in meeting duly assembled this ninth day of September, 2025, that the attached list of delinquent personal property taxes for the tax year of 2019 shall be charged off the tax records of the Town of Berryville as uncollectable.

PASSED THIS 9th DAY OF SEPTEMBER 2025.

Harry L. Arnold, Jr., Mayor

I hereby certify that the foregoing Resolution was duly adopted by the Council of the Town of Berryville in meeting assembled September 9, 2025.

ATTEST:

Erecka L. Gibson, Vice Mayor

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: September 9, 2025

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville will enter into a closed session in accordance with §2.2-3711.A.1 Consideration of prospective candidates for appointment to the Town Council and Section 2.2-3711.A.1 for discussions related to appointment of a Town Attorney.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

Town Council
Motion
CLOSED SESSION RESOLUTION

DATE: September 9, 2025

MOTION BY:

SECOND BY:

I move 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:

AYE:

NAY:

ABSENT:

ABSTAIN:

ATTEST:

Ericka Gibson, Vice Mayor