

**BERRYVILLE TOWN COUNCIL  
MEETING AGENDA  
Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
Main Meeting Room**

**Regular Meeting  
November 10, 2015  
7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call To Order	
2. Pledge of Allegiance	
3. Public Hearings	
Amendment to Berryville Area Plan Proposed amendment to the Berryville Area Plan, Chapter 5, in order to increase the number of Older Person Residential multifamily units from 120 to 180 and reducing the number of Older Person residential single-family units from 180 to 120 units as identified in Sub-Area 6A of Annexation Area B	1↓
Text Amendment to Berryville Zoning Ordinance Proposed amendment to the Berryville Zoning Ordinance, Section 614.5, in order to increase the number of permitted multifamily units in the OPR Zoning District from 120 to 180 and decreasing the number of single family detached, two-family detached, and single-family attached units from 180 to 120 units	2↓
Text Amendment to Berryville Zoning Ordinance Proposed amendment to the Berryville Zoning Ordinance, Section 703.6(b)viii, in order to require review by the Berryville Architectural Review Board of demolition, building relocation, and structures erected by the rear building line of the main residential building if visible from the public right of way for properties located in the local historic district	3↓
4. Approval of Minutes	
October 13, 2015 Regular Meeting	4↓
5. Citizens' Forum	
6. Report of Wilson Kirby, Mayor	
Veterans Day Service	5

<u>Item</u>	<u>Attachment</u>
<b>7. Report of Christy Dunkle, Asst. Town Manager for Community Development</b>	
Planning Department Monthly Report	6
Acceptance of streets into secondary maintenance system	7↓
Revenue Sharing project for Crosswalk Warning Signal at South Buckmarsh Street and Swan Avenue	8↓
<b>8. Report of Keith Dalton, Town Manager</b>	
<b>9. Report of H. Allen Kitselman, III - Berryville Area Development Authority Liaison</b>	
<b>10. Report of Harry Lee Arnold, Jr. – Chair, Budget and Finance Committee</b>	
<b>11. Report of H. Allen Kitselman, III – Chair, Community Improvements Committee</b>	
<b>12. Report of Douglas A. Shaffer - Planning Commission Liaison</b>	
<b>13. Report of Mary L. C. Daniel - Chair, Police and Security Committee</b>	
Police Chief's Monthly Report	9
<b>14. Report of Wilson Kirby – Chair, Streets and Utilities Committee</b>	
Public Utilities Director's Report	10
Public Works Director's Report	11
<b>15. Report of Harry Lee Arnold, Jr – Chair, Personnel Committee</b>	
<b>16. Other</b>	
<b>17. Closed Session</b>	
No Closed Session Scheduled	
<b>18. Adjourn</b>	

# Attachment 1

**BERRYVILLE TOWN COUNCIL**  
**Public Hearing – Berryville Area Plan Amendment**  
**November 10, 2015**

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**Marlyn Development Corporation (Francis Nance, Vice President – Development, Agent) is requesting an amendment to the Berryville Area Plan, Chapter 5, Page 14, increasing the number of Older Person Residential multifamily units from 120 to 180 units and reducing the number of Older Person Residential single-family detached and a variety of unit types from 180 to 120 units as identified in Sub-Area 6A of Annexation Area B.**

Public hearing notices were published in the Winchester Star on Tuesday, October 27 and Tuesday, November 3, 2015. No comments were received in the Planning Department.

Both the Planning Commission and the BADA recommended that Council delay a decision on the Berryville Area Plan amendment until the Plan update is completed. Per the Annexation Agreement, all modifications to the Berryville Area Plan shall be approved by both Town and County elected officials with the Berryville Zoning Ordinance reflecting these changes. The County has not spoken to the recommendation by the BADA. It is anticipated that the updated document will be adopted by spring of 2016. Comments at the BADA public hearing on September 29, 2015 are included below in the October staff report.

The following items follow this report:

- Public hearing notice published in the Winchester Star on Tuesday, October 27 and Tuesday, November 3, 2015;
- Application for Berryville Area Plan amendment;
- A letter dated November 3, 2015 and photograph submitted by Mr. Nance; and
- Motion

***October 13, 2015 Staff Report***

*The Berryville Area Development Authority held a public hearing on the above matter at a meeting held on September 29, 2015. They received public comment and continued the discussion to a special meeting held on Monday, October 5 at 2:00pm. At that time, the Authority voted to recommend that Council not amend the current Berryville Area Plan as the draft of the Plan released for public comment includes a different approach to addressing housing needs in Sub-Area 6A.*

*Topics addressed at the September 29, 2015 public hearing include the following:*

- *Benefits of the proposed 120-unit facility including tax revenues, transportation available for residents;*
- *John H. Enders Fire and Rescue Company Chief Rohde indicated that previous fire and rescue concerns have been addressed;*
- *Cathie Galvin (representing the Shenandoah Area Agency on Aging) spoke to service concerns to their system;*

- *Mr. Garrett discussed exclusionary zoning practices;*
- *Mr. Patz discussed the market study area from eastern Loudoun County to eastern Frederick County;*
- *Alton and Bonnie Echols (owners of the property) voice support for the project;*
- *Ms. Rich Bouffault referenced the process by which a Plan Amendment to the Area Plan is delegated;*
- *Sharon Strickland (representing Battlefield Estates Civic Association) referenced a meeting at the Mary Hardesty House in June where attendees voiced unanimous support for the facility.*

**Recommendation**

Discuss at the meeting.

540-869-3466  
540-303-3614



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LEGAL NOTICE

Notice To The Public  
OF INTENTION TO APPLY TO  
THE VIRGINIA DEPARTMENT  
OF ALCOHOLIC BEVERAGE  
CONTROL FOR A LICENSE  
TO SELL ALCOHOLIC BEVER-  
AGES.

CrepesWorX LLC trad-  
ing as CrepeWorX, 158  
North Loudoun St.,  
Winchester, Virginia  
22601 is applying to the  
VIRGINIA DEPART-  
MENT OF ALCOHOLIC BEVER-  
AGE CONTROL for a Beer/Wine - On  
Premises license to sell  
or manufacture alco-  
holic beverages.

Tony Might -  
Owner/Operator  
NOTE: Objections to the  
issuance of this license must  
be submitted to ABC no later  
than 30 days from the  
publishing date of the first of  
two required newspaper legal  
notices. Objections  
should be registered at  
[www.abc.virginia.gov](http://www.abc.virginia.gov) or  
800-552-3200.

Special Notices 107 Special Notices 107

TOWN OF BERRYVILLE  
TOWN COUNCIL  
PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearings at 7:30 p.m., or as soon after as these matters may be heard, on Tuesday, November 10, 2015, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

**Plan Amendment**  
Marlyn Development Corporation (Francis Nance, Vice President - Development, Agent) is requesting an amendment to the Berryville Area Plan, Chapter 5, Page 14; increasing the number of Older Person Residential multifamily units from 120 to 180 units and reducing the number of Older Person Residential single-family units from 180 to 120 units as identified in Sub-Area 6A of Annexation Area B.

**Text Amendment**  
Marlyn Development Corporation (Francis Nance, Vice President - Development, Agent) is requesting a text amendment to Section 614.5 of the Berryville Zoning Ordinance in order to increase the number of permitted multifamily units in the Older Person Residential (OPR) Zoning District from 120 to 180 multifamily units, thereby decreasing the number of single family detached, two-family detached, and single-family attached units to 120. TA 01-15

**Text Amendment**  
The Berryville Planning Commission is initiating a text amendment to Article VII, Section 703.6(b)viii in order to require review by the Berryville Architectural Review Board of demolition, building relocation and structures erected behind the rear building line of the main residential building if visible from the public right of way of properties located in the local historic district. TA 02-15

Copies of the applications, amendments, and maps may be examined at the Berryville Planning Office, Berryville/Clarke County Government Center (101 Chalmers Court), Second Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Assistant Town Manager Christy Dunkle at 540/955-4081. Any person desiring to be heard on these matters should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

By Order of the Berryville Town Council,  
Keith R. Dalton, Town Manager

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LEGAL NOTICE

VIRGINIA:  
IN THE CIRCUIT COURT O  
COUNTY OF FREDERICK

IN RE: PETITION FOR A  
NONJUDICIAL S  
AGREEMENT

JOSEPH P. ROBINSON,  
UNDER THE DOROTHY /  
REVOCABLE TRUST OF  
JOSEPH P. ROBINSON, I  
DOROTHY A. ROBINSON  
Petitioner.

ORDER OF PU

The object of this judic  
procure court approval of  
ment agreement which,  
Court and by the Circuit  
Winchester, Virginia, will  
have the principal effects  
Dorothy A. Robinson f  
6/21/13 and the estate of I  
Petitioners herein, by trar  
assets of each to the  
Trustees for combination  
under the last will and test  
Handley now being adm  
Fund," where such residu  
regated and earmarked  
Robinson," (b) modifying  
being administered as "Lil  
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"Library Fund-Robinson".  
Handley Board of Trust  
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in a certain respect applic  
the Handley Board of Trust  
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105 as in existence on Ju  
Upon affidavit of Petitor  
requisites to the notice inf  
of Publication under Titl  
Uniform Trust Code, of the  
amended ("UTC"), and p  
713.A.3.a.(ii) of the UTC,  
this Order of Publication  
once a week for three or  
The Winchester Star, a m  
circulation in and arc  
Winchester, Virginia. Th  
notice is solely to make th  
nature of this proceeding  
sought therein, and the  
their views in regard ther  
General of the Commonw

ENTERED THIS 29th d

I ASK FOR THIS:

Aubrey J. Owen, Attorney  
VSB #03194

Owen and Truban, PLC  
103 N. Braddock St.  
P.O. Box 267  
Winchester, VA 22604

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NOTICE OF  
PUBLIC HEARING

The Winchester Planning Commission will hold public hearings on Tuesday, November 17, 2015, at 3:00 PM in the Council Chambers, Rouss City Hall; 15 N. Cameron Street Winchester, Virginia, on the following applications:

**CU-15-558** Request of Diane M. De Laet on behalf of Verizon Wireless for a conditional use permit for a telecommunication facility at 385 Bataille Drive (Map Number 351-02- -5) zoned Limited Industrial (M-1) District.

**TA-15-589** AN ORDINANCE TO AMEND AND REENACT ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FENCE HEIGHTS IN REQUIRED FRONT AND CORNER SIDE YARDS IN THE LIMITED INDUSTRIAL (M-1) AND INTENSIVE INDUSTRIAL (M-2) ZONING DISTRICTS.

Interested citizens may appear before the Commission to state their views on the approval or disapproval of these requests. Further information may be obtained from the Planning Department; Rouss City Hall; 15 N. Cameron Street; Winchester, Virginia; 540-667-1815; ext. 1419. TDD number is 722-0782. E-mail address: [plngdept@winchesterva.gov](mailto:plngdept@winchesterva.gov)

The City strives to make its hearings accessible to all. Please advise the Planning Department of accommodations the City can make to help you participate in the hearing.

Timothy A. Youmans  
Planning Director

NOTICE OF  
PUBLIC HEARING

The Frederick County Board of Zoning Appeals will meet on Tuesday, November 17, 2015 at 3:30 p.m. in the Board Room of the Frederick County Administration Building at 107 N. Kent Street in Winchester, Virginia, to administer the following:

Determination of a Quorum  
Minutes of October 20, 2015

PUBLIC HEARING

**Variance Request #06-15 of Kenneth Harper and Dorothy Harper** for a 9.7 foot variance to a required 15 foot rear setback will result in a 5.3 foot setback. This property is located at 157 Harvest Ridge Drive and is identified with Property Identification Number 63-9-2-13 in the Gainesboro Magisterial District.

Interested citizens who wish to speak may attend this public hearing. You can visit us on the web at: [www.fcva.us](http://www.fcva.us).

Mark R. Cheran, Zoning Administrator

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property # 14-5 -251B

Owner Alton C Echols, Jr., Trustee

Owner's Address 400 Custer Ct. Berryville, Va. 22611

Phone 54-955-2618

Agent (Contact Person) Marlyn Development Corporation

Francis Nance, Vice President - Development

Agent's

Address 308 35th Street Suite 101 Virginia Beach, Virginia 23451

Phone 757-718-9008

Check Appropriate Request:

- Subdivision - creating more than 2 lots
Minor Subdivision - single lot divided into 2 lots
Boundary Line Adjustment
Site Plan
Rezoning

- X Text Amendment: X Zoning or Subdivision Ordinance
ARB Certificate of Appropriateness
Town of Berryville Utilities
X Other: Comprehensive Plan Amendment



Complete As Applicable: "Zoning Text Amendment" - Section 614.5 of the Berryville Zoning Ordinance - Request to increase the allowable Multi-family units in the Older Persons Residential (OPR) District from 120 to 180

Nature of Request/Proposal: Multi-family units, (Increasing Multi-family to 180 will decrease single family detached and/or attached from 180 to 120 units).

Tax Map & Parcel # 14-5 - 251 B Size of Project Site: "Comprehensive Plan Amendment: for Annexation Area B - Chapter 5, Page 14 third paragraph: Increasing Multi-family from 120 to 180 units, and reducing Single Family from 180 to 120 units in Annexation Area B.

10.976 Acres

Proposed # of Lots: 120 Multi-family Units Existing Zoning: Older Persons Residential

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature: Alton C Echols, Jr. Trustee Date: 7/24/15

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense

Signature: Alton C Echols, Jr. Trustee

PARTNERSHIP  
FOR A NEW  
PHOEBUS

November 3, 2015

Mr. Francis R. Nance  
Vice-President of Development  
Marlyn Development Corporation  
308 35<sup>th</sup> Street – Suite 101  
Virginia Beach, VA 23451

Dear Mr. Nance:

At the outset, the Partnership would like to express its appreciation to Marlyn Development for its latest Hampton project, The Woodlands at Phoebus.

We are well aware that in its formative stages, there may have been concerns about the project, but each fell by the wayside as The Woodlands began to take shape on a complicated site and it became apparent to the community that patience would yield quality.

As a national historic district immediately adjacent to the new Fort Monroe National Monument, Phoebus is acutely aware of its heritage, but we also know that we cannot afford to let history hobble us as we work to rebuild a community that was economically devastated when the Base Realignment and Closure Commission decided to shutter Fort Monroe in 2005.

Needless to say, The Woodlands has given Phoebus every good reason to be grateful for Marlyn's investment: you have provided employment at a time when jobs here have been scarce, but you have also added more than \$15 million to our tax base.

That alone would be reason to celebrate, but the fact that more than 80 percent of The Woodlands has been leased since just last June – and that residents have begun to frequent many of our independent restaurants and businesses – confirms what we had hoped for at the outset, which is that The Woodlands would be an economic engine in its own right.

PARTNERSHIP for a NEW PHOEBUS, Inc.  
Post Office Box 3549  
Hampton, VA 23663  
757.727.0808  
[www.phoebus.info](http://www.phoebus.info)

Mr. Francis R. Nance  
November 3, 2015  
Page two

In the words of one resident with deep roots in Phoebus, we know that when it comes to new opportunities, there's no such thing as perfection. There will never be one right answer, and we will make mistakes.

That said, both Marlyn and The Woodlands have lived up to our expectations, and we are happy to welcome you and those who will be contributing to our community's economic future for some time to come.

With best wishes, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'Faith O. Jones', with a large, stylized flourish extending to the right.

Faith O. Jones  
President,  
Partnership for a New Phoebus, Inc.



THE WOODLANDS AT PHOEBUS

Town of Berryville  
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

#### RESOLUTION OF TOWN OF BERRYVILLE

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 10<sup>th</sup> day of November, 2015 at which a quorum was present, RESOLVED as follows:

**A RESOLUTION: ADDITIONAL MULTI-FAMILY UNITS IN THE OLDER PERSON RESIDENTIAL ZONING DISTRICT OF ANNEXATION AREA B**

WHEREAS, the Berryville Area Plan currently allows for a total of 120 units of multi-family housing in Annexation Area B with a total of 60 remaining to be developed; and

WHEREAS, the Council of the Town of Berryville acknowledges the potential need for additional income- and age-restricted multi-family units in response to current demographic trends; and

WHEREAS, Marlyn Development wishes to develop a 120-unit multifamily apartment complex requiring modifications to the Berryville Area Plan and the Berryville Zoning Ordinance to allow 60 additional units of this type; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Berryville, Virginia hereby initiates the modification of the Berryville Area Plan and the Town of Berryville Zoning Ordinance allowing an additional 60 units of multi-family apartments and requests the Clarke County Board of Supervisors hold a public hearing concerning the amendment of the Berryville Area Plan.

Passed this 10<sup>th</sup> day of November, 2015.

#### THE TOWN OF BERRYVILLE

Attest: \_\_\_\_\_

By: Wilson L. Kirby, 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 10<sup>th</sup> day of November, 2015.

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Wilson Kirby  
Mayor

Harry Lee Arnold, Jr.  
Recorder

#### *Council Members*

Douglas A. Shaffer  
Ward 1

H. Allen Kitselman, III  
Ward 2

Mary L.C. Daniel  
Ward 3

David L. Tollett  
Ward 4

Keith R. Dalton  
Town Manager

**BERRYVILLE TOWN COUNCIL**

**MOTION FOR APPROVAL OF RESOLUTION IN SUPPORT OF ADDITIONAL MULTI-FAMILY  
UNITS IN ANNEXATION AREA B**

Date: November 10, 2015

Motion By:

Second By:

I move that the Council of the Town of Berryville support the attached resolution sponsoring modifications to the Berryville Area Plan and Berryville Zoning Ordinance (Section 614.5) in order to allow 60 additional multi-family units in the Older Person Residential (OPR) Zoning District in Annexation Area B.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

---

Harry Lee Arnold, Jr., Recorder

# Attachment 2

**BERRYVILLE TOWN COUNCIL**

**Public Hearing – Text Amendment to Article VI, Section 614.5 of the  
Berryville Zoning Ordinance  
November 10, 2015**

---

**Marlyn Development Corporation (Francis Nance, Vice President – Development, Agent) is requesting a text amendment to Section 614.5 of the Berryville Zoning Ordinance in order to increase the number of permitted multifamily units in the Older Person Residential (OPR) Zoning District from 120 to 180 multifamily units, thereby decreasing the number of single family detached, two-family detached, and single-family attached units to 120. TA-01-15**

Public hearing notices were published in the Winchester Star on Tuesday, October 27 and Tuesday, November 3, 2015. No comments were received in the Planning Department.

The previous recommendation by both administrative bodies has been to wait until the Berryville Area Plan Update has been completed to make any determination in the Plan. Berryville Area Plan language should dictate any changes to the Zoning Ordinance.

Items included concerning this matter include:

- Application for text amendment to Section 614.5 of the Berryville Zoning Ordinance;
- Modification as requested by the applicant identified within Section 614;
- Ordinance; and
- Motion.

***October 13, 2015 Staff Report***

*The Berryville Planning Commission held a public hearing at their regular meeting on Tuesday, September 29, 2015. After receiving public comment the Planning Commission voted to recommend that Council be put on hold until the Berryville Area Plan update has been completed prior to making any modifications to the Berryville Zoning Ordinance.*

*Many of those who spoke at the BADA addressed the Planning Commission. Items discussed include:*

- *Mr. Painter and Mr. Nance identified benefits of the proposed 120-unit facility including tax revenues, transportation available for residents;*
- *John H. Enders Fire and Rescue Company Chief Rohde indicated that previous fire and rescue concerns, including have been addressed;*
- *Mr. Garrett discussed social principles of his church;*
- *Mr. Patz discussed the market study area from eastern Loudoun County to eastern Frederick County and identified this area as the market area for the Mary Hardesty House project;*

- *Sharon Strickland (representing Battlefield Estates Civic Association) referenced a meeting at the Mary Hardesty House in June where attendees voiced unanimous support for the facility.*

**Recommendation**

Discuss at the meeting

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property # 14-5 -251B

Owner Alton C Echols, Jr., Trustee
Owner's Address 400 Custer Ct. Berryville, Va. 22611

Phone 54-955-2618

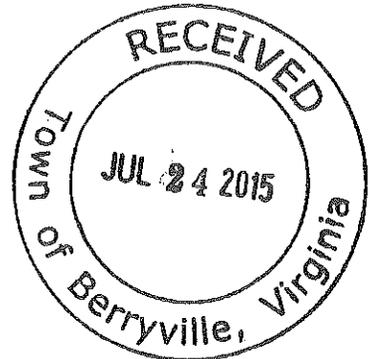
Agent (Contact Person) Marlyn Development Corporation
Francis Nance, Vice President - Development

Agent's Address 308 35th Street Suite 101 Virginia Beach, Virginia 23451
Phone 757-718-9008

Check Appropriate Request:

- Subdivision - creating more than 2 lots
Minor Subdivision - single lot divided into 2 lots
Boundary Line Adjustment
Site Plan
Rezoning

- X Text Amendment: X Zoning or Subdivision Ordinance
ARB Certificate of Appropriateness
Town of Berryville Utilities
X Other: Comprehensive Plan Amendment



Complete As Applicable: "Zoning Text Amendment" - Section 614.5 of the Berryville Zoning Ordinance - Request to increase the allowable Multi-family units in the Older Persons Residential (OPR) District from 120 to 180
Nature of Request/Proposal: Multi-family units, (Increasing Multi-family to 180 will decrease single family detached and/or attached from 180 to 120 units).

Tax Map & Parcel # 14-5 - 251 B
Number(s): "Comprehensive Plan Amendment: for Annexation Area B - Chaper 5, Page 14 third paragraph: Increasing Multi-family from 120 to 180 units, and reducing Single Family from 180 to 120 units in Annexation Area B.
Size of Project Site:

10.976 Acres

Proposed # of Lots: 120 Multi-family Units
Existing Zoning: Older Persons Residential

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature: Alton C. Echols, Jr. - Trustee Date: 7/24/15

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense

Signature: Alton C. Echols, Jr. - Trustee

## Section 614 Older Person Residential (OPR) District

### **SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)**

#### **614.1 PURPOSE AND INTENT**

The Older Person Residential (OPR) District is created to provide for residential, office, and service uses for people over 55 years old at locations compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. Maximum densities are established in this district to allow the various types of uses at a scale compatible with the general character of the Town and the nature of the uses. This district may be applied to development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging development with compatible scale, materials and architectural character. Development in the OPR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, services, recreation areas, community facilities, and open space.

#### **614.2 PERMITTED USES**

- (a) Accessory structures less than one hundred fifty (150) square feet in size
- (b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
- (c) Housing for Older Persons, Low Density: Single-Family Detached, Two-Family Detached (Duplex), Single-Family Attached (Triples and Quadplex - 3 to 4 attached residential units)
- (d) Public utilities
- (e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

#### **614.3 SPECIAL PERMIT USES**

- (a) Day care centers
- (b) Government and other public buildings (including police, fire, library, museum, and postal facilities)
- (c) Housing for Older Persons, Medium Density: Single-Family Attached (Townhouses - 5 to 8 attached residential uses), Multi-family (including personal service uses of less than 500 square feet)
- (d) (Deleted 2010)
- (e) Medical care facilities, licensed
- (f) Places of worship
- (g) Schools, public and private, including nurseries, playgrounds, and related uses

#### **614.4 AGE REQUIREMENT**

An age restriction enforcement plan shall be submitted with each subdivision or site plan application so as to ensure that all occupants of dwelling units conform to the age restrictions established for Housing for Older Persons. Such enforcement plans shall include:

- (a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;

**Section 614 Older Person Residential (OPR) District**

- (b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;
- (c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and
- (d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

**614.5** MAXIMUM DENSITY

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. However, not more than three hundred (300) Older Person Residential units (including not more than ~~one hundred twenty (120)~~ **one hundred eighty (180)** multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans.

**614.6** MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres

**614.7** MAXIMUM BUILDING HEIGHT

Maximum building height: forty (40) feet

**614.8** REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements
  - (1) Front Yard: 20 feet
  - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
  - (3) Rear yard: 40 feet
- (d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines
- (e) Parking Requirements  
The number of required off-street parking spaces shall be a total of 2 per unit.

**Section 614 Older Person Residential (OPR) District**

- 614.9** REGULATIONS FOR TWO FAMILY DETACHED (DUPLEX) DWELLINGS
- (a) Minimum lot size: 10,000 square feet for total duplex structure  
4,500 square feet each separate unit within a duplex
  - (b) Minimum lot width: 75 feet per duplex structure  
35 feet for each unit of a duplex.
  - (c) Minimum yard requirements
    - Front yard: 20 feet
    - Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings.
    - Rear yard: 40 feet
  - (d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines
  - (e) Where a lot is to be subdivided into individual lots for the sale of single-family attached units, lot lines shall conform with party wall centerlines.
  - (f) Maximum lot coverage: 35 percent
  - (g) Open Space Requirements
    - 1. An open space plan shall be submitted with a subdivision application.
    - 2. At least 10% of the net site area shall be open space dedicated to common usage and ownership.
    - 3. Refer to Section 615.2 regarding critical environmental area and open space requirements
  - (h) Parking Requirements  
The number of required off-street parking spaces shall be a total of 2 per unit.

- 614.10** REQUIREMENTS FOR SINGLE FAMILY ATTACHED DWELLINGS (TRIPLEX & QUADPLEX AND TOWNHOUSES, 5 TO 8 UNITS PER STRUCTURE)
- (a) Minimum lot area per dwelling
    - Interior lot: 2,000 square feet
    - Corner lot: 2,400 square feet
    - Condominium: Not regulated
  - (b) Minimum lot width
    - Interior lot: 20 feet
    - Corner lot: 35 feet
    - Condominiums: subject to site plan review and applicable performance zoning criteria
  - (c) Minimum yard requirements
    - Front yard: 15 feet
    - Side yard: 15 feet
    - Rear yard: 30 feet
  - (d) No side yard requirement shall be applied where dwellings share a party wall.
  - (e) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines.
  - (f) Where a lot is to be divided into individual lots for the sale of single family attached dwelling units:
    - 1. Lot lines shall conform with party wall centerlines.

## Section 614 Older Person Residential (OPR) District

2. Privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot.
  3. Privacy yards shall include screening, fencing, patio paving and/or special landscaping treatment.
- (g) Open Space Requirements
1. An open space plan shall be submitted with a site plan application.
  2. 25% of the net site area shall be open space dedicated to common usage and ownership.
  3. At least 20% of the required open space (5% of the net site area) shall be designed and developed as recreational and active community open space.
  4. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (h) Site Plan Requirements
1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
  2. Site plans shall include provisions for:
    - A. Adequate public facilities, development phasing.
    - B. Storm water management facilities to address the ultimate development coverage within the district, lighting and signing.
    - C. Building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
    - D. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
    - E. All uses shall be subject to final site plan approval.
- (i) Parking and parking access
1. The number of required off-street parking spaces shall be a total of 1.5 per unit and shall be located not more than one hundred (100) feet from the individual dwelling served.
  2. Parking bays shall be no closer than twelve (12) feet to any adjoining property line.
  3. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
- (j) Driveways
1. Attached dwelling units shall have access to a private driveway with a minimum width of twenty-three (23) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
  2. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit.
  3. No private driveway shall be located within twelve (12) feet of any property line.
- (k) Setback, yards, buffering, separation and grouping of units

## Section 614 Older Person Residential (OPR) District

1. Where adjacent properties are zoned to a district other than the OPR District, all single family attached dwellings shall be set back at least forty (40) feet from the common property line(s).
  2. Where single family attached dwellings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of 15 feet from that drive, area, and/or walk.
  3. Adjacent groupings of single family attached dwellings with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
  4. No more than four attached dwellings shall be included in any one physically contiguous grouping.
- (l) Maintenance of improvements, covenants and required improvements
1. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property owner until such time as the owner conveys such common area to a nonprofit (homeowner's) entity consisting of at least all of the individual owners of the dwelling units in the development.
  2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rate share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Covenants shall specify the means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
  3. All deed restrictions, covenants, nonprofit (homeowner's) entity incorporation documents, and information related to conveyance programs shall be submitted with the plat and plans, and reviewed by the Berryville Town Attorney.
- (m) General Regulations
1. All refuse shall be contained in completely enclosed and screened facilities.
  2. On-site lighting, signing, and mailboxes shall be of compatible scale, materials, and colors to the primary structures.
- (n) Condominiums
1. Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:
    - A. Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.
    - B. A site plan shall be required and subject to review by the Berryville Area Development Authority. The site plan shall govern the location of all structures and improvements.
    - C. Setbacks, density and other district provisions shall be met.

**Section 614 Older Person Residential (OPR) District**

**614.11 REGULATIONS FOR MULTI-FAMILY AND NON-RESIDENTIAL USES:**

- (a) Maximum Floor Area Ratio (FAR): .60 of net developable area
- (b) Minimum lot area: 20,000 square feet
- (c) Minimum lot width: 100 feet
- (d) Minimum yard requirements
  - Front yard: 25 feet
  - Side yard: 25 feet
  - Rear yard: 25 feet
- (e) Where a lot is contiguous to a property located in any residential district, a public right of way with limited access or a railroad right of way, all buildings shall have minimum setback of forty (40) feet from common property lines.
- (f) Open Space
  - 1. A landscape and buffer plan shall be submitted with any application for site plan approval.
  - 2. At least twenty-five percent (25%) of the gross site area shall be landscaped open space.
  - 3. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (g) Site Plan Requirements
  - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
  - 2. Site plans shall include provisions for:
    - A. adequate public facilities, development phasing, stormwater management facilities to address the ultimate development coverage within the district, lighting and signing, building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
  - 3. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
  - 4. All uses shall be subject to final site plan approval.
- (h) Parking Access and Private Drives
  - 1. A minimum of one parking space per unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling served.
  - 2. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
  - 3. Parking bays and private drives shall be no closer than twelve (12) feet to any adjoining property line.
- (i) Buffering and Landscaping
  - 1. Where a parcel is contiguous to a residential zoning district or public right of way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.

## Section 614 Older Person Residential (OPR) District

2. Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.
- (j) Storage of Materials and Refuse
1. All refuse containers shall be screened by a solid wall or fence.
  2. Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
  3. All storage shall be conducted within the principal structure, which is to be completely enclosed.
  4. There shall be no outdoor storage and/or display of goods, with the exception of retail display such as plant materials associated with nurseries.
- (k) Uses, Facilities, and Improvements
1. All business services (and storage) shall be conducted within the principal structure which is to be completely enclosed.
  2. Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
  3. Private driveways, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.

AN ORDINANCE AMENDING  
ARTICLE VI, SECTION 614.5 CONCERNING THE NUMBER OF  
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Older Person Residential, Section 614.5 Maximum Density, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI

**614.5 MAXIMUM DENSITY**

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. However, not more than three hundred (300) Older Person Residential units (including not more than **one hundred eighty (180)** multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans.

SIGNED: \_\_\_\_\_  
Wilson Kirby, Mayor

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL

MOTION FOR APPROVAL OF TEXT AMENDMENT TO ARTICLE VI OF THE  
BERRYVILLE ZONING ORDINANCE MODIFYING THE NUMBER OF  
MULTIFAMILY SENIOR APARTMENTS

Date: November 10, 2015

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached ordinance amending Article VI of the Berryville Zoning Ordinance increasing the number of multifamily units in the Older Person Residential Zoning District.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

# Attachment 3

**BERRYVILLE TOWN COUNCIL**  
**Public Hearing – Text Amendment to Article VII**  
**November 10, 2015**

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**The Berryville Planning Commission is initiating a text amendment to Article VII, Section 703.6(b)viii in order to require review by the Berryville Architectural Review Board of demolition, building relocation and structures erected behind the rear building line of the main residential building if visible from the public right of way of properties located in the local historic district. TA 02-15**

Public hearing notices were published in the Winchester Star on Tuesday, October 27 and Tuesday, November 3, 2015. No comments were received in the Planning Department.

The Planning Commission held a public hearing on this matter at their October 27, 2015 meeting. They recommended Council approve the text amendment as presented.

The following items are included in this report:

- Section 703.6(b)viii with the modifications noted on page 7-5;
- Ordinance; and
- Motion

***October 13, 2015 Staff Report***

*The Berryville Architectural Review Board is tasked with reviewing applications for Certificates of Appropriateness in the local historic district. They determine the historic, architectural and cultural significance of structures in the district and determine the appropriateness of proposed structures, additions, signage, etc.*

*While previous reviews for structures in the rear of properties visible from the right-of-way have occurred, the ordinance exempts accessory structures that lie entirely behind the rear building line of the principal structure. The proposed amendment would modify that exemption and require accessory structures in this location that are visible from the right-of-way be reviewed and a Certificate of Appropriateness issued prior to construction activities occurring for these structures.*

*A draft of the proposed amendment is identified on page 7-5 in the above-referenced section.*

**Recommendation**

Approve the text amendment as presented.

**ARTICLE VII– HISTORIC DISTRICT REGULATIONS**

**SECTION 701 – PURPOSE; DESIGNATION; USES**

**701.1 PURPOSE**

The purpose of this article is to promote the general welfare of the citizens of Berryville, maintain and enhance the unique architecture and overall character of the Town, and enhance educational, cultural and economic opportunities through:

- (a) The designation of historic or architecturally significant structures, places, and areas of historical interest;
- (b) The protection of such structures, places and areas as significant in the history of the state and town, commemorative of the events, circumstances and architectures associated with them, serving as tangible reminders of the Town’s settlement and development history;
- (c) Promotion of the economy, commerce and industry of the Town, specifically with regard to property values and tourist trade, through the protection of such structures, places and areas, and the development and maintenance of appropriate and architecturally compatible settings.

**701.2 HISTORIC DISTRICT OR LANDMARK DESIGNATION**

- (a) The Town Council may adopt an ordinance setting forth any historic landmarks within the Town as established by the Virginia Department of Historic Resources, and any other structures within the Town having an important historic, architectural or cultural interest.
- (b) The Town Council may also amend the existing Zoning Ordinance of the Town of Berryville and set forth in such ordinance:
  - i. Any historic areas in the Town as defined by Section 15.1-430(b), Code of Virginia, 1950, as amended, and
  - ii. A delineation of one or more historic districts which:
    - (1) are adjacent to such landmarks and structures, or
    - (2) encompass such historic areas, or which
    - (3) encompass parcels of land contiguous to arterial streets or highways as designated pursuant to Title 33.1 of the Code of Virginia, 1950, as amended, including Section 33.1-41.1 of that Title. Such arterial streets or highways shall be found by the Governing Body to be significant routes of tourist access either to the Town, to designated historic landmarks, structures or districts in the Town or to any designated historic landmarks, structures or districts in Clarke County.
- (c) The Zoning Administrator shall maintain an inventory of each historic district which shall indicate any historic landmarks in the district, together with all properties.
- (d) A structure, group of structures, site or district may also be designated as a historic landmark or district if it:

## Section 701 Historic District Regulations

- i. has significant character, interest or value as part of the Town's development or heritage; or
  - ii. portrays the environment in an era of history characterized by a distinctive architectural style; or
  - iii. is the work of a designer whose individual work has significantly influenced the development of Berryville; or
  - iv. contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
  - v. by being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or
  - vi. owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood or Town.
- (e) Any property once included shall not be removed from the provisions of this Article except by rezoning by the Town Council in accordance with provisions of the State Code.
- (f) Such amendment of the Zoning Ordinance and the establishment of such districts shall be in accordance with the provisions of Article 8 (Section 15.1-486, et seq. of the Code of Virginia), and the Berryville Planning Commission, after public hearing, may recommend historic districts and/or tourism corridors for adoption. The Town Council may adopt such recommended historic districts and/or tourism corridors to be designated on the Town of Berryville Official Zoning Map.

### **701.3 PERMITTED USES**

The historic district zones will be overlay zones. The uses permitted in the underlying zoning districts are not changed by this Ordinance. A Certificate of Appropriateness is required for actions as provided for below.

### **SECTION 702 – CREATION OF THE ARCHITECTURAL REVIEW BOARD**

For the purpose of making effective the provisions of this Article, there is hereby created a board to be known as the Berryville Architectural Review Board (hereinafter referred to as the "Board" or "Architectural Review Board").

**SECTION 703 – MEMBERSHIP, MEETINGS AND DUTIES OF THE BOARD**

**703.1 COMPOSITION**

The Board shall consist of five (5) members who are citizens of or owners of property within the Town of Berryville, with some knowledge of and interest in historic preservation. Two (2) members shall be property owners within a local historic district in the Town of Berryville. It is strongly encouraged that one (1) member be a registered architect, and that at least two (2) members have professional training in architecture, architectural history, archaeology, American studies, history, planning or in some related field.

**703.2 APPOINTMENT AND TERMS**

The Board members shall be appointed by the Town Council for four-year terms of office beginning at the date of appointment; provided, that one (1) member of the Board first appointed shall be for one (1) year, one (1) shall be for two (2) years, one (1) shall be for three (3) years, and two (2) shall be appointed for four (4) years. Vacancies occurring during the term of a member shall be filled for the unexpired term only and shall be filled within sixty (60) days. Members who miss more than two (2) meetings per year may be subject to dismissal. The members of the Board shall serve as such without compensation, except for justifiable out-of-pocket expenses.

**703.3 ORGANIZATION**

The Board shall elect from its membership a chairman and a vice-chairman who shall be elected in January of each year. The chairman shall preside over all meetings of the Board and shall have the same right to vote and speak as other members. The vice-chairman shall, in the absence or disability of the chairman, perform the duties of the chairman. In the absence or disability of the chairman and the vice-chairman, the Board shall by majority vote of those present choose one of its members to act as chairman pro tempore. The Board shall elect a secretary (this person may or may not be a member of the Board) who shall keep a record of all resolutions, proceedings and actions of the Board.

**703.4 PROCEDURE FOR MEETINGS**

- (a) Three members of the Board shall constitute a quorum for the performance of its duties. The Board shall adopt rules for the performance of its duties, which shall provide for the time and place for the holding of regular meetings. Regular meetings shall be convened only if there is pending business to be transacted; however, the Board shall meet at least four (4) times per year. The rules shall also provide for the calling of special meetings by the chairman or at least two (2) members of the Board.
- (b) All meetings of the Board shall be open to the public. All actions by the Board must be taken at a public meeting.

## Section 703 Membership, Meetings and Duties of the Board

- (c) The Board shall keep a summary record of its resolutions, proceedings and actions. The concurring affirmative vote of a majority of the members present and voting shall be necessary for the adoption of any resolution, motion or other action of the Board. The Board in the exercise of its powers and performance of its duties shall act only by formal resolution which shall set forth the reasons for its decision. The vote of each member participating shall be recorded by the secretary.
- (d) The Board members shall act in compliance with all applicable conflict of interest laws, including exempting themselves from voting on any action in which their financial interests are directly involved.

### 703.5 STAFF ASSISTANCE

- (a) Upon request of the Board – and with the approval from the Town Manager – staff members or departments of the Town government shall furnish to the Board such information and render such service as may be required by the Board.
- (b) The Board may, from time to time, seek the advice of persons knowledgeable in the fields of architecture, landscape architecture, historic preservation or other relevant professions.

### 703.6 DUTIES OF THE BERRYVILLE ARCHITECTURAL REVIEW BOARD

- (a) The Board shall recommend to the Planning Commission which shall in turn recommend to the Town Council any changes, deletions, or additions to the boundaries of any historic districts; the creation of additional districts; determine the historic, architectural and cultural significance of the structures; and determine the appropriateness of proposed structures and signs.
  - (b) The Board will review all applications for a Certificate of Appropriateness for the following, using the guidelines set forth in Section 705.1 below:
    - i. All new construction lying within the boundaries of a historic district, which creates a new structure of over one hundred fifty (150) square feet which is visible from a public right of way.
    - ii. Additions to existing contributing residential and non-residential structures within the boundaries of a historic district and visible from a public right-of-way. **(11/00)**
    - iii. Erection of all new signs within the boundaries of a historic district.
    - iv. Relocation of all contributing structures of over one hundred fifty (150) square feet which are visible from a public right-of-way, and are currently within the boundaries of a historic district.
    - v. Demolition of all contributing structures of over one hundred fifty (150) square feet which are visible from a public right-of-way, and are within the boundaries of a historic district.
- Exceptions** – The following are excepted from the requirements of this Article:
- vi. Construction of single-family detached residences and accessory structures in residential zoning districts of Annexation Area B.
  - vii. Additions or unenclosed and unroofed rear yard decks, porches, and stoops to residential structures. On corner lots, the addition is reviewable if it faces one of the streets. **(11/00)**

## Section 703 Membership, Meetings and Duties of the Board

- viii. Demolition, relocation, or erection of structures accessory to residences, where the accessory structure lies entirely behind the rear building line of the main residential building **if not visible from a public right of way.** ~~On corner lots, the accessory building must lie behind the main residence when calculated from either street.~~
- ix. Erection of identification and home occupation signs for individual residences.

### **703.7 WAIVER OF REQUIREMENTS**

The Board or the Zoning Administrator may waive any requirement of this Article, if the applicant demonstrates that strict adherence to this Article would create a substantial hardship for the applicant due to unique circumstances, or that the requirements are unreasonable given the applicant's unique circumstances. No such waiver shall be granted where the waiver would be detrimental to the intent of this Article, the Berryville Zoning Ordinance, the Berryville Comprehensive Plan and/or its Berryville Area Plan component.

## **SECTION 704 – ANNEXATION AREA B**

### **704.1 BERRYVILLE DEVELOPMENT AUTHORITY TO ACT ON NEW STRUCTURES AND ACCOMPANYING NEW SIGNS IN ANNEXATION AREA "B".**

For the area designated as Annexation Area "B" in the Clarke County, Town of Berryville Agreement Defining Annexation Rights dated December 29, 1988, the Berryville Area Development Authority ("BADA") is designated as the administrative body of the Town Council, granted the authority to carry out the duties of the Berryville Architectural Review Board, regarding the erection of new structures and accompanying new signs only. The BADA shall review only those proposals for property in Annexation Area B which is the subject of the application and for which no final certificate of occupancy has been granted. For such proposals located within a historic district, the BADA is authorized to exercise all related duties of the Architectural Review Board as described in this Ordinance, including issuance of a Certificate of Appropriateness. The Architectural Review Board shall serve as the administrative body in all other circumstances.

**SECTION 705 CERTIFICATE OF APPROPRIATENESS**

**705.1 CRITERIA TO BE CONSIDERED FOR CERTIFICATE OF APPROPRIATENESS**

Before a Certificate of Appropriateness is issued by the Board for structures as noted in Section 703.6.b, the Board, in addition to other pertinent factors related to the purpose of this Article, shall consider:

- (a) The historical and architectural value and significance of the structure, and its relationship with the land and area of the historic district in which it is located or proposed to be located.
- (b) The appropriateness of the exterior architectural features of a structure, given its site and location, and its compatibility with the exterior architectural features of other structures or places in the historic district and environs.
- (c) The general exterior design, arrangement and materials used or to be used in the structure and the type of windows, exterior doors, lights, architectural details, signs, and/or parking visible from a public right-of-way, and their compatibility with the other factors to be considered by the Board under this Section.
- (d) Concerning requests for demolition, the general level of expense likely to be incurred in the continued maintenance of an existing building, and the extent of any hardship likely to be caused by such expense.
- (e) The Board may also adopt additional guidelines providing further criteria for review of proposed projects.
- (f) In reviewing these factors, the Board shall consider whether a proposed design or demolition request would have a positive or neutral effect on the unique character of Berryville, or would harm and lessen the unique character of the Town.

**705.2 APPROVALS OR DISAPPROVALS**

- (a) Upon evaluation of plans submitted, according to the guidelines outlined in this Article, the Board shall approve or disapprove such modifications of the plans as the Board deems necessary to execute the purpose of this Article; otherwise the Board shall reject such plans and shall not issue the Certificate of Appropriateness.
- (b) The Board shall meet to consider such plans within fifteen (15) weekdays, excluding legal holidays, from the date of the submission of an application accepted as completed by the Zoning Administrator.
- (c) The Board shall act to approve or disapprove such plans (with or without conditions or modifications) within sixty (60) days from the date of complete application for the Certificate of Appropriateness—unless a longer time is agreed to by or on behalf of the applicant.

## Section 706 Administrative Support from Planning Department

### **SECTION 706 - ADMINISTRATIVE SUPPORT FROM PLANNING DEPARTMENT**

The Planning Department will provide administrative support for the Architectural Review Board as follows:

- 706.1 THE MAINTENANCE OF RECORDS, DISTRICT MAPS AND INVENTORY**  
Maintain records of historic district zoning amendments; the zoning map showing any historic districts; an inventory list of all properties in historic districts.
- 706.2 APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS**  
Receive applications that include plans and specifications provided by the applicant showing the proposed exterior architectural features of each structure or addition to a structure which shall include, but shall not necessarily be limited to, the construction techniques to be used; the general design, arrangement, texture, and materials proposed to be used; and the type of windows, exterior doors, lights, landscaping, parking, signs and other exterior details, fixtures and appurtenances which will be visible from a public street. Plans shall show the proposed action in relation to surrounding properties and structures.
- 706.3 ISSUANCE OF ZONING PERMITS AND SIGN PERMITS**  
The Zoning Administrator shall issue zoning permits and/or sign permits for approved projects within a historic district following Board issuance of a Certificate of Appropriateness.

### **SECTION 707 RAZING OR DEMOLITION**

- 707.1** Subject to the provisions of Subsection 707.2 hereof and Section 708, no contributing structure lying within a historic district shall be razed, demolished, or moved until the razing, demolition or moving thereof is approved by the Architectural Review Board which shall evidence its approval by issuing a Certificate of Appropriateness; or, on appeal, upon approval by the Town Council after consultation with the Architectural Review Board.
- 707.2** Following denial of a demolition application by the Architectural Review Board and denial of an appeal by Town Council, the property owner shall have the right to pursue demolition of the structure in question after offering the property for sale according to the procedure described in Section 15.2-2306 of the Code of Virginia, 1950, as amended.

**SECTION 708 HAZARDOUS STRUCTURES**

(11/97) Nothing in this Article shall prevent the razing or demolition of any structure which is in such an unsafe condition that it poses a threat to life or property, and protection from such condition is provided for in the BOCA Building Code and/or other applicable Town Ordinances.

Requests for demolition shall be reviewed by the following procedure:

1. For contributing structures less than three-hundred (300) square feet in size, such razing or demolition shall not commence unless the Clarke County building official certifies, in writing, that the structure is in such an unsafe condition that it poses a threat to life or property. After receiving such written report the Town Planner shall issue a waiver from the Certificate of Appropriateness requirement.
2. For contributing structures more than three-hundred (300) square feet in size, requests for razing or demolition shall be forwarded to the Architectural Review Board. The Architectural Review Board shall have the Town's engineer or other agent officially recognized by the Town of Berryville examine the structure to determine whether the structure is in such an unsafe condition that it poses a threat to life or property. If the Town's engineer determines that the structure poses such a threat, the Architectural Review Board shall issue a Certificate of Appropriateness for the demolition of the structure.

The cost of the review by the Town's engineer or agent shall be paid by the applicant.

**SECTION 709 APPEALS OF BOARD DECISIONS**

**709.1 APPEALS TO THE TOWN COUNCIL**

- (a) Any person aggrieved by any decision of the Board may, within thirty (30) days after the final decision of the Board, appeal such decision to the Town Council by filing both with the Board and the Town Manager a request in writing to that effect, setting out the reasons for the appeal.
- (b) The Town Council may reverse, modify or reaffirm the decision of the Board, in whole or in part. **(4/96)**
- (c) The Town Council may review any decision of the Board on its own authority if such review is undertaken within fifteen (15) days of the decision of the Board. The Council may reserve, modify or reaffirm the decision of the Board.

**709.2 APPEALS TO THE CIRCUIT COURT**

Any person aggrieved by any decision of the Town Council may appeal such decision to the Circuit Court of Clarke County for review by filing a petition at law, provided such petition is filed within thirty (30) days of the final decision of the Town Council. The court may reverse or modify the decision of the Town Council, in whole or in part, or it may affirm the decision of the Town Council.

## Section 710 Boundaries of the Historic District

### **SECTION 710 BOUNDARIES OF THE HISTORIC DISTRICT**

The boundaries of historic districts or historic landmarks are delineated upon the Town of Berryville, Virginia, Zoning Map, as overlay zones.

### **SECTION 711 SEVERABILITY**

In case any section, paragraph or part of this historic district Article, for any reason, be declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

### **SECTION 712 DEFINITIONS FOR ARTICLE VII REGULATIONS**

- 712.1** Contributing: A structure, which is fifty (50) years old or older, and has not been altered so significantly (prior to being placed in a local historic district) as to lose its historic character.
- 712.2** Historic District: A property or area designated by the Berryville Town Council which is subject to the requirements of this Article.
- 712.3** Noncontributing: A structure less than fifty (50) years old, or one that is fifty (50) years old or older and which has been so altered (prior to being placed in a local historic district) that it has lost much of its historic character. Structures determined to be noncontributing may be administratively approved for demolition upon written approval by the Zoning Administrator.
- 712.4** Structure: A building or an addition to a building which increases the overall physical dimensions of such building; or a statue or monument visible from a public or other public place.

AN ORDINANCE AMENDING  
ARTICLE VII, SECTION 703.6(b)viii  
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VII, Historic District Regulations, Section 703.6(b)viii, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VII

**703.4 DUTIES OF THE BERRYVILLE ARCHITECTURAL REVIEW BOARD**

703.6(b)viii Demolition, relocation, or erection of structures accessory to residences, where the accessory structure lies entirely behind the rear building line of the main residential building **if not visible from a public right of way.**

SIGNED: \_\_\_\_\_  
Wilson Kirby, Mayor

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL  
MOTION TO APPROVE A TEXT AMENDMENT TO  
ARTICLE VII OF THE BERRYVILLE ZONING ORDINANCE

Date: November 10, 2015

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached text amendment to Article VII, Section 703.6(b)viii of the Berryville Zoning Ordinance in order to require review of demolition, building relocation, and new structures behind the rear building line if visible from the public right of way of parcels located in the Berryville Historic District by the Architectural Review Board.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

# Attachment 4

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**October 13, 2015**  
**7:30 p.m.**

Present:

**Town Council:** Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Doug Shaffer; Mary Daniel; David Tollett

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Ann Phillips, Town Clerk

**Press:** Val Van Meter, Winchester Star

1. Call to Order

Mayor Kirby called the meeting to order at 7:31 p.m.

2. Pledge of Allegiance

3. Public Hearing (No public hearing was scheduled.)

4. Approval of Minutes of the September 8, 2015 Regular Meeting

**Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the September 8, 2015 meeting were approved by the following vote:**

Wilson Kirby - Aye

Harry Lee Arnold, Jr. - Aye

Mary Daniel - Aye

Allen Kitselman - Aye

Douglas Shaffer - Aye

David Tollett - Aye

5. Citizens' Forum

Mayor Kirby recognized Alton Echols, 400 Custer Court, who complemented the Streets and Utilities Committee and the Town Public Works Department. He said that recently a fantastic job had been done involving not only the paving but the preliminary work on the streets prior to paving.

Mr. Echols referenced the recent public hearing saying he was confused by the numbers given by one of the speakers, Mr. Patz. Mr. Echols said he wanted to note estimates of tax revenue generated from the proposed Marlyn project are \$325,760, with tax supported costs estimated at \$120,990 leaving a net benefit of \$204,770. He added that the computed costs for seniors were not accurate and he expects a larger benefit to the community, citing tap fees, fees for hospital transport, water/sewer fees, new jobs in the community, and the proffers to fire and rescue services. Mr. Echols added that at Mary Hardesty House, residents pay \$860 each per year in taxes. He concluded by saying that new housing is never bought by locals, and urged the Council to consider supporting the proposed senior housing project.

6. Report of Wilson Kirby, Mayor

A. The Mayor said he wished to recognize and honor Barbara Byrd, member of the Clarke County Board of Supervisors, for her service and for faithfully attending the Council meetings as she represents a portion of Town residents on the County Board.

B. Mayor Kirby asked Mr. Dalton to speak about the proposed Snow Emergency Routes. Mr. Dalton explained that discussion of snow emergency routes had begun last winter with North Buckmarsh, Main St., and Hermitage Blvd. being considered by administrative and public works staff. He said North Buckmarsh is one of the biggest problems in terms of snow removal.

Mr. Dalton reported the following streets had been considered for designation as snow emergency routes:

Buckmarsh Street

Hermitage Blvd.- This collector road serves an important role in moving traffic in Berryville.

Mosby Blvd. – This collector road serves an important role in moving traffic in Berryville. The community's only supermarket is located on this street

Jackson Drive – This street provides a link between Hermitage Blvd. and Mosby Blvd.

Lincoln Avenue and Tyson Drive between Hermitage Boulevard and Lincoln Avenue- Johnson Williams Middle School, which is accessed from Lincoln Avenue, serves as a community emergency shelter and as a VDH inoculation site. The section of Tyson under consideration connects Hermitage Blvd. to Lincoln Avenue.

Mr. Dalton said a general discussion had added Mosby Blvd., Jackson Dr., Tyson Dr., and Lincoln Ave. to those streets being considered for designation as snow emergency routes, but that VDOT concerns resulted in Mosby and Jackson being removed from consideration.

Mr. Dalton said the staff recommendation for snow emergency routes is as follows: North Buckmarsh Street, Hermitage Boulevard, and a portion of Tyson Drive between Hermitage Boulevard and Lincoln Avenue. He said Lincoln Avenue, originally included to allow access to the middle school which is the emergency shelter, had been removed because not all residents of the street have off-street parking and therefore have to park on Lincoln Avenue. Mr. Dalton recommended the ordinance labeled item B included in the agenda packet. He said VDOT wants a specific beginning and end to the snow emergency period, so the emergency begins when two inches of snow is on the ground, and remains in effect for 24 hours. He added that a change in code was recently made allowing any vehicle impeding traffic to be towed, which will facilitate the snow emergency route operations.

Snow emergency route signage was discussed.

Council member Daniel said she had knocked on all the doors on Lincoln, and most residents were happy with the snow route designation.

The Mayor noted that staff had made a recommendation, and asked if any Council member or audience member had questions.

Mayor Kirby recognized Loretta Metcalf of 236 Hermitage Blvd. who asked whether the plowing will be curb to curb when the snow emergency is in effect, and the Mayor responded yes. Ms. Metcalf then asked how residents would know if the snow emergency is in effect. Mr. Dalton said the snow emergency will be in effect when two inches of snow has fallen, or when ice begins to form. He added clarification of the curb to curb plowing saying that it may not happen immediately, since one pass is made first, then streets are plowed in order of priority, and finally paths are widened on streets as the storm allows. Mr. Dalton also noted that the farther snow is pushed back, the more it is pushed onto sidewalks.

Ms. Metcalf asked how to know when ice begins to form. Mr. Dalton said it would be when ice is visible on pavement. He suggested that if a snow event is predicted, one could assume a snow emergency would be in effect, and moving vehicles off the street would be advised.

**Council member Daniel moved that the Council of the Town of Berryville adopt the following ordinance amending Berryville Code Sections 15-19, 15-20, and 15-21 establishing snow emergency declaration and snow emergency routes. Council member Shaffer seconded the motion which carried.**

AN ORDINANCE DATED OCTOBER 13, 2015  
AMENDING SECTIONS 15-19, 15-20, AND 15-21 OF THE CODE OF THE TOWN OF  
BERRYVILLE, CONCERNING SNOW EMERGENCY DECLARATION AND ROUTES

BE IT ORDAINED, by the Council of the Town Of Berryville, that Sections 15-19, 15-20, and 15-21 of the Code of the Town of Berryville is amended as attached.

VOTE:

Aye – Wilson Kirby  
Harry Lee Arnold, Jr.  
Mary Daniel  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nay – None

Absent – None

SIGNED: \_\_\_\_\_  
Wilson L. Kirby, Mayor

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
Harry L. Arnold, Jr., Recorder

Sec. 15-19. - Declaration and duration of snow emergency.

(a) Whenever ice begins to form or snow of a depth of two (2) inches or more lies on the streets within the town a snow emergency shall be deemed to be in effect.

(b) A snow emergency shall remain in effect for twenty-four (24) hours from the time of the last snow or formation of ice, unless sooner lifted by the Town Manager.

(Ord. of 12-10-96)

Sec. 15-20. Snow Emergency Routes

The following streets within the Town are hereby designated as snow emergency routes and shall be posted at intervals of not less than one thousand five hundred (1,500) feet as specified in the Virginia Manual on Uniform Traffic Control Devices for Streets and Highways:

North Buckmarsh Street  
Hermitage Boulevard  
Tyson Drive between Hermitage Boulevard and Lincoln Avenue

Sec. 15-21. Operation and Location of Motor Vehicles During Snow Emergency

(a) During the period a snow emergency is in effect pursuant to Section 15-19 of this Code, it shall be unlawful for any person to operate a motor vehicle which is not equipped with effective tire chains or effective snow tread tires on any of the streets within the town.

(b) During the period a snow emergency is in effect pursuant to Section 15-19 of this Code, it shall be unlawful for any person to park or abandon a vehicle in the traffic lanes or travelway of any street within the town, or to obstruct or impede traffic or snow removal operations on any street within the town.

(c) During the period a snow emergency is in effect pursuant to Section 15-19 of this Code, it shall be unlawful for any person to park a motor vehicle on any designated snow emergency route.

(d) Upon information that a vehicle is parked, stalled, stuck or abandoned in the traffic lanes or travelways of any street within the town or otherwise obstructs or impedes snow removal operations by the town or parked on any snow emergency route in violation of subsection (c) above, during the time a snow emergency is in effect pursuant to Section 15-19 of this Code, a police officer may authorize immediate removal and storage of any such vehicle.

(e) The cost of removing and storing any vehicles towed or otherwise removed pursuant to subsection (d) above shall be charged to the owner and shall be due and payable prior to the release of any such vehicle to the owner.

(f) Any person convicted of any violation of any provision of this section shall be fined not more than fifty (\$50.00) for each offense.

+ + + + + + + + + + +

7. Report of Christy Dunkle, Asst. Town Manager for Community Development

A. Ms. Dunkle said there were three action items as follows:

1. Set a Public Hearing – Text Amendment to the Berryville Area Plan
2. Set a Public Hearing – Text Amendment to the Berryville Zoning Ordinance Section 615.4
3. Set a Public Hearing – Text Amendment to Article VII, Section 703.6(b)viii of the Berryville Zoning Ordinance

By consensus, the Council set the three public hearings for the November 10 Council meeting.

B. Ms. Dunkle referenced Tourist Oriented Directional signs saying the Town/County Committee has been working with Mr. Newcomb of Virginia Logos. She noted the samples included in the agenda packet. Recorder Arnold asked if the pricing in the packet was per sign or per pair of signs. Ms. Dunkle said the price was per sign. Council member Daniel asked if the Town insurance would cover damage to the signs, and Mr. Dalton said he would inquire.

Mayor Kirby asked about the process, and Ms. Dunkle said the County group will meet again soon, noting the time frame has sped up. She added this was a good time to jump into the process.

C. Ms. Dunkle referenced Wayfinding signs saying Frazier and Associates designed four signage packages through the Main Street program, and the VDOT process is very costly before signs can be installed. She said staff would like to discuss branding and move forward. Mr. Kitselman said he was in favor of moving forward with the branding selection.

Recorder Arnold asked if it could be five years before signage was installed, and Ms. Dunkle said it would probably be five years.

Mr. Dalton said the consensus is the first priority is a discussion of branding ensuring consistent choices and a theme. He suggested the topic be sent to the Community Improvements Committee and they could put a package together and send it back to Council. By consensus, the Council agreed to accept the branding included in the presented package, and also to have the Community Improvements Committee handle the process in the future.

Recorder Arnold asked if the Council could approach state legislators about streamlining the process since it is aimed at assisting localities with signage to improve their economies, but in effect is time consuming and very expensive. Council agreed it would be a good idea to ask legislators.

D. Ms. Dunkle said staff had completed paperwork for additions to the VDOT Urban Highway System and Maintenance Inventory and Beauregard Court and Delany Court have recently been completed. She said the following streets, while constructed for a number of years, are eligible for reimbursement: McClellan Street, a portion of Springsbury Road from Jack Enders Blvd. to the entrance of the Berryville Glen subdivision, and Bundy Street which was not brought in with the balance of the secondary streets in 2012. She said staff has confirmed that Bundy, formerly Blackburn Street, was

established prior to 1950 which is required for streets with nonconforming right-of-way widths. She added Burwell Court will come into the system in the near future.

**Recorder Arnold moved that the Council of the Town of Berryville approve the following resolution requesting VDOT acceptance of McClellan Street, Beauregard Court, Delany Court, Bundy Street, and a portion of Springsbury Road for inclusion in the VDOT Urban Highway System and Maintenance Inventory in order for the Town to receive municipal assistance maintenance funding. Council member Kitselman seconded the motion which carried as follows:**

- Wilson Kirby - Aye
- Harry Lee Arnold, Jr. - Aye
- Mary Daniel - Aye
- Allen Kitselman - Aye
- Douglas Shaffer - Aye
- David Tollett - Aye

RESOLUTION OF GOVERNING BODY OF  
The Town of Berryville

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 13th day of October, 2015 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: REQUESTING ACCEPTANCE OF McCLELLAN STREET, BEAUREGARD COURT, DELANY COURT, BUNDY STREET, AND A PORTION OF SPRINGSBURY ROAD INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN HIGHWAY SYSTEM AND MAINTENANCE INVENTORY

WHEREAS, the streets referenced above and 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 form 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 13th day of October, 2015.

THE TOWN OF BERRYVILLE

Attest: \_\_\_\_\_

By: Wilson L. Kirby, 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 13th day of October, 2015.

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

LOCAL ASSISTANCE DIVISION  
VDOT  
REQUEST FOR STREET ADDITIONS AND DELETIONS  
FOR STREET PAYMENTS

MUNICIPALITY Town of Berryville

| STREET NAME<br>ROUTE NUMBER<br>* | TERMINI             |                                    | R/W<br>WIDTH<br>(FEET) | PAVEMENT<br>WIDTH<br>(FEET) | CENTER-<br>LANE<br>MILES | NUMBER<br>OF LANES | LANE<br>MILES | FUNC.<br>CLASS.<br>(T&MPD<br>USE ONLY) |
|----------------------------------|---------------------|------------------------------------|------------------------|-----------------------------|--------------------------|--------------------|---------------|----------------------------------------|
|                                  | FROM                | TO                                 |                        |                             |                          |                    |               |                                        |
| Beauregard Court                 | Mosby Boulevard     | Terminus                           | 50                     | 26                          | .030                     | 2                  | .060          |                                        |
| Delany Court                     | Mosby Boulevard     | Terminus                           | 50                     | 26                          | .120                     | 2                  | .360          |                                        |
| McClellan Street                 | Mosby Boulevard     | Terminus                           | 50                     | 35                          | .092                     | 2                  | .184          |                                        |
| Springsbury Road                 | Jack Enders Blvd.   | Burwell Court                      | 50                     | 26                          | .268                     | 2                  | .536          |                                        |
| Bundy Street                     | North Church Street | US 340 (North<br>Buckmarsh Street) | 30                     | 16                          | .14                      | 1                  | .140          |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |
|                                  |                     |                                    |                        |                             |                          |                    |               |                                        |

\*Council Resolution and Map Attached

SIGNED \_\_\_\_\_  
RESIDENCY ADMINISTRATOR      DATE

SIGNED \_\_\_\_\_  
MUNICIPAL OFFICIAL      DATE

CLASSIFIED BY \_\_\_\_\_  
T&MPD ENGINEER      DATE

Submit to: Residency Administrator in triplicate

+ + + + + + + + + + +

8. Report of Keith Dalton, Town Manager

Mr. Dalton said he had nothing to report.

9. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison

Council member Kitselman said a schedule has been established for the Berryville Area Plan review. He said on October 28, 2015, at 5 p.m., public input will be received, followed at 7 p.m. on the same day with a PowerPoint presentation about the Plan update. He added that copies of the plan are available in the Town and County offices, and on their respective websites.

10. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee

Recorder Arnold had nothing to report.

11. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee

Council member Kitselman noted that a memorial service for Isaiah “Mike” Brown will be held at 2 p.m. on Friday, October 16, at Enders & Shirley Funeral Home.

12. Report of Douglas A. Shaffer – Planning Commission Liaison

Council member Shaffer had nothing to report.

13. Report of Mary L. C. Daniel – Chair Police and Security Committee

**Upon motion of Wilson Kirby, seconded by Council member Daniel, the minutes of the Police and Security Committee meeting of September 9, 2015, were approved unanimously.**

Council member Daniel reported there had been an informative session with VDOT and State Police representatives regarding residents’ concerns of speeding and engine brake noise on Buckmarsh Street. Council member Kitselman asked why other jurisdictions have signs prohibiting engine brakes if Berryville is not allowed to have them. Mr. Dalton responded saying the Town removed the signs when asked to do so by VDOT, and it appears that other jurisdictions have not been asked to do so yet. He offered clarification saying it was a VDOT Memorandum that states engine brakes are a safety feature and cannot be regulated, noting that when installed and working properly, the brakes do not make excessive noise.

Council member Daniel relayed a positive report she had from some residents on Page Street who commended the Town Police Department for their response to an issue involving their child with special needs. She said the residents were very complementary of the way in which Sgt. Bristol and Officer Graham handled the problem, and as newcomers to the Town, these residents were now sure they had moved to the right place.

14. Report of Wilson Kirby – Chair, Streets and Utilities Committee

**Upon motion of Council member Shaffer, seconded by Mayor Kirby, the Streets and Utility Committee meeting minutes of September 11, 2015, were approved unanimously.**

Mr. Dalton noted that paving on Buckmarsh Street is scheduled to be finished on Thursday, October 15, and Liberty and Walnut streets will be paved once Buckmarsh is finished.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee

Upon motion of Wilson Kirby, seconded by Recorder Arnold minutes of the Personnel Committee meeting of October 2, 2015, were unanimously approved.

Upon motion of Recorder Arnold, seconded by Council member Kitselman, Mayor Wilson Kirby was re-appointed unanimously to the Northern Shenandoah Valley Regional Commission Board of Directors for a one-year term to end on October 12, 2016.

Upon motion of Recorder Arnold, seconded by Council member Kitselman, Christy Dunkle was re-appointed unanimously as an alternate to the Northern Shenandoah Valley Regional Commission Board of Directors for a one-year term to end on October 12, 2016.

16. Other

Mayor Kirby recognized Lonnie Grimes who said he was a new resident of Berryville Glen and asked for information on how the water and sewer billing is determined because he thinks the rates are high. Mr. Dalton explained Council has set the rates to cover the debt payment on the new waste water treatment plant. He said the plant was required by the State to reduce the nutrient load in the Chesapeake Bay. Mr. Grimes said meters should be installed on the outgoing sewage as well as the incoming water. Mr. Dalton explained that sewer meters are very expensive and not user friendly. He also noted that the only income the sewer fund has is from the system users and therefore any reduction in revenue would have to be made up.

Chief White noted the Homecoming Parade is scheduled for October 22 at 5 p.m., and asked that everyone be aware of potential traffic delays.

17. Adjourn

There being no other business, upon motion of Council member Daniel, seconded by Council member Tollett, the meeting was adjourned at 8:47 p.m.

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Wilson Kirby, Mayor

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Harry Lee Arnold, Jr., Recorder

# Attachment 5

# Clarke County Veterans Day Program

# Honor Those Who Served

Wednesday, November 11, 2015  
11:00 a.m.

## Clarke County Veterans Memorial

Berryville-Clarke County Government Center

101 Chalmers Court, Berryville



*With special thanks to*  
**American Legion Post 41**  
**VFW Post 9760**



# Attachment 6

## **Planning and Community Development**

### ***Action Items***

**Public Hearing – Text Amendment to the Berryville Area Plan (Attachment 1)**

**Public Hearing – Text Amendment to the Berryville Zoning Ordinance Section 615.4 (Attachment 2)**

**Public Hearing – Text Amendment to Article VII, Section 703.6(b)viii of the Berryville Zoning Ordinance (Attachment 3)**

**Resolution for Public Street Acceptance for Burwell Court (Attachment 7)**

**Resolution for VDOT Revenue Sharing Application (Attachment 8)**

## **November 10, 2015**

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### **Planning Commission**

The Planning Commission held a meeting on Tuesday, October 27, 2015. They held a public hearing concerning a text amendment to Article VII Section 703.6 of the Berryville Zoning Ordinance relating to historic district review requirements. This item is before Council at this meeting. A full report follows in this agenda packet. They also held a public hearing for a text amendment to the BC zoning district which would increase the size of a convenience store as an accessory use from 2,000 square feet to 5,500 square feet. They continued that discussion to their next meeting. Their next meeting was rescheduled by one week due to the Thanksgiving holiday and will be held on Tuesday, November 17, 2015 at 7:30pm.

### **Berryville Area Development Authority**

The BADA held a public input session and meeting on Wednesday, October 28, 2015. The input session, held from 5:00pm to 7:00pm, was an informal meeting to present the updated plan to the public for comment by BADA members and staff. Their next meeting is scheduled for Wednesday, November 18, 2015 at 7:00pm.

### **Architectural Review Board**

The Architectural Review Board did not hold a November meeting. Their next meeting is scheduled for Wednesday, December 2, 2015 at 12:30pm.

### **Board of Zoning Appeals**

The BZA did not hold a meeting since the last Council meeting.

**BERRYVILLE TOWN COUNCIL**  
**Wayfinding and Tourist Oriented Directional Signage Update**  
**November 10, 2015**

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The sign committee representing the Town, County and Barns of Rose Hill met on October 21, 2015 to discuss types of signage and approximate costs for installation. Below are comments and questions that were forwarded to Virginia Logos after the October meeting:

*Our committee has taken the following options:*

*For SR 7 Westbound and Eastbound at BS 7 we want option 4 with directional arrows. A correction is necessary on these signs please change Barnes to **Barns**.*

*For US 340 Northbound and Southbound at Main St. we wish the Tourist Info Center sign with directional arrows.*

*For BS 7 Main St. Eastbound and Westbound at Chalmers Ct. we will make **no** changes at this time. Something may be initiated at a later date.*

*Questions:*

*Should I complete the official application at this time?*

*Can you breakout costs by materials and installation? If so we would like that detail.*

*Our County employees are frequently involved in repairing and erecting street and road signs. Do we have the option of installing the signs?*

A total cost has been estimated of approximately \$15,000 for the TOD signage along the VA 7 Bypass and on US 340. County representatives have agreed to \$10,000 and the Town has \$2,000 identified on a budget line item for TOD signage. The committee is requesting consideration for adding an additional \$3,000 from the Town in order to get the signs installed. Images of the proposed signage follow this report.

Staff will continue to update Council on the response from Virginia Logos to the above questions and once a specific cost has been identified.

***October 13, 2015 Staff Report***

***Wayfinding Signs***

*Staff has contacted Frazer Associates requesting an updated documents concerning the VDOT review process and suggested scope of work and cost estimates. Staff anticipates receipt of the updated information prior to the November meeting. The 2015-2016 Budget allows for \$10,000 (100-4081500-5411) in the current FY.*

*At the last Council meeting there was a discussion about the branding identified in the signage package below. Staff is requesting a confirmation of general agreement amongst Council members for this branding and to delegate final design approval to the Town Council Community Improvements Committee.*

***TOD Signs***

*Mr. Newcomb from Virginia Logos forwarded information on both the Barns and Historic District signs as requested from the committee reviewing these facilities which follows this report. The Clarke County Economic Development Advisory Committee reviewed the options and recommended option 4 on page 3 identified with blue highlighter. The Town/County Economic Development Joint Committee agreed that option 4 would be appropriate signage for the Route 7 Bypass. Additional discussion included concern of duplication once the wayfinding signage was completed.*

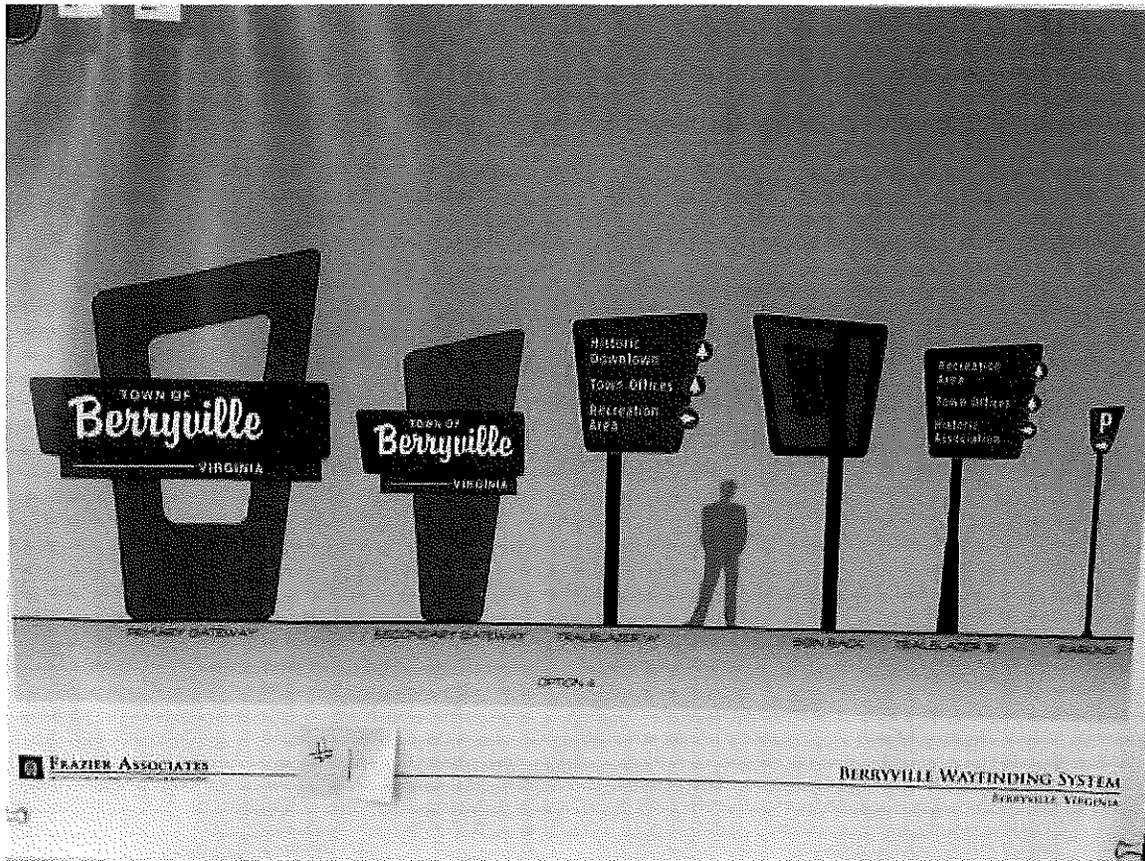
*The 2015-2016 Budget allows for \$2,000 (100-4081500-5410) in the current FY.*

***September 8, 2015 Staff Report***

*The Community Improvements Committee met on Wednesday, August 12 and discussed wayfinding and Tourist Oriented Directional signage.*

***Wayfinding Signs***

*Frazier and Associates designed four wayfinding signage packages through the Virginia Main Street program. The Community Improvements Committee recommends sign package #1 (photo below).*



*Committee members felt that the package was attention-getting and that being noticed is what this signage is all about. They reiterated that this package had a 50's look that was also reminiscent of the Park Service signage.*

*Included in this packet are several documents provided by Frazier Associates concerning guidance through the process with VDOT and scope of work and cost for implementing the program. Please note these costs do not include signage fabrication. The documents were produced in May of 2014. Staff will contact Frazier to update content should Council wish to begin the process.*

***Tourist Oriented Directional (TOD) Signage***

*Council previously discussed TOD signage identifying the Berryville Historic District. The Community Improvements Committee reviewed a draft application for panels to be included on existing assemblies at the east and west entrances of Main Street on the Route 7 Bypass. Town staff is participating on a committee reviewing signage for the newly certified visitors' center with representatives from the County and the Barns. We met with Jason Newcomb who represents VDOT's signage contractor, Virginia Logos. After discussing the needs of both the Barns and the Town, Mr. Newcomb recommended that he takes a comprehensive view of the signs we are requesting. He has staked all of the proposed signage locations identified at the meeting and should have information for us concerning signage options and preliminary cost estimates by the October Council*

*meeting. He indicated that we may be able to have more cost effective, less expensive signage options when reviewed and installed together.*

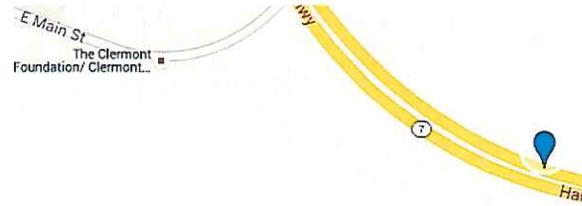
*Staff will update Council at the October meeting on both types of signage. The current budget allocates \$10,000 for wayfinding and \$2,000 for TOD signage.*

**Recommendation**

Discuss the addition of \$3,000 to the TOD signage budget in order to apply for the signs referenced above.

# SR 7 Westbound at BS 7 Options

One of these six Options could be used



New square tube post structure installed 250' before the flashing light sign, .2 miles before the turn.

39.14342  
-77.95445

Berryville Clarke County  
← Tourist Info Center  
at Barnes of Rose Hill

← Historic District

Option 1 \$4,723.35  
10.5'x3.5' - TIC  
10.5'x1.5' - HD

Tourist Info Center  
at Barnes of Rose Hill  
←

← Historic District

Option 3 \$4,236.87  
9'x3' - TIC  
9'x1.5' - HD

Tourist Info Center  
←

← Historic District

Option 5 \$3,209.85  
5'x3' - TIC  
5'x2.5' - HD

Berryville Clarke County  
← Tourist Info Center  
at Barnes of Rose Hill

← Berryville  
Historic District

Option 2 \$5,649.02  
10.5'x3.5' - TIC  
10.5'x2.5' - HD

Tourist Info Center  
at Barnes of Rose Hill  
←

← Berryville  
Historic District

Option 4 \$4,601.73  
9'x3' - TIC  
9'x2.5' - HD

Tourist Info Center  
←

← Berryville  
Historic District

Option 6 \$3,912.55  
5'x3' - TIC  
5'x3.5' - HD

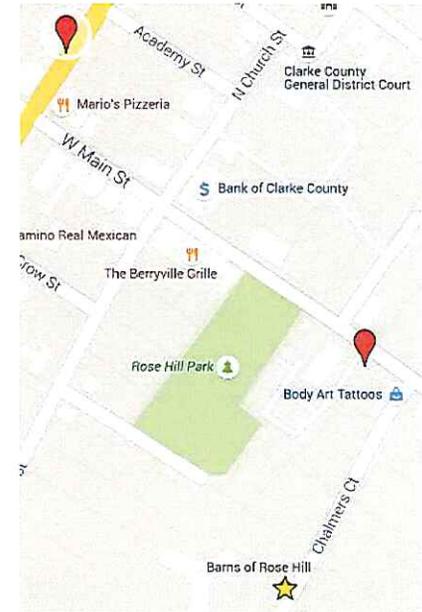
## US 340 Southbound at Main St



2.5'x2.5'

This sign is required if the SR 7 at US 340 option is selected.

\$2,335.88



Add this sign to the Park and Shop location, upgrading the structure to a new square tube post structure.  
39.15218 -77.982276

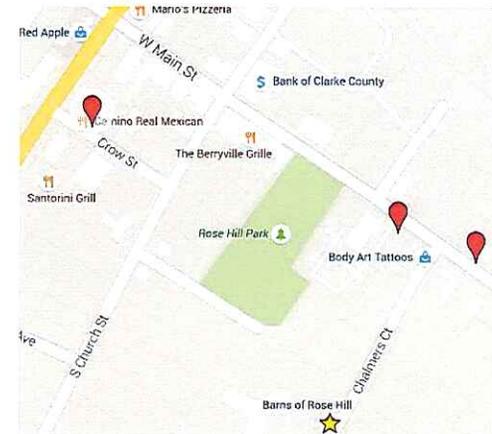


# US 340 Northbound at Main St



2.5'x2.5'

\$1,754.88



Add this sign to the outside post of the existing VDOT structure for Frederick, Washington, and Winchester.

39.150852 -77.982801



**BERRYVILLE TOWN COUNCIL**  
**Appalachian Trail Certified Community Summit**  
**November 10, 2015**

---

County and Town staff attended the three-day Appalachian Trail Certified Community Summit held at the National Conservation Training Center in Shepherdstown. 25 of the 38 communities were represented as well as a number of Appalachian Trail Clubs including the Potomac ATC; regional partners; and staff from the AT and National Park Service. New ideas were discussed including how to form effective AT Certified Community committees; marketing and tourism opportunities and funding through the AT, the Virginia Tourism Corporation, and federal programs; and ideas for events held on the Trail or in Town.

Staff recently completed a narrative for the 2016 hiking guide identifying services and businesses that would appeal to hikers. Discussion about distributing this information in the form of a brochure and/or including the information on the updated Clarke County Tourism web site has been discussed with Mr. Capelli. Additionally, trailhead access maps will be available at the Visitors' Center at the Barns, Bear's Den and other venues where both residents and visitors could obtain information about the Trail.

Speakers indicated that less than 2% of the users of the Appalachian Trail are through hikers. Due to our location close to the DC area, an opportunity to engage a significant number of day and section hikers exists and can be a large boost to the tourism economy. A relatively new trend among Appalachian Trail hikers is inn-to-inn trips similar to those in the western US and Europe. Communities were also encouraged to highlight existing resources by creating "package hikes" that might include a short day hike that ends at Twin Oaks Tavern Winery, or similar types of events. Staff will work with Mr. Capelli to create itineraries and business opportunities for those who may be considering opening a bed and breakfast in the Town or County.

Preliminary next steps identified by staff include:

- Engage the existing County Recreation Plan Committee members who originally acted as applicants for the designation and identify others who may be interested in participating in a strategic planning process including representatives from Clarke County Public Schools, Parks and Recreation staff, local businesses and non-profits, Valley Health System, Shenandoah University and other stakeholders. Front Royal representatives provided their AT Certified Community Strategic Plan to County and Town staff to discuss with the committee and to identify specific tasks in order to develop strategies and track progress goals.
- Conduct a "pop-up" information shop in the parking area at the intersection of Route 7 and 601 to distribute information about the AT and businesses and services in the County and Town.
- Develop programming ideas including workshops on such topics as trail running; edible plants; hiking tours; yoga classes; and relevant movies at the Barns of Rose Hill. Other ideas include a CCHS band concert at Bear's Den; partnering with

Blandy to present conservation-based programs; working with the Clarke County Public Schools STEM program to develop educational opportunities on the AT; and creating work days for local residents to participate in trail maintenance.

- Discuss the AT Certified Community Program with facility managers (e.g., Bear's Den) and business owners (including restaurants, market and winery) adjacent to the Trail in Pine Grove and provide information about businesses and services in Berryville and other activities in Clarke County.
- Encourage businesses in Berryville and the County to consider being an AT Community Supporter, a free program through the ATC that encourages participation in AT-related efforts such as naming a sandwich after something related to the AT; offering discounts to those using the Trail; or holding events at their respective businesses. This effort raises awareness the community's AT Certified Community status in the business community as well as those patronizing these places of business.

Staff will be scheduling meetings with the Front Royal/Warren representatives and other Potomac Appalachian Trail Club communities to begin a dialogue of working together.

Presenters encouraged partnerships with land management organizations, AT staff and other Certified Communities to gain knowledge and support for local efforts. They also discussed the importance in maintaining relevance for the future of the AT and its users.

# Attachment 7

**BERRYVILLE TOWN COUNCIL**  
**Resolution for Public Street Acceptance**  
**November 10, 2015**

---

Staff has completed paperwork for additions to the VDOT Urban Highway System and Maintenance Inventory in the Berryville Glen Subdivision as follows:

- Burwell Court from Springsbury Road to McGuire Circle
- Burwell Court from McGuire Circle to the terminus.

The following items are included in this packet:

- Form U-1 identifying specific information about the street sections;
- Road Inventory Notification Form M4.01;
- Vicinity map of Burwell Court;
- Resolution requesting acceptance of the above streets into the VDOT Urban Highway System and Maintenance System; and
- Motion for adoption of resolution.

**Recommendation**

Adopt motion for the resolution and direct staff to forward paperwork to VDOT for acceptance.

LOCAL ASSISTANCE DIVISION  
VDOT  
REQUEST FOR STREET ADDITIONS AND DELETIONS  
FOR STREET PAYMENTS

MUNICIPALITY **Town of Berryville**

| STREET NAME<br>ROUTE NUMBER<br>* | TERMINI          |                | R/W<br>WIDTH<br>(FEET) | PAVEMENT<br>WIDTH<br>(FEET) | CENTER-<br>LANE<br>MILES | NUMBER<br>OF LANES | LANE<br>MILES | FUNC.<br>CLASS.<br>(T&MPD<br>USE ONLY) |
|----------------------------------|------------------|----------------|------------------------|-----------------------------|--------------------------|--------------------|---------------|----------------------------------------|
|                                  | FROM             | TO             |                        |                             |                          |                    |               |                                        |
| Burwell Court                    | Springsbury Road | McGuire Circle | 50                     | 26                          | .045                     | 2                  | .090          |                                        |
| Burwell Court                    | McGuire Circle   | Terminus       | 50                     | 26                          | .108                     | 2                  | .216          |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |
|                                  |                  |                |                        |                             |                          |                    |               |                                        |

\*Council Resolution and Map Attached

SIGNED \_\_\_\_\_  
RESIDENCY ADMINISTRATOR      DATE

SIGNED \_\_\_\_\_  
MUNICIPAL OFFICIAL      DATE

CLASSIFIED BY \_\_\_\_\_  
T&MPD ENGINEER      DATE

Submit to: Residency Administrator in triplicate

Virginia Department of Transportation  
Maintenance Division  
Road Inventory Notification Form M4.01

**Project Information**

|                                         |                         |
|-----------------------------------------|-------------------------|
| Project Number: STR 111015              | UPC:                    |
| Transmitted By (PM): Town of Berryville | Date: November 10, 2015 |

**Road Sections Added or Removed**

| Type of Change – check Yes or No for each                                               | Yes                                 | No                       | Remarks* |
|-----------------------------------------------------------------------------------------|-------------------------------------|--------------------------|----------|
| Project adds new road sections or realigns existing sections                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |          |
| Project adds new ramps or creates new intersections with existing VDOT-maintained roads | <input checked="" type="checkbox"/> | <input type="checkbox"/> |          |

**Changes to Existing Road Sections**

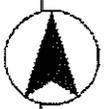
| Type of Change – check Yes or No for each                               | Yes                                 | No                                  | Remarks* |
|-------------------------------------------------------------------------|-------------------------------------|-------------------------------------|----------|
| Project may involve changes to route numbers for existing road sections | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project reconfigures existing intersection(s)                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project adds or removes medians                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project changes existing median type or width                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project adds or removes thru lanes in any direction                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project adds or removes reversible lanes                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project changes total paved surface width                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project changes total width of thru travel lanes                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project changes pavement surface or base type                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project changes shoulder types                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project changes width of paved and/or unpaved shoulder widths           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |          |
| Project adds/removes or changes curbs                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |          |
| Project adds/removes sidewalks                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |          |

\* Provide specific station to station information where change is located (if applicable). Remarks are optional.  
If remarks are provided they should include station to station information where change is located (if applicable).

**Contact Information:**

|                                                           |
|-----------------------------------------------------------|
| Form Completed By: Christy Dunkle                         |
| Phone: 540/955 4081                                       |
| Person to Contact for Further Information: Christy Dunkle |
| Phone: 540/955-4081                                       |

Email completed form to: [rimu@vdot.virginia.gov](mailto:rimu@vdot.virginia.gov)



- Public
- Points of Interest
- Parcels
- Clarke County Boundary
- Major Roads
  - Interstate
  - US Highway
  - State Highway
- Surrounding Counties Opaque
- Clarke County Roads
  - Private Roads
  - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
  - Perennial Streams
  - Intermittent Streams
- Ponds
- Rivers



The data shown on this site is provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.

0 120 240 ft

Printed on 10/27/2015 at 03:49 PM

Town of Berryville  
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

RESOLUTION OF GOVERNING BODY OF  
The Town of Berryville

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 10<sup>th</sup> day of November, 2015 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: REQUESTING ACCEPTANCE OF BURWELL COURT INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN HIGHWAY SYSTEM AND MAINTENANCE INVENTORY

WHEREAS, the street referenced above has been completed and is 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 street referenced above as identified on the attached U-1 form 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 10<sup>th</sup> day of November, 2015.

THE TOWN OF BERRYVILLE

Attest: \_\_\_\_\_

By: Wilson L. Kirby, 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 10<sup>th</sup> day of November, 2015.

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Wilson Kirby  
Mayor

Harry Lee Arnold, Jr.  
Recorder

*Council Members*

Douglas A. Shaffer  
Ward 1

H. Allen Kitzelman, III  
Ward 2

Mary L.C. Daniel  
Ward 3

David L. Tollett  
Ward 4

Keith R. Dalton  
Town Manager

BERRYVILLE TOWN COUNCIL

MOTION FOR APPROVAL RESOLUTION REQUESTING STREET ACCEPTANCE  
FOR BURWELL COURT

Date: November 10, 2015

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached resolution requesting VDOT acceptance of Burwell Court for inclusion in the VDOT Urban Highway System and Maintenance Inventory in order for the Town to receive municipal assistance maintenance funding.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

---

Harry Lee Arnold, Jr., Recorder

# Attachment 8

**BERRYVILLE TOWN COUNCIL**  
**Resolution for VDOT Revenue Sharing Application**  
**November 10, 2015**

---

The Town Council's Police and Security Committee has received comment from the public regarding concerns about pedestrian safety at the intersection of South Buckmarsh Street and Swan Avenue. The idea of placing a warning signal that could be activated when pedestrians wish to cross was discussed with VDOT officials.

Neither the Police and Security Committee nor Town Staff has determined whether installing such a measure will address safety concerns at the intersection in question. With that said, the revenue sharing cycle (50% VDOT / 50% local funding) was upon us and staff filed an application for the project (to meet a November 1 deadline). The next deadline that must be met is the submission of a resolution from the governing body (deadline is December 1).

Staff recommends that, if the Town Council wishes to begin the process of securing VDOT funding while firming up whether this is the best means of meeting a need, that the Council proceed with adoption of the attached resolution. Further, the examination into how to best meet needs at the intersection must continue. If the Town Council finds that this improvement is the way to go, then hopefully the funding works out and the project can move forward. If the warning lights are not the best solution, then the application can be withdrawn.

Application details and other pertinent information:

- The Town is requesting \$13,500 for the project with the same VDOT match.
- Staff has spoken with CCPS regarding participating in the local match and assuming ownership/maintenance responsibility for the signal. The schools are very interested in the project and CCPS staff feels that there will be interest in participating in the project.
- The School Travel Plan, adopted in 2012, identifies this location for pedestrian signals. The proposed flashing lights are located at the intersection adjacent to the Safe Routes to School Infrastructure project to be built on the Johnson-Williams Middle School property. Walkability is also a critical community component as identified in the Berryville/Clarke County Bicycle and Pedestrian Plan adopted by both localities in 2013.
- Revenue Sharing funding was previously used to install a sidewalk on the east side of Page Street between Fairfax Street and Liberty Street.
- The application as sent to VDOT prior to the November 1, 2015 application deadline, a resolution and a motion to adopt the resolution follow this report.

**Recommendations**

Adopt motion for the resolution and direct staff to forward final paperwork to VDOT for acceptance.

Determine whether the Police and Security Committee, the Streets and Utilities Committee, or the full Town Council should be tasked with reviewing the plan of action at the intersection.

Fund the approved solution in the FY17 Town Budget.

## REVENUE SHARING DETAILED APPLICATION FOR FUNDS

SEPARATE APPLICATION REQUIRED FOR EACH PROJECT TO BE CONSIDERED

Total locality request cannot exceed \$10M (which includes any maintenance funding requested). Maintenance request total cannot exceed \$5M per locality  
Projects receiving funding under this program are to be initiated and a portion of the Revenue Sharing funds expended within one year of allocation

|                                                    |                                   |                           |
|----------------------------------------------------|-----------------------------------|---------------------------|
| FY: <u>2016-17</u>                                 | Town of <u>Town of Berryville</u> | District: <u>Staunton</u> |
| # of Applications Locality is submitting: <u>1</u> |                                   |                           |

**PROJECT INFORMATION:** (Please TAB from field to field)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Locality's Priority #: <u>1</u> Route #: <u>US340</u> and local road name, if available: <u>South Buckmarsh Street</u>                                                                                                                                                                                                                                                                                                                               |
| State Project Number: _____ UPC #: _____                                                                                                                                                                                                                                                                                                                                                                                                             |
| Has project previously received Revenue Sharing funding? <u>No</u> If "Yes", indicate Fiscal Year(s) _____                                                                                                                                                                                                                                                                                                                                           |
| Does project meet a transportation need identified in VDOT's Statewide Transportation Plan? <u>No</u>                                                                                                                                                                                                                                                                                                                                                |
| Has an application also been submitted requesting HB2 funds for this project? <u>No</u>                                                                                                                                                                                                                                                                                                                                                              |
| Is project in Locality's Capital Plan and only by receipt will these funds advance the project advertisement date? <u>No</u><br>(Current Advertisement: _____ ; Advanced Advertisement: _____)                                                                                                                                                                                                                                                       |
| Is project work for pavement resurfacing or bridge rehabilitation where the maintenance analysis determines the infrastructure does not meet the Department's performance guidelines? <u>No</u> If "Yes", does local VDOT Manager have this documentation? <u>&gt;select&lt;</u><br><i>Requests for pavement resurfacing or bridge rehabilitation (maintenance) lacking this documentation will not meet the higher priority selection criteria.</i> |
| Scope of Work: <u>Signals/Traffic Services</u> Project Type: <u>Construction</u> ("Project Type" will be used in priority selection)                                                                                                                                                                                                                                                                                                                 |
| Description of work: <u>Activated flashing pedestrian crosswalk signal</u>                                                                                                                                                                                                                                                                                                                                                                           |
| Length: <u>0.00</u> (miles) From: <u>South Buckmarsh Street</u> To: <u>Swan Avenue</u>                                                                                                                                                                                                                                                                                                                                                               |

**PROJECT ESTIMATES** (Please TAB from field to field)

| PHASE        | *Total Estimated Project Cost | Sections below pertain to Revenue Sharing funded portion only: |                                          |                                     |
|--------------|-------------------------------|----------------------------------------------------------------|------------------------------------------|-------------------------------------|
|              |                               | Estimated Eligible Project Costs                               | Estimated Eligible VDOT Project Expenses | Estimated Reimbursement to Locality |
| PE           | \$ 8,000                      | \$ 8,000                                                       | \$ 4,000                                 | \$ 4,000                            |
| RW           | \$ 3,000                      | \$ 3,000                                                       | \$ 1,500                                 | \$ 1,500                            |
| CN           | \$ 16,000                     | \$ 16,000                                                      | \$ 8,000                                 | \$ 8,000                            |
| <b>TOTAL</b> | <b>\$27,000</b>               | <b>\$27,000</b>                                                | <b>\$13,500</b>                          | <b>\$13,500</b>                     |

**PROJECT TO BE ADMINISTERED BY** – VDOT – If "LOCALITY", please answer for each phase (PE, RW, and CN) below

|                                                                                                                                                                                                                                                                                                                                                   |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Please note that indicating <u>any</u> phase of project work to be administered by the locality and reimbursed using Revenue Sharing Program funding constitutes a "Locally Administered Project". Submission of this application represents the locality's request to administer (RTA) the project work.                                         |     |
| has PE Phase:                                                                                                                                                                                                                                                                                                                                     | n/a |
| has RW Phase:                                                                                                                                                                                                                                                                                                                                     | n/a |
| has CN Phase:                                                                                                                                                                                                                                                                                                                                     | n/a |
| <i>The RTA is not required – however, for an application for a project exceeding \$5M estimated construction costs it is recommended that the locality use the self-evaluation form in the LAP Manual to assist in assessing its ability to manage a complex project. Local administration of a complex project will be at VDOT's discretion.</i> |     |

**PROJECT FINANCIAL INFORMATION** (Please TAB from field to field)

|                                                                                                                                                                                       |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| VDOT Revenue Sharing matching funds UP TO \$1M requested for this <b>CONSTRUCTION</b> project for FY 2017:                                                                            | \$ 13,500        |
| VDOT Revenue Sharing matching funds OVER \$1M requested for this <b>CONSTRUCTION</b> project for FY 2017:                                                                             | \$ 0             |
| VDOT Revenue Sharing matching TOTAL application request: (right click on "\$0" to the right & "Update Field" for total)                                                               | <b>\$13,500</b>  |
| Total of other State / Federal / Local funds (enter amount to the right to include previous state & local revenue sharing funds):                                                     | <b>\$ 13,500</b> |
| List types of other funds: <u>N/A</u>                                                                                                                                                 |                  |
| Total funding to be programmed on Project <small>*(this line should equal total estimated project cost from above):<br/>(right click on "\$0" &amp; "Update Field" for total)</small> | <b>\$27,000</b>  |

**COMMENTS**

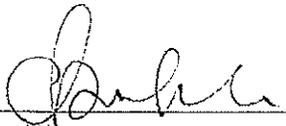
Identified as top priority in School Travel Plan. SRTS infrastructure project linked to this Xwalk. Clarke County Schools partnering, letter of support attached. Bike/Ped Plan (approved 4/15) prioritizes walkability in community.

|                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| My signature below certifies this information is accurate and the locality has the required funding to match the amount being requested, if approved.<br><br>Submitted by: <u>Christy Dunkle</u><br><br>Sign here for original hard-copy submission _____<br>Signature of Locality Official _____ Date <u>10/30/2015</u> | My signature below certifies I have reviewed this application and, to the best of my knowledge, the information is accurate and the project work meets eligibility requirements to receive Revenue Sharing funding.<br>Reviewed by: <u>&gt;type in VDOT Official name &amp; title&lt;</u><br><br>Sign here for original hard-copy submission _____<br>Signature of VDOT Official _____ Date _____ |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

An original, signed application must be forwarded to your local VDOT Manager, along with a resolution supporting this application by the deadline listed in the "Call for Applications" letter.



Christy Dunkle  
Locality Representative



10/30/2015  
Date Submitted

\_\_\_\_\_  
VDOT Representative

\_\_\_\_\_  
Date Reviewed



## Clarke County Public Schools

Dr. Chuck Bishop  
Superintendent

309 West Main Street  
Berryville, Virginia 22611  
Phone: 540-955-6100  
Fax: 540-955-6109  
www.clarke.k12.va.us

Dr. Cathy Seal  
Director of Curriculum and Instruction

Rick Catlett  
Assistant Superintendent

Randy Trenary  
Director of Operations

*"Encourage Inspire Empower"*

---

October 29, 2015

Keith R. Dalton  
Town Manager  
101 Chalmers Court, Suite A  
Berryville, VA 22611

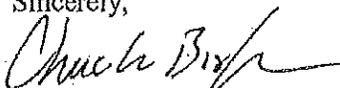
Dear Keith,

On behalf of Clarke County Public Schools, I wish to thank you for including us in the discussion related to the proposed flashing pedestrian sign at the intersection of South Buckmarsh Street (Route 340) and Swan Avenue in Berryville. Part of our mission as a school division is to ensure the safety of our students not only while they are in our buildings, but also on the way to and from school as well. It is our belief that a well-marked pedestrian crossing in that location would be a significant improvement.

Please accept this correspondence as formal support for the Town of Berryville to apply for a grant through the VA Department of Transportation that would, in part, fund the flashing pedestrian sign. Clarke County Public Schools stands ready to collaborate with the Town of Berryville to add this important safety measure.

If I can be of further assistance during this process, please do not hesitate to let me know.

Sincerely,



Dr. Chuck Bishop  
Division Superintendent

Town of Berryville  
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

## RESOLUTION OF TOWN OF BERRYVILLE

At a regularly scheduled meeting of the Town of Berryville Town Council on November 10, 2015, on a motion by [name of Council or Board member], seconded by [name of Council or Board member], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the Council of the Town of Berryville desires to submit an application for an allocation of funds of up to \$13,500 through the Virginia Department of Transportation Fiscal Year 2016-17, Revenue Sharing Program; and,

WHEREAS, \$13,500 of these funds are requested to fund a pedestrian activated flashing crossing light on South Buckmarsh Street at the intersection of Swan Avenue; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Council of the Town of Berryville hereby supports this application for an allocation of \$13,500 through the Virginia Department of Transportation Revenue Sharing Program

BE IT FURTHER RESOLVED THAT the Council of the Town of Berryville hereby grants authority for the Town Manager to execute project administration agreements for any approved revenue sharing projects.

ADOPTED this 10th day of November, 2015

### A COPY ATTEST

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Wilson Kirby  
*Mayor*

Harry Lee Arnold, Jr.  
*Recorder*

*Council Members*

Douglas A. Shaffer  
*Ward 1*

H. Allen Kitzelman, III  
*Ward 2*

Mary L.C. Daniel  
*Ward 3*

David L. Tollett  
*Ward 4*

Keith R. Dalton  
*Town Manager*

BERRYVILLE TOWN COUNCIL

MOTION FOR APPROVAL RESOLUTION REQUESTING REVENUE SHARING  
FUNDS FROM VDOT

Date: November 10, 2015

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached resolution requesting VDOT Revenue Sharing funds in order to install a flashing pedestrian signal at the intersection of South Buckmarsh Street and Swan Avenue.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

# Attachment 9



# Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

## **POLICE AND SECURITY REPORT**

| Month: <b>October</b>             | Year To Date | October     | September   |
|-----------------------------------|--------------|-------------|-------------|
| Year: <b>2015</b>                 | <b>2015</b>  | <b>2015</b> | <b>2015</b> |
| Total Miles Traveled:             | 37,685       | 3,423       | 3,973       |
| Total Man Hours:                  | 11,540       | 1,160       | 1,256       |
| <b><u>Complaints Answered</u></b> |              |             |             |
| 911 Hang Up:                      | 20           | 0           | 4           |
| Alarms:                           | 89           | 8           | 5           |
| Animal Complaint:                 | 122          | 13          | 14          |
| Assault And Battery:              | 18           | 2           | 2           |
| Assist County:                    | 33           | 0           | 1           |
| Auto Larceny:                     | 1            | 0           | 0           |
| Burglary:                         | 10           | 0           | 4           |
| Civil Complaints:                 | 82           | 12          | 6           |
| Disturbance (Non Violent):        | 55           | 6           | 3           |
| Domestic Disturbance:             | 8            | 0           | 0           |
| Drunk In Public:                  | 18           | 4           | 0           |
| Forgery & Uttering:               | 1            | 0           | 0           |
| Fraud:                            | 12           | 1           | 1           |
| Grand Larceny:                    | 9            | 1           | 3           |
| Harassment/Intimidation:          | 18           | 4           | 1           |
| Homicide:                         | 0            | 0           | 0           |
| Juvenile Related:                 | 54           | 6           | 6           |
| Noise:                            | 23           | 3           | 5           |
| Petty Larceny:                    | 20           | 1           | 1           |
| Public Service:                   | 32           | 4           | 0           |
| Rape:                             | 0            | 0           | 0           |
| Robbery:                          | 0            | 0           | 0           |
| Runaway:                          | 4            | 0           | 3           |
| Shoplifting:                      | 5            | 2           | 0           |
| Suspicious Activity:              | 156          | 21          | 15          |
| Trespassing:                      | 11           | 1           | 1           |
| Vandalism:                        | 38           | 3           | 7           |
| Welfare Check:                    | 88           | 7           | 5           |
| Miscellaneous Complaints:         | 222          | 16          | 27          |
| <b>Total Complaints Answered:</b> | <b>1,149</b> | <b>115</b>  | <b>114</b>  |



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W. Neal White – Chief of Police

## Traffic

|                            |     |    |    |
|----------------------------|-----|----|----|
| Accidents Investigated:    | 34  | 3  | 2  |
| Assist Motorist:           | 18  | 1  | 2  |
| Child Safety Seat Install: | 34  | 0  | 1  |
| Funeral Escort:            | 36  | 4  | 4  |
| Hit & Run:                 | 13  | 2  | 2  |
| Parking Tickets:           | 155 | 35 | 16 |
| Traffic Warnings:          | 261 | 23 | 76 |

## Traffic Summons Issued

|                                      |            |           |           |
|--------------------------------------|------------|-----------|-----------|
| Defective Equipment:                 | 6          | 1         | 3         |
| Driving Suspended:                   | 10         | 1         | 5         |
| Expired Inspection:                  | 16         | 0         | 1         |
| Expired Registration:                | 12         | 0         | 1         |
| Fail To Obey Highway Sign:           | 55         | 7         | 13        |
| Fail To Obey Traffic Signals:        | 5          | 0         | 0         |
| Fail To Stop/Lights & Siren:         | 0          | 0         | 0         |
| Fail To Yield Right Of Way:          | 2          | 0         | 0         |
| Hit And Run:                         | 0          | 0         | 0         |
| No Liability Insurance:              | 0          | 0         | 0         |
| No Operator's License:               | 13         | 0         | 5         |
| No Seat Belt:                        | 1          | 0         | 0         |
| Reckless Driving:                    | 11         | 3         | 4         |
| Speeding:                            | 138        | 2         | 46        |
| Miscellaneous Summons:               | 9          | 1         | 5         |
| <b>Total Traffic Summons Issued:</b> | <b>278</b> | <b>15</b> | <b>83</b> |



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W. Neal White – Chief of Police

## Criminal Arrests Made

|                                 |     |    |    |
|---------------------------------|-----|----|----|
| Abduction:                      | 0   | 0  | 0  |
| Arson:                          | 0   | 0  | 0  |
| Assault And Battery:            | 8   | 1  | 0  |
| A & B On Police Officer:        | 1   | 0  | 0  |
| Auto Larceny:                   | 0   | 0  | 0  |
| Breaking And Entering:          | 2   | 0  | 1  |
| Capias:                         | 6   | 1  | 0  |
| Disorderly Conduct:             | 3   | 0  | 1  |
| Driving While Intoxicated:      | 5   | 0  | 1  |
| Drunk In Public:                | 15  | 3  | 0  |
| Fail To Obey Police Officer:    | 0   | 0  | 0  |
| Fail To Pay Parking Ticket:     | 6   | 0  | 0  |
| Forgery:                        | 0   | 0  | 0  |
| Fraud:                          | 0   | 0  | 0  |
| Grand Larceny:                  | 2   | 0  | 1  |
| Homicide:                       | 0   | 0  | 0  |
| Illegal Drugs/Paraphernalia     | 14  | 1  | 3  |
| Petty Larceny:                  | 3   | 0  | 1  |
| Possess Alcohol Underage:       | 0   | 0  | 0  |
| Protective Order:               | 15  | 1  | 1  |
| Rape:                           | 0   | 0  | 0  |
| Resisting Arrest:               | 0   | 1  | 0  |
| Robbery:                        | 0   | 0  | 0  |
| Shoplifting:                    | 2   | 1  | 0  |
| Trespassing:                    | 2   | 0  | 0  |
| Vandalism:                      | 2   | 0  | 0  |
| Weapons Violation               | 0   | 0  | 0  |
|                                 | 44  | 4  | 3  |
| Miscellaneous Criminal Arrests: |     |    |    |
| <b>Juvenile Arrest Total:</b>   | 10  | 1  | 1  |
| <b>Total Criminal Arrests:</b>  | 131 | 13 | 12 |

## Found Open At Business In Town

|                          |    |   |   |
|--------------------------|----|---|---|
| Doors:                   | 19 | 0 | 2 |
| Windows:                 | 1  | 0 | 0 |
| Garage Doors Found Open: | 1  | 0 | 0 |

# Attachment 10

# Memo

**To:** Town Council  
**From:** David Tyrrell  
**Date:** November 3, 2015  
**Re:** October 2015 Operations Report

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The water treatment plant is in compliance for October with its monthly parameters. We sent a total of 11.004 MG water to the system with a daily average of 0.379 MGD and a daily max of 0.601 MG.

Demand for water has dropped this month along with the repair of the transmission main early in the month lowering demands. The lower demand has allowed us to adjust the evening shift hours at the WTP to shut down the facility for the night earlier in the day. We have been using this schedule change to better facilitate some repairs which require more than one person on site. Top of the list has been some roofing repairs to seal a leak over the lab office area. Water damage to the dry wall has occurred which will be repaired once we are sure the leak in the roof has been stopped.

We also were having trouble with the inlet valve to train #1 working intermittently. We spent a day tracing wires as part of trouble shooting and found several loose connections in one of the junction boxes of the old control units. Wires have been tightened and the valve is now functioning.

Drought Conditions: Water levels in the Shenandoah River have run above historical averages for the month of October. There is no concern for drought in our area at this time.

The wastewater plant is in compliance with its discharge permit for October per data received to date with our nutrient removal continuing to do very well. We treated a total of 8.65 MG with a daily average of 0.28 MGD and a daily max of 0.55 MG. Influent flow rates have seen little effect from the rains. Flow increases have been quick and then quickly return to close to normal indicating much of the effect was from inflow and not infiltration in the past month. Process adjustments are starting to show an effect for winter operations with the biosolids inventory slowly increasing.

Recovery cleans of the membranes have commenced with train #1 completed in October. One train will be completed each week until the cleanings have been completed on all four trains.

Upcoming projects include a cleaning of the WTP river vault and the STP influent wet well #2 in November.

Attached for review are the data report for the wastewater plant, latest InSight report for the membrane performance from GE, and the water plant October page 1 operations report for VDH. Noteworthy items are the fact the cleaning of train #1 showed little improvement to the filter trans membrane pressures which indicates the filters are still in good operational condition. Also new guidelines for CBOD5 reporting are being followed. We now report results less than 1 mg/l as below the detection limit. The previous number for this was 5 mg/l. Any test result below this level is reported as <QL (less than quantification level) and is calculated with a zero in the monthly averages. Where ever a zero is in the CBOD5 calculations it is because the level was below this limit.

FLOWS AND CHEMICAL DOSAGES

October 2015

No. Connections Served: 1610  
Population Served: 4185

| DATE    | Raw Water Treated MGD | Finished Water Produced MGD | Finished Water Delivered MGD | Hours in Service | Raw Water Chemicals |       |             |      |             |       |             |      |             |       | Finished Water Chemicals |      |             |         |             |        |                |       |
|---------|-----------------------|-----------------------------|------------------------------|------------------|---------------------|-------|-------------|------|-------------|-------|-------------|------|-------------|-------|--------------------------|------|-------------|---------|-------------|--------|----------------|-------|
|         |                       |                             |                              |                  | Alum                |       | Carbon      |      | Chlorine    |       | Fluoride    |      | Polymer     |       | KMnO4                    |      | Soda Ash    |         | Chlorine    |        | Corr Inhibitor |       |
|         |                       |                             |                              |                  | Lbs per Day         | mg/L  | Lbs per Day | mg/L | Lbs per Day | mg/L  | Lbs per Day | mg/L | Lbs per Day | mg/L  | Lbs per Day              | mg/L | Lbs per Day | mg/L    | Lbs per Day | mg/L   | Lbs per Day    | mg/L  |
| 1       | 0.601                 |                             | 0.563                        | 17.8             | 41                  | 8.1   | 3           | 0.6  |             |       | 6.8         | 1.36 | 0.159       | 0.032 | 0                        | 0.0  |             |         | 17.8        | 3.5    |                |       |
| 2       | 0.436                 |                             | 0.392                        | 13.0             | 61                  | 16.7  | 3           | 0.8  |             |       | 6.6         | 1.83 | 0.097       | 0.027 | 8.0                      | 2.2  |             |         | 13.0        | 3.6    |                |       |
| 3       | 0.221                 |                             | 0.203                        | 6.5              | 35                  | 19.3  | 2           | 0.9  |             |       | 3.3         | 1.79 | 0.057       | 0.031 | 0.0                      | 0.0  |             |         | 6.5         | 3.5    |                |       |
| 4       | 0.127                 |                             | 0.119                        | 4.0              | 15                  | 14.4  | 0           | 0.4  |             |       | 0.1         | 0.13 | 0.031       | 0.029 | 0.0                      | 0.0  |             |         | 4.0         | 3.8    |                |       |
| 5       | 0.488                 |                             | 0.462                        | 14.8             | 81                  | 19.9  | 2           | 0.6  |             |       | 6.8         | 1.67 | 0.119       | 0.029 | 10.0                     | 2.5  |             |         | 17.2        | 4.2    |                |       |
| 6       | 0.371                 |                             | 0.321                        | 11.5             | 51                  | 16.4  | 3           | 0.9  |             |       | 3.4         | 1.09 | 0.088       | 0.029 | 6.0                      | 1.9  |             |         | 13.4        | 4.3    |                |       |
| 7       | 0.443                 |                             | 0.397                        | 12.5             | 51                  | 13.7  | 2           | 0.4  |             |       | 3.5         | 0.96 | 0.106       | 0.029 | 0.0                      | 0.0  |             |         | 13.5        | 3.7    |                |       |
| 8       | 0.338                 |                             | 0.311                        | 10.3             | 30                  | 10.8  | 2           | 0.9  |             |       | 6.6         | 2.33 | 0.062       | 0.022 | 8.0                      | 2.8  |             |         | 11.1        | 3.9    |                |       |
| 9       | 0.268                 |                             | 0.239                        | 8.0              | 30                  | 13.6  | 2           | 0.7  |             |       | 3.4         | 1.52 | 0.057       | 0.026 | 0.0                      | 0.0  |             |         | 8.7         | 3.9    |                |       |
| 10      | 0.223                 |                             | 0.210                        | 6.8              | 20                  | 10.9  | 2           | 1.1  |             |       | 3.7         | 1.99 | 0.062       | 0.033 | 0.0                      | 0.0  |             |         | 7.3         | 3.9    |                |       |
| 11      |                       |                             |                              |                  |                     |       |             |      |             |       |             |      |             |       |                          |      |             |         |             |        |                |       |
| 12      | 0.245                 |                             | 0.222                        | 7.5              | 20                  | 9.8   | 2           | 1.0  |             |       | 3.4         | 1.66 | 0.066       | 0.032 | 8.0                      | 3.9  |             |         | 8.1         | 4.0    |                |       |
| 13      | 0.533                 |                             | 0.486                        | 15.8             | 41                  | 9.1   | 4           | 0.9  |             |       | 3.4         | 0.76 | 0.141       | 0.032 | 6.0                      | 1.3  |             |         | 17.1        | 3.8    |                |       |
| 14      | 0.533                 |                             | 0.485                        | 15.5             | 46                  | 10.3  | 4           | 0.9  |             |       | 6.8         | 1.53 | 0.132       | 0.030 | 0.0                      | 0.0  |             |         | 16.8        | 3.8    |                |       |
| 15      | 0.542                 |                             | 0.481                        | 16.0             | 41                  | 9.0   | 4           | 0.8  |             |       | 6.8         | 1.50 | 0.132       | 0.029 | 10.0                     | 2.2  |             |         | 17.3        | 3.8    |                |       |
| 16      | 0.529                 |                             | 0.487                        | 16.0             | 56                  | 12.6  | 4           | 0.8  |             |       | 10.2        | 2.32 | 0.106       | 0.024 | 0.0                      | 0.0  |             |         | 17.3        | 3.9    |                |       |
| 17      | 0.231                 |                             | 0.206                        | 6.8              | 20                  | 10.5  | 2           | 0.8  |             |       | 0.0         | 0.00 | 0.054       | 0.028 | 8.0                      | 4.2  |             |         | 7.3         | 3.8    |                |       |
| 18      | 0.223                 |                             | 0.207                        | 7.0              | 20                  | 10.9  | 2           | 0.9  |             |       | 3.4         | 1.81 | 0.056       | 0.030 | 0.0                      | 0.0  |             |         | 7.6         | 4.1    |                |       |
| 19      | 0.538                 |                             | 0.495                        | 16.3             | 51                  | 11.3  | 4           | 0.9  |             |       | 6.8         | 1.52 | 0.128       | 0.029 | 8.0                      | 1.8  |             |         | 17.6        | 3.9    |                |       |
| 20      | 0.508                 |                             | 0.466                        | 15.0             | 41                  | 9.6   | 4           | 0.9  |             |       | 6.8         | 1.61 | 0.123       | 0.029 | 6.0                      | 1.4  |             |         | 16.3        | 3.8    |                |       |
| 21      | 0.367                 |                             | 0.330                        | 10.5             | 22                  | 7.3   | 3           | 1.1  |             |       | 6.9         | 2.25 | 0.088       | 0.029 | 0.0                      | 0.0  |             |         | 11.4        | 3.7    |                |       |
| 22      | 0.346                 |                             | 0.323                        | 10.3             | 25                  | 8.8   | 2           | 0.7  |             |       | 3.2         | 1.10 | 0.088       | 0.030 | 8.0                      | 2.8  |             |         | 11.0        | 3.8    |                |       |
| 23      | 0.261                 |                             | 0.242                        | 7.5              | 25                  | 11.6  | 2           | 1.1  |             |       | 3.4         | 1.56 | 0.057       | 0.026 | 0.0                      | 0.0  |             |         | 8.0         | 3.7    |                |       |
| 24      | 0.251                 |                             | 0.226                        | 8.0              | 20                  | 9.7   | 0           | 0.0  |             |       | 3.4         | 1.62 | 0.066       | 0.032 | 0.0                      | 0.0  |             |         | 8.7         | 4.1    |                |       |
| 25      |                       |                             |                              |                  |                     |       |             |      |             |       |             |      |             |       |                          |      |             |         |             |        |                |       |
| 26      | 0.522                 |                             | 0.476                        | 16.0             | 41                  | 9.3   | 4           | 1.0  |             |       | 6.8         | 1.56 | 0.132       | 0.030 | 8.0                      | 1.8  |             |         | 18.7        | 4.3    |                |       |
| 27      | 0.519                 |                             | 0.475                        | 15.8             | 35                  | 8.2   | 5           | 1.1  |             |       | 6.8         | 1.57 | 0.123       | 0.029 | 8.0                      | 1.8  |             |         | 18.4        | 4.2    |                |       |
| 28      | 0.506                 |                             | 0.463                        | 15.5             | 35                  | 8.4   | 3           | 0.7  |             |       | 6.9         | 1.64 | 0.115       | 0.027 | 0.0                      | 0.0  |             |         | 18.1        | 4.3    |                |       |
| 29      | 0.388                 |                             | 0.358                        | 11.8             | 30                  | 9.4   | 4           | 1.4  |             |       | 3.5         | 1.09 | 0.088       | 0.027 | 0.0                      | 0.0  |             |         | 14.7        | 4.5    |                |       |
| 30      | 0.257                 |                             | 0.237                        | 7.8              | 20                  | 9.5   | 2           | 0.9  |             |       | 3.4         | 1.57 | 0.053       | 0.025 | 6.0                      | 2.8  |             |         | 9.7         | 4.5    |                |       |
| 31      | 0.189                 |                             | 0.170                        | 5.5              | 10                  | 6.4   | 1           | 0.9  |             |       | 3.3         | 2.07 | 0.044       | 0.028 | 0.0                      | 0.0  |             |         | 6.9         | 4.4    |                |       |
| Total   | 11.004                | 0.000                       | 10.052                       | 329.3            | 1016                | 325.5 | 77          | 24.1 | 0.0         | 0.00  | 139.4       | 43.4 | 2.63        | 0.831 | 108                      | 33.5 | 0.0         | 0.00    | 363.3       | 114.96 | 0.0            | 0.00  |
| Maximum | 0.601                 | 0.000                       | 0.563                        | 17.8             | 81                  | 19.9  | 5           | 1.4  | 0.0         | 0.00  | 10.2        | 2.3  | 0.16        | 0.033 | 10                       | 4.2  | 0.0         | 0.00    | 18.7        | 4.54   | 0.0            | 0.00  |
| Minimum | 0.127                 | 0.000                       | 0.119                        | 4.0              | 10                  | 6.4   | 0           | 0.0  | 0.0         | 0.00  | 0.0         | 0.0  | 0.03        | 0.022 | 0                        | 0.0  | 0.0         | 0.00    | 4.0         | 3.53   | 0.0            | 0.00  |
| Average | 0.379                 | 0.000                       | 0.347                        | 11.4             | 35                  | 11.2  | 3           | 0.8  | #####       | ##### | 4.8         | 1.5  | 0.09        | 0.029 | 4                        | 1.2  | #####       | #DIV/0! | 12.5        | 3.96   | #####          | ##### |

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) \_\_\_\_\_

PRINTED NAME David A Tyrrell

TITLE: OPERATOR CLASSIFICATION Class 1  
DPOR CERTIFICATION NO. 1955002813

RAW WATER SOURCE(S) USED DURING MONTH: (SOURCE/DATES)

Shenandoah River - Entire Month

# Berryville STP Monthly DMR Data

October 2015

| Date       | Effluent Flow<br>MGD | Eff pH<br>SU | Eff Temp<br>Deg C | Eff CBOD<br>mg/l | Eff CBOD<br>KG/D | Eff TSS<br>mg/l | Eff TSS<br>KG/D | Effluent DO<br>River<br>mg/l | Effluent DO<br>WWTP<br>mg/l | Eff NO2 /<br>NO3<br>mg/l | Eff TKN<br>mg/l | Eff TKN<br>KG/D | Eff Total N<br>mg/l |
|------------|----------------------|--------------|-------------------|------------------|------------------|-----------------|-----------------|------------------------------|-----------------------------|--------------------------|-----------------|-----------------|---------------------|
| 10/1/2015  | 0.29                 | 7.6          | 23.0              | 1                | 1                |                 |                 | 7.8                          | 7.5                         |                          |                 |                 |                     |
| 10/2/2015  | 0.35                 | 7.6          | 22.0              |                  |                  |                 |                 | 7.5                          | 7.5                         |                          |                 |                 |                     |
| 10/3/2015  | 0.55                 | 7.7          | 23.2              |                  |                  |                 |                 | 7.5                          | 7.4                         |                          |                 |                 |                     |
| 10/4/2015  | 0.43                 | 7.8          | 21.7              |                  |                  |                 |                 | 7.9                          | 7.7                         |                          |                 |                 |                     |
| 10/5/2015  | 0.33                 | 7.4          | 21.5              |                  |                  |                 |                 | 7.9                          | 7.6                         |                          |                 |                 |                     |
| 10/6/2015  | 0.31                 | 7.6          | 21.9              | 0                | 0                | 0               | 0.0             | 9.0                          | 8.8                         | 0.90                     | 0.3             | 0.4             | 1.2                 |
| 10/7/2015  | 0.29                 | 7.6          | 21.9              | 0                | 0                |                 |                 | 8.9                          | 8.1                         |                          |                 |                 |                     |
| 10/8/2015  | 0.31                 | 7.4          | 21.7              | 0                | 0                |                 |                 | 10.0                         | 8.2                         |                          |                 |                 |                     |
| 10/9/2015  | 0.28                 | 7.3          | 22.2              |                  |                  |                 |                 | 7.6                          | 7.1                         |                          |                 |                 |                     |
| 10/10/2015 | 0.26                 | 7.3          | 22.1              |                  |                  |                 |                 | 8.2                          | 7.3                         |                          |                 |                 |                     |
| 10/11/2015 | 0.26                 | 7.3          | 22.1              |                  |                  |                 |                 | 7.9                          | 7.2                         |                          |                 |                 |                     |
| 10/12/2015 | 0.27                 | 7.5          | 22.3              |                  |                  |                 |                 | 8.5                          | 8.4                         |                          |                 |                 |                     |
| 10/13/2015 | 0.29                 | 7.7          | 22.2              | 0                | 0                |                 |                 | 9.2                          | 7.8                         |                          |                 |                 |                     |
| 10/14/2015 | 0.26                 | 7.7          | 22.2              | 0                | 0                |                 |                 | 8.9                          | 8.9                         |                          |                 |                 |                     |
| 10/15/2015 | 0.26                 | 7.9          | 22.6              | 0                | 0                |                 |                 | 7.8                          | 8.0                         |                          |                 |                 |                     |
| 10/16/2015 | 0.28                 | 7.4          | 21.6              |                  |                  |                 |                 | 7.9                          | 7.5                         |                          |                 |                 |                     |
| 10/17/2015 | 0.27                 | 7.4          | 21.4              |                  |                  |                 |                 | 8.4                          | 7.9                         |                          |                 |                 |                     |
| 10/18/2015 | 0.25                 | 7.3          | 20.8              |                  |                  |                 |                 | 8.0                          | 7.4                         |                          |                 |                 |                     |
| 10/19/2015 | 0.29                 | 7.2          | 20.4              |                  |                  |                 |                 | 8.3                          | 7.5                         |                          |                 |                 |                     |
| 10/20/2015 | 0.26                 | 7.7          | 21.2              | 0                | 0                |                 |                 | 8.5                          | 7.6                         | 0.70                     | 0.5             | 0.5             | 1.2                 |
| 10/21/2015 | 0.27                 | 7.5          | 21.3              | 4                | 4                |                 |                 | 9.4                          | 9.1                         |                          |                 |                 |                     |
| 10/22/2015 | 0.26                 | 7.7          | 21.5              | 2                | 2                |                 |                 | 8.9                          | 7.4                         |                          |                 |                 |                     |
| 10/23/2015 | 0.27                 | 7.5          | 21.5              |                  |                  |                 |                 | 9.5                          | 8.5                         |                          |                 |                 |                     |
| 10/24/2015 | 0.24                 | 7.7          | 21.2              |                  |                  |                 |                 | 8.4                          | 7.3                         |                          |                 |                 |                     |
| 10/25/2015 | 0.25                 | 7.5          | 21.3              |                  |                  |                 |                 | 8.2                          | 7.6                         |                          |                 |                 |                     |
| 10/26/2015 | 0.17                 | 7.6          | 20.4              |                  |                  |                 |                 | 8.1                          | 7.6                         |                          |                 |                 |                     |
| 10/27/2015 | 0.19                 | 7.3          | 20.6              |                  |                  |                 |                 | 8.5                          | 7.8                         |                          |                 |                 |                     |
| 10/28/2015 | 0.29                 | 7.5          | 20.2              |                  |                  |                 |                 | 8.6                          | 8.9                         |                          |                 |                 |                     |
| 10/29/2015 | 0.27                 | 7.3          | 20.5              |                  |                  |                 |                 | 8.3                          | 7.9                         |                          |                 |                 |                     |
| 10/30/2015 | 0.20                 | 7.5          | 19.9              |                  |                  |                 |                 | 9.2                          | 8.2                         |                          |                 |                 |                     |
| 10/31/2015 | 0.25                 | 7.7          | 20.1              |                  |                  |                 |                 | 8.5                          | 7.7                         |                          |                 |                 |                     |
| Minimum    | 0.17                 | 7.2          | 19.9              | 0                | 0                | 0               | 0.0             | 7.5                          | 7.1                         | 0.70                     | 0.3             | 0.4             | 1.2                 |
| Maximum    | 0.55                 | 7.9          | 23.2              | 4                | 4                | 0               | 0.0             | 10.0                         | 9.1                         | 0.90                     | 0.5             | 0.5             | 1.2                 |
| Total      | 8.65                 | 233.2        | 666.5             | 7                | 7                | 0               | 0.0             | 261.3                        | 243.4                       | 1.60                     | 0.8             | 0.9             | 2.4                 |
| Average    | 0.28                 | 7.5          | 21.5              | 1                | 1                | 0               | 0.0             | 8.4                          | 7.9                         | 0.80                     | 0.4             | 0.4             | 1.2                 |
| Geo Mean   | 0.27                 | 7.5          | 21.5              | 1                | 1                | 1               | 1.0             | 8.4                          | 7.8                         | 0.79                     | 0.4             | 0.4             | 1.2                 |

# Berryville STP Monthly DMR Data

October 2015

| Date       | Eff Total N<br>KG/D | Eff Total P<br>mg/l | Eff Total P<br>KG/D | E-Coli<br>No/100ml |
|------------|---------------------|---------------------|---------------------|--------------------|
| 10/1/2015  |                     |                     |                     |                    |
| 10/2/2015  |                     |                     |                     |                    |
| 10/3/2015  |                     |                     |                     |                    |
| 10/4/2015  |                     |                     |                     |                    |
| 10/5/2015  |                     |                     |                     |                    |
| 10/6/2015  | 1.4                 | 0.16                | 0.2                 | 1                  |
| 10/7/2015  |                     |                     |                     |                    |
| 10/8/2015  |                     |                     |                     |                    |
| 10/9/2015  |                     |                     |                     |                    |
| 10/10/2015 |                     |                     |                     |                    |
| 10/11/2015 |                     |                     |                     |                    |
| 10/12/2015 |                     |                     |                     |                    |
| 10/13/2015 |                     |                     |                     | 1                  |
| 10/14/2015 |                     |                     |                     |                    |
| 10/15/2015 |                     |                     |                     |                    |
| 10/16/2015 |                     |                     |                     |                    |
| 10/17/2015 |                     |                     |                     |                    |
| 10/18/2015 |                     |                     |                     |                    |
| 10/19/2015 |                     |                     |                     |                    |
| 10/20/2015 | 1.2                 | 0.04                | 0.0                 | 1                  |
| 10/21/2015 |                     |                     |                     |                    |
| 10/22/2015 |                     |                     |                     |                    |
| 10/23/2015 |                     |                     |                     |                    |
| 10/24/2015 |                     |                     |                     |                    |
| 10/25/2015 |                     |                     |                     |                    |
| 10/26/2015 |                     |                     |                     |                    |
| 10/27/2015 |                     |                     |                     |                    |
| 10/28/2015 |                     |                     |                     |                    |
| 10/29/2015 |                     |                     |                     |                    |
| 10/30/2015 |                     |                     |                     |                    |
| 10/31/2015 |                     |                     |                     |                    |
| Minimum    | 1.2                 | 0.04                | 0.0                 | 1                  |
| Maximum    | 1.4                 | 0.16                | 0.2                 | 1                  |
| Total      | 2.6                 | 0.20                | 0.2                 | 3                  |
| Average    | 1.3                 | 0.10                | 0.1                 | 1                  |
| Geo Mean   | 1.3                 | 0.08                | 0.1                 | 1                  |



# Berryville Biweekly InSight Report

**Date:** 10/29/2015

From: Jeny Chacko - GE Water & Process Technologies  
To: David Tyrrell, Jeff Cappel - Town of Berryville  
cc: Phil Lander, Al Farrell, Matthew Stapleford - GE Water & Process Technologies

## System Equipment

4 × ZW trains, each 3 cassettes, 2x48/1x42 500D (surface area 46920 sq. ft. per train)

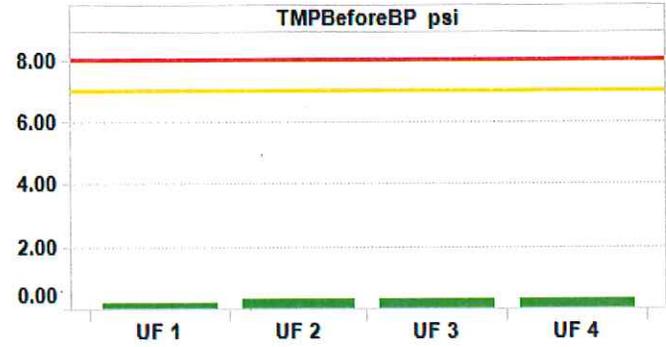
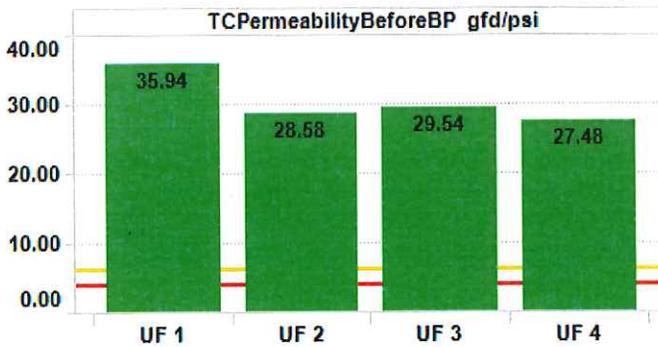
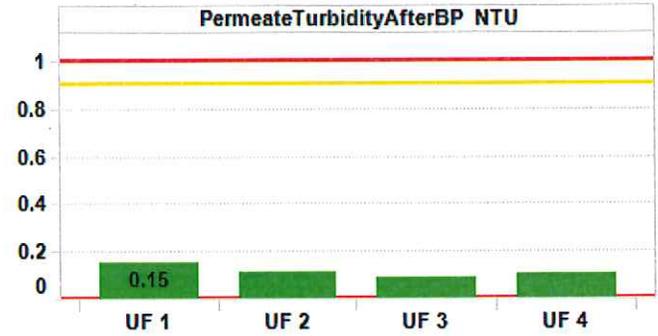
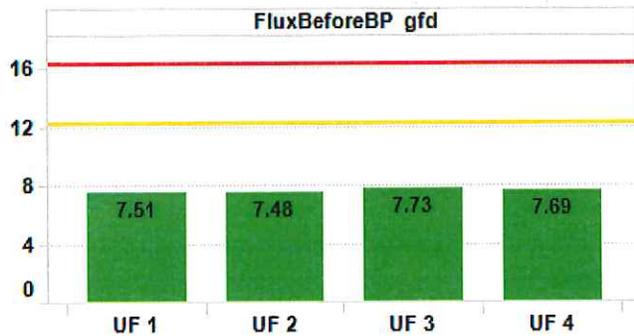
## Cleaning Strategy

Maintenance clean dose concentrations - 2 NaOCl/ Hypo @ 200 ppm per week, 1 Citric acid @ 2000 ppm per week

Recovery clean soak concentrations - 2 NaOCl/ Hypo @ 1000 ppm per year, 2 Citric acid @ 2000 ppm per year

KPI Dashboard – Avg values through reporting period

- Action Required
- Caution
- No Limits
- Normal





### Plant Summary

Plant production declined by 25-30% in the last two weeks.

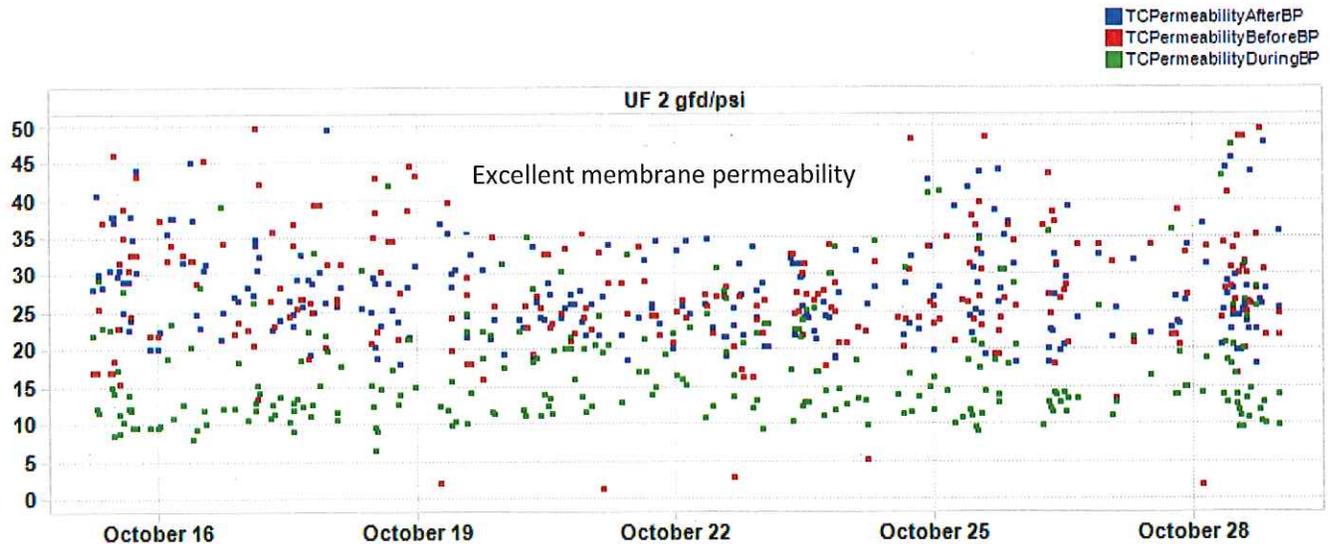
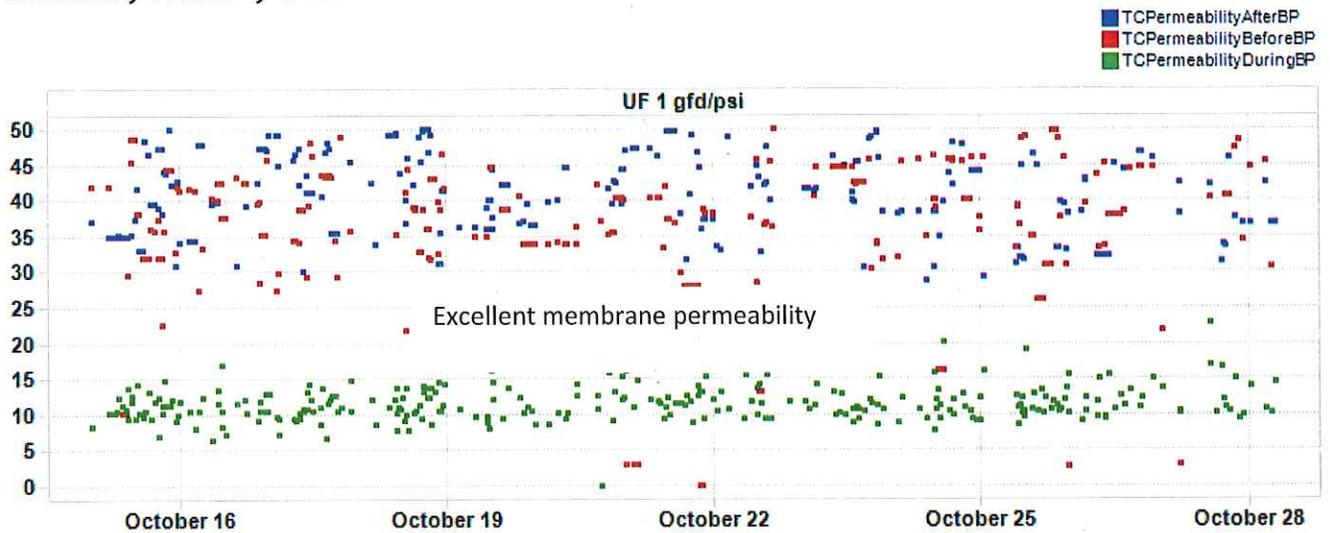
Trains were in standby for 75-80% of the time. Membrane performance was fairly stable and excellent.

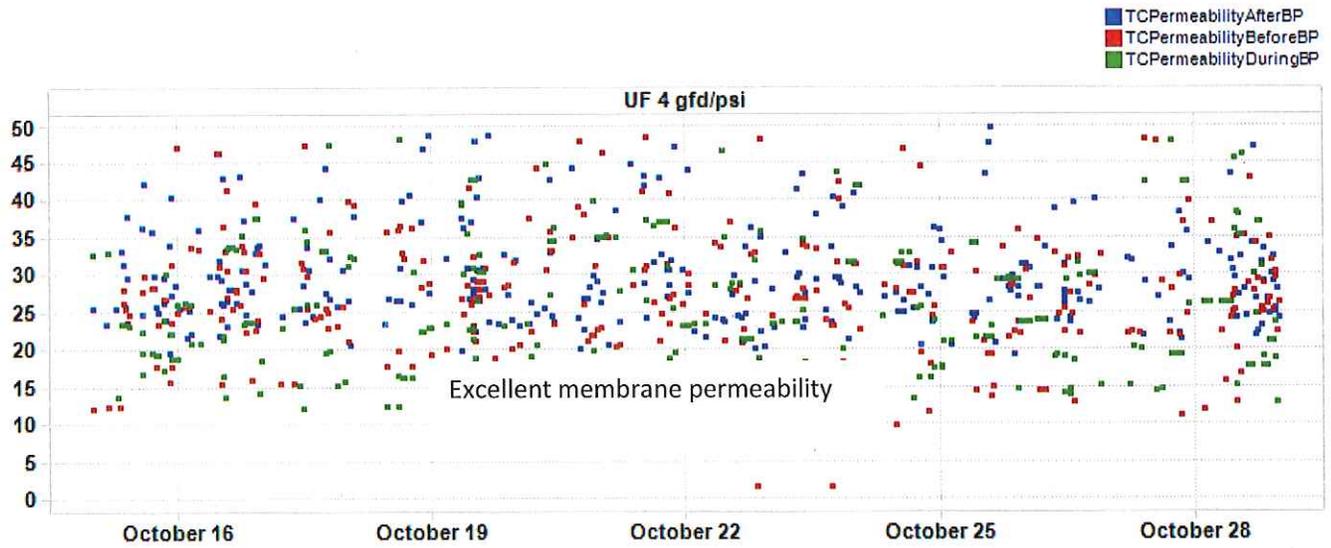
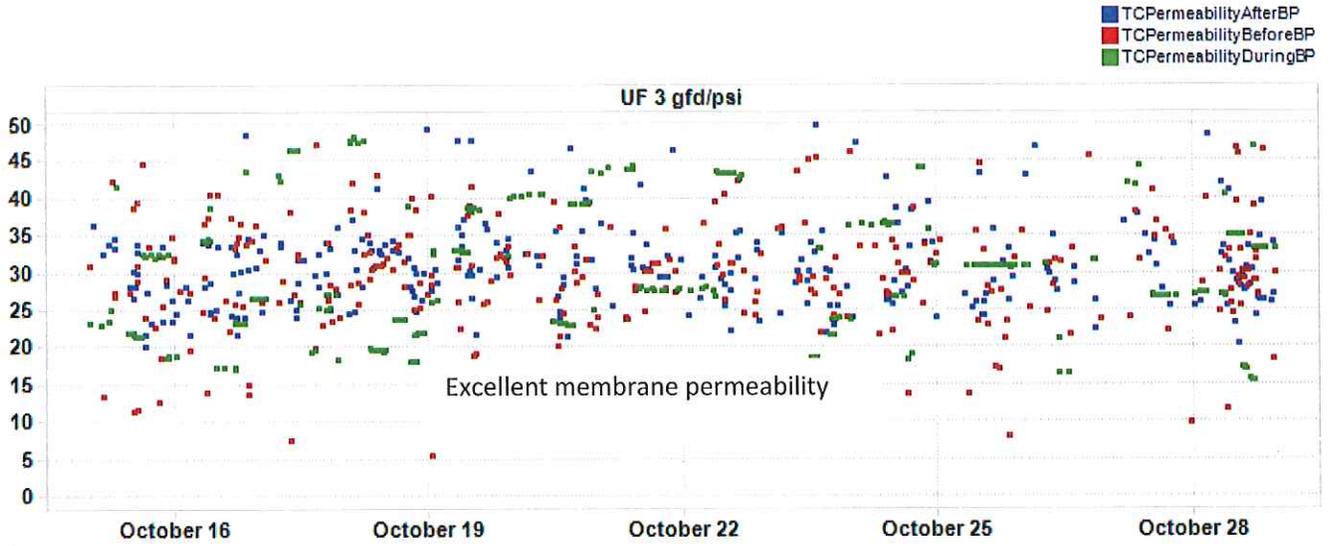
A hypo recovery clean was carried out on Train 1 yesterday. Production TMP trends on this trains were similar to pre recovery clean TMPs as readings were already low. TMPs were <0.6 psi across all the trains.

Trains 2, 3 and 4 operated more frequently when Train 1 was offline for a recovery clean. Production TMPs continued to be stable on these trains under N-1 conditions.

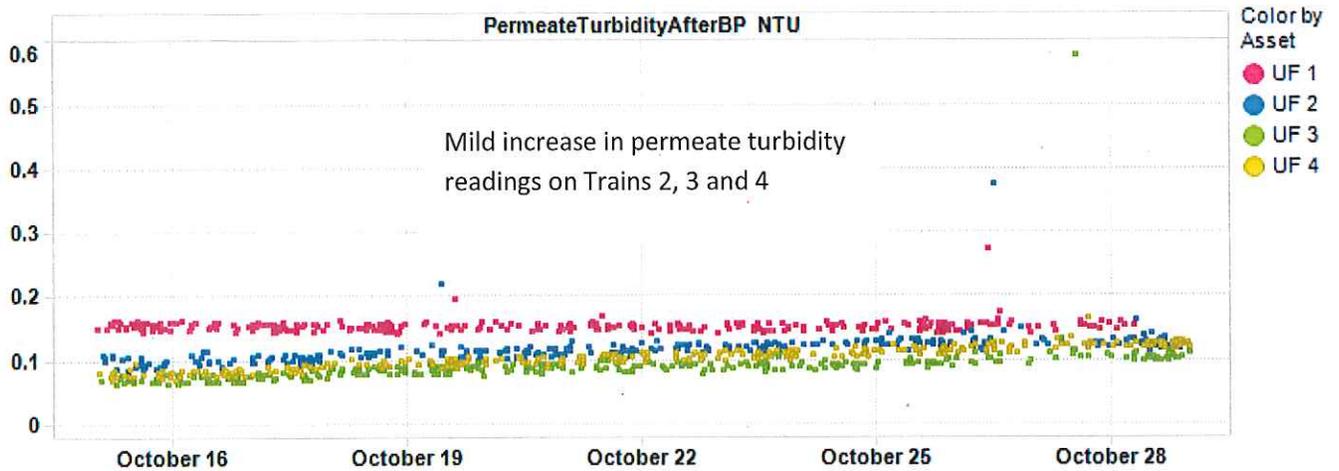
Permeate turbidity on Train 1 was stable throughout this period however saw a mild increase if 0.04 NTU on Trains 2, 3 and 4 which is most likely due to buildup of dirt within instrument.

### TC Permeability Trends By Train



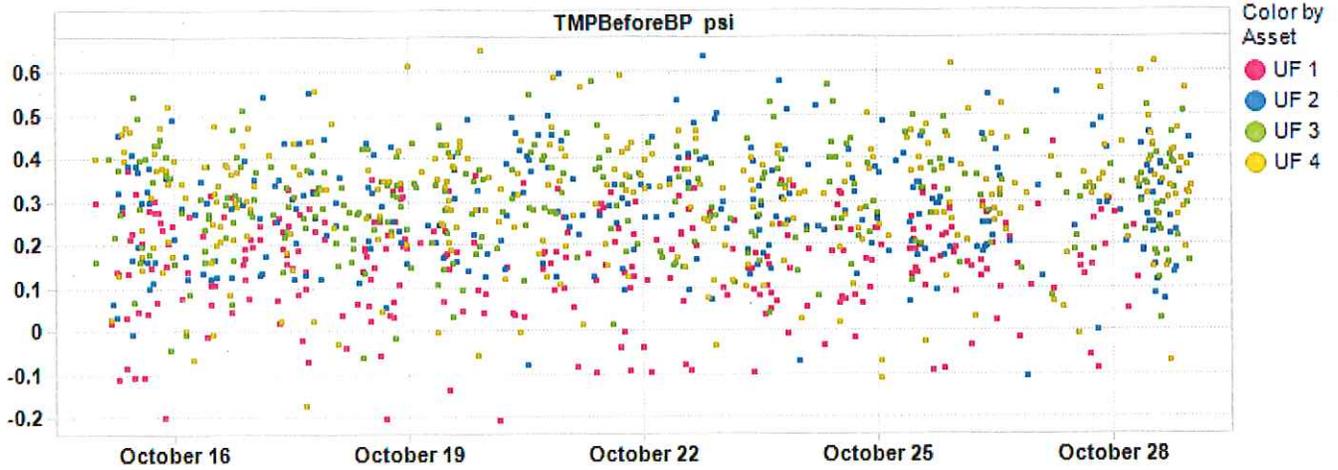


### Permeate Turbidity Trend

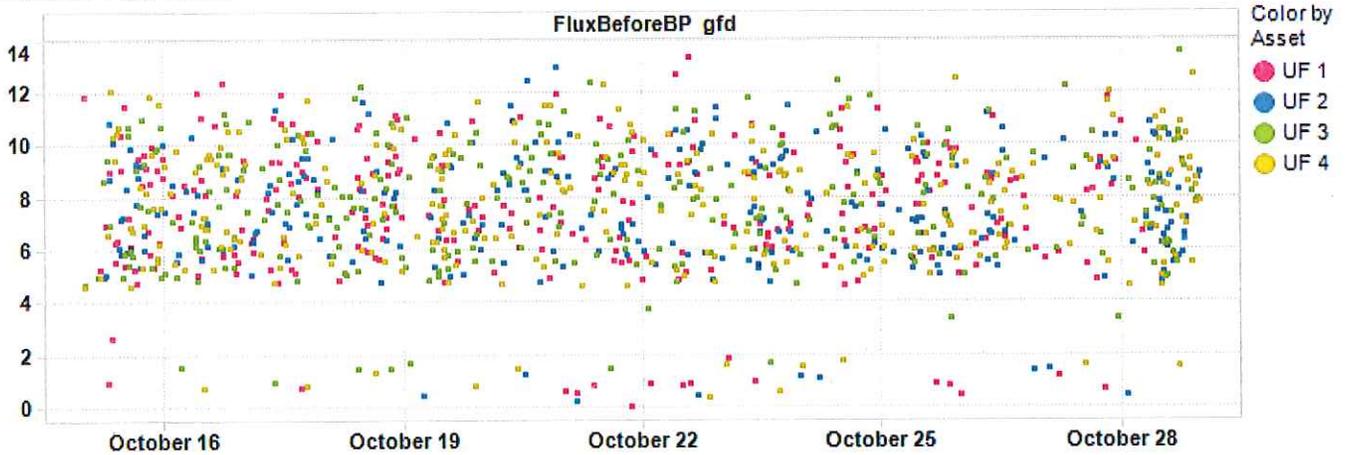




### Before BPTMP Trend

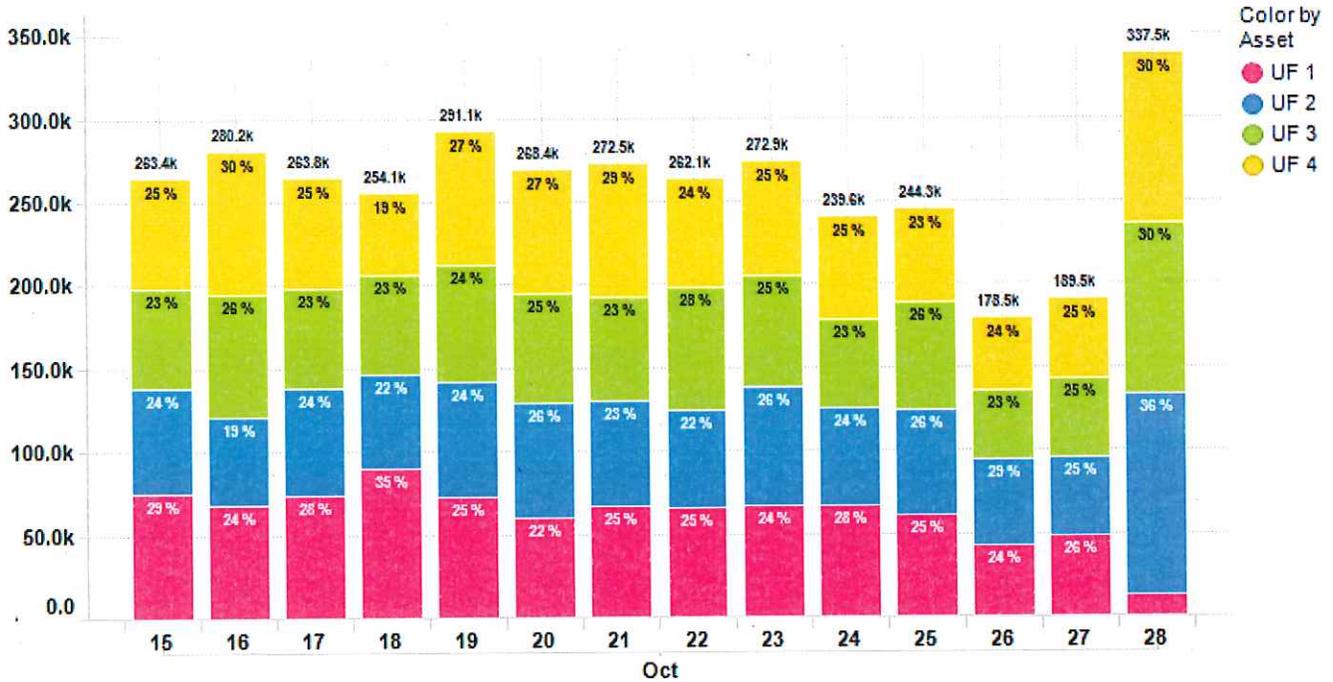


### Before BP Flux Trend





Daily Permeate Flow



Average Daily permeate flow from 10/15/2015 to 10/28/2015 is 258.4k gal with a maximum daily flow of 337.5k gal.

Asset Summary

| KPI Parameters                   | Value/Change | UF 1     | UF 2     | UF 3     | UF 4     |
|----------------------------------|--------------|----------|----------|----------|----------|
| FluxBeforeBP gfd                 | Value        | 7.51     | 7.48     | 7.73     | 7.69     |
|                                  | Change       | -3.13 %  | -1.94 %  | 1.79 %   | 0.27 %   |
| PermeateTurbidityAfterBP NTU     | Value        | 0.15     | 0.12     | 0.09     | 0.10     |
|                                  | Change       | 10.40 %  | 68.87 %  | 70.07 %  | 74.18 %  |
| TCP permeabilityBeforeBP gfd/psi | Value        | 35.94    | 28.58    | 29.54    | 27.48    |
|                                  | Change       | -5.10 %  | -1.45 %  | 0.51 %   | 1.32 %   |
| TMPBeforeBP psi                  | Value        | 0.16     | 0.28     | 0.30     | 0.30     |
|                                  | Change       | 2.88 %   | -0.78 %  | 5.36 %   | 3.05 %   |
| TotalPermeateFlowDaily gal       | Value        | 62.12k   | 64.98k   | 64.46k   | 66.86k   |
|                                  | Change       | -31.31 % | -22.67 % | -28.45 % | -21.93 % |



### Plant Summary

| KPI Parameters             | Value/Change | UF Plant |
|----------------------------|--------------|----------|
| PermeateTemperature °F     | Value        | 60.93    |
|                            | Change       | -4.76 %  |
| TotalPermeateFlowDaily gal | Value        | 258.42k  |
|                            | Change       | -26.00 % |

Contract Expiry Date : 10/26/2015

For InSight technical assistance please email [insightsupport@ge.com](mailto:insightsupport@ge.com) or please call technical support at 1 866 271 5425 or 905 469 7723 and follow the prompts, if you require after hours assistance please contact the 24/7 Emergency number provided in your plant documentation. This email is a summary of issues identified during a manual review of InSight data from the time period above. This review is an analysis of data that is logged by InSight and identifies key plant performance issues determined from this data. This data review was not focused on minor data issues but on identifying possible existing and/or upcoming critical operational issues.

This review was prepared by GE Water & Process Technologies solely to assist water treatment plant owners and/or operators in analyzing and optimizing plant performance and is not intended to be used or relied upon for regulatory compliance or any other purpose. The content of this review is based in whole or in part on operation data obtained from the plant using InSight software. GE Water & Process Technologies makes no representations or warranties as to the accuracy of the plant data utilized in the preparation of this review. GE Water & Process Technologies accepts no liability for consequences or actions taken in whole or in part by any person on the basis of this review or its contents

# Attachment 11

## **Report of the Department of Public Works November 5, 2015**

During the month of October Public Works was busy servicing and repairing our snow removal equipment. All of our snow plows and salt boxes are ready for action when winter weather decides to visit us. We purchased two new plows this year to replace plows that were in excess of ten years old and were worn out.

VDOT'S milling and paving operations on Rt. 340 was completed last month. The line striping and temporary crosswalks should be painted this week. VDOT'S culvert replacement project on West Main is underway and if the weather holds up should be completed by next week. Stuart M. Perry asphalted Liberty and Walnut Streets last month. Public Works will be re-establishing the stone shoulders within the next couple of weeks.

The work on phase 5 of Berryville Glen is progressing at a good rate. The contractor has removed all the vegetation from the subgrade and replaced it with fill approved by a Geo Tech firm. A sub-contractor has been busy this week flushing and cleaning the storm sewers and getting them ready for a televised inspection. Once they finish cleaning the storm sewer, they will then flush and clean the sanitary sewer mains and conduct a televised inspection. Tapes will be submitted for our review.