

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

**Regular Meeting
January 12, 2016
7:30 p.m.**

<u>Item</u>		<u>Attachment</u>
1. Call To Order		
2. Pledge of Allegiance		
3. Public Hearings-	NOTICE – Because of an error in publishing the Public Hearing Notice for these hearings, these hearings will have to be held at a later date	
a. Spot Blight Abatement Plan	Proposed adoption of a Spot Blight Abatement Plan concerning the repair or other disposition of a blighted property pursuant to Section 5-5, Spot Blight Abatement, Code of the Town of Berryville for the structure(s) and property located at 203 Moore Drive (Tax Map Parcel 14A2-((10)-B-30).	1
b. Proposed Text Amendment to Berryville Zoning Ordinance	A.C. Echols, Agent, requests approval of a Text Amendment to Article VI, Section 610.2 of the Zoning Ordinance in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2,000 square feet to 5,500 square feet, in the Business Commercial (BC) zoning district.	2
c. Proposed Text Amendment to the Berryville Zoning Ordinance	Proposed Text Amendments to Article V, Section 505, Provisions for Appeal, in order to conform to the Code of Virginia	3
4. Approval of Minutes	December 8, 2015 Regular Meeting	4↓
5. Citizens' Forum		
6. Report of Wilson Kirby, Mayor		

<u>Item</u>	<u>Attachment</u>
7. Report of Christy Dunkle, Asst. Town Manager for Community Development Planning Department Monthly Report	5↓
8. Report of Keith Dalton, Town Manager	
9. Report of H. Allen Kitselman, III - Berryville Area Development Authority Liaison	
10. Report of Harry Lee Arnold, Jr. – Chair, Budget and Finance Committee Finance and Administration Monthly Report	6
11. Report of H. Allen Kitselman, III – Chair, Community Improvements Committee	
12. Report of Douglas A. Shaffer - Planning Commission Liaison	
13. Report of Police and Security Committee Police Chief’s Monthly Report	7
14. Report of Wilson Kirby – Chair, Streets and Utilities Committee Public Utilities Director’s Report	8
Public Works Director’s Report	9
15. Report of Harry Lee Arnold, Jr – Chair, Personnel Committee Approval of Committee Meeting Minutes 1/4/16 and 1/5/16	10↓
Appointment to Town Council	11↓
Appointments to the Board of Zoning Appeals	12↓
16. Other	
17. Closed Session No Closed Session Scheduled	
18. Adjourn	

↓ Denotes an item on where a motion for action is included in the packet

Attachment 1

BERRYVILLE TOWN COUNCIL
Spot Blight Abatement
January 12, 2016

A public hearing on a spot blight abatement plan and to make findings and recommendations that shall be reported to Town Council concerning the repair or other disposition of a blighted property pursuant to Section 5-5. Spot blight abatement of the Code of the Town of Berryville for the structure(s) and property located at 203 Moore Drive (Tax Map Parcel #14A2-((10))-B-30).

Due to a clerical error by the Winchester Star, the public hearing notice was not published on the requested dates. The public hearing will need to be moved to the February meeting. Staff will send adjacent property notices out again on the required date for a February 9, 2016 public hearing. Staff has notified Battletown Homeowners Association officers about this matter.

The Planning Commission held a public hearing on the matter at their December 15, 2015 meeting and recommended that Council approve the Town Manager's Blight Abatement Plan in order to move forward with the process as defined in Section 5-5 of the Code of the Town of Berryville.

December 8, 2015 Staff Report

At the November 10, 2015 meeting, Town Council set a public hearing on this matter for the January 12, 2016 meeting. Planning Commission will be holding a public hearing at their December 15, 2015 meeting.

General Information

The process for blight abatement for the structure located at 203 Moore Drive has commenced per Code of the Town of Berryville § 5-5 Spot blight abatement. While the first floor has been secured, a fire left the second floor and roof open to the elements. A blighted property is defined as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards".

§ 5-5(c) allows for the Town Manager to make a preliminary determination that the property is indeed blighted in accordance with this section. Notice is sent to the owner or owners of record who have 30 days to respond with a spot blight abatement plan to address the blight within a reasonable time.

§ 5-5(d) identifies the Planning Commission's initial roll in the process while §5-5 regulates specific actions concluding in the reporting of its findings and recommendations concerning to the property to Town Council.

Staff will report the findings from the Planning Commission's public hearing in the

January agenda packet.

These items follow the staff report:

- *Staff report from Mr. Dalton from the October 27, 2015 Planning Commission meeting;*
- *Photos taken in October of 203 Moore Drive*
- *Section 5-5 from the Code of the Town of Berryville concerning Spot Blight Abatement;*
- *Letter dated August 26, 2015 from Zack Salisbury, Virginia Department of Health;*
- *Letter dated September 18, 2015 from Town Manager Keith Dalton; and*
- *Spot Blight Abatement Plan drafted by Mr. Dalton dated October 23, 2015.*

Recommendation

Hold a February public hearing.

Blight Abatement Plan for 203 Moore Drive

On April 27, 2015, the townhouse at 203 Moore Drive sustained significant damage. At the time of the fire, the property was in the final stages of foreclosure.

The property is owned by the Federal National Mortgage Association.

After the fire, work was completed to secure first floor of the structure. No additional work has been completed.

On September 18, 2015, Keith Dalton, Town Manager sent a letter to the property owner advising them that he had determined that the property in question is blighted and that they must submit a spot blight abatement plan with 30 days. This action was taken in accordance with §5-5 of the Berryville Code. No plan has been received by the Town. Representatives of the Federal National Mortgage Association have spoken with the Town but only to inquire as to when Town action to abate the blight will occur.

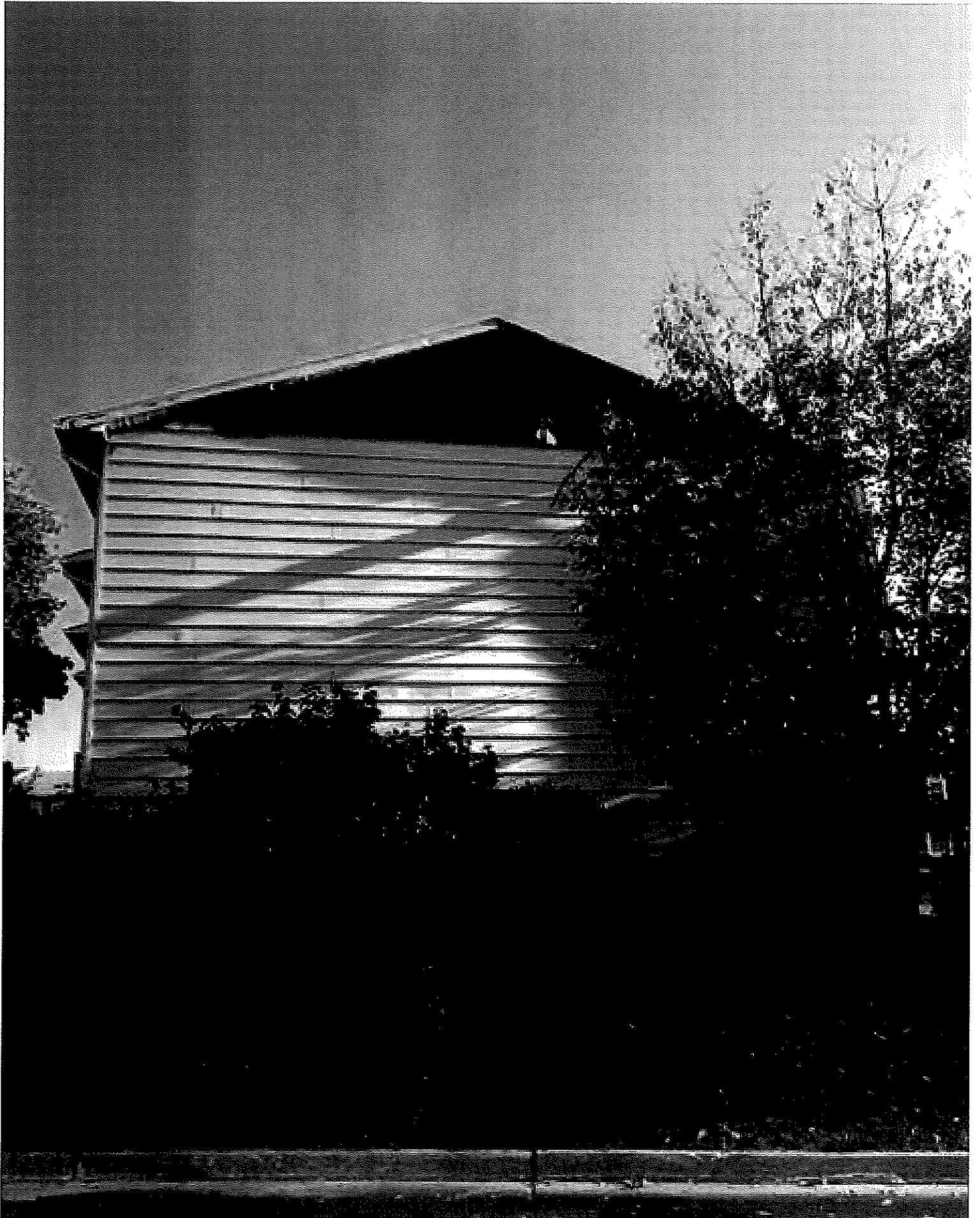
In accordance with §5-5 of the Berryville Code, the Town Manager must submit a spot blight abatement plan to the Planning Commission for review. The Planning Commission reviews the plan and forwards a recommendation on the plan to the Town Council. The Planning Commission may hold a public hearing if it so chooses. The Town Council will hold a public hearing prior to a decision on the plan.

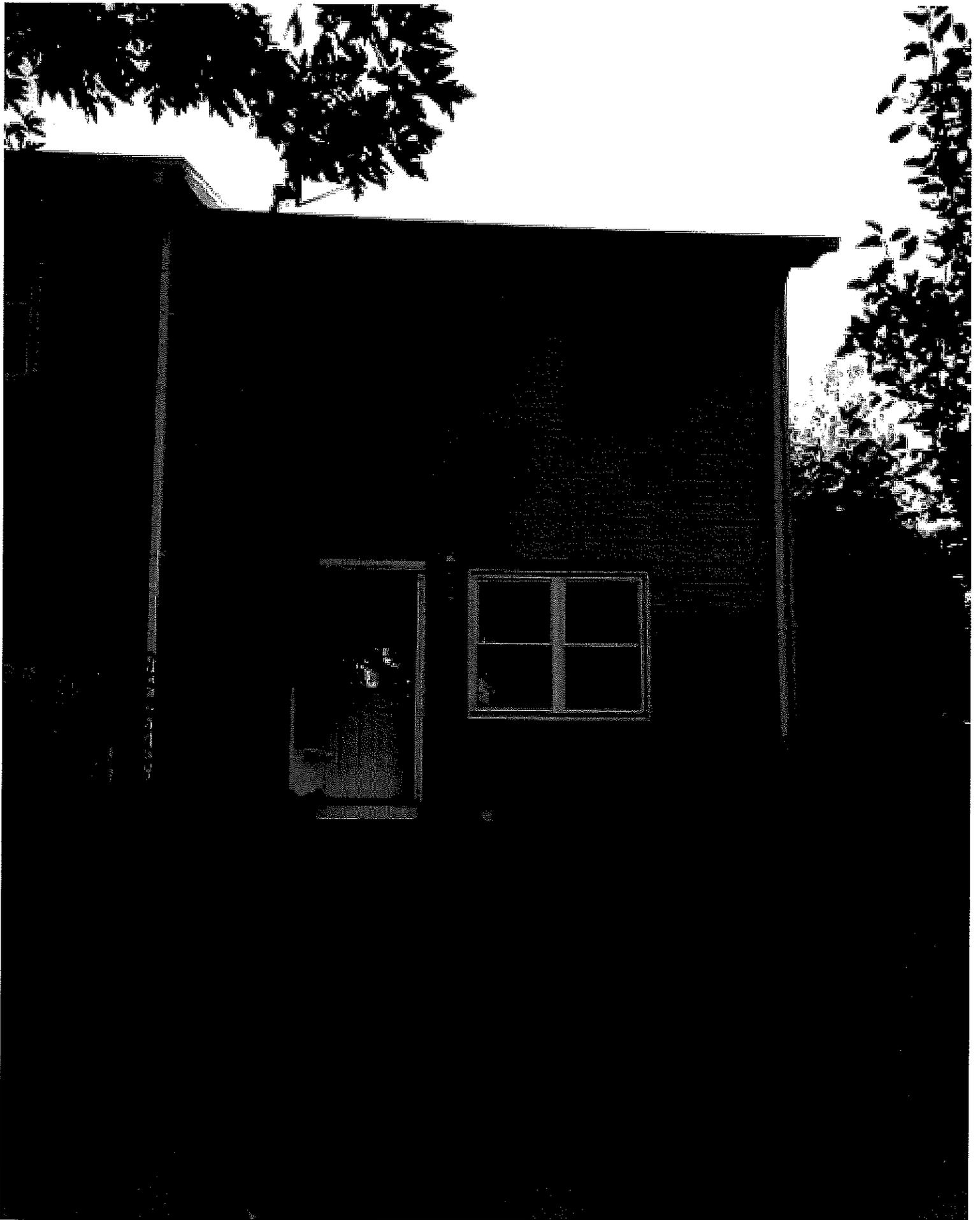
Please find attached the following:

- Photos of 203 Moore Drive taken on October 23, 2015
- §5-5 of the Berryville Code
- Letter from Zack Salisbury, Clarke County Health Department to Keith Dalton (dated August 26, 2015)
- Letter from Keith Dalton to Federal National Mortgage Association (dated September 18, 2015)
- Blight Abatement Plan for 203 Moore Drive prepared by Keith Dalton
- Motion to recommend to the Town Council the approval of the Blight Abatement Plan

Recommendation

Recommend to the Town Council the approval of the blight abatement plan prepared by the Town Manager.







Sec. 5-5. - Spot blight abatement.

- (a) The Town of Berryville, in accordance with Code of Virginia § 36-49.1:1, may acquire or repair any blighted property, as defined in (b), below, by purchase or the exercise of the power of eminent domain provided in Chapter 2 of Title 25.1 of the Code of Virginia, and, further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this section. In addition, the town may recover the cost of any repair or disposal of such property from the owner or owners of record, determined in accordance with Virginia Code § 36-27(B).
- (b) "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.
- (c) The town manager, or his/her designee, shall make a preliminary determination that a property is blighted in accordance with this section. The town manager or his/her designee shall send notice to the owner or owners of record, determined in accordance with Virginia Code § 36-27(B), specifying the reasons why the property is blighted. The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.
- (d) If the owner or owners of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the town manager or his/her designee, the town (i) may request the planning commission to conduct a public hearing and make findings and recommendations that shall be reported to town council concerning the repair or other disposition of the property in question; and (ii) in the event a public hearing is scheduled, shall prepare a written spot blight abatement plan for the repair or other disposition of the property.
- (e) Not less than three (3) weeks prior to the date of the public hearing before the planning commission, the commission shall provide, by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service or notices concerning the payment of real estate taxes within the town; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication in a newspaper published or having general circulation in the town. The notice shall be posted on the property. The notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after the second publication.
- (f) The planning commission, following the public hearing, shall determine whether:
 - (1) The property is blighted;
 - (2) The owner has failed to cure the blight or present a reasonable plan to do so;
 - (3) The plan for the repair or other disposition of the property is in accordance with the town's comprehensive plan, zoning ordinance, and any other applicable land use regulation;
 - (4)

The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the architectural review board regarding the proposed repair or other disposition of the property by the town council.

- (g) The planning commission shall report its findings and recommendations concerning the property to the town council. The town council, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the repair or other disposition of the property is approved, the town may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law.
- (h) The town shall have a lien on all property so repaired or acquired, under an approved plan to recover the cost of (i) improvements made by the town to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this section shall be filed in the circuit court of Clarke County and shall be subordinate to any prior liens of record. The town council may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the town through eminent domain, the cost of repair may be recovered when town council sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
- (i) If the blighted property is occupied for personal residential purposes, town council, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisition, under an approved spot blight abatement plan, by the Town of property which has been condemned for human habitation for more than one year. In addition, upon the town exercising the powers of eminent domain in accordance with Title 25.1 of the Code of Virginia, it may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such persons.
- (j) In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections (a) through (i), town council by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to Virginia Code § 15.2-900 or 15.2-1115. Such ordinance shall be adopted only after the written notice by certified mail to the owner or owners of the property at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.
- (k) The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

(Ord. of 12-12-06)

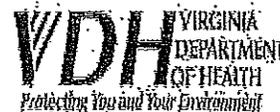


**Lord Fairfax Health District
Clarke County Health Department**

100 North Buckmarsh Street
Berryville, Virginia 22611

Tel. (540) 955-1033 ~ Fax (540) 955-4094

www.vdh.virginia.gov



August 26, 2015

RE: Complaint
Site Address: 203 Moore Drive Berryville, Va 22611
Tax Parcel: 12A210B30

Dear Mr. Dalton,

Upon receipt of complaint on 20 August 2015, the Clarke County Health Department began an investigation of the existing structure on the property located at 203 Moore Drive, Berryville, Va (Tax Map # 12A210B30). Examination of the structure revealed that the following are potentially in violation:

- Code of Clarke County § 124-2 "Nuisances Prohibited"
 - "It shall be unlawful for any person to cause, harbor, commit or maintain or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statute or common law of this state or as defined by this Code or other ordinance of the Board of Supervisors at any place within the county."
- Code of Clarke County § 123-3 "Nuisances Enumerated"
 - A. "The following acts when committed or conditions when existing within the county are hereby defined and declared to be nuisances:
 - (1) An act done or committed or aided or assisted to be done or committed by any person or any substance, being or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health or safety.
 - (2) All buildings, bridges or other structures of whatever character kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

The above referenced structure has undergone significant fire damage, which has resulted in multiple large openings in the roof and second story framing. Given its current condition and exposure to the environment, the structure is likely harboring vermin, or has the potential to harbor vermin, thereby designating the structure as a potential public health concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Salisbury", is written over a horizontal line.

Zack Salisbury
Environmental Health Specialist
Clarke County Health Department

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



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

www.berryvilleva.gov

CERTIFIED MAIL

18 September 2015

Federal National Mortgage Association
Post Office Box 650043
Dallas, TX 75265

This letter is written regarding the condition of the property at 203 Moore Drive, Berryville, VA (also identified as Tax Map Parcel 14A2-((10))-B-30). Specifically, the townhouse on the property in question sustained significant damage from a fire on 27 April 2015 and has not been repaired. As such, the property has been in a state of disrepair in excess of 20 weeks.

In accordance with § 5-5-(c) of the Berryville Code and §36-27(B) of the Code of Virginia, I have determined that the property at 203 Moore Drive is blighted. This determination is made because the second story of the house and the roof have been open to the elements since 27 April 2015.

In accordance with § 5-5-(c) of the Berryville Code and §36-27(B) of the Code of Virginia, this notice is sent to the property owner of record. The property owner has 30 days from the date of this notice in which to respond in writing to the Town of Berryville with a spot blight abatement plan to address the blight within a reasonable time.

If the owner of record fails to provide a written blight abatement plan, gain approval of the plan from the Town of Berryville, and complete required work before the established deadline, then the Town will begin a process through which a plan is written, approved, and implemented. Further, if the Town causes said plan to be

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

Federal National Mortgage Association

18 August 2015

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implemented, then the cost thereof will constitute a lien on the property (filed in the Office of the Clerk of the Circuit Court of Clarke County, Virginia).

The written blight abatement plan must be received by 18 October 2015.

Thank you for your assistance in this matter. Please feel free to contact me at 540.955.1099 if you have any questions or concerns.

Sincerely,



Keith R. Dalton
Town Manager

Cc: Town Council
Planning Commission
Christy Dunkle, Assistant Town Manager
Neal White, Chief of Police
Clarke County Building Official
Clarke County Health Department
Jessica Bowman, Agent ERA Oak Crest Realty

Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



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www.berryvilleva.gov

Town of Berryville
Blight Abatement Plan
203 Moore Drive, Berryville, VA
Tax Map Parcel 14A2-((10))-B-30

Overview

This Blight Abatement Plan, prepared in accordance with § 5-5 of the Berryville Code, provides for the demolition of the principal structure on the subject property, the removal of all trash and refuse, and securing the remaining foundation.

Engineering

Structure will be evaluated by a structural engineer to develop a demolition plan that protects the dwelling separation firewall shared with the adjoining dwelling (205 Moore Drive).

Permitting

Obtain all necessary permits including demolition, erosion and sedimentation control etc:

Utilities

Request disconnection of all non-town utilities and verify the work has been completed.

Disconnect sewer service by cutting and capping lateral.

Provide protection for existing water meter cock.

Erosion and Sedimentation Control

All required erosion and sedimentation controls will be installed.

Site Security

Site will be secured with construction/temporary fencing as needed during demolition, cleaning, and capping of remaining foundation.

Demolition of Structures/Removal of Debris

The principal structure on the subject property will be demolished in accordance with the demolition plan developed by a structural engineer and the Tow's bid request. It is expected that the foundation and first floor joists will remain in place.

Site will be cleared of trash and refuse.

Wilson Kirby
Mayor

Harry Lee Arnold, Jr.
Recorder

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Ward 2

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Ward 3

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Ward 4

Keith R. Dalton
Town Manager

All material from the demolition of the structure, as well as other trash and refuse collected from the site, will be removed from the site and land filled in accordance with all applicable regulations and laws.

Top of remaining foundation will be capped with marine plywood. Joints will be sealed.

Dwelling separation firewall will be sealed to be made suitable for exposure to weather.

Barrier erected at top of front and rear stairs to prevent access to top of capped foundation.

Crawlspace access will be secured.

Stabilization

After demolition and removal of materials all disturbed areas will be leveled and stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Unforeseen Hazards

Should other health hazards be discovered during abatement work, action will be taken to address those hazards.

Schedule

Work to be completed within 60 days of contract award

Process Timeline

Notice sent to owner of record: September 18, 2015

Deadline for owner of record to file an abatement plan: October 18, 2015

Blight Abatement Plan forwarded to Planning Commission: October 27, 2015

Planning Commission Action:

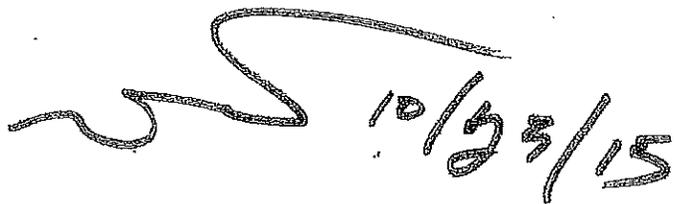
Town Council Public Hearing Date:

Town Council Action:

Plan Prepared by

Keith Dalton, Town Manager on 10/23/15

Revisions:



A handwritten signature in black ink, followed by the date "10/23/15". The signature is stylized and appears to be "Keith Dalton".

Attachment 2

BERRYVILLE TOWN COUNCIL
Public Hearing – Text Amendment to Article VI
January 12, 2016

A.C. Echols, Agent, is requesting a text amendment to Article VI, Section 610.2 in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2,000 square feet to 5,500 square feet in the Business Commercial (BC) zoning district. TA 03-15

Due to a clerical error by the Winchester Star, the public hearing notice was not published on the requested dates. The public hearing will need to be moved to the February meeting. Staff has discussed the issue with the applicant.

December 8, 2015 Staff Report

A.C. Echols requested a text amendment to Section 610.2 of the Berryville Zoning Ordinance in order to increase the square footage of a convenience store as an accessory use in the BC Business Commercial Zoning District. The Planning Commission initiated the request and recommends that Town Council consider increasing the square footage to 3,000 square feet.

The Berryville Planning Commission held a public hearing on this matter at their October 27, 2015 meeting. They chose to continue the discussion to their November meeting. Topics of discussion include:

- The consensus was that 5,500 square feet was excessive in this context and due to the convenience store being an accessory use to automobile service and repair establishments including gas stations.*
- There was a discussion about whether the convenience store could be a principal use (as opposed to an accessory use) in the BC Business Commercial zoning district. Because land use policies in the Berryville Area identify the C General Commercial zoning district as the center of retail commerce in the Berryville Area, 5,500 square feet of retail seemed superfluous.*
- The Planning Commission's recommendation is to increase the square footage from 2,000 square feet to 3,000 square feet.*

General Information

Mr. Echols is requesting an increase in the square footage of convenience stores as an accessory structure to auto service and repair establishments (including gas stations) in the BC zoning district from 2,000 to 5,500 square feet. He has indicated he would like to develop a gas station and convenience store on his property on McNeil Street and that 2,000 square feet is insufficient for his needs.

The Business Commercial (BC) zoning district was established to provide locations for a variety of commercial uses dependent on vehicular access. The district also calls for

“innovative design for office, employment and retail-related development” and is currently located within Annexation Area B in the northwestern quadrant of the Town.

A number of uses regulated under Section 610.2 of the Berryville Zoning Ordinance are permitted by right including banks, automobile related businesses (e.g. car washes, auto sales, and auto service and repair), hotels, restaurants (with or without drive through facilities), medical care facilities, and ancillary retail up to 1,500 square feet. Uses requiring a Special Use Permit include conference centers, pharmaceutical centers and theaters.

Convenience stores are identified as accessory uses in the BC Business Commercial zoning district (Section 610.2) of the Berryville Zoning Ordinance. An accessory use is defined in Article I of the Zoning Ordinance as follows:

A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or the lot.

In this case, the principal use of the main building or the lot is the automobile service and repair establishment including a gas station.

“Use” is also defined in Article I of the Zoning Ordinance and reads as follows:

The purpose of activity for which land or buildings thereon are designed or arranged, or for which land or buildings are occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this Ordinance.

Comparative Sizes

Staff compiled information concerning the sizes of existing convenience stores in the area as follows:

Circle K (Berryville) – 2,500 square feet

Sheetz (Waterloo) – 5,561 square feet

340 Depot (north of Berryville) – 5,500 square feet

7-11 (7 Bypass at Triple J) – 3,000 square feet

7-11 (7 Bypass at Kimble Road) – 1,034 square feet

7-11 (Double Toll Gate) – 2,940 square feet

Parking Requirements

Section 305 of the Berryville Zoning Ordinance regulates off-street parking. Per 305.20, convenience stores require two (2) standing spaces for each gas pump plus one (1) parking space for each 150 square feet of floor area. As convenience stores in the BC district are an accessory use to automobile service and repair establishments, two (2) parking spaces are required for each repair bay plus one (1) for a service vehicle plus one (1) per employee should these activities be a part of the site development.

Staff Comments

The applicant has identified a specific site on his application however this amendment would affect the entirety of the Business Commercial (BC) zoning district.

Staff recommends allowing a maximum of 3,000 square feet in gross floor area in the BC district. This would reflect the size of the building footprint without exceptions for storage. Convenience stores located in more rural locations may require larger buildings and carry additional items. Staff feels that a location within the Town limits would not require more than 3,000 square feet.

As this language is anticipated to be in both the County and Town zoning ordinances, input was requested on this matter from County staff.

Convenience Store Information

The National Association of Convenience Stores (NACS) is the business association representing convenience store and fuel retailing. The source of the following information is the NACS web site (<http://www.nacsonline.com/Pages/default.aspx>).

In the not too distant past, the square footage of convenience stores was consistently about 2,400 square feet. Today, companies are featuring a wider offering of products and services including food service, pharmacies, and other amenities. The fastest growing segments of the convenience store market are considered by many to be “nontraditional” stores which are either larger or smaller than the previous 2,400 square foot model.

These changes in store formats have a number of implications including competitive impact and marketing and the effectiveness in a wider market area; design of facilities by equipment and system vendors whose equipment and designs need to fit within a larger variety of store formats; and of course local governmental agencies who need to understand the various formats and implications including zoning regulations. There are also a number of state and federal agencies whose regulations affect these facilities including tobacco and fuel sales and their respective regulation and taxes; food service; and lottery sales.

NACS has identified six convenience store formats as follows. The narrative comes directly from the association’s web site.

- **Kiosk**

This format is less than 800 square feet and is intended to provide some additional revenue beyond gasoline sales. Gasoline is always the focus of this operation with the owner usually being an oil company or petroleum marketer. The store sells only the fast-moving items found in traditional convenience stores (tobacco, beverages, snacks, and confectioneries). Grocery items are conspicuously absent, as is any sort of foodservice. Store sales may be only about ten percent of revenues in such locations. Parking is usually only at the pumps. Hours vary widely depending on the location and the inclinations of the owner. Typical customers are transients and locals stopping in to buy gasoline.

- **Mini Convenience Store**

This store format, usually 800 to 1,200 square feet in size is extremely popular with the oil companies and the emphasis is on gasoline sales. However, in such

locations, the owners view store sales as an important part of the revenue and margin picture. Grocery selection is usually very thin and foodservice beyond prepared sandwiches. There usually is not any parking other than that at the pumps, although some locations do have modest striped parking. Open hours usually range from 18 to 24 hours. Customers are usually people buying gasoline. However, there are stores of this size in urban areas which may or may not sell gasoline.

- **Limited Selection Convenience Store**

These stores, which range from 1,500 to 2,200 square feet, are becoming more numerous. They are often affiliated with oil companies and are in the size range of a converted two-bay service station. Both gasoline and store sales are generally important parts of profitability. They differ from the "mini convenience store" in a broader product mix and grocery offering (although still somewhat limited by traditional convenience store standards). Also, simple foodservice (hot dogs, nachos, popcorn, etc.) may be offered. Although gasoline buyers are normally still the main part of the customer base, traditional convenience store patrons are important. Striped parking and extended hours are common.

- **Traditional Convenience Store**

Most of the original convenience stores fall into this category. They are about 2,400 to 2,500 square feet in size and offer a product mix which includes dairy, bakery, snack foods, beverages, tobacco, grocery, health and beauty aids, confectionery, and perhaps prepared foods to go, fresh or frozen meats, gasoline, various services, and limited produce items. Most stores of this size have 6 to 12 striped parking spaces or some form of convenient pedestrian access. Hours are extended compared to average retailers with a large percentage open 24 hours per day. Such operations are normally owned by convenience store chains, but oil companies have also built or acquired stores of this size.

- **Expanded Convenience Store**

Growth is occurring in the number of stores in the 2,800 to 3,600 square feet range. Such stores can accommodate more shelving for additional grocery products or room for significant fast food operations and seating. Stores using the space for more grocery items are taking advantage of the niche which has developed as supermarkets increasingly move above the 40,000 square foot range. A few large chains are using this "superette" approach. A greater percentage are using the space to take advantage of the high profit margins in fast foods. As the number of smaller operations proliferates (largely as a result of the oil companies), many convenience store chains apparently view the move towards increased fast foods as essential. In terms of other products and services, such stores usually carry the traditional convenience store items. Parking is important with most having about 10 to 20 marked spaces. Hours are extended. Such operations not only attract the typical convenience store customer but also more families, women, and senior citizens.

- **Hyper Convenience Store**

These very large stores (4,000 to 5,000 square feet) usually offer an array of products and services arranged in departments. For example, such stores may offer variations such as a bakery, a sit-down restaurant area, or a pharmacy. Many of these locations do sell gasoline. The number of employees per shift can be large, particularly if a small restaurant is present. The number of parking spaces is substantial, especially since the amount of time the average customer spends in such an establishment can be significant. Hours are extended. Here again, as in the case of the Expanded Convenience Store, families and senior citizens as well as traditional convenience store customers are patrons. In some locations, such stores are mini-truck stops which obviously affects product mix and the customer base.

General Information

According to NACS Constitution and Bylaws, the NACS Definition of a Convenience Store is:

“...a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services.”

While such operating features are not a required condition of membership, convenience stores have the following characteristics:

- *While building size may vary significantly, typically the size will be less than 5,000 square feet;*
- *Off-street parking and/or convenient pedestrian access;*
- *Extended hours of operation with many open 24 hours, seven days a week;*
- *Convenience stores stock at least 500 SKUs; and*
- *Product mix includes grocery type items, and also includes items from the following groups: beverages, snacks (including confectionery) and tobacco.*

Convenience Store Fact Sheet

The NACS web site (<http://www.nacsonline.com/Pages/default.aspx>) offers additional information should you wish to research convenience stores further. The following statistics include data from the web site concerning national trends in convenience store locations and design.

- *The U.S. convenience store count increased to a record of 152,794 stores as of December 31, 2014, a nearly 1% increase (1,512 stores) from the year prior, according to the 2015 NACS/Nielsen Convenience Industry Store Count.*
- *The link between fuels and convenience retailing continues to grow. Overall, 83.5% of convenience stores (127,588 total) sell motor fuels, a .7% increase (930 stores) over 2013. The growth of convenience stores selling motor fuels is double the overall growth in the industry, as fuel retailers add convenience operations and convenience retailers add fueling operations.*
- *The convenience retailing industry continues to be dominated by single-store operators, which account for 63% of all convenience stores (96,318 stores total).*

U.S. Convenience Stores (as of 12/31/14)

- 2015 — 152,794 (+1%)
- 2014 — 151,282 (+1.4%)
- 2013 — 149,220 (+0.7%)
- 2012 — 148,126 (+1.2%)
- 2011 — 146,341 (+1.2%)
- 2010 — 144,541 (-0.2%)
- 2009 — 144,875 (-1.0%)
- 2008 — 146,294 (+0.8%)
- 2007 — 145,119 (+3.2%)
- 2006 — 140,655 (+1.8%)
- 2005 — 138,205 (+5.8%)
- 2004 — 130,659 (-1.3%)
- 2003 — 132,424 (+6.4%)

Additional Highlights

- *The U.S. population on December 31, 2014, was an estimated 320.1 million, according to the U.S. Census Bureau. That means there is one convenience store for approximately every 2,095 residents.*
- *The convenience retailing industry has roughly doubled in size over the last three decades. At year-end 1983, the store count was 80,900 stores, at year-end 1993 the store count was 98,400 stores and at year-end 2003 the store count was 132,659 stores.*

Note: Nielsen calculations are based in part on data reported by Nielsen for the period ending December 31, 2014, through its TDLinx service for retail channels. Nielsen determines its convenience store count using the store definition that requires stores to include a broad merchandise mix, extended hours of operation and a minimum of 500 stock-keeping units (SKUs), among other factors.

Recommendation

Hold the public hearing at the February 9, 2016 meeting.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner LAND CONTRACT PURCHASER DING WANG/HOUSE OF LORDS, INC.

Owner's Address 400 GUSTER CT, BERRYVILLE, VIRGINIA 22611

Phone 703-777-4100

Agent (Contact Person) A. C. ECHOLS, JR

Agent's Address 400 GUSTER CT, BERRYVILLE, VA. 22611

Phone 540-955-2618

Check Appropriate Request:

- Subdivision - creating more than 2 lots
- Minor Subdivision - single lot divided into 2 lots
- Boundary Line Adjustment
- Site Plan
- Rezoning
- Text Amendment: Zoning or Subdivision Ordinance
- ARB Certificate of Appropriateness

RECEIVED
SEP 17 2015

Other: SECTION 610.2 -Permitted Uses: BUSINESS COMMERCIAL (BG) DISTRICT:
Section 610.2 Automobile service and repair establishments (including gas stations)
Complete As Applicable: with convenience store (not occupying more than 5500 square feet of
 Nature of Request/Proposal: gross floor area, including storage) as an accessory use, provided
that all vehicle repair takes place in a fully enclosed building.

Tax Map & Parcel Number(s): Tax Map 14A5-251E

Size of Project Site: 7 Acre Total 36,000 ft. site

Proposed # of Lots: _____ Existing Zoning B-C

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: A. C. Echols, Jr. Agent Date: 9/17/15

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

HOUSE OF LORDS, INC. by
 Signature: A. C. Echols, Jr. President A. C. Echols, Jr. Trustee Date: 9/17/15

OFFICE USE ONLY

Public Hearing Required? YES Dates Advertised PC-101315 & 102015

Adjoining Property Owners Notified? N/A

Action Taken: _____

Section 610 Business Commercial (BC) District

(3/92) SECTION 610 BC BUSINESS COMMERCIAL

610.1 PURPOSE AND INTENT

The Business Commercial (BC) District is established to provide locations for highway commercial uses (such as retail uses dependent on automobile access, restaurants, motels), offices, and employment-related businesses within the precincts of the Berryville Area Plan. The BC District is further established to encourage innovative design of office, employment and retail-related development; and to these ends, development under this district is permitted only in accordance with a site plan.

The application of this district is intended for newly developing locations in the Berryville Area where office, retail, and similar activities are the principal use. High-quality business park and commercial site design principles are to be incorporated into the BC District uses. Highway-oriented commercial uses shall be located where they are pre-planned and creatively grouped in an efficient manner meeting the comprehensive planning objectives.

The specific uses permitted within the BC District must be in harmony with the cultural and environmental character of the Berryville Area. No use should be permitted which might be harmful to the adjoining land uses and the residential ambience of the community at large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities within the Berryville Area.

610.2 PERMITTED USES

- (a) Antique sales (indoor only)
- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than ~~2,000~~ **3,000** square feet of gross floor area, ~~excluding storage~~) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.
- (c) Automobile sales
- (d) Broadcast stations, studios, and offices for radio and television
- (e) Car washes
- (f) Churches and other places of worship
- (g) Clubs or Lodges (including civic and public benefit organizations)
- (h) Day care centers
- (i) Financial institutions (with or without drive-through windows)
- (j) Funeral homes
- (k) Government and other public buildings (including police, fire, library, museum, and postal facilities; excluding retail and service uses except as provided in Section 610.2(u))
- (l) Grocery store (with at least 25,000 square feet gross floor area)
- (m) Hotels and motels
- (n) Laundromats
- (o) Medical care facilities, licensed
- (p) Offices, business or professional
- (q) Plant nurseries
- (r) Public utilities and related easements
- (s) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.

Section 610 Business Commercial (BC) District

- (t) Restaurants with or without drive-through
- (u) Retail stores and shops as an accessory use to the primary permitted use on the parcel, provided:
 - (1) the retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;
 - (2) the gross floor area of the retail store or shop (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;
 - (3) the gross floor area of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and
 - (4) the gross floor area for storage related to the retail store or shop does not exceed 500 square feet. **(8/01)**
- (v) Schools, public and private
- (w) Veterinary hospitals (small animals), exclusive of outdoor boarding kennels

610.3 SPECIAL PERMIT USES

- (a) Conference centers
- (b) Pharmaceutical centers **(5/06)**
- (c) Scientific research and development establishments
- (d) Theatres, indoor

610.4 MAXIMUM DENSITY

The maximum density shall not exceed a floor area ratio (FAR) of .30, based on the net developable area of the lot.

610.5 MINIMUM DISTRICT SIZE

Minimum District size is four (4) acres.

610.6 LOT REQUIREMENTS

- (a) Minimum lot area: 20,000 square feet
- (b) Minimum lot width: 100 feet

610.7 BUILDING HEIGHT AND SETBACK REGULATIONS

- (a) Maximum building height: 40 feet
- (b) Minimum yard requirements:
 - (1) Front yard: 40 feet
 - (2) Side yard: 25 feet (40 feet on street side corner lot)
 - (3) Rear yard: 25 feet
 - (4) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of 40 feet from common property lines.

610.8 OPEN SPACE

- (a) A landscape and buffer plan shall be submitted with any application for site plan approval.
- (b) Twenty (20) percent of the gross site area shall be landscaped open space.

610.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

- (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
- (2) The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
- (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.

(b) Buffering and Landscaping

- (1) Where a parcel in the BC District 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.
- (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.

(c) 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 not outdoor storage and/or display of goods with the exception of plant materials associated with nurseries.

(d) 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 streets, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agents.

(e) Site Plan

- (1) A site plan, which shall govern all development, shall be submitted for approval.
- (2) Site plans shall include provisions for the following:
 - (A) adequate public facilities;
 - (B) development phasing;
 - (C) stormwater management facilities to address the ultimate development coverage within the district;
 - (D) lighting and signing;
 - (E) building placement and lot configuration; and

Section 610 Business Commercial (BC) District

- (F) Other special site features and land use considerations deemed necessary to serve the district.
 - (G) Any site plan application which is not in strict conformance with the pre-existing approved site plan for the District shall require an amendment to that site plan and preliminary plat prior to site plan approval of the specific use.
- (3) All uses shall be subject to final site plan approval.

Attachment 3

BERRYVILLE TOWN COUNCIL
Public Hearing – Text Amendment to Article V
January 12, 2016

The Berryville Planning Commission is initiating text amendments to Article V Section 505 Provisions for Appeal in order to conform to Commonwealth of Virginia General Assembly modifications. TA 04-15

Due to a clerical error by the Winchester Star, the public hearing notice was not published on the requested dates. The proposed amendment will need to be heard at a public hearing at the February meeting.

December 8, 2015 Staff Report

The Planning Commission has set a public hearing for their December 15, 2015 meeting to hear comment on the draft language to Article V Section 505.

The General Assembly has made modifications to Code of Virginia §15.2-2308 and §15.2309 concerning Board of Zoning Appeals matters. Town Attorney Robert Mitchell is recommending amendments to the Berryville Zoning Ordinance to reflect these legislative changes.

The language from the Code of Virginia and proposed changes to the Berryville Zoning Ordinance Article V follow this report. Staff will review the proposed amendments with Board of Zoning Appeals members prior to the January Town Council meeting.

Recommendation

Hold a public hearing at the February 9, 2015.

ARTICLE V – ADMINISTRATION AND ENFORCEMENT

SECTION 505 - PROVISIONS FOR APPEAL ADMINISTRATION, ENFORCEMENT, APPEALS, VARIANCES, INTERPRETATIONS, AND MODIFICATIONS AND AMENDMENTS

There shall be established a Board of Zoning Appeals (Board) that shall consider appeals, variances, and zoning map interpretations.

505.1 BOARD OF ZONING APPEALS BOARD OF ZONING APPEALS – ORGANIZATION AND PROCEDURES

~~(a) The Board of Zoning Appeals was established pursuant to the provisions of Article 8, Chapter 11, Title 15.1 of the Code of Virginia. The Board, consisting of five (5) Town residents, shall be appointed by the Circuit Court of the County and shall serve without pay other than for traveling expenses. Members shall be removable for malfeasance, misfeasance, or non-feasance upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.~~

~~(b) The term of office shall be for five (5) years, except that of the first members appointed, one shall serve for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one (1) for one year. One of the five appointed members may be an active member of the Planning Commission.~~

~~(c) Members may be removed for cause by the appointing authority upon written charges and after a public hearing.~~

~~(d) Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.~~

~~(e) The Board shall choose annually from its own membership, its own chairman, vice chairman (who shall act in the absence of the chairman) and secretary.~~

(a) Membership
The Board shall consist of five residents of the Town of Berryville, appointed by the Circuit Court of Clarke County. Members of the Board shall hold no other public office in the locality except that one may be a member of the Berryville Planning Commission.

(b) Alternate Members
The Town Council may request the Circuit Court of Clarke County to appoint not more than three alternates to the Board of Zoning Appeals, pursuant to the provisions of Virginia Code § 15.2-2308(A).

(c) Terms of Office
The terms of office for members of the Board shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The Secretary of the Board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his/her successor is appointed and qualifies.

- (d) **Officers**

With the exception of its Secretary and the alternatives, the Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board may elect as its Secretary either one of its members or qualified individual who is not a member of the Board, excluding the alternate members. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board.
- (e) **Quorum**

For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the Board.
- (f) **Procedures**

The Board may make, alter and rescind rules and forms for its procedures, consistent with County ordinances and general laws of the Commonwealth.
- (g) **Records**

The Board shall keep minutes and a full record of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records.
- (h) **Report**

The Board shall submit a report of its activities to the governing body at least once each year.
- (i) **Witnesses**

The Chairman of the Board, or the acting Chairman in the Chairman's absence, may compel attendance of witnesses and administer oaths of witnesses.
- (j) **Employees**

Within the limits of funds appropriate by the Town Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- (k) **Compensation**

Members of the Board may receive such compensation as may be authorized by the Town Council.
- (l) **Removal**

Any Board member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Court that appointed the member or alternate, after a hearing held after at least fifteen (15) days notice.
- (m) **Meetings**

The Board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the Chairman, of Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Virginia Code § 15.2-2312 shall be conducted at the continued meeting and no further advertisement shall be required.

(n) **Hearings – Procedures**

1. The non-legal staff of the Town Council may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. The applicant, landowner, or their agent or attorney may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussion prior to a public meeting to which staff of the governing body, the applicant, landowner, or their agent or attorney are all invited. For purposes of this section, “non-legal staff of the Town Council” shall mean any staff who is not in the office of the attorney for the Town, or for the Town Council, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the Board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or protection of confidentiality.
2. Any materials relating to the case before the Board, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to an applicant, appellant, or other person aggrieved under § 15.2-2314 requests additional documents or materials to be provided by the locality other than those materials provided to the Board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the Board shall also be made available for public inspection pursuant to Subsection F of § 2.2-3707.
3. At a hearing the Board shall offer an equal amount of time to the applicant, appellant, any other person aggrieved under § 15.2-2314, and the Town staff.

(o) **Appeal of Decision of Board**

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.2 ~~POWERS OF THE BOARD OF ZONING APPEALS~~ APPEAL OF DECISION OF BOARD

~~To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Article or any ordinance adopted pursuant thereto.~~

- (a) ~~To authorize upon appeal in specific cases such variance from terms of the Ordinance as will not be contrary to the public interest when owing to special~~

Section 505 – Provisions for Appeal

conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done, pursuant to the provision of “Sec. 15.1-495b of the Code of Virginia, 1950, as amended,” as follows:

1. — When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographic condition of such piece of property, or of the use or development of property immediately adjacent thereto, effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.
 2. — No such variance shall be authorized by the Board unless it finds: (a) that the strict application of the Ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
 3. — No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia, as amended.
 4. — No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
 5. — In authorizing a variance the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.
- (e) — To hear and decide appeals from the decision of the Zoning Administrator.
- (d) — To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. Public hearings after appropriate notice must be held prior to such adjustments. The Board shall not have the power to change substantially the locations of district boundaries as established by this Ordinance. The Board shall not have the power to rezone property.

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

505.3 ~~RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS~~ **APPEALS OF ADMINISTRATIVE DETERMINATIONS**

- ~~(a) — The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.~~
- ~~(b) — The meeting of the Board shall be held at the call of its chairman or at such time as a quorum of the Board may determine.~~
- ~~(c) — The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.~~
- ~~(d) — The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.~~
- ~~(e) — All meetings of the Board shall be open to the public.~~
- ~~(f) — A quorum shall be at least three (3) members.~~
- ~~(g) — A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.~~
- (a) The Board shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Zoning Ordinance. The decision on such appeal shall be based on the Board’s judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for their determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, “determination” means any order, requirement, decision, or determination made by an administrative officer. Any appeal of a determination to the Board shall be in compliance with this section, notwithstanding any other provision of law, general or special.**
- (b) An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance, or any modification of zoning requirements pursuant to Virginia Code § 15.2-2286.**
- (c) Any written notice of a zoning violation of any written order or administrative determination of the Zoning Administrator shall include a statement informing the recipient of the of the recipient’s right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of**

appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
- (e) The Board shall fix a reasonable time for hearing an appeal, and shall give public notice and hold a public hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
- (f) The Board shall make its decision within 90 days of the filing of the appeal, unless the appellant and the Board mutually agree upon an extended period.
- (g) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from.
- (h) The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer.

505.4 APPEAL TO THE BOARD OF ZONING APPEALS VARIANCES

~~An appeal to the Board may be taken by any person aggrieved or by an officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.~~

- (a) **The Board shall hear upon appeal or original application in specific cases requests for variances, as defined in Virginia Code § 15.2-2201, from the terms of this ordinance. A variance shall not include a change in use.**
- (b) **Any property owner, tenant (with the written consent of the property owner), government official, department, board or bureau may make application for a variance. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted**

promptly to the Secretary of the Board, who shall place the matter on the docket to be acted upon by the Board.

- (c) The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.
- (d) No variance shall be considered except after public notice and hearing as required by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail.
- (e) **Action on Variance Application**
 - 1. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standards for a variance as defined in Virginia Code § 15.2-2201 and the criteria set out in this section.
 - 2. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and;
 - (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - (b) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - (c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 - (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process of modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.
 - (f) The concurring vote of a majority of the membership of the Board shall be necessary to approve a variance.
 - (g) In granting a variance the Board shall tailor the variance to provide the minimum variance necessary to alleviate the hardship, and the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem

necessary in the public interest. The Board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(h) The Board will not consider substantially the same application within one (1) year of previous Board action.

505.5 APPEAL PROCEDURE ZONING MAP INTERPRETATIONS

~~Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department, or agency concerned, if any.~~

The Board shall hear and decide applications for interpretations of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Virginia Code § 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance. The concerning vote of a majority of the membership of the Board shall be necessary to decide in favor of the applicant.

505.6 PUBLIC HEARING LIMITATIONS ON POWERS OF BOARD

~~The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination of an administrative officer or decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance from the Ordinance. The Board shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records. The chairman of the Board or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.~~

The Board shall not have the power to rezone property or to base Board decisions on the merits of the purpose and intent of Town ordinances duly adopted by the Town Council.

505.7 APPEAL OF DECISION OF BOARD OF ZONING APPEALS MODIFICATIONS

~~(a) — Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.~~

~~(b) — Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the~~

Section 505 – Provisions for Appeal

~~time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the Court may, on application and on notice to the Board and for due cause shown, grant a restraining order.~~

- ~~(e) — The Board of Zoning Appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.~~
- ~~(d) — If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the mater, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.~~
- ~~(e) — Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.~~
- (a) The Zoning Administrator may grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Administrator finds in writing that:**
 - 1. the strict application of the ordinance would produce undue hardship;**
 - 2. such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and**
 - 3. the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.**
- (b) The Zoning Administrator may not grant a modification that is more than 10% of a regulation standards.**
- (c) Before the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Before the granting of a modification, the Zoning Administrator shall consult with the Chair and Vice Chair of the Board of Zoning Appeals.**
- (d) The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The Zoning Administrator shall provide a copy of a written decision to the Board of Zoning Appeals within five working days from making the decision.**
- (e) The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals as provided in Section 505.3 of this Ordinance.**

Attachment 4

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
December 8, 2015
7:30 p.m.

Town Council: Present-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; Adrian O'Connor, Winchester Star

1. Call to Order

Mayor Kirby called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Approval of Minutes

Upon motion of Council Member Shaffer, seconded by Recorder Arnold, the minutes of the November 10, 2015 meeting were approved as follows:

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

Nay – None

Abstain – David Tollett

4. Citizens' Forum

The Mayor recognized George Archibald of 27 West Main Street, Berryville, who referenced the large display ad in the Winchester Star on December 8, 2015, featuring a copy of a letter from Chris Shipe, the President of Enders Fire and Rescue Company. Mr. Archibald said he understood from Mr. Shipe that permission had not been given to use the letter in the ad and that it was fraudulent use of Mr. Shipe's signature by Alton Echols who paid for the ad under his organization called Clarke Accessible Senior Housing. He said he had also spoken with Tom Byrd, Editor of the Winchester Star, about his concerns that the ad was fraudulently placed. In reference to the proposed development by Marlyn Development Corporation and their one-time proffer of \$150,000 for fire and rescue, Mr. Archibald said the developer can afford much more. He suggested that Marlyn should be asked to give \$150,000 per year for five or more years.

Mayor Kirby recognized Sharon Strickland of 312 Early Drive who said the issues surrounding the proposed Marlyn Development have played out in the newspaper and around town. In reference to the proposed text amendment, she read a portion of a letter from Andrew Painter, legal representative for the Marlyn Corporation, as follows:

"This text amendment will permit Marlyn's proposal to receive the full consideration and proper evaluation of the Town Council that it fairly deserves. Without it, the proposal cannot be adequately reviewed; indeed it cannot proceed. Several Council members have acknowledged both publically and privately that the project makes sense and would provide much-needed benefits for the Town. The Planning Commission and Berryville Area Development Authority have refused to favor Marlyn's plans, but it is our belief that neither body seriously considered the substance of the proposal, and, of course, the Council is under no obligation to follow their lead."

Ms. Strickland added this proposal is wonderful and urged the Council to do the right thing.

The Mayor recognized Pat Dickinson of 413 Montgomery Court who requested an end to what she called the filibuster and vote on the text amendment. She said that by waiting for the Planning Commission and BADA to finish the Berryville Area Plan, the Council members were not fulfilling their obligation as elected officials. She compared the delay to the saying in the Veterans Administration "delay until they die."

Mayor Kirby recognized Robert Larson of 308 Early Drive. Mr. Larson said he had been in town for about 10 years. He asked the Council to look at the issue from the point of view of seniors living in these facilities, and to go along with the additional units.

The Mayor recognized Alton Echols of 400 Custer Court. Mr. Echols said that 20 years ago the Mary Hardesty House was a success. He referenced the ad he had placed in the Winchester Star and read from his response to Enders President Chris Shipe as follows:

"Although each member of the Clarke Accessible Senior Housing and I believe that it was morally, if not legally wrong to cap and limit seniors in Berryville and Clarke County, the ad placed Monday in the Star and previously sent out as a flyer before the public hearings last month again last week before council's vote tonight was not intended to catch Enders in the middle, nor to re-publish a letter that you did not intend to make public. Since it was addressed to the Town Council, BADA, and Town Planning Commission, I presumed it was public information. Also since it had been in several flyers (sent out after its published date of November 12, 2015) by republishing it in its entirety the letter I believed would speak for itself."

Mr. Echols referred to a buffer area being necessary, saying that the area designated for warehousing would be better used as multi-family housing to buffer the existing residential areas.

Mayor Kirby recognized Robina Rich Bouffault of Boyce who distributed a sketch of the layout of the proposed project pointing out it was given to staff in August 2015. She said the proposed development completely dwarfs the Mary Hardesty House and the Greenfield assisted living next door. She noted that the engineer spoke of trails and green spaces, but any such features would have to skirt parking lots, storm water ponds, and neighbor's back yards. She noted the requirement for handling storm water onsite, and asked where the storm water from the new impervious surface would be placed. She asked the Council not to ignore their own procedures, and to listen to the BADA and Planning Commission recommendations. She said if Council precipitously approved a text amendment with little real information, ignoring its own procedures, they would make it possible for future developers to do the same thing. She said an exemption for one legally means an exemption for all and the Town would lose control of its own development.

5. Report of Wilson Kirby, Mayor

A. Mayor Kirby said the local high school had made us proud exceeding past history by winning the state semi-final football game this past Saturday. He said the team will meet a tough foe this coming week when they play Appomattox.

B. The Mayor noted this is the final Council meeting for Council member Mary Daniel who will be resigning to take a seat on the Clarke County Board of Supervisors. He thanked her for her service and wished her success in her new position.

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

A. By consensus a public hearing was set for January 12, 2016, for a text amendment to Article VI, Section 610.2 in order to increase the square footage of a convenience store as an accessory use to automobile service and repair establishments (including gas stations) from 2000 square feet to 5500 square feet in the Business Commercial (BC) zoning district.

B. By consensus a public hearing was set for January 12, 2016, for text amendments to Article V Section 505 Provisions for Appeal in order to conform to Commonwealth of Virginia General Assembly modifications.

C. Ms. Dunkle said the Architectural Review Board had met on December 2, and after the meeting they judged the Holiday Parking Meter Decorating Contest. She said the awards will be given Friday evening.

D. *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.*

Recorder Arnold said he wished to clarify information being circulated in Town. He said that Marlyn had proffered \$150,000 for fire and rescue, but a story around Town is that up to \$750,000 will be made available to fire and rescue groups through matching grants. Recorder Arnold said that the grant process is extremely competitive with no guarantee of funding, noting that Enders has applied for two grants this year and both have been turned down. He said he did not want people to be confused about funding, and also did not want to see fund raising efforts hurt because residents may think their donations are not needed. Recorder Arnold further stated that fee for service will not fix the problems with staffing fire and rescue companies. He said the projected \$97,000 annual net income will be split among three fire companies in the county. Recorder Arnold added that he questions the tax information given in literature about the proposed development. He added that he was pleased to hear Mr. Jester, the president of Marlyn Development state that a 60 unit development could be built, and he hopes that Marlyn will return with those plans. He said the rent at Mary Hardesty House is \$870, and with rents in the proposed development slated to \$950 to \$1150, he is concerned that people on Mary Hardesty's waiting list may not qualify to live in the proposed development. In conclusion, he said he is not opposed to senior housing, and pointed out that he had made the original motion for the earlier 60 unit development on the proposed site.

Mayor Kirby called for a motion on the topic. **Council member Tollett moved that the Council of the Town of Berryville approve the following ordinance amending the Berryville Area Plan in order to allow 60 additional multi-family units for a total of 180 units in the Older Person Residential (OPR) Zoning District in Annexation Area B with this matter forwarded to the County Board of Supervisors. Council member Daniel seconded the motion.**

AN ORDINANCE AMENDING
CHAPTER V OF BERRYVILLE AREA PLAN

BE IT ORDAINED, by the Council of the Town of Berryville, that Chapter V, Planning Area Analysis, Sub-Area 6A, of the Berryville Area Plan shall be amended as follows:

The proposed Older Persons Residential Zoning district for this sub-area allows a variety of unity types ranging from small lot single family detached to multi-family. The density for this sub-area should be established by the site plan and/or subdivision of the property within the 300 unit limit (with not more than ~~120~~ 180 multi-family units) set for Older Person Residential uses.

+ + + + + + + + + + +

Mayor Kirby opened discussion saying he was disturbed at how the issue has been presented, but that he supports senior housing. He said he has had a difficult time because one man has confused the issue, but he is still in favor of the project, adding that availability fees will help with the debt on the wastewater treatment plant. Mayor Kirby said there had been misuse of information by Mr. Echols, the owner of the site of the proposed development. He said Mr. Echols owes many people an apology: Chris Shipe, the President of Enders Fire and Rescue Company, the members of the bodies to whom the letter was addressed, and all those who received a hand delivered copy of his flyer.

Council member Shaffer said the view from numerous constituents is that the Town Council is against senior housing, adding that this vote does not change the number of units. He said he prefers a variety of housing types including single family cottages rather than putting all the allowed units into institutional multi-family units. He showed a sample of cottage style units with small yards now being marketed in Purcellville.

Council member Kitselman said he would not vote to go against the BADA and the Planning Commission’s work and recommendation. He said he is not against senior housing, and did not like being painted with a broad brush regarding the issue.

Council member Daniel said she appreciated the comments of the other Council members, but the only issue in front of Council is the movement of 60 units from single-family to multi-family designation. She said the proposal is similar to the surrounding area and neighbors are in favor of the project. Council member Daniel said she has asked for a year why the number of units is set where it is and what is the impact of changing the number. She said she understands the desire for a variety of housing types, but it is better to have the change now while the plan is being updated.

Council member Tollett said he has been in public service his whole life, and safety is his issue. He said his hesitation regarding the project was fire and rescue, and once Marlyn worked with Enders Fire and

Rescue Company and President Shipe, regarding the proposed proffer, he was convinced to support the project.

The motion failed on the following vote:

Aye – Mary Daniel
Wilson Kirby
David Tollett

Nay – Harry Lee Arnold, Jr
Allen Kitselman
Douglas Shaffer

Absent – None

- E. *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*

Ms. Dunkle said that staff recommends denial of the text amendment based on the previous vote. **Council member Tollett moved that the Council of the Town of Berryville approve the following ordinance amending Article VI of the Berryville Zoning Ordinance increasing the number of multifamily units from 120 to 180 in the Older Person Residential Zoning District. Council member Daniel seconded the motion.**

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.

+ + + + + + + + + + +

The motion failed on the following vote:

Aye – Mary Daniel
Wilson Kirby
David Tollett

Nay – Harry Lee Arnold, Jr
Allen Kitselman
Douglas Shaffer

Absent – None

7. Report of Keith Dalton, Town Manager

A. Mr. Dalton said Mr. Bryant Condrey contacted Council member Mary Daniel and the Town Clerk about a concern regarding the approved minutes of the June 10, 2014, Town Council meeting. Council member Daniel said that Mr. Condrey reported, "It says that I urged the Town to consider a cigarette tax. That is patently false. I urged the Town to consider the negative effects of the cigarette tax on revenue, given that it would be easy for people to buy cigarettes just outside of town. I never urged the Town to consider a tax." Council member Daniel said that by addressing this matter now, future inquiries will show the correction of Mr. Condrey's remarks.

B. Mr. Dalton referred to a letter received from the County Board of Supervisors in regard to the completion of Jack Enders Blvd. He said he had provided a draft response letter to Council members, and asked if they would authorize the Mayor to sign the letter. **Council member Shaffer moved that the Council of the Town of Berryville authorize the Mayor to sign the following letter to the Board of Supervisors. Council member Daniel seconded the motion which carried as follows:**

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

Nay – None
Absent – None

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

December, 8 2015

www.berryvilleva.gov

Mr. David Weiss, Chairman
Clarke County Board of Supervisors
101 Chalmers Court
Berryville, VA 22611

Dear David:

We are in receipt of your letter dated 16 November regarding Jack Enders Blvd. The letter in question proposes that the County of Clarke provide a lump sum payment to the Town of Berryville, thus providing the Town with funds improve a section of Jack Enders Blvd. so that it can be accepted into the Secondary Street System.

As you know, Jack Enders Blvd. is designated as a collector street in the Berryville Area Plan (a component of both the Town and County Comprehensive Plans). Completion of this street section from Main Street to Buckmarsh Street is of great importance to this community.

In short, the Town's position regarding Jack Enders Blvd. can be summarized as follows:

- the street must eventually connect to Buckmarsh Street,
- the temporary terminus of the street on the east side of the N&S tracks must be constructed in a manner that accommodates the street's extension west across the N&S tracks (at grade),
- as the developer of the street, the County is responsible for the full cost of completing the street so that it may be accepted in to the Secondary Street System, and
- the work necessary to gain acceptance into the Secondary Street System should be completed as soon as possible.

We suspect that the County's position in this matter mirrors the Town's.

This matter will be placed on the agenda for the next Streets and Utilities Committee meeting. The Committee's deliberations on the matter will begin with an opportunity for the County to address their plans and concerns regarding the completion of Jack Enders Blvd.

We look forward to discussing this matter with you.

Sincerely,

Wilson Kirby
Mayor

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

+ + + + + + + + + + +

C. Mr. Dalton reported that notices have been sent to residents on the newly designated snow emergency routes informing them of the restrictions.

8. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison
Council member Kitselman said the BADA will meet on December 16. He said a letter to legislators regarding the signage process and costs is being drafted and will be sent soon. Ms. Dunkle added that pricing for the tourist oriented directional signs will be available soon.

9. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee
Recorder Arnold had nothing to report.

10. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee
Council member Kitselman said his comments under the BADA report covered this report also.

11. Report of Douglas A. Shaffer – Planning Commission Liaison
Council member Shaffer said the Commission will hold public hearings on the convenience store square footage and spot blight abatement at their meeting on December 15 which was moved because the regular meeting day was too close to the Christmas holiday.

13. Report of Mary L. C. Daniel – Chair Police and Security Committee
Council member Daniel noted that Master Patrol Officer Joey Adams, the longest tenured patrol officer on the force, will be retiring at the end of the month.

14. Report of Wilson Kirby – Chair, Streets and Utilities Committee
Upon motion of Doug Shaffer, seconded by Wilson Kirby, the minutes of the Streets and Utilities Committee meetings of 11/19/2015 and 12/07/2015 were approved.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee
Upon motion of Wilson Kirby, seconded by Harry Lee Arnold, Jr., the minutes of the Personnel Committee meeting of 11/18/2015 were approved.

Recorder Arnold moved that the Council of the Town of Berryville re-appoint Ronald Huff to the Clarke County Parks and Recreation Advisory Board for a four-year term to begin January 1, 2016 and end on December 31, 2019. Council member Dave Tollett seconded the motion which carried as follows:

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

Nay – None
Absent -None

Recorder Arnold moved that the Council of the Town of Berryville re-appoint Christina Dunkle to the Clarke County Economic Advisory Committee for a four-year term to begin January 1, 2016 and end on December 31, 2019. Council member Allen Kitselman seconded the motion which carried as follows:

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

Nay – None
Absent – None

Recorder Arnold moved that the Council of the Town of Berryville appoint Warren Dilandro to the Berryville Area Development Authority to fill an unexpired term ending on June 30, 2018. Council member Allen Kitselman seconded the motion which carried as follows:

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

Nay – None
Absent – None

16. Adjourn

There being no other business, upon motion of Council member Daniel, seconded by Council member Shaffer, the meeting was adjourned at 8:32 p.m.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Attachment 5

Planning and Community Development

Action Items

Public Hearing* – Spot Blight Abatement

Public Hearing* – Text Amendment to Article VI Section

Public Hearing* – Text Amendment to Article V Section

Resolution for Public Street Acceptance for Chamberlain into system

Bond Reduction – Section 4B Battlefield Estates and Chamberlain and McClellan Streets

***Due to a clerical error at the Winchester Star, the public hearing notices were not published on the requested dates and action shall not be taken on these matters.**

January 12, 2016

Planning Commission

The Planning Commission held a meeting on Tuesday, December 15, 2015. They held a public hearing on Marlyn's request for a Special Use Permit. They recommended Council deny the request due to its nonconformance to the Berryville Zoning Ordinance regulations concerning the number of multifamily senior housing in the Older Person Residential Zoning District. A Planning Commission committee has been formed to work on the update of the Berryville Comprehensive Plan. They have met twice and will continue to meet on the first Monday of each month until the process has been completed. They discussed Chapter 5 Economy at the last meeting held on Monday, January 4, 2016 and requested Mr. Capelli attend the next meeting scheduled for Monday, February 1, 2016. The next Planning Commission meeting is scheduled for Tuesday, January 26, 2016 at 7:30pm.

Berryville Area Development Authority

The BADA has scheduled a public hearing on the Berryville Area Plan Update for Wednesday, January 20, 2016 at 7:00pm. Their regular meeting will be held on Wednesday, January 27, 2016 at 7:00pm.

Architectural Review Board

The Architectural Review Board did not held a meeting on Wednesday, January 6, 2016 and discussed the following item:

Dandy Lions (Jo Myers, Owner), is requesting a Certificate of Appropriateness for a wall sign in front of her business located at 24 West Main Street, identified as Tax Map Parcel number 14A2-(A)-58, zoned C General Commercial. *Approved as presented.*

They also discussed a proposed sign for the Clarke County Historical Association. Their next meeting is scheduled for Wednesday, February 3, 2016 at 12:30pm.

Board of Zoning Appeals

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

BERRYVILLE TOWN COUNCIL
Bond Reduction
January 12, 2016

Mr. Echols has requested full release of the bonds referenced below as he has indicated he will be closing his company, KectoIn Land Company, this year. Per Article VII, Section C. of the Berryville Subdivision Ordinance, the developer shall furnish a bond in the amount of ten percent of the total construction cost at the time of completion and request for acceptance of the improvements by the Town. This bond shall remain in force for a minimum of one year following the date of acceptance of the improvements. Beauregard and Delany courts (Section 4B) and McClellan Street were accepted into the public system in October of 2015 and a resolution to bring in a portion of Chamberlain Street is before you at this meeting.

The bond amount being held for McClellan and Chamberlain streets is \$23,902.50. The bond amounts currently being held for Section 4B are for \$152,691.00 for the public improvements and \$16,800.00 for erosion and sediment control.

There are seven houses constructed, one currently under construction, and eight undeveloped parcels in Section 4B.

Staff recommends retaining ten percent of the bonds for both McClellan and Chamberlain and for Section 4B reflected in the amounts below:

| | |
|---|-------------|
| Chamberlain and McClellan streets | \$2,390.25 |
| Section 4B (Delany and Beauregard courts) | |
| Public Improvements | \$15,269.10 |
| Erosion and Sediment Control | \$1,680.00 |

Article VII, Section C. of the Berryville Subdivision Ordinance and a motion follow this report.

Recommendation

Release the bonds for McClellan and Chamberlain streets and retain ten percent of the bonds for Section 4B as unbuilt lots remain in this section.

ARTICLE VII. PERFORMANCE SURETY

In order to obtain guarantee of performance to assure timely completion and competent construction of subdivision physical improvements, the applicant is required to post a bond or other acceptable surety.

A. GENERAL

Prior to approval of a final subdivision plat, the owner shall furnish to the Town a cashier's check, cash escrow, bond, or letter of credit, in accordance with the provisions of Section 15.2-2241(5), Code of Virginia, conditioned upon the timely and proper construction of all physical improvements required as a condition of the approval of the final subdivision plat. The amount of such cashier's check, cash escrow, bond, or letter of credit shall not be less than the estimated cost of such construction based on unit prices, plus twenty-five (25) percent for inflation, potential damage to existing roads or utilities, and administrative costs, including, without limitation, costs incurred by the Town for cost estimates and other expenses in the event the construction is not timely or properly performed.

B. CONSTRUCTION AND BONDING AGREEMENT

The Town Council may adopt the form of a construction and bonding agreement for public improvements pursuant to this Ordinance.

C. MAINTENANCE BOND

The developer, at the completion and request for acceptance of the improvements by the Town, shall first furnish a bond acceptable to the Town in the amount of ten percent of the total cost of construction of the subdivision improvements. Said bond is to be furnished solely as a guarantee against faulty materials and workmanship and shall remain in force for a minimum of one year following the date of acceptance of the improvements by the Town.

BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF BOND REDUCTION
SECTION 4B AND McCLELLAN AND CHAMBERLAIN STREETS

Date: January 12, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the following bond reductions in the following amounts:

| | |
|---|-------------|
| Chamberlain and McClellan streets | \$2,390.25 |
| Section 4B (Delany and Beauregard courts) | |
| Public Improvements | \$15,269.10 |
| Erosion and Sediment Control | \$1,680.00 |

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Allan W. McWilliams, Recorder

BERRYVILLE TOWN COUNCIL

Resolution for Public Street Acceptance – Portion of Chamberlain Street

January 12, 2016

Staff has completed paperwork for the addition of a portion of Chamberlain Street to the VDOT Urban Highway System and Maintenance Inventory.

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 Chamberlain Street;
- 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.

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

Project Information

| | |
|---|------------------------|
| Project Number: STR 011216 | UPC: |
| Transmitted By (PM): Town of Berryville | Date: January 12, 2016 |

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:

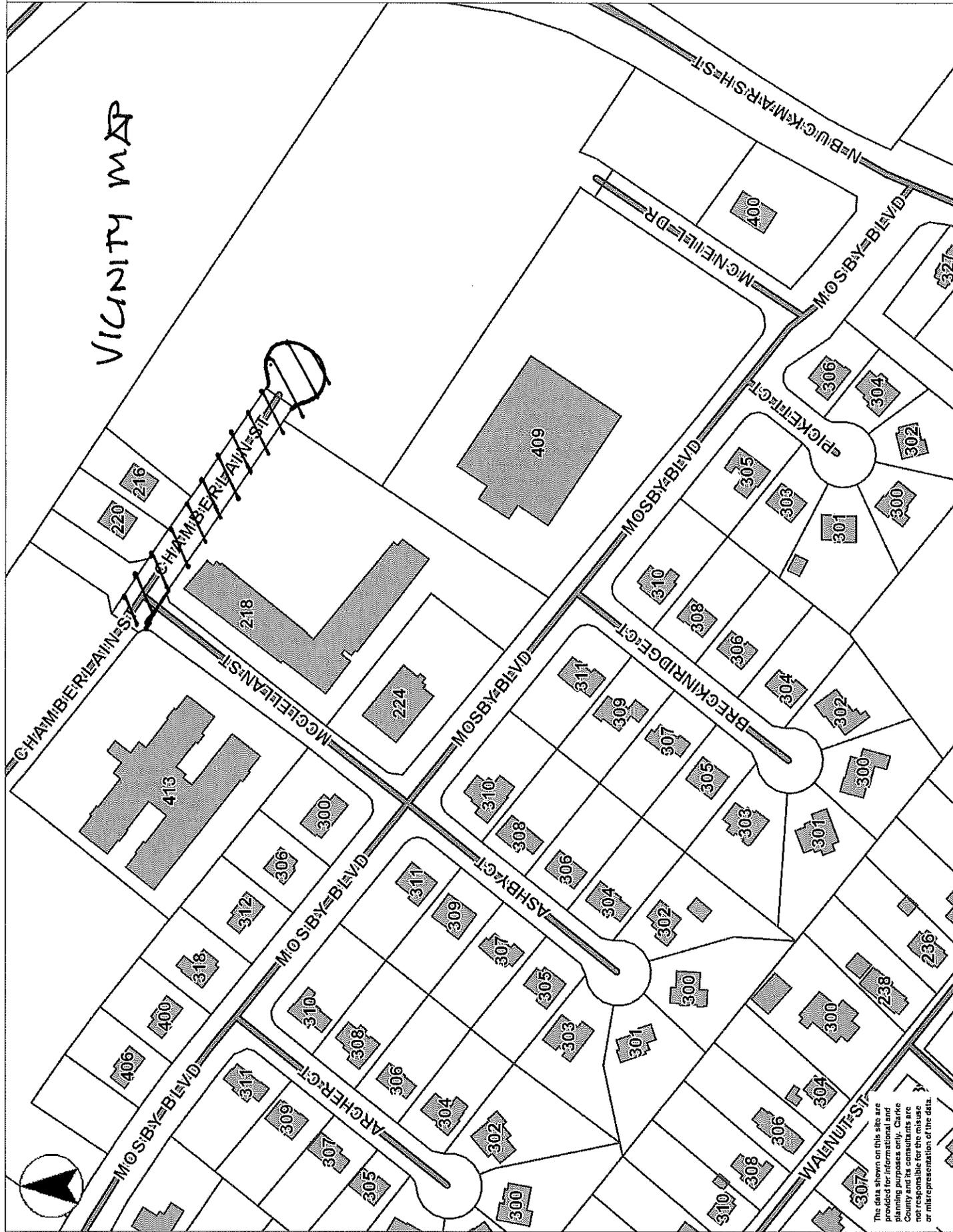
| |
|---|
| Form Completed By: Christy Dunkle |
| Phone: 540 955-4081 |
| Person to Contact for Further Information: Christy Dunkle |
| Phone: 540 955-4081 |

Email completed form to: rimu@vdot.virginia.gov



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

VICINITY MAP



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



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 12th day of January, 2016 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: REQUESTING ACCEPTANCE OF A PORTION OF CHAMBERLAIN STREET 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 12th day of January, 2016.

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 12th day of January, 2016.

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 RESOLUTION REQUESTING STREET ACCEPTANCE
FOR A PORTION OF CHAMBERLAIN STREET

Date: January 12, 2016

Motion By: .

Second By:

I move that the Council of the Town of Berryville approve the attached resolution requesting VDOT acceptance of a portion of Chamberlain Street 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

BERRYVILLE TOWN COUNCIL
Wayfinding and Tourist Oriented Directional Signage Update
January 12, 2016

Staff contacted Virginia Logos representatives on January 5, 2016 for a status report on the Tourist Oriented Directional signage proposed for bypass 7 and 340 identifying the visitors' center and the local historic district. Mr. Newcomb indicated that he is having difficulty identifying a site for two of the proposed signs. He indicated that he will be coming to Berryville on Thursday, January 7 to stake new locations for the signs in order for VDOT to approve. He suggested adding \$2,000 to \$3,000 to the original estimate of \$15,000 but would have real numbers by mid-month.

November 10, 2015 Staff Report

The sign committee representing the Town, County and Barns of Rose Hill met on October 21, 2015 to discuss types of TOD signage and approximate costs for fabrication and 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 fabricated and installed. Images of the proposed signage follow this report.***

Attachment 6

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: DRAFT FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2015
DRAFT BUDGET CALENDAR FOR FY 2016-2017
DATE: 1/5/2016
CC: KEITH DALTON, TOWN MANAGER

DRAFT AUDIT

On Tuesday December 22, 2015 I received a Draft of our FY 14-15 Audit. Keith and I have both reviewed the draft. We should receive a final report in the next couple of weeks and would like to schedule the presentation to Council for the February meeting.

FY 15-16 BUDGET

I have attached a Draft FY 16-17 Budget Calendar for your review and approval.

BUDGET CALENDAR

FY 2016-2017

| ACTIVITY | RESPONSIBILITY | DATE |
|--|--------------------------------|--------------------------------------|
| Ask for Department & CIP Budget Requests | Town Manager
Town Treasurer | Jan 20 |
| Prepare Budget & CIP Requests | Department Heads | Jan 20- Feb 9 |
| Submit Departmental & CIP Budget Requests | Department Heads | Feb 9 |
| Prepare Initial Revenue Estimates for Upcomming FY | Town Manager
Town Treasurer | Jan 20 - Feb 9 |
| Review Department & CIP Budget Requests | Town Manager
Town Treasurer | Feb 9 - Feb 19 |
| Prepare Non-departmental Budget Requests | Town Treasurer | Jan 20 - Feb 9 |
| Review/Revise Budget Estimates with Dept Heads | Town Manager | Feb 9 - Feb 19 |
| Budget Committee Worksession | B&F Committee
Town Staff | Mar 2 at 9:30 am
A/B Meeting Room |
| Budget Worksession | Town Council
Town Staff | Mar 16 at 4:00 pm
Main Mtg Room |
| Advertise Tax Rate Public Hearing | Town Staff | Mar 18 |
| Public Hearing
Real Estate Tax Rates | Town Council | April 12 |
| Council Meeting
Set Real Estate Tax Rate | Town Council | April 12 |
| Print & Proof Budget | Town Treasurer | Apr12 - Apr 30 |
| Advertise Budget Public Hearing | Town Staff | April 15 |
| Public Hearing
FY 2015-2016 Budget | Town Council | May 10 |
| Adopt Budget & Appropriate Funds | Town Council | Jun 14 |
| Print & Distribute Budget | Town Treasurer | Jun 14 - Jun 30 |

Attachment 7



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

MEMO

DATE: 01/06/2016

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 01/12/2016

Monthly Activity Report

The activity report for the month of December 2015 is attached to this memo.

Personnel Matters

Master Patrol Officer Joey Adams has officially retired after years of dedicated service to the Town of Berryville.

Officer Donald Mason has been hired as a replacement for Joey Adams. Officer Mason will be attending the training academy beginning January 20, 2016 and will graduate in May.



Berryville Police Department

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W. Neal White – Chief of Police

POLICE AND SECURITY REPORT

| Month: December | Year To Date | December | November |
|-----------------------------------|--------------|-------------|-------------|
| Year: 2015 | 2015 | 2015 | 2015 |
| Total Miles Traveled: | 42,156 | 2,071 | 2,400 |
| Total Man Hours: | 14,125 | 1,353 | 1,232 |
| <u>Complaints Answered</u> | | | |
| 911 Hang Up: | 23 | 1 | 2 |
| Alarms: | 100 | 7 | 4 |
| Animal Complaint: | 133 | 3 | 8 |
| Assault And Battery: | 25 | 1 | 6 |
| Assist County: | 41 | 6 | 2 |
| Auto Larceny: | 1 | 0 | 0 |
| Burglary: | 12 | 1 | 1 |
| Civil Complaints: | 104 | 12 | 10 |
| Disturbance (Non Violent): | 66 | 5 | 6 |
| Domestic Disturbance: | 11 | 2 | 1 |
| Drunk In Public: | 18 | 0 | 0 |
| Forgery & Uttering: | 1 | 0 | 0 |
| Fraud: | 12 | 0 | 0 |
| Grand Larceny: | 11 | 1 | 1 |
| Harassment/Intimidation: | 18 | 0 | 0 |
| Homicide: | 0 | 0 | 0 |
| Juvenile Related: | 62 | 1 | 7 |
| Noise: | 24 | 1 | 0 |
| Petty Larceny: | 24 | 3 | 1 |
| Public Service: | 40 | 5 | 3 |
| Rape: | 0 | 0 | 0 |
| Robbery: | 0 | 0 | 0 |
| Runaway: | 5 | 0 | 1 |
| Shoplifting: | 5 | 0 | 0 |
| Suspicious Activity: | 190 | 13 | 21 |
| Trespassing: | 14 | 1 | 2 |
| Vandalism: | 44 | 4 | 2 |
| Welfare Check: | 104 | 8 | 8 |
| Miscellaneous Complaints: | 275 | 24 | 29 |
| Total Complaints Answered: | 1,363 | 99 | 115 |



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W. Neal White – Chief of Police

Traffic

| | | | |
|----------------------------|-----|----|----|
| Accidents Investigated: | 42 | 5 | 3 |
| Assist Motorist: | 23 | 4 | 1 |
| Child Safety Seat Install: | 35 | 0 | 1 |
| Funeral Escort: | 42 | 3 | 3 |
| Hit & Run: | 14 | 0 | 1 |
| Parking Tickets: | 196 | 18 | 23 |
| Traffic Warnings: | 320 | 43 | 16 |

Traffic Summons Issued

| | | | |
|--------------------------------------|------------|-----------|-----------|
| Defective Equipment: | 9 | 3 | 0 |
| Driving Suspended: | 14 | 2 | 2 |
| Expired Inspection: | 16 | 0 | 0 |
| Expired Registration: | 15 | 3 | 0 |
| Fail To Obey Highway Sign: | 62 | 4 | 3 |
| Fail To Obey Traffic Signals: | 5 | 0 | 0 |
| Fail To Stop/Lights & Siren: | 0 | 0 | 0 |
| Fail To Yield Right Of Way: | 5 | 1 | 2 |
| Hit And Run: | 0 | 0 | 0 |
| No Liability Insurance: | 0 | 0 | 0 |
| No Operator's License: | 13 | 0 | 0 |
| No Seat Belt: | 1 | 0 | 0 |
| Reckless Driving: | 14 | 0 | 3 |
| Speeding: | 148 | 6 | 4 |
| Miscellaneous Summons: | 10 | 0 | 1 |
| Total Traffic Summons Issued: | 312 | 19 | 15 |



Berryville Police Department

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

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

W. Neal White – Chief of Police

Criminal Arrests Made

| | | | |
|---------------------------------|-----|----|----|
| Abduction: | 0 | 0 | 0 |
| Arson: | 0 | 0 | 0 |
| Assault And Battery: | 14 | 2 | 2 |
| A & B On Police Officer: | 1 | 0 | 0 |
| Auto Larceny: | 0 | 0 | 0 |
| Breaking And Entering: | 2 | 0 | 0 |
| Capias: | 7 | 0 | 1 |
| Disorderly Conduct: | 5 | 1 | 0 |
| Driving While Intoxicated: | 7 | 1 | 0 |
| Drunk In Public: | 15 | 0 | 0 |
| Fail To Obey Police Officer: | 0 | 0 | 0 |
| Fail To Pay Parking Ticket: | 8 | 1 | 0 |
| Forgery: | 0 | 0 | 0 |
| Fraud: | 0 | 0 | 0 |
| Grand Larceny: | 6 | 2 | 0 |
| Homicide: | 0 | 0 | 0 |
| Illegal Drugs/Paraphernalia | 25 | 4 | 3 |
| Petty Larceny: | 3 | 0 | 0 |
| Possess Alcohol Underage: | 0 | 0 | 0 |
| Protective Order: | 26 | 4 | 3 |
| Rape: | 0 | 0 | 0 |
| Resisting Arrest: | 1 | 1 | 0 |
| Robbery: | 0 | 0 | 0 |
| Shoplifting: | 5 | 0 | 3 |
| Trespassing: | 3 | 0 | 1 |
| Vandalism: | 2 | 0 | 0 |
| Weapons Violation | 2 | 1 | 0 |
| | 52 | 2 | 6 |
| Miscellaneous Criminal Arrests: | | | |
| Juvenile Arrest Total: | 10 | 0 | 0 |
| Total Criminal Arrests: | 168 | 19 | 19 |

Found Open At Business In Town

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

Attachment 8

Memo

To: Town Council
From: David Tyrrell
Date: January 6 2016
Re: December 2015 Operations Report

The water treatment plant is in compliance for December with its monthly parameters. We sent a total of 9.789 MG water to the system with a daily average production of 0.350 MGD and a daily max of 0.510 MG.

The river vault was cleaned in December. Conditions in the vault are good for thirty plus years of water submersion with an expected amount of corrosion on the submerged piping. The pump screens themselves are in good condition.

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

The wastewater plant is in compliance with its discharge permit for December per data received to date with our nutrient removal continuing to do very well. We treated a total of 9.08 MG with a daily average of 0.29 MGD and a daily max of 0.50 MG. Influent flow rates have seen some effect from the rains. Our biosolids inventory has reached the desired levels for winter operation and continues to be healthy.

The SSRV continues to be a problem for air scour blower #5. Square D repair is being called in to work on the unit. During December we lost both of our sludge presses to electrical problems. We were able to repair press #1 which turned out to have a bad wire on the flow meter transmitter. The wire was broken and had been repaired previously, most likely during construction. The repair that was made was poorly done. Once the wire was repaired the press was returned to service and we were able to run one unit. Press #2 lost its programming the same time press #1 went down and coordination between Fournier and Sherwood Logan was needed to reprogram the units PLC. Both presses are now functioning well and we are back on track for solids dewatering.

Influent wet well #1 could not be cleaned as scheduled in December. The receiving site for the materials to be removed will no longer accept the material and another method of disposal will need to be found..

The 2015 yearly report required by our WWTP DEQ-WQIF Construction Grant has been completed and sent to DEQ. We had a good year for the treatment process and removal of nutrients. The wastewater plant effluent Total Nitrogen averaged 1.79 mg/l for the year with a requirement for us to treat to an average of 4.0 mg/l. The Total Phosphorus for 2015 averaged 0.24 mg/l with a requirement of 0.3 mg/l meeting the grant requirements for the 2015 operational year.

Attached for review are the data report for the wastewater plant, latest InSight report for the membrane performance from GE, and the water plant December page 1 operations report for VDH.

Flows and Chemical Dosages

April 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 | Lbs per Day | Lbs per Day | | 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 | 0.42 | | 0.355 | 12.5 | 35 | 10.1 | 4 | 1.1 | 3.6 | 1.02 | 0.079 | 0.023 | 6 | 1.7 | 9.4 | 2.7 | |
| 2 | 0.47 | | 0.423 | 13.8 | 35 | 9.1 | 4 | 1.1 | 6.7 | 1.70 | 0.089 | 0.023 | 0.0 | 0.0 | 10.3 | 2.6 | |
| 3 | 0.467 | | 0.435 | 13.5 | 35 | 9.1 | 4 | 1.0 | 6.7 | 1.71 | 0.087 | 0.022 | 4.0 | 1.0 | 10.1 | 2.6 | |
| 4 | 0.562 | | 0.510 | 16.8 | 41 | 8.7 | 4 | 0.9 | 6.8 | 1.46 | 0.108 | 0.023 | 0.0 | 0.0 | 12.6 | 2.7 | |
| 5 | 0.254 | | 0.223 | 7.3 | 20 | 9.6 | 1 | 0.7 | 3.7 | 1.73 | 0.047 | 0.022 | 3.0 | 1.4 | 5.4 | 2.6 | |
| 6 | | | | | ##### | | #DIV/0! | | ##### | | #DIV/0! | | | | ##### | | |
| 7 | 0.487 | | 0.450 | 14.0 | 41 | 10.0 | 4 | 0.9 | 3.6 | 0.89 | 0.093 | 0.023 | 0.0 | 0.0 | 10.5 | 2.6 | |
| 8 | 0.347 | | 0.322 | 10.0 | 35 | 12.3 | 3 | 1.0 | 3.5 | 1.20 | 0.163 | 0.056 | 0.0 | 0.0 | 7.5 | 2.6 | |
| 9 | 0.392 | | 0.347 | 11.3 | 30 | 9.3 | 2 | 0.6 | 6.6 | 2.01 | 0.088 | 0.027 | 4.0 | 1.2 | 8.4 | 2.6 | |
| 10 | 0.368 | | 0.339 | 11.0 | 35 | 11.6 | 3 | 1.0 | 3.5 | 1.14 | 0.071 | 0.023 | 0.0 | 0.0 | 8.3 | 2.7 | |
| 11 | 0.296 | | 0.265 | 9.0 | 25 | 10.3 | 1 | 0.5 | 3.5 | 1.41 | 0.071 | 0.029 | 4.0 | 1.6 | 6.8 | 2.7 | |
| 12 | 0.239 | | 0.216 | 7.0 | 20 | 10.2 | 2 | 1.0 | 3.3 | 1.66 | 0.053 | 0.027 | 0.0 | 0.0 | 5.3 | 2.7 | |
| 13 | | | | | ##### | | #DIV/0! | | ##### | | #DIV/0! | | | | ##### | | |
| 14 | 0.454 | | 0.410 | 13.3 | 30 | 8.0 | 4 | 1.0 | 7.0 | 1.85 | 0.079 | 0.021 | 3.0 | 0.8 | 9.9 | 2.6 | |
| 15 | 0.503 | | 0.455 | 14.5 | 41 | 9.7 | 4 | 1.0 | 3.4 | 0.81 | 0.101 | 0.024 | 0.0 | 0.0 | 10.9 | 2.6 | |
| 16 | 0.275 | | 0.252 | 10.5 | 25 | 11.1 | 2 | 0.6 | 3.4 | 1.48 | 0.066 | 0.029 | 0.0 | 0.0 | 7.9 | 3.4 | |
| 17 | 0.495 | | 0.445 | 14.5 | 35 | 8.6 | 4 | 0.9 | 6.7 | 1.62 | 0.110 | 0.027 | 4.0 | 1.0 | 10.9 | 2.6 | |
| 18 | 0.399 | | 0.369 | 12.0 | 30 | 9.1 | 3 | 1.0 | 6.6 | 1.98 | 0.093 | 0.028 | 3.0 | 0.9 | 9.0 | 2.7 | |
| 19 | 0.213 | | 0.190 | 6.0 | 15 | 8.6 | 1 | 0.7 | 0.2 | 0.14 | 0.049 | 0.028 | 0.0 | 0.0 | 4.5 | 2.5 | |
| 20 | 0.218 | | 0.191 | 6.0 | 15 | 8.4 | 1 | 0.6 | 3.3 | 1.82 | 0.049 | 0.027 | 0.0 | 0.0 | 4.5 | 2.5 | |
| 21 | 0.562 | | 0.428 | 16.5 | 41 | 8.7 | 4 | 0.8 | 6.8 | 1.45 | 0.119 | 0.025 | 4.0 | 0.9 | 12.4 | 2.6 | |
| 22 | 0.426 | | 0.387 | 12.5 | 30 | 8.6 | 4 | 1.0 | 6.6 | 1.87 | 0.093 | 0.026 | 0.0 | 0.0 | 9.4 | 2.6 | |
| 23 | 0.562 | | 0.510 | 16.5 | 35 | 7.6 | 4 | 0.9 | 6.8 | 1.45 | 0.106 | 0.023 | 4.0 | 0.9 | 12.4 | 2.6 | |
| 24 | 0.202 | | 0.186 | 7.0 | 20 | 12.0 | 0 | 0.2 | 0.2 | 0.14 | 0.040 | 0.024 | 0.0 | 0.0 | 5.3 | 3.1 | |
| 25 | | | | | ##### | | #DIV/0! | | ##### | | #DIV/0! | | | | ##### | | |
| 26 | 0.229 | | 0.205 | 6.8 | 15 | 8.0 | 2 | 0.8 | 3.3 | 1.74 | 0.040 | 0.021 | 3.0 | 1.6 | 5.1 | 2.6 | |
| 27 | 0.238 | | 0.211 | 7.0 | 20 | 10.2 | 2 | 1.0 | 3.4 | 1.70 | 0.044 | 0.022 | 0.0 | 0.0 | 5.3 | 2.6 | |
| 28 | 0.524 | | 0.480 | 15.5 | 56 | 12.8 | 4 | 0.9 | 6.8 | 1.56 | 0.088 | 0.020 | 3.0 | 0.7 | 11.6 | 2.7 | |
| 29 | 0.501 | | 0.462 | 15.0 | 56 | 13.3 | 3 | 0.8 | 6.7 | 1.60 | 0.093 | 0.022 | 4.0 | 0.0 | 11.3 | 2.7 | |
| 30 | 0.45 | | 0.419 | 13.5 | 46 | 12.2 | 2 | 0.4 | 3.5 | 0.94 | 0.097 | 0.026 | 4.0 | 1.1 | 10.1 | 2.7 | |
| 31 | 0.331 | | 0.301 | 9.8 | 30 | 11.0 | 2 | 0.9 | 6.9 | 2.51 | 0.057 | 0.021 | 0.0 | 0.0 | 7.3 | 2.6 | |
| Total | 10.884 | 0.000 | 9.786 | 322.8 | 897 | ##### | 78 | #DIV/0! | 0.0 | 0.00 | ##### | 2.27 | #DIV/0! | 0.0 | 0.00 | 242.1 | ##### |
| Maximum | 0.562 | 0.000 | 0.510 | 16.8 | 56 | ##### | 4 | #DIV/0! | 0.0 | 0.00 | ##### | 0.16 | #DIV/0! | 0.0 | 0.00 | 12.6 | ##### |
| Minimum | 0.202 | 0.000 | 0.186 | 6.0 | 15 | ##### | 0 | #DIV/0! | 0.0 | 0.00 | ##### | 0.04 | #DIV/0! | 0.0 | 0.00 | 4.5 | ##### |
| Average | 0.389 | 0.000 | 0.350 | 11.5 | 32 | ##### | 3 | #DIV/0! | ##### | ##### | ##### | 0.08 | #DIV/0! | ##### | #DIV/0! | 8.6 | ##### |

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) _____ RAW WATER SOURCE(S) USED DURING MONTH: (SOURCE/DATES) _____

Shenandoah River - Entire Month

David A. Tyrrell

TITLE: OPERATOR CLASSIFICATION
DPOR CERTIFICATION NO.

Class 1
1955002813

Berryville STP Monthly DMR Data

December 2015

| Date | Effluent Flow
MGD | Eff pH | Eff Temp
Deg C | Eff CBOD
mg/l | Eff CBOD
KG/D | Eff TSS
mg/l | Eff TSS
KG/D | Effluent DO
River
mg/l | Effluent DO
WWTP
mg/l | Eff NO2/
NO3
mg/l | Eff TKN
mg/l | Eff TKN
KG/D | Eff Total N
mg/l |
|------------|----------------------|--------|-------------------|------------------|------------------|-----------------|-----------------|------------------------------|-----------------------------|-------------------------|-----------------|-----------------|---------------------|
| | | | | | | | | | | | | | |
| 12/1/2015 | 0.38 | 7.7 | 16.1 | 0.00 | 0.00 | | | 9.2 | 8.9 | | | | |
| 12/2/2015 | 0.34 | 7.7 | 16.1 | 7.00 | 9.11 | | | 9.0 | 9.0 | | | | |
| 12/3/2015 | 0.29 | 7.4 | 15.7 | 1.00 | 1.08 | | | 9.8 | 9.7 | | | | |
| 12/4/2015 | 0.27 | 7.4 | 15.3 | | | | | 10.6 | 9.7 | | | | |
| 12/5/2015 | 0.28 | 7.4 | 16.0 | | | | | 10.4 | 10.0 | | | | |
| 12/6/2015 | 0.28 | 7.5 | 17.1 | | | | | 10.1 | 9.6 | | | | |
| 12/7/2015 | 0.26 | 7.4 | 15.9 | | | | | 10.4 | 9.7 | | | | |
| 12/8/2015 | 0.30 | 7.4 | 16.5 | 1.00 | 1.12 | 0.00 | 0.00 | 11.3 | 9.4 | 0.65 | 0.47 | 0.52 | 1.12 |
| 12/9/2015 | 0.29 | 7.3 | 16.3 | 0.00 | 0.00 | | | 10.8 | 10.0 | | | | |
| 12/10/2015 | 0.24 | 7.3 | 15.1 | 0.00 | 0.00 | | | 9.7 | 10.1 | | | | |
| 12/11/2015 | 0.23 | 7.3 | 15.6 | | | | | 10.1 | 9.8 | | | | |
| 12/12/2015 | 0.24 | 7.3 | 16.5 | | | | | 10.7 | 9.9 | | | | |
| 12/13/2015 | 0.24 | 7.3 | 17.1 | | | | | 11.2 | 10.2 | | | | |
| 12/14/2015 | 0.22 | 7.4 | 18.1 | | | | | 10.7 | 9.9 | | | | |
| 12/15/2015 | 0.23 | 7.5 | 17.6 | 0.00 | 0.00 | | | 10.5 | 9.9 | 3.74 | 0.35 | 0.31 | 4.09 |
| 12/16/2015 | 0.23 | 7.4 | 17.7 | 2.00 | 1.76 | | | 9.5 | 9.3 | | | | |
| 12/17/2015 | 0.21 | 7.7 | 18.0 | 3.00 | 2.33 | | | 10.2 | 9.6 | | | | |
| 12/18/2015 | 0.23 | 7.2 | 16.7 | | | | | 10.1 | 9.6 | | | | |
| 12/19/2015 | 0.26 | 7.4 | 16.4 | | | | | 10.3 | 9.7 | | | | |
| 12/20/2015 | 0.26 | 7.5 | 15.4 | | | | | 10.3 | 9.6 | | | | |
| 12/21/2015 | 0.29 | 7.6 | 14.6 | 0.00 | | | | 10.3 | 10.2 | | | | |
| 12/22/2015 | 0.36 | 7.4 | 15.6 | 0.00 | | | | 10.1 | 9.8 | | | | |
| 12/23/2015 | 0.34 | 7.4 | 16.9 | 0.00 | | | | 10.6 | 10.1 | | | | |
| 12/24/2015 | 0.34 | 7.5 | 16.0 | | | | | 10.4 | 9.9 | | | | |
| 12/25/2015 | 0.33 | 7.3 | 17.1 | | | | | 10.3 | 9.9 | | | | |
| 12/26/2015 | 0.33 | 7.5 | 19.0 | | | | | 10.5 | 9.7 | | | | |
| 12/27/2015 | 0.34 | 7.3 | 17.6 | | | | | 10.5 | 10.2 | | | | |
| 12/28/2015 | 0.30 | 7.4 | 16.6 | | | | | 10.5 | 9.9 | | | | |
| 12/29/2015 | 0.32 | 7.4 | 17.7 | 0.00 | | | | 10.5 | 10.2 | | | | |
| 12/30/2015 | 0.50 | 7.5 | 18.0 | | | | | 10.1 | 9.9 | | | | |
| 12/31/2015 | 0.41 | 7.5 | 16.3 | | | | | 10.1 | 10.1 | | | | |
| Minimum | 0.21 | 7.2 | 14.6 | 0.00 | 0.00 | 0.00 | 0.00 | 9.0 | 8.9 | 0.65 | 0.35 | 0.31 | 1.12 |
| Maximum | 0.50 | 7.7 | 19.0 | 7.00 | 9.11 | 0.00 | 0.00 | 11.3 | 10.2 | 3.74 | 0.47 | 0.52 | 4.09 |
| Total | 9.08 | 230.3 | 514.6 | 14.00 | 15.39 | 0.00 | 0.00 | 318.8 | 303.5 | 4.39 | 0.82 | 0.83 | 5.21 |
| Average | 0.29 | 7.4 | 16.6 | 1.08 | 1.71 | 0.00 | 0.00 | 10.3 | 9.8 | 2.20 | 0.41 | 0.42 | 2.61 |
| Geo Mean | 0.29 | 7.4 | 16.6 | 1.33 | 1.53 | 1.00 | 1.00 | 10.3 | 9.8 | 1.56 | 0.4 | 0.40 | 2.14 |

Berryville STP Monthly DMR Data

December 2015

| Date | Eff. Total N | | Eff. Total P | | Eff. Total P | | E. Coli
No./100ml |
|------------|--------------|------|--------------|------|--------------|------|----------------------|
| | KG/D | KG/D | mg/l | KG/D | KG/D | KG/D | |
| 12/1/2015 | | | | | | | 1 |
| 12/2/2015 | | | | | | | |
| 12/3/2015 | | | | | | | |
| 12/4/2015 | | | | | | | |
| 12/5/2015 | | | | | | | |
| 12/6/2015 | | | | | | | |
| 12/7/2015 | | | | | | | |
| 12/8/2015 | 1.25 | | 0.16 | | 0.18 | | 1 |
| 12/9/2015 | | | | | | | |
| 12/10/2015 | | | | | | | |
| 12/11/2015 | | | | | | | |
| 12/12/2015 | | | | | | | |
| 12/13/2015 | | | | | | | |
| 12/14/2015 | | | | | | | |
| 12/15/2015 | 3.58 | | 0.13 | | 0.11 | | 1 |
| 12/16/2015 | | | | | | | |
| 12/17/2015 | | | | | | | |
| 12/18/2015 | | | | | | | |
| 12/19/2015 | | | | | | | |
| 12/20/2015 | | | | | | | |
| 12/21/2015 | | | | | | | 1 |
| 12/22/2015 | | | | | | | |
| 12/23/2015 | | | | | | | |
| 12/24/2015 | | | | | | | |
| 12/25/2015 | | | | | | | |
| 12/26/2015 | | | | | | | |
| 12/27/2015 | | | | | | | |
| 12/28/2015 | | | | | | | |
| 12/29/2015 | | | | | | | 1 |
| 12/30/2015 | | | | | | | |
| 12/31/2015 | | | | | | | |
| Minimum | 1.25 | | 0.13 | | 0.11 | | 1 |
| Maximum | 3.58 | | 0.16 | | 0.18 | | 1 |
| Total | 4.83 | | 0.29 | | 0.29 | | 5 |
| Average | 2.42 | | 0.15 | | 0.15 | | 1 |
| Geo Mean | 2.12 | | 0.14 | | 0.14 | | 1 |



Berryville Report

07/26/2015 - 08/14/2015

UF 1 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|----------|
| FluxBeforeBP | ● | 99 % | 2.03 | 463 | 7.21 |
| PermeateTurbidityAfterBP | ● | 99 % | 0.07 | 463 | 0.08 |
| TCPermeabilityBeforeBP | ● | 97 % | 8.85 | 463 | 35.61 |
| TMPBeforeBP | ● | 100 % | 0.09 | 463 | 0.12 |
| TotalPermeateFlowDaily | | 100 % | 8823.48 | 21 | 64941.14 |

UF 2 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|----------|
| FluxBeforeBP | ● | 99 % | 1.93 | 431 | 7.28 |
| PermeateTurbidityAfterBP | ● | 100 % | 0.02 | 431 | 0.12 |
| TCPermeabilityBeforeBP | ● | 99 % | 7.63 | 431 | 28.62 |
| TMPBeforeBP | ● | 100 % | 0.12 | 431 | 0.22 |
| TotalPermeateFlowDaily | | 100 % | 7223.6 | 21 | 63927.24 |

UF 3 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|---------|
| FluxBeforeBP | ● | 99 % | 2.02 | 436 | 7.43 |
| PermeateTurbidityAfterBP | ● | 99 % | 0.07 | 436 | 0.07 |
| TCPermeabilityBeforeBP | ● | 99 % | 6.7 | 436 | 26.22 |
| TMPBeforeBP | ● | 100 % | 0.1 | 436 | 0.26 |
| TotalPermeateFlowDaily | | 100 % | 7848.14 | 21 | 63625.0 |

UF 4 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|----------|
| FluxBeforeBP | ● | 99 % | 2.06 | 462 | 7.32 |
| PermeateTurbidityAfterBP | ● | 100 % | 0.05 | 462 | 0.04 |
| TCPermeabilityBeforeBP | ● | 99 % | 7.23 | 462 | 25.07 |
| TMPBeforeBP | ● | 100 % | 0.14 | 462 | 0.26 |
| TotalPermeateFlowDaily | | 100 % | 10965.63 | 21 | 66931.86 |

UF Plant KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|------------------------|--------|-------|----------|--------|-----------|
| PermeateTemperature | ● | 100 % | 0.6 | 1920 | 73.95 |
| TotalPermeateFlowDaily | ● | 100 % | 19218.97 | 21 | 259425.24 |

UF 1 KPI Summary

| Parameter | LL | LCL | UCL | HH | Jul 26 | Jul 27 | Jul 28 | Jul 29 | Jul 30 | Jul 31 | Aug 01 | Aug 02 | Aug 03 |
|--------------------------|----|-----|-------|------|---|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 7.49 | 7.75 | 7.48 | 6.43 | 7.81 | 7.74 | 6.69 | 7.1 | 7.34 |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.11 | 0.12 | 0.11 | 0.11 | 0.11 | 0.1 | 0.1 | 0.11 | 0.11 |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | 39.96 | 33.33 | 34.89 | 34.64 | 33.53 | 38.56 | 28.17 | 38.2 | 36.96 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.1 | 0.13 | 0.13 | 0.1 | 0.13 | 0.15 | 0.1 | 0.12 | 0.11 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 58232.062541.077600.066199.061913.066115.065765.056605.059167.0 | | | | | | | | |

| Parameter | Aug 04 | Aug 05 | Aug 06 | Aug 07 | Aug 08 | Aug 09 | Aug 10 | Aug 11 | Aug 12 | Aug 13 | Aug 14 |
|--------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | 6.02 | 7.14 | 7.52 | 7.0 | 7.23 | 6.79 | 6.74 | 7.59 | 7.58 | 7.25 | 6.46 |
| PermeateTurbidityAfterBP | 0.14 | 0.01 | 0.0 | 0.03 | 0.06 | 0.07 | 0.08 | 0.08 | 0.08 | 0.09 | 0.09 |
| TCPermeabilityBeforeBP | 28.13 | 38.12 | 38.81 | 35.34 | 34.51 | 30.96 | 36.49 | 31.39 | 39.16 | 38.94 | 42.7 |
| TMPBeforeBP | 0.07 | 0.13 | 0.11 | 0.1 | 0.14 | 0.1 | 0.09 | 0.15 | 0.15 | 0.13 | 0.09 |
| TotalPermeateFlowDaily | 56005.074895.083462.063974.061894.065333.059475.083149.062174.072428.051489.0 | | | | | | | | | | |

UF 2 KPI Summary

| Parameter | LL | LCL | UCL | HH | Jul 26 | Jul 27 | Jul 28 | Jul 29 | Jul 30 | Jul 31 | Aug 01 | Aug 02 | Aug 03 |
|--------------------------|----|-----|-------|------|---|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 7.01 | 7.2 | 7.01 | 7.91 | 7.68 | 7.21 | 7.24 | 7.86 | 7.09 |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.11 | 0.14 | 0.11 | 0.11 | 0.11 | 0.11 | 0.11 | 0.12 | 0.13 |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | 26.2 | 30.43 | 32.35 | 25.96 | 29.87 | 27.49 | 26.38 | 26.45 | 34.47 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.2 | 0.22 | 0.2 | 0.26 | 0.2 | 0.23 | 0.26 | 0.25 | 0.18 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 63545.060736.061007.064756.069858.058477.062073.050953.055574.0 | | | | | | | | |

| Parameter | Aug 04 | Aug 05 | Aug 06 | Aug 07 | Aug 08 | Aug 09 | Aug 10 | Aug 11 | Aug 12 | Aug 13 | Aug 14 |
|--------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | 6.96 | 7.61 | 7.55 | 7.0 | 7.02 | 7.2 | 6.7 | 7.3 | 7.5 | 7.36 | 7.51 |
| PermeateTurbidityAfterBP | 0.11 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 | 0.12 |
| TCPermeabilityBeforeBP | 29.64 | 27.22 | 24.94 | 26.98 | 28.64 | 27.99 | 30.11 | 24.3 | 32.13 | 30.53 | 28.93 |
| TMPBeforeBP | 0.19 | 0.25 | 0.26 | 0.24 | 0.23 | 0.22 | 0.17 | 0.22 | 0.21 | 0.22 | 0.24 |
| TotalPermeateFlowDaily | 81861.061719.064270.068974.062402.069339.055995.079576.060825.060260.065404.0 | | | | | | | | | | |

UF 3 KPI Summary

| Parameter | LL | LCL | UCL | HH | Jul 26 | Jul 27 | Jul 28 | Jul 29 | Jul 30 | Jul 31 | Aug 01 | Aug 02 | Aug 03 |
|--------------------------|----|-----|-------|------|---|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 7.36 | 8.3 | 7.68 | 8.34 | 6.91 | 7.46 | 7.63 | 7.45 | 6.77 |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.11 | 0.12 | 0.16 | 0.11 | 0.11 | 0.11 | 0.12 | 0.11 | 0.11 |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | 25.92 | 28.81 | 24.65 | 25.39 | 23.5 | 26.1 | 26.1 | 24.85 | 26.46 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.27 | 0.28 | 0.29 | 0.3 | 0.26 | 0.27 | 0.29 | 0.3 | 0.24 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 67285.052453.059800.069842.064326.057890.052617.069013.060141.0 | | | | | | | | |

| Parameter | Aug 04 | Aug 05 | Aug 06 | Aug 07 | Aug 08 | Aug 09 | Aug 10 | Aug 11 | Aug 12 | Aug 13 | Aug 14 |
|--------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | 7.43 | 7.64 | 7.41 | 7.28 | 7.67 | 7.65 | 7.29 | 7.67 | 7.04 | 6.67 | 7.51 |
| PermeateTurbidityAfterBP | 0.09 | 0.02 | 0.02 | 0.02 | 0.01 | 0.02 | 0.03 | 0.05 | 0.06 | 0.07 | 0.07 |
| TCPermeabilityBeforeBP | 29.18 | 25.68 | 25.5 | 25.83 | 25.94 | 26.49 | 23.78 | 27.66 | 28.93 | 26.25 | 27.28 |
| TMPBeforeBP | 0.23 | 0.27 | 0.26 | 0.26 | 0.28 | 0.27 | 0.27 | 0.26 | 0.23 | 0.22 | 0.27 |
| TotalPermeateFlowDaily | 64353.075585.065062.058889.056158.061279.069682.058973.086425.057893.065565.0 | | | | | | | | | | |

UF 4 KPI Summary

| Parameter | LL | LCL | UCL | HH | Jul 26 | Jul 27 | Jul 28 | Jul 29 | Jul 30 | Jul 31 | Aug 01 | Aug 02 | Aug 03 |
|--------------|----|-----|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 7.38 | 7.56 | 7.41 | 7.78 | 7.33 | 7.54 | 6.43 | 6.78 | 7.58 |

| Parameter | LL | LCL | UCL | HH | Jul 26 | Jul 27 | Jul 28 | Jul 29 | Jul 30 | Jul 31 | Aug 01 | Aug 02 | Aug 03 |
|--------------------------|----|-----|-----|----|---|--------|--------|--------|--------|--------|--------|--------|--------|
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.08 | 0.09 | 0.1 | 0.09 | 0.09 | 0.09 | 0.1 | 0.1 | 0.1 |
| TCPPermeabilityBeforeBP | 4 | 6 | -- | -- | 26.74 | 24.46 | 26.0 | 22.7 | 23.0 | 22.06 | 21.85 | 26.36 | 24.87 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.24 | 0.29 | 0.25 | 0.32 | 0.28 | 0.33 | 0.19 | 0.21 | 0.25 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 58365.066859.060819.077601.051593.061130.054847.072934.075627.0 | | | | | | | | |

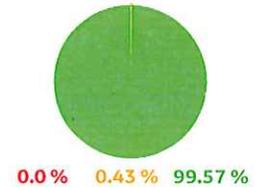
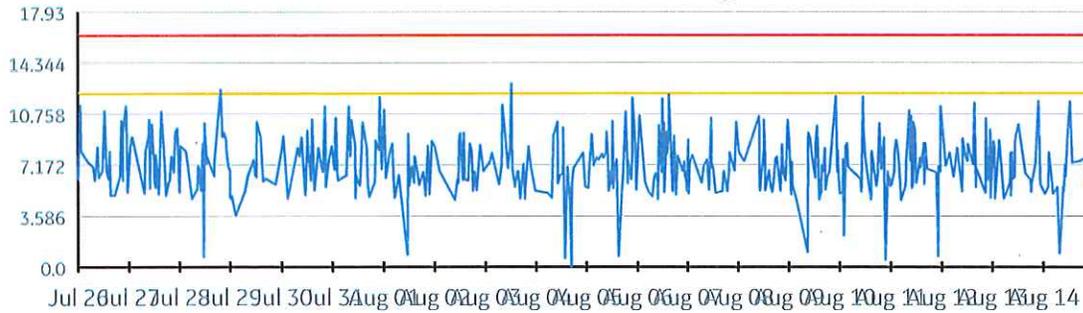
| Parameter | Aug 04 | Aug 05 | Aug 06 | Aug 07 | Aug 08 | Aug 09 | Aug 10 | Aug 11 | Aug 12 | Aug 13 | Aug 14 |
|--------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| FluxBeforeBP | 7.28 | 8.11 | 7.61 | 7.07 | 7.0 | 7.28 | 7.83 | 7.01 | 6.81 | 6.99 | 6.94 |
| PermeateTurbidityAfterBP | 0.07 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.01 | 0.0 | 0.0 | 0.0 |
| TCPPermeabilityBeforeBP | 24.27 | 25.84 | 23.33 | 21.03 | 27.34 | 26.18 | 25.91 | 25.34 | 25.16 | 29.88 | 26.3 |
| TMPBeforeBP | 0.26 | 0.28 | 0.29 | 0.26 | 0.19 | 0.26 | 0.29 | 0.26 | 0.27 | 0.2 | 0.22 |
| TotalPermeateFlowDaily | 61721.088832.066520.053050.064414.059995.084497.085625.057247.076212.068455.0 | | | | | | | | | | |

UF Plant KPI Summary

| Parameter | LL | LCL | UCL | HH | Jul 26 | Jul 27 | Jul 28 | Jul 29 | Jul 30 | Jul 31 | Aug 01 | Aug 02 | Aug 03 |
|------------------------|----|-----|--------|--------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| PermeateTemperature | 32 | -- | 100 | 110 | 73.44 | 73.97 | 74.29 | 74.66 | 75.13 | 74.63 | 74.38 | 73.93 | 73.91 |
| TotalPermeateFlowDaily | -- | -- | 110000 | 210000 | 247427.0 | 242589.0 | 259226.0 | 278398.0 | 247690.0 | 243612.0 | 235302.0 | 249505.0 | 250509.0 |

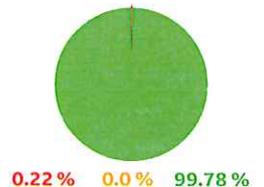
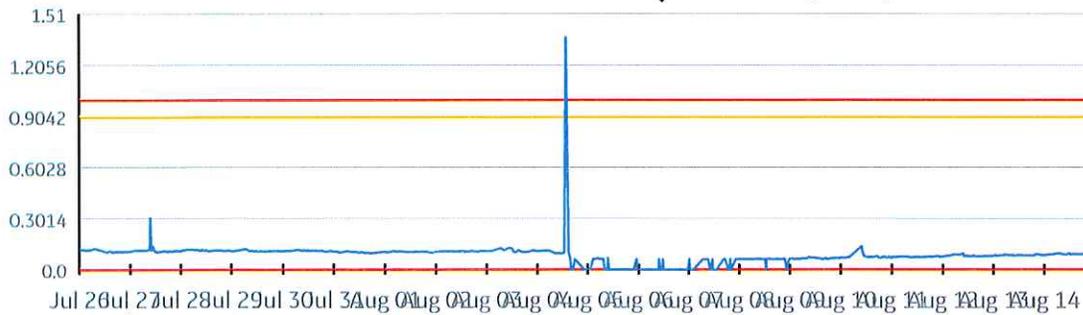
| Parameter | Aug 04 | Aug 05 | Aug 06 | Aug 07 | Aug 08 | Aug 09 | Aug 10 | Aug 11 | Aug 12 | Aug 13 | Aug 14 |
|------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| PermeateTemperature | 74.14 | 74.35 | 73.98 | 73.46 | 73.41 | 73.83 | 73.88 | 73.75 | 73.7 | 73.23 | 72.96 |
| TotalPermeateFlowDaily | 263940.0 | 301031.0 | 279314.0 | 244887.0 | 244868.0 | 255946.0 | 269649.0 | 307323.0 | 266671.0 | 266793.0 | 250913.0 |

UF 1 - FluxBeforeBP (gfd)



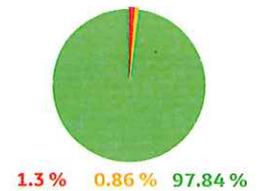
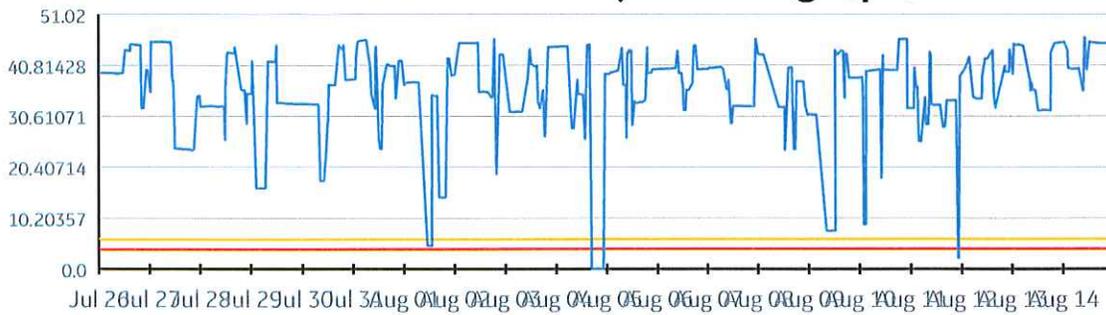
0.0% 0.43% 99.57%

UF 1 - PermeateTurbidityAfterBP (NTU)

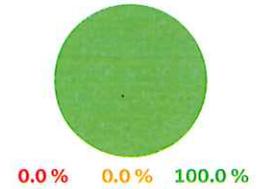
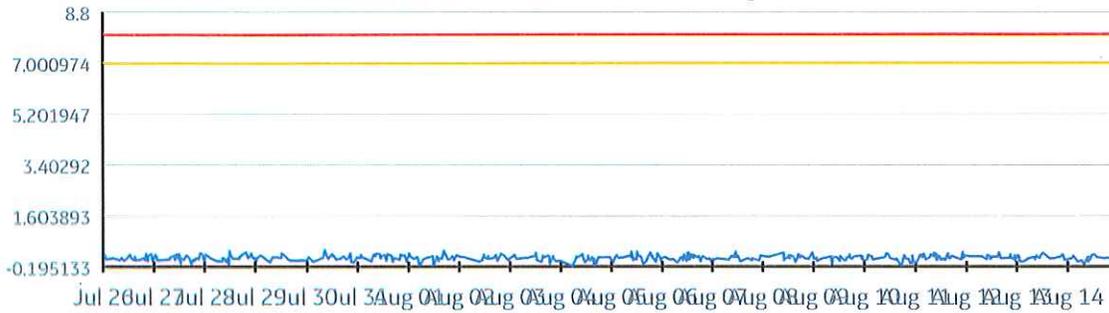


0.22% 0.0% 99.78%

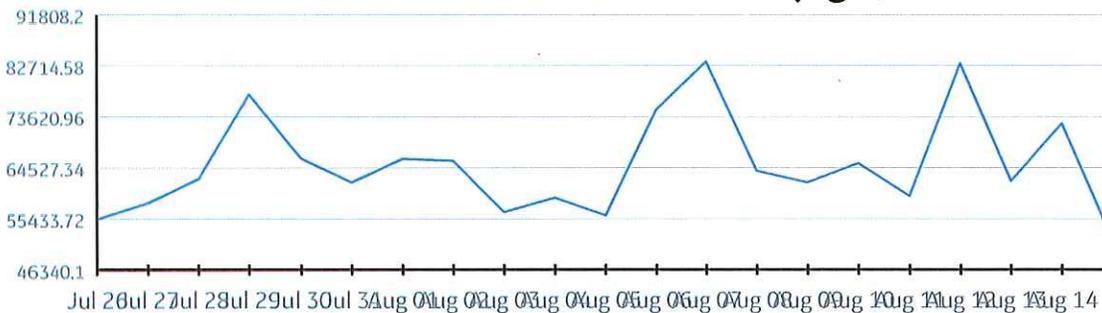
UF 1 - PermeabilityBeforeBP (gfd/psi)



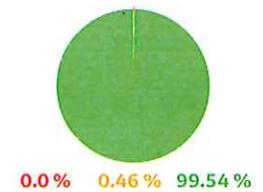
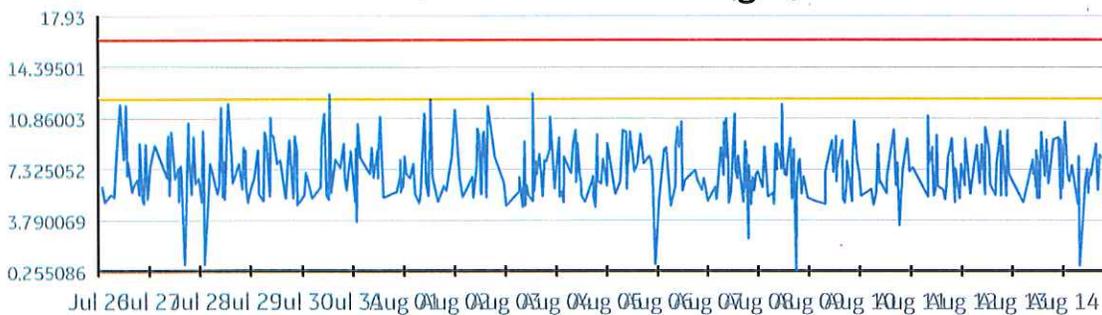
UF 1 - TMPBeforeBP (psi)



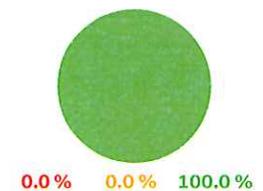
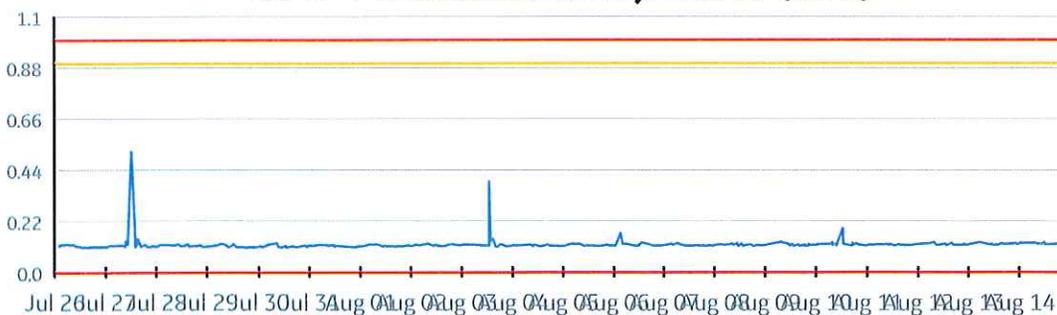
UF 1 - TotalPermeateFlowDaily (gal)



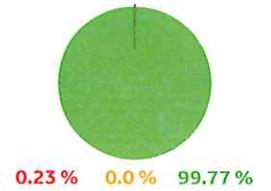
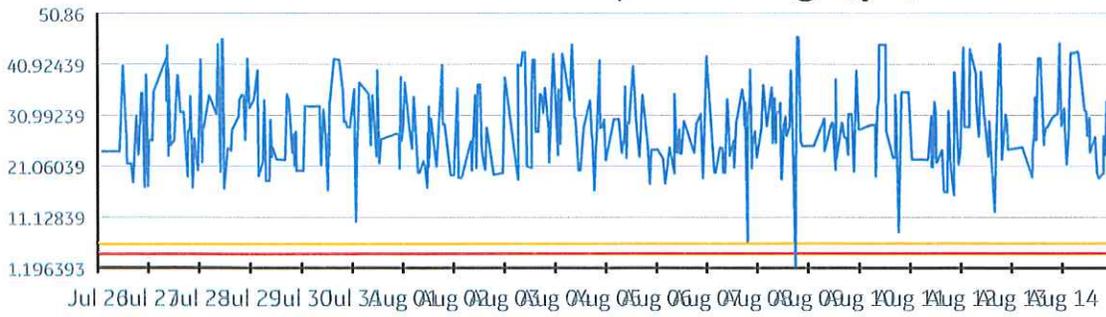
UF 2 - FluxBeforeBP (gfd)



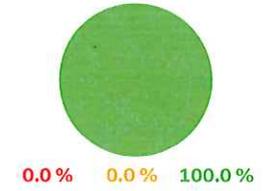
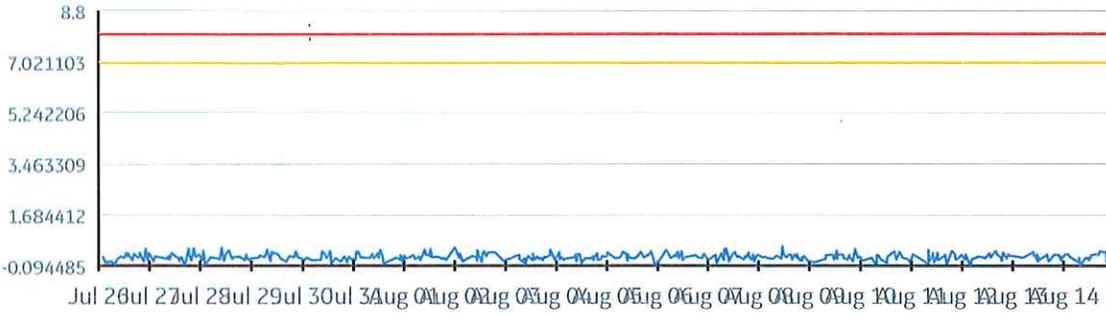
UF 2 - PermeateTurbidityAfterBP (NTU)



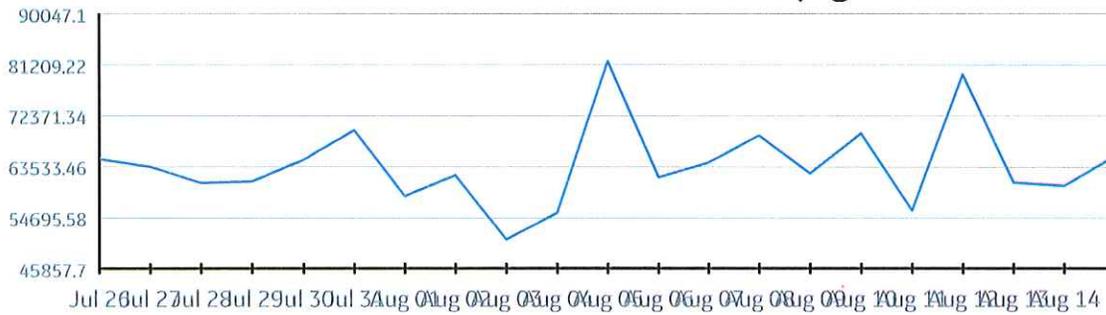
UF 2 - PermeabilityBeforeBP (gpd/psi)



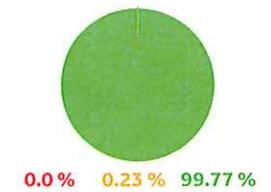
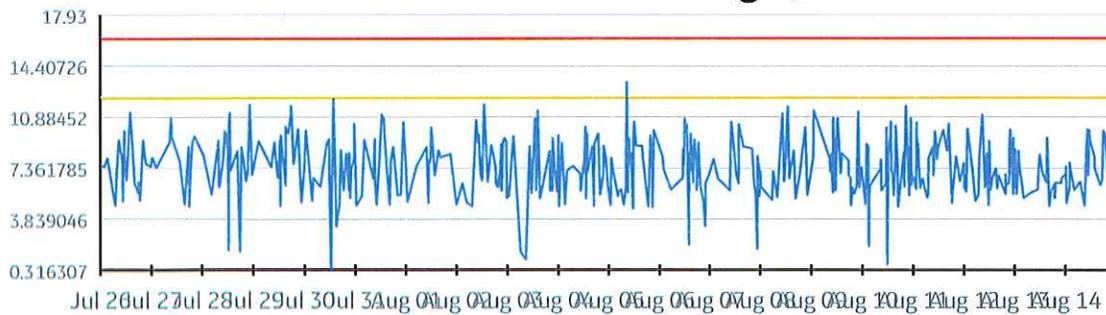
UF 2 - TMPBeforeBP (psi)



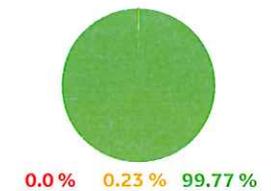
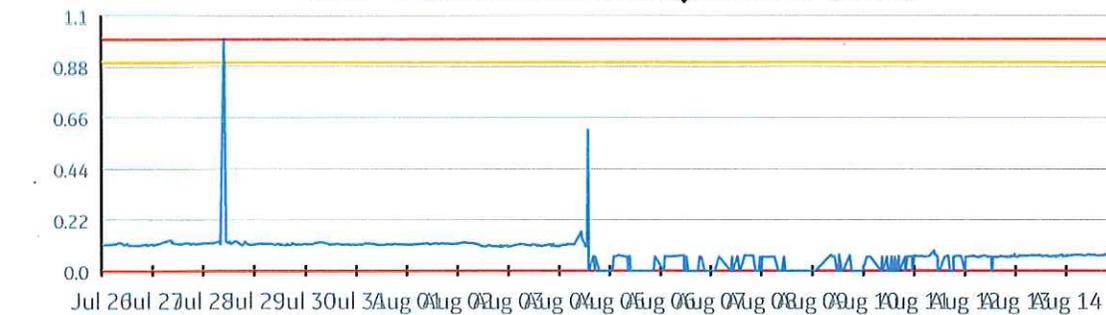
UF 2 - TotalPermeateFlowDaily (gal)



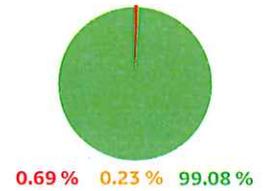
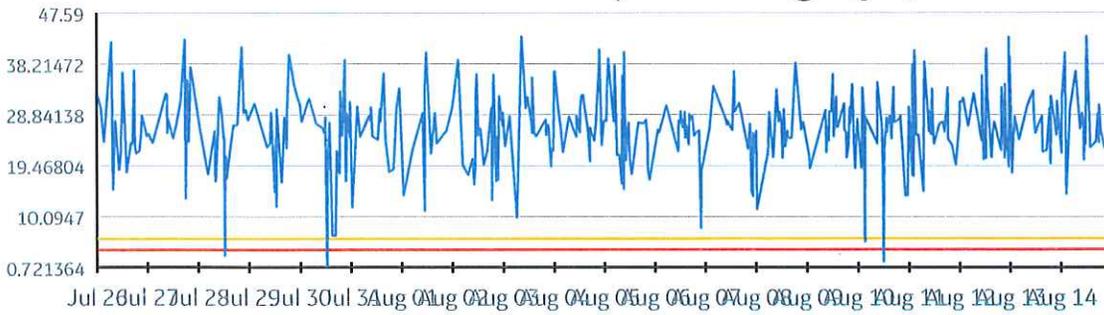
UF 3 - FluxBeforeBP (gfd)



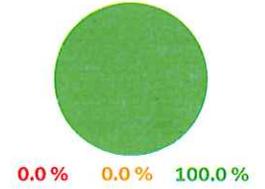
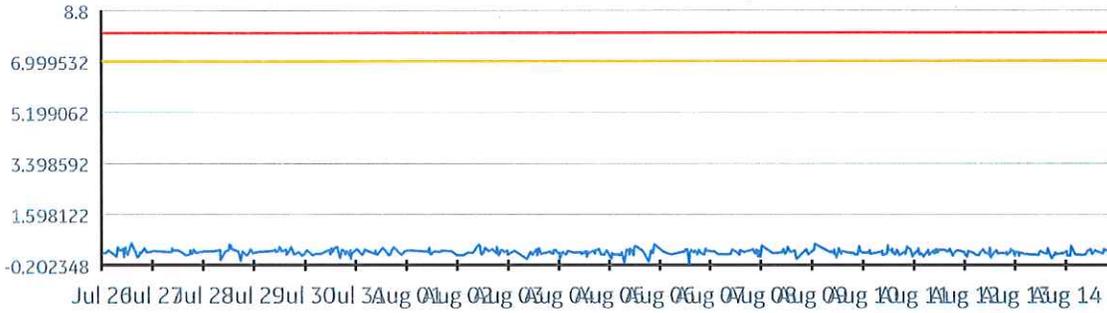
UF 3 - PermeateTurbidityAfterBP (NTU)



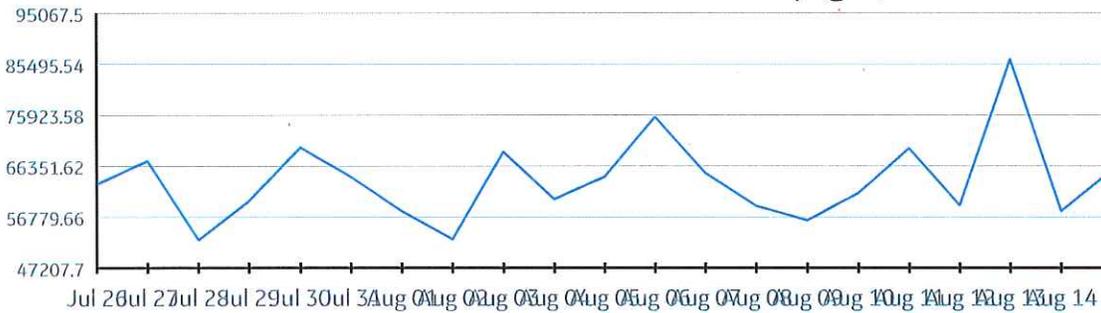
UF 3 - PermeabilityBeforeBP (gfd/psi)



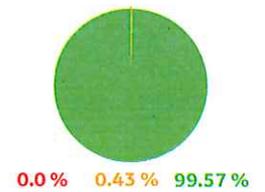
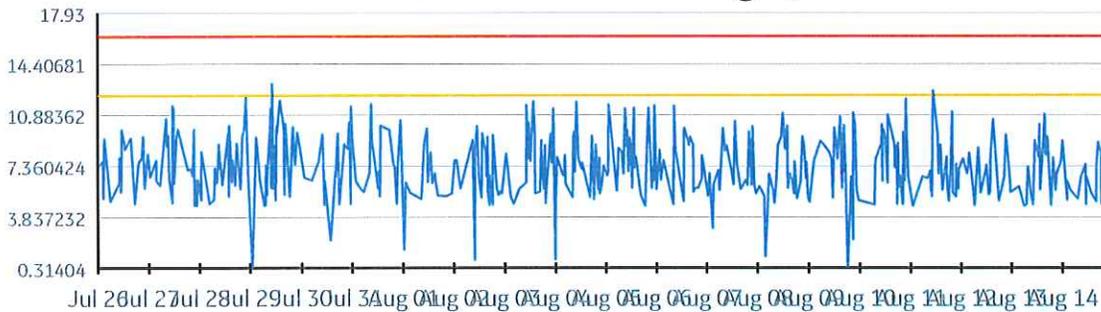
UF 3 - TMPBeforeBP (psi)



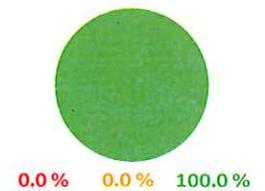
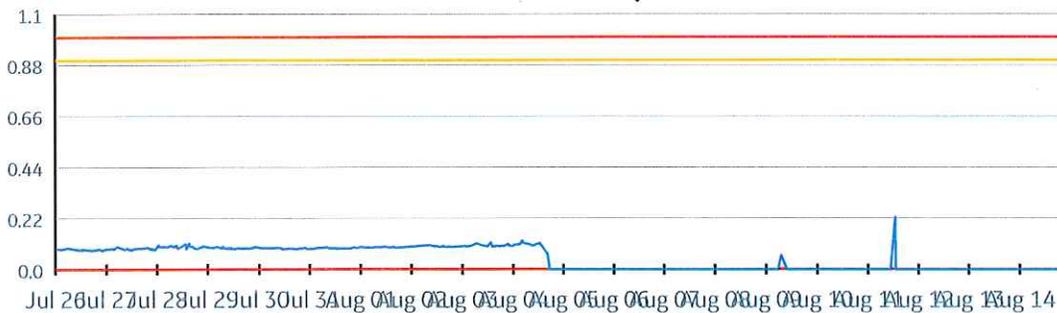
UF 3 - TotalPermeateFlowDaily (gal)



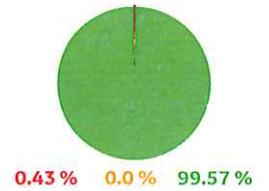
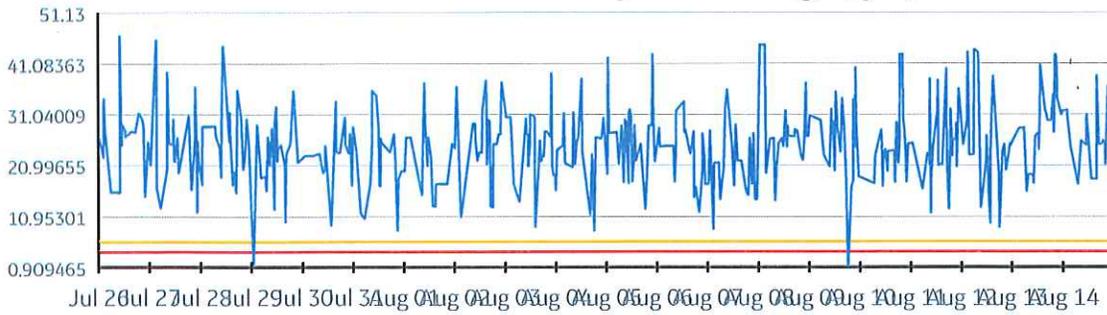
UF 4 - FluxBeforeBP (gfd)



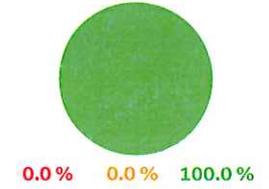
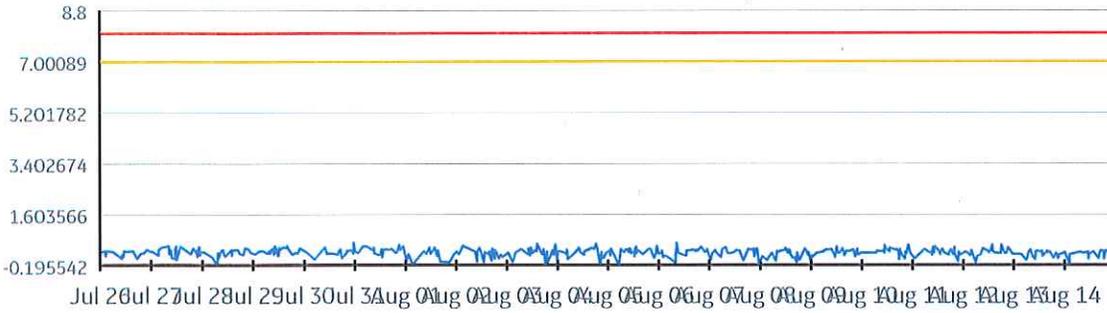
UF 4 - PermeateTurbidityAfterBP (NTU)



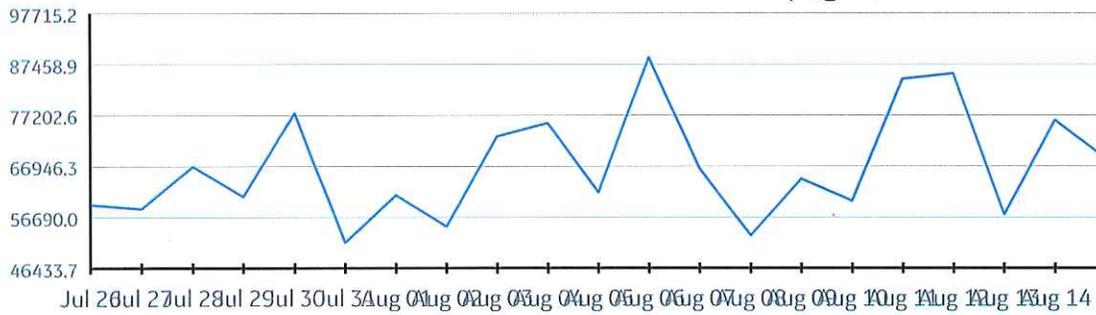
UF 4 - PermeabilityBeforeBP (gpd/psi)



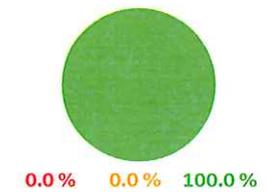
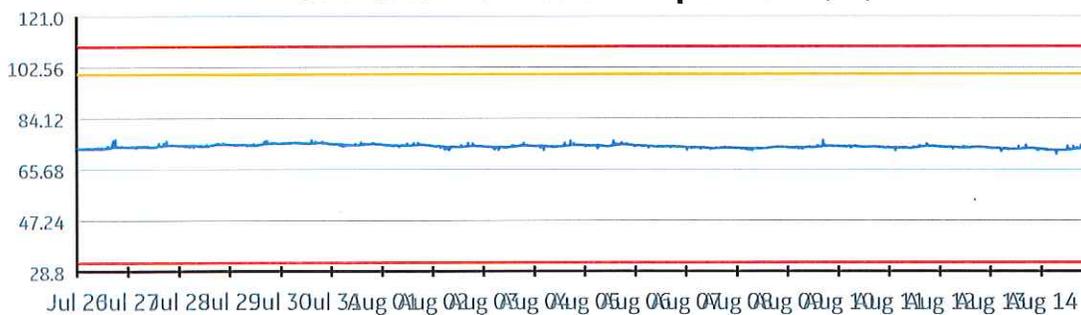
UF 4 - TMPBeforeBP (psi)



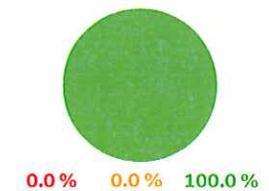
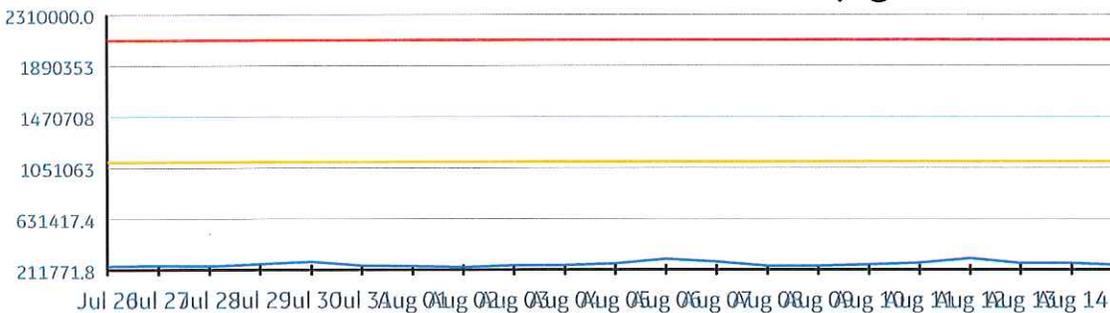
UF 4 - TotalPermeateFlowDaily (gal)



UF Plant - PermeateTemperature (°F)



UF Plant - TotalPermeateFlowDaily (gal)



Attachment 9

Report of the Department of Public Works

January 7, 2016

We experienced no water breaks or sewer related issues this past month. Thanks to the unusually mild weather we had no weather related issues or winter storm events.

During the past month we continued maintenance of our snow removal equipment and repaired a few minor issues that were identified. We should be in good shape when our first winter weather event occurs.

The construction progress at Berryville Glen was slowed during the past month. The contractor is in the process of pouring curb and gutter. Once this is complete a crew will begin to install the water laterals. If the temperatures improve and we don't experience too much wet weather, they hope to apply the base asphalt within the next two weeks.

Attachment 10

**BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Monday, January 4, 2016
Berryville-Clarke County Government Center
2:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Harry Lee Arnold, Jr., Chairman; Wilson Kirby

Staff: Keith Dalton, Town Manager

Press: None

Public: Bryant Condrey, Patricia Dickinson

1. Call to Order

Chairman Arnold called the meeting to order at 2:00 p.m.

2. Closed Session - Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

a. Motion to enter Closed Session

Mr. Kirby moved that the Personnel Committee of the Council of the Town of Berryville enter a closed meeting in accordance with §2.2-3711-A-1, Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions. Mr. Arnold seconded the motion which carried unanimously.

b. Reconvene Open Session and Certification of Closed Session

The Committee reconvened in open session. **Mr. Kirby moved that the following Resolution Concerning Certification of the Closed Session be adopted. Mr. Arnold seconded the motion which carried on the following roll call vote:**

Mr. Arnold – Aye

Mr. Kirby – Aye

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

3. Adjourn

There being no further business, the meeting was adjourned at 3:50 p.m.

**BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Tuesday, January 5, 2016
Berryville-Clarke County Government Center
2:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Harry Lee Arnold, Jr., Chairman; Wilson Kirby

Staff: Keith Dalton, Town Manager; Christy Dunkle, Planner/Asst. Town Manager

Press: None

Public: Krish Mathur, Kara Rodriguez

1. Call to Order

Chairman Arnold called the meeting to order at 2:00 p.m.

2. Closed Session - Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

a. Motion to enter Closed Session

Mr. Kirby moved that the Personnel Committee of the Council of the Town of Berryville enter a closed meeting in accordance with §2.2-3711-A-1, Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions. Mr. Arnold seconded the motion which carried unanimously.

b. Reconvene Open Session and Certification of Closed Session

The Committee reconvened in open session. **Mr. Kirby moved that the following Resolution Concerning Certification of the Closed Session be adopted. Mr. Arnold seconded the motion which carried on the following roll call vote:**

Mr. Arnold – Aye

Mr. Kirby – Aye

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

3. Discussion – Recommendation for appointment to Town Boards.

Mr. Kirby moved to send the following recommendation to Town Council:

Bryant Condrey to be appointed to Town Council from Ward 3 filling the unexpired term of Mary Daniel who resigned

Krish Mathur to be appointed to the Board of Zoning Appeals

Kara Rodriguez to be appointed to the Board of Zoning Appeals

Mr. Arnold seconded the motion which carried unanimously.

4. Adjourn

There being no further business, the meeting was adjourned at 3:29 p.m.

Attachment 11

BERRYVILLE TOWN COUNCIL
MOTION TO APPOINT WARD 3 COUNCIL MEMBER

DATE: January 12, 2016

MOTION BY:

SECOND BY:

I move that in accordance with Section 3.5 of the Berryville Charter, the Council of the Town of Berryville appoint J. Bryant Condrey to the Berryville Town Council as Ward 3 representative to fill the unexpired term of Mary Daniel effective immediately for a term to expire June 30, 2016.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 12

BERRYVILLE TOWN COUNCIL
MOTION TO RECOMMEND APPOINTMENT
TO THE BERRYVILLE BOARD OF ZONING APPEALS

Date: January 12, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville recommend that the Circuit Court of Clarke County appoint Krishan Mathur to fill an unexpired five year term on the Berryville Board of Zoning Appeals effective immediately and ending on June 12, 2017.

VOTE:

Aye:

Nay:

Abstain:

Absent:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO RECOMMEND APPOINTMENT
TO THE BERRYVILLE BOARD OF ZONING APPEALS

Date: January 12, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville recommend that the Circuit Court of Clarke County appoint Kara Rodriguez to the Berryville Board of Zoning Appeals for a five-year term effective immediately and ending on December 31, 2020.

VOTE:

Aye:

Nay:

Abstain:

Absent:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder