

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Regular Meeting
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Tuesday, October 11, 2016
7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call the Town Council to Order – Patricia Dickinson, Mayor	
2. Pledge of Allegiance	
3. Approval of Agenda	
4. Public Hearings-	
a. Georganne Derick Giordano, owner/applicant, requests a Special Use Permit in order to operate a Professional Office at 208 North Buckmarsh Street, identified as Tax Map Parcel 14A2-((A)-33, zoned R-3 Residential. SUP 04-16	1↓
b. The Berryville Planning Commission initiates a text amendment to Article II, Section 204.2 of the Berryville Zoning Ordinance, establishing Veterinary Hospitals as a use permitted by Special Use Permit in the C General Commercial Zoning District. TA 07-16	2↓
c. The Berryville Town Council initiates text amendments requested by A.C. Echols to Article VI, Section 614 OPR Older Person Residential of the Berryville Zoning Ordinance, establishing various housing types and supporting personal services as uses Permitted by Right. TA 04-16	3↓
d. The Berryville Town Council initiates a text amendment requested by A.C. Echols to Article VI, Section 614 OPR Older Person Residential of the Berryville Zoning Ordinance, in order to remove the maximum number of older person residential units, including a maximum number of multi-family units permitted within that cap. TA 05-16	4↓
5. Approval of Minutes	
September 13, 2016 Work Session with CCBOS September 13, 2016 Regular Meeting	5
6. Citizens' Forum	
7. Report of Patricia Dickinson, Mayor	

<u>Item</u>	<u>Attachment</u>
8. Report of Christy Dunkle, Asst. Town Manager for Community Development Planning Department Monthly Report	6↓
9. Report of Keith Dalton, Town Manager Valor Awards	7
10. Report of H. Allen Kitselman, III - Berryville Area Development Authority Liaison	
11. Report of Erecka Gibson – Chair, Budget and Finance Committee Approval of Committee Meeting Minutes – 9/21/16	8
Report of Desiree Moreland, Treasurer	9
12. Report of Donna McDonald – Chair, Community Improvements Committee Approval of Committee Meeting Minutes – 9/26/16	10
13. Report of David Tollett- Planning Commission Liaison	
14. Report of David Tollett – Chair, Police and Security Committee Police Chief’s Monthly Report	11
15. Report of Patricia Dickinson – Chair, Streets and Utilities Committee Public Utilities Director’s Report	12
Public Works Director’s Report	13
16. Report of Erecka Gibson – Chair, Personnel Committee	
17. Other	
18. Closed Session – No closed session scheduled	
19. Adjourn	

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

Attachment 1

**TOWN OF BERRYVILLE
TOWN COUNCIL
PUBLIC HEARING NOTICE**

The Berryville Town Council will hold the following public hearings at 7:30 p.m., or as soon after as these matters may be heard, on Tuesday, October 11, 2016, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Georganne Derick Giordano, Owner/Applicant, is requesting a Special Use Permit in order to operate a Professional Office per Section 203.2(b) of the Berryville Zoning Ordinance at the property located at 208 North Buckmarsh Street, identified as Tax Map Parcel number 14A2-((A))-33 zoned R-3 Residential. SUP 04-16

The Berryville Planning Commission is initiating a text amendment to Article II, Section 204.2 of the Berryville Zoning Ordinance establishing veterinary hospitals as a use by Special Permit in the C General Commercial Zoning District. TA 07-16

The Berryville Town Council is sponsoring a text amendment requested by A.C. Echols, Owner/Agent, to Article VI, Section 614 Older Person Residential (OPR), of the Berryville Zoning Ordinance to allow "Housing for Older Persons Residential: Single Family Detached; Single Family Attached - Duplexes, Tri-plexes, Quad plexes, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet)" as a permitted use under Section 614.2(c) and removing "Housing for Older Persons, Medium Density: Single-Family Attached (Townhouses - 5 to 8 attached residential uses), Multi-family (including personal service uses of less than 500 square feet) from Section 614.3.(c). TA 04-16

The Berryville Town Council is sponsoring a text amendment requested by A.C. Echols, Owner/Agent, to Article VI, Section 614 Older Person Residential (OPR), of the Berryville Zoning Ordinance in order to remove the maximum number of Older Person Residential units (300), including not more than one hundred twenty (120) multifamily units, permitted in the OPR Zoning District in Annexation Area B as shown on approved subdivision plats and site plans as established in Section 614.6 Maximum Density. TA-05-16

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

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

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

BERRYVILLE TOWN COUNCIL
Public Hearing – Special Use Permit for Professional Office –
208 North Buckmarsh Street
October 11, 2016

Georganne Derick Giordano, Owner/Applicant, is requesting a Special Use Permit in order to operate a Professional Office per Section 203.2(b) of the Berryville Zoning Ordinance at the property located at 208 North Buckmarsh Street, identified as Tax Map Parcel number 14A2-((A))-33 zoned R-3 Residential. SUP 04-16

Public hearing notices were published in the Winchester Star on Tuesday, September 27 and Tuesday, October 4, 2016. Adjacent property notices were mailed via first class mail on September 20, 2016. No comments were received in the Planning or Business Office.

The Berryville Planning Commission held a public hearing on the matter at their September 27, 2016 meeting. There were a number of speakers supporting the application at that meeting and the Planning Commission recommended that Town Council approve the request with the following condition:

- Hours of operation 9:00am to 9:00pm seven days per week.

Ms. Giordano is requesting a Special Use Permit in order to operate a professional office at the property referenced above. She is requesting the hours of operation recommended by Planning Commission and has indicated that a local pastor has approached her to use the building two Sundays a month for church services. Churches are a use by right in this zoning district under Section 203.1(d) of the Berryville Zoning Ordinance.

Ms. Giordano discussed the graveyard located on her property at the September public hearing. Ms. Dorothy Davis also spoke to this matter and indicated that Ms. Giordano has offered access to those interested in researching the graveyard and to family members of those buried there.

September 13, 2016 Staff Report

The Planning Commission is holding a public hearing on this matter at their September 27, 2016 meeting and will have comments and recommendations for the request by the October 11, 2016 Town Council meeting.

Ms. Giordano has purchased the property identified above (formerly Steve's Upholstery). The applicant's business includes shared space for licensed and/or certified health and wellness practitioners specializing in Complementary and Alternative Medicines (CAM). A letter from Ms. Giordano is included as part of her SUP application and follows this report.

Mr. Roberson, the previous owner, completed site work on the property as part of his Special Use Permit application that was approved in 1999. These improvements include

a commercial entrance; installation of curb around the driveway and parking lot; and the identification of the graveyard that was part of the church use.

Historical Information

Considered a contributing structure in the Berryville Historic District, the church was built between 1870 and 1900. An addition was added to the rear of the building in 1999. The wood frame building was home to the Supreme Council of the House of Jacob and is gothic revival architectural style. Additional information is included on the Historic District Survey Form that was conducted in 1988 as a component to creating the local historic district.

Any exterior modifications to the structure, including signage, lighting, and changes to windows and doors, will be reviewed and approved by the Architectural Review Board.

Site Information

The graveyard is identified on a site plan that was part of the earlier application. The structure, which is approximately 1,800 square feet, requires a minimum of six parking spaces. The graveyard is approximately 2,800 square feet, however it encumbers a significant portion of the rear of the property due to lack of access. This portion of the site shall be maintained by the property owner.

Adjacent Zoning

Adjacent properties are zoned DR-4 Detached Residential to the north; R-2 Residential to the east (rear) and west (across Buckmarsh); and R-3 to the south.

Other

Ms. Giordano has identified hours of operation from 9:00am to 9:00pm Monday through Saturday.

The following items are included with this report:

- Special Use Permit application;*
- Letter from the applicant outline the request;*
- Site plan identifying parking, graveyard, and signage location;*
- Historic District Survey conducted in 1988; and*
- Photos of the property.*

Recommendation

Approve as presented. A motion follows this report.

Town of Berryville
101 Chalmers Court -- Suite A
Berryville, Virginia 22611
Phone: (540) 955-4081 Fax: (540) 955-4524 E-mail: planner@berryvilleva.gov

SPECIAL USE PERMIT APPLICATION

Please Note: This is an application only. The permit will be issued only if approved by the Berryville Town Council after review and recommendation from the Planning Commission.

To be completed by Applicant: _____ Date: 8/16, 20 16
Applicant's Name: Georganne Derick Giordano
Applicant's Address: 1055 North Hill Lane, Berryville, VA 22611
Use Applied For: Professional Offices
At the following address: 208 North Buckmarsh St. (R# 340) 22611
Special Conditions: _____

Property Owner's Name: Georganne Derick Giordano
Property Owner's Address: 1055 North Hill Lane, Berryville, VA 22611

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: [Signature] Date: 8/16/16

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

Signature: [Signature] Date: 8/16/16

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: PROFESSIONAL OFFICES Zone: R3
Street Address: 208 N. BUCKMARSH ST Tax Map #: 44A2 (LA) 33
Special Use Permit Fee: \$2,000 Paid: 8-16-16
Site Plan Fee: \$125 Paid: 8-16-16
Signature of Zoning Administrator: _____ Date: _____

September 14, 2016

To the Planning Commission of Berryville, VA.

We are requesting a special use permit in order to operate professional offices at the property located at 208 North Buckmarsh St. (Rte 340, identified as Tax Map Parcel number 14A2-((A))-33, zoned R-3 Residential.

The rear lot includes an historic graveyard affiliated with the original AME church. It is our intention to foster wise stewardship of this site, and we look forward to working with Dorothy Davis, the Josephine Museum, and any others interested in protecting and preserving this important site.

Office spaces will be time-shared by licensed or certified health and wellness practitioners specializing in Complementary and Alternative Medicines [CAM]. Additionally, we will now have the potential to attract Colleagues with already thriving practices into our community. Office hours are expected to range from 9 am to 9 pm Monday through Sunday.

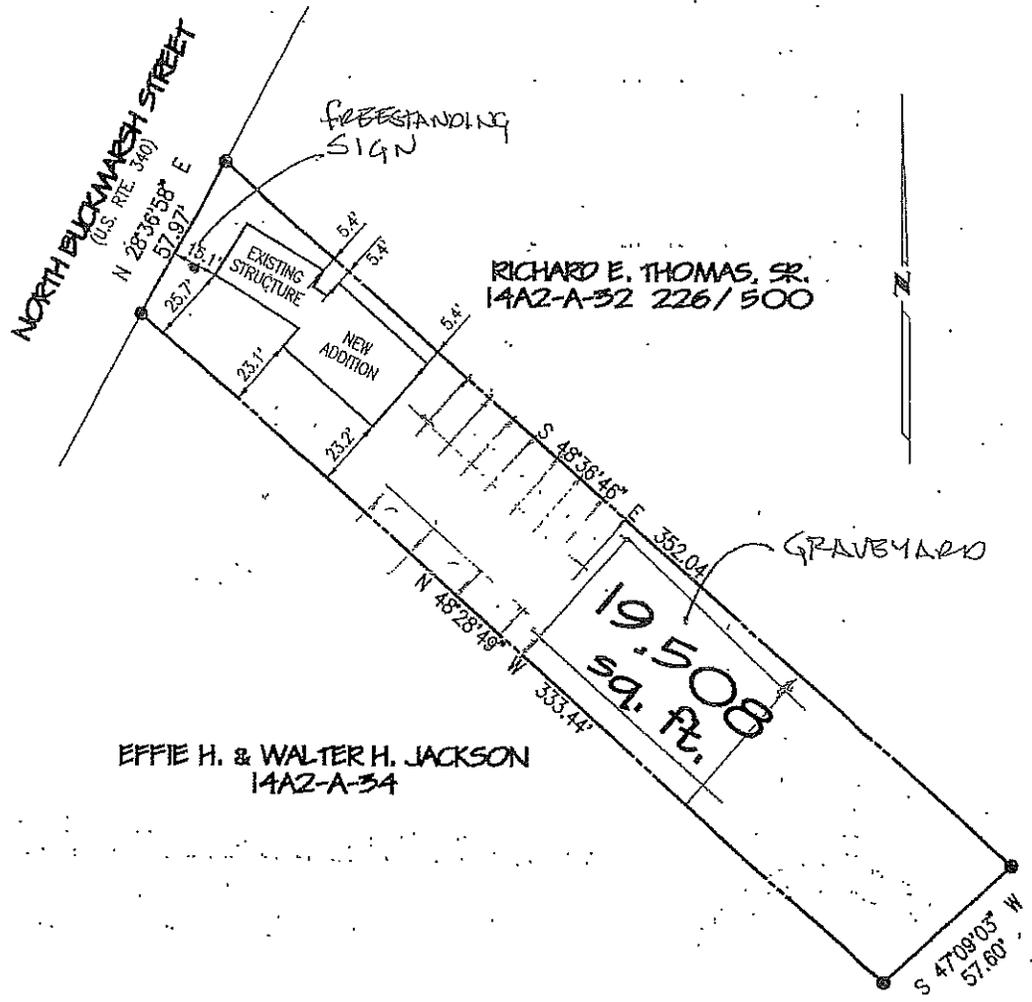
Our specialists will offer preventative, restorative and lifestyle wellness solutions as individualized therapy and education. The group will include among others: nutritionists, health coaches, clinical herbalists, acupuncturists, psychological, energy and movement therapists, and meditation trainers. Up to four practitioners may be working in the space at any one time. A community AME church is interested in offering Sunday am services twice a month for public attendance.

The space behind the building has a large area for parking. Approximately 10 spaces are identified at the rear of the lot.

Respectfully,

Geo Giordano, MSc, RH(AHG)
Registered Clinical Herbalist
Owner of 208 North Buckmarsh St. property

NOT TO SCALE



RICHARD E. THOMAS, SR.
14A2-A-32 226 / 500

EFFIE H. & WALTER H. JACKSON
14A2-A-34

19,508
sq. ft.

HOUSE LOCATION SURVEY OF 19,508 sq. ft.

TOWN OF BERRYVILLE, CLARKE COUNTY, VIRGINIA
SCALE: 1" = 50' DATE: MARCH 28, 2000

PRESENT OWNER:
STEVEN S. & BETTY J. ROBERSON
TM #14A2-A-33 DB 300, PG 502
PROJECT #000055



Artz and Associates
Formerly Ebert & Associates
LAND SURVEYING LAND PLANNING DEVELOPMENT
35 W. BOSCAWEN STREET
WINCHESTER, VA. 22601-4740
TEL. 540-667-3233 FAX 540-667-9188
TOLL FREE 1-800-755-7320

DIVISION OF HISTORIC LANDMARKS

Negative no(s). 8946

HISTORIC DISTRICT/BRIEF SURVEY FORM

Town/Village/Hamlet Berryville Annex (?) County Clarke
 Street address or route number Rt 340N U.S.G.S. Quad Berryville
 Historic name 208 N. Beckman Common name The Supreme Council of the House of Jacob
 Present use Church Building Style Gothic Revival
 Original use Church Building Date(s) c. 1870-1900

1. Construction Materials

- wood frame
- brick
 - bond: English
 - Flemish
 - _____course American
 - stretcher
 - other _____
- stone
 - random rubble
 - coursed rubble
 - ashlar dressed
 - rock-faced
- log:
 - squared unsquared
 - notching: V-notch half dovetail
 - saddle full dovetail
 - square diamond
- concrete block
- terra cotta
- steel frame
- other _____

2. Cladding Material

- weatherboard ^{shingle}
- vertical siding
- board & batten
- shingle:
 - wood
 - asbestos
 - asphalt
 - bricktex
- other German lap siding on front
- composition siding
- stucco
- aluminum or vinyl siding
- cast iron
- sheet metal
- enameled metal
- glass

3. Stories (number) 1
 low basement stone raised basement

4. Bays (number): front 3 side (church) 3
 symmetrical asymmetrical

5. Roof Type
 shed hipped
 parapet? pyramidal?
 gable mansard
 pediment? false mansard
 parapet? gambrel
 clipped end? flat
 cross gable? parapet?
 central front gable? roof not visible
 other _____

6. Roofing Material

- shingle
- composition (asphalt, asbestos, etc.)
- wood
- metal
 - standing seam
 - corrugated
 - pressed tin (simulated shingles)
- tile
- pantile flat glazed
- slate
- not visible

7. Dormers (number): front _____ side _____
 gable pediment?
 shed NONE
 hipped

8. Primary Porch NONE
 style _____
 stones _____
 levels _____ bays _____
 materials _____
 description and decorative details _____

9. General supplementary description and decoration:
4/4 Gothic Revival windows
Side chimney probably for stove

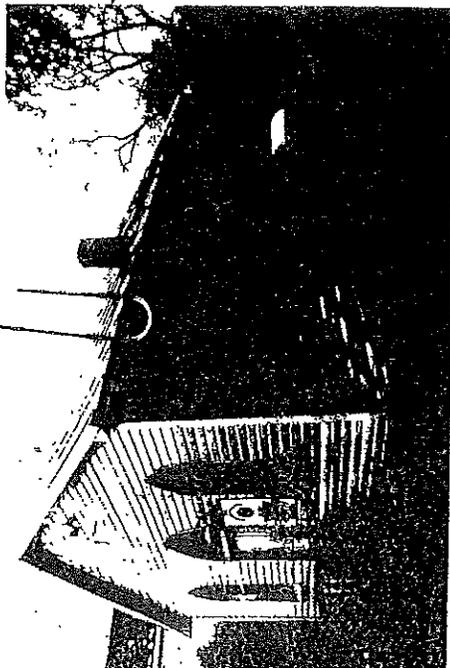
10. Major additions and alterations:
One bay rear addition with shed roof
New walkway with wrought iron rails

11. Outbuildings:
Vertical siding tool shed or out house
Weatherboard two story single pile house now vacant - pastors house?

12. Landscape Features:

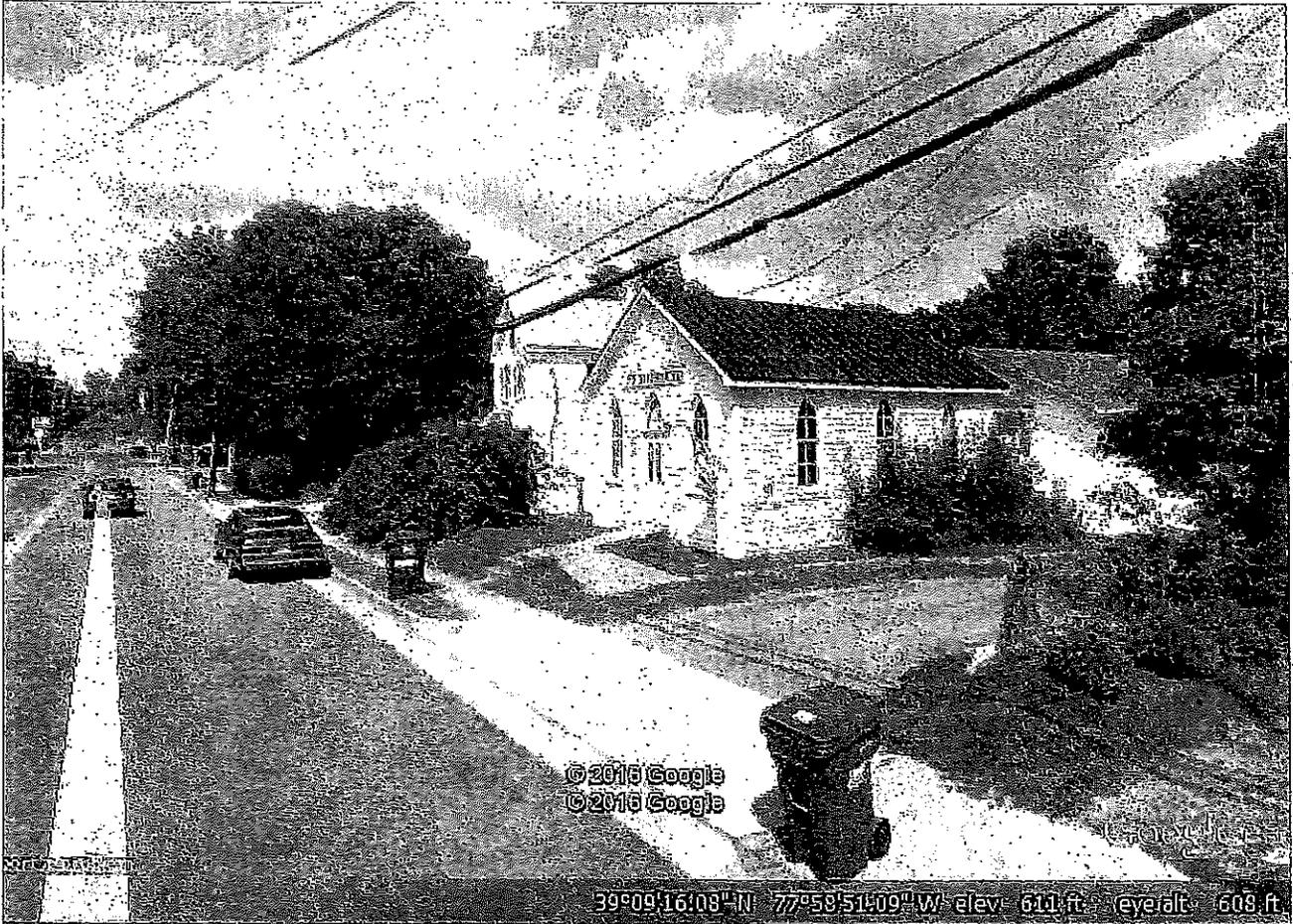
13. Significance:

Wonderful example of church of this style done in a vernacular tradition.



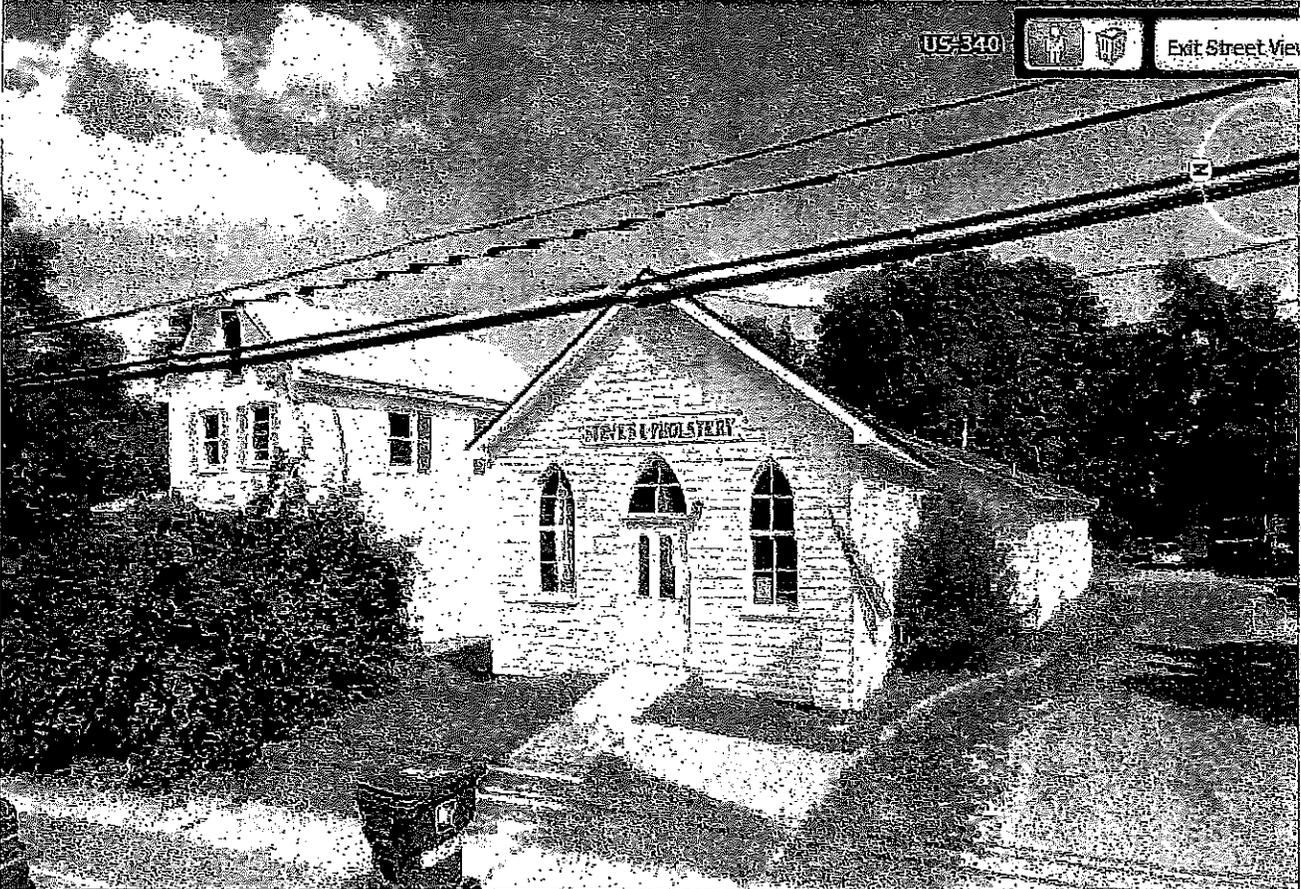
Surveyed by: M. Kilbarr

Date: 2/2/88



© 2015 Google
© 2015 Google

39°09'16.08"N 77°53'51.09"W elev: 611 ft. Teyraht: 608 ft.



US-340



Exit Street View

From: Bill Giordano giordanobill1@gmail.com
Subject: 208 N Buckmarsh photos
Date: August 16, 2016 at 9:37 AM
To: Geo Derick geosjoy@rstarmail.com, Georganne Derick geoderick@gmail.com

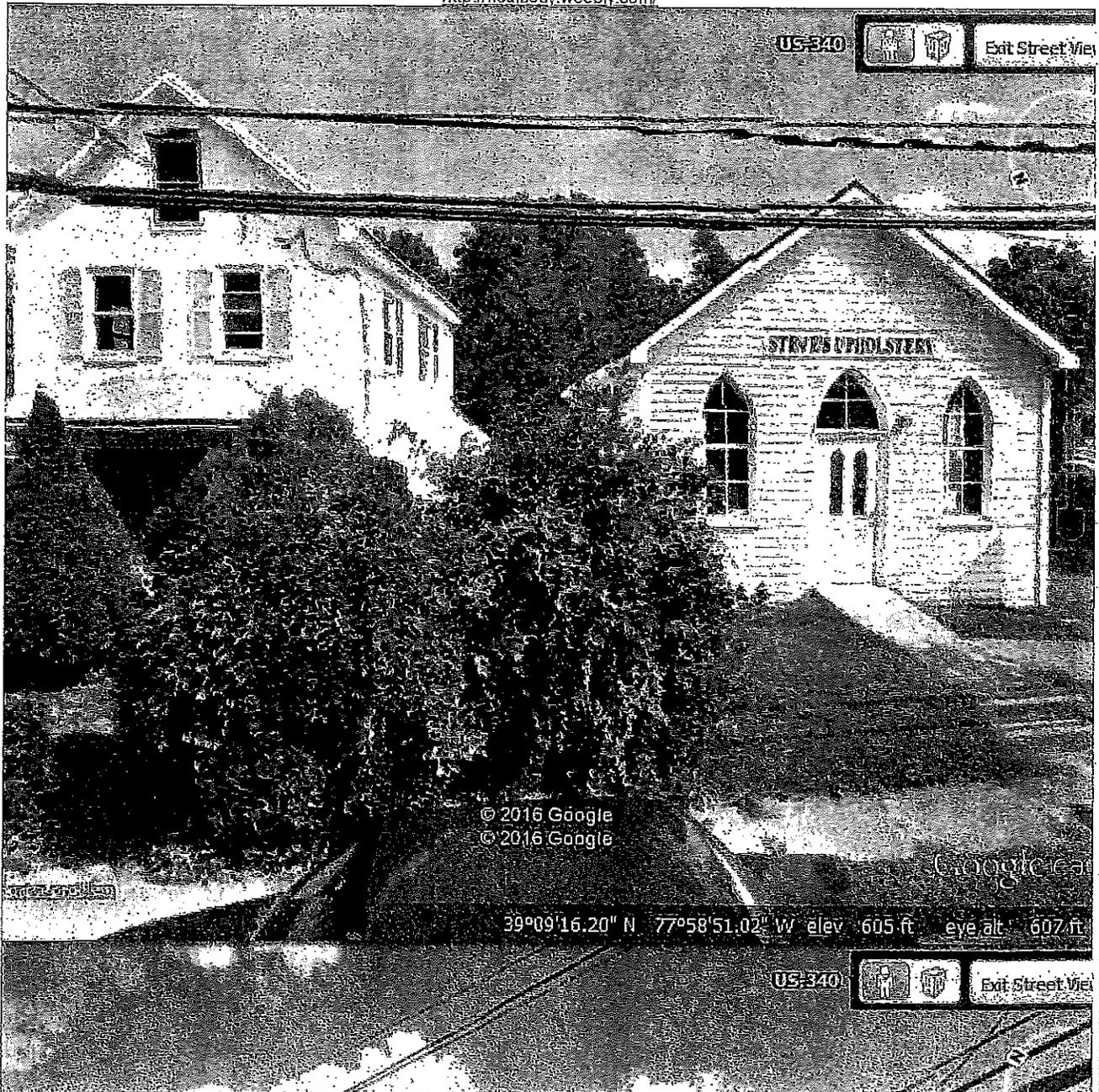


(attached)
- including some Google Earth

-Expect Miracles-

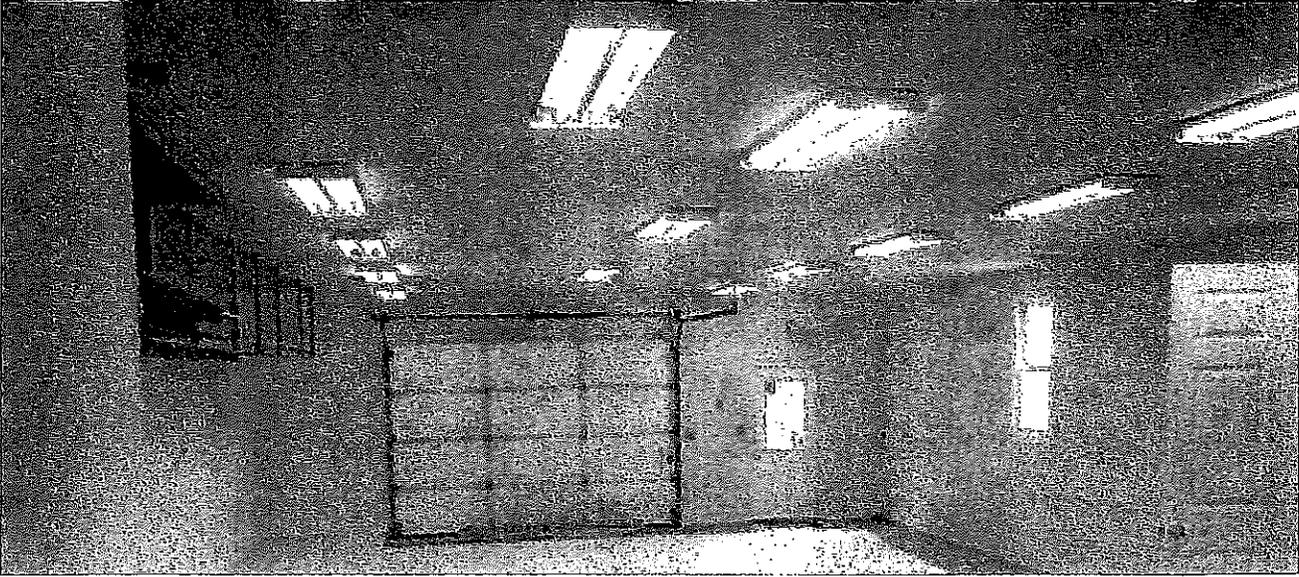
Bill Giordano
Master Bodyworker-Therapist
Alternative Healing Arts
1055 North Hill Ln
Berryville, VA. 22611
215.696.9091

<http://healbody.weebly.com/>



© 2016 Google
© 2016 Google

39°09'16.07" N 77°58'51.10" W elev 605ft eye alt 607ft



Section 502 – Certificate of Occupancy

- 502.2** Prior to the issuance of a Certificate of Occupancy for a new structure, the Zoning Administrator will verify that all property corners have been set with permanent markers by a land surveyor licensed under the laws of the Commonwealth of Virginia. **(11/00)**
- 502.3** In addition to any other requirements for the issuance of a Certificate of Occupancy, a Certificate of Occupancy for a structure will not be issued unless (1) the structure is served by public water and sewer, (2) required curb and gutter and sidewalks are in place on the lot on which the structure is located and in place between said lot and an existing publicly maintained street, (3) a functional fire hydrant is located within three hundred (300) feet of the lot on which the structure is located, and (4) the lot on which the structure is located fronts on an existing publicly maintained street or street meeting Town requirements for a publicly maintained street. **(8/01)**
- 502.4** In addition to any other requirements for the issuance of a Certificate of Occupancy, after issuance of certificates of occupancy for structures on eighty percent (80%) of the lots in a section of a subdivision, a Certificate of Occupancy for a structure in the section will not be issued unless all public improvements in the section have been completed to Town requirements and all streets have been accepted for maintenance by the Virginia Department of Transportation (VDOT), or a complete application for acceptance thereof has been filed with VDOT. **(8/01)**
- 502.5** Upon written application, delayed installation of public improvements described in 502.3 and 502.4 may be considered by the Zoning Administrator. Approval of the application shall only be granted by the Zoning Administrator after consultation with the respective departments or agencies charged with the inspection, acceptance, and maintenance of the improvements, and only upon a further finding that the delayed installation will not be detrimental to the safety and welfare of the residents in the subdivision and the public. A written request for such delayed installation shall set forth the specific improvements sought to be delayed, the justification for the delay, and a committed date for completion of the improvements. A fifty-dollar (\$50.00) fee shall be paid with the request. If the Zoning Administrator approves the application for delayed installation of public improvements, the approval shall be subject to the applicant executing an agreement to hold harmless the town for any loss or liability occasioned by the lack of the improvements delayed. **(8/01)**

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

- (a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.
- (b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.
- (c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.

Section 503 – Special Use Permit

- (d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such Special Use Permit shall expire without notice. (4/08)
- (e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

503.3 APPLICATION REQUIREMENTS

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

- (a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.
- (b) Site development plan.
- (c) Floor plan, front, side, and rear elevations of proposed new buildings.
- (d) Certified house location plat.
- (e) Information deemed necessary by the Zoning Administrator.
- (f) Applicable filing fee.

503.4 APPLICATION PROCEDURE

- (a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.
- (b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.
- (c) Public hearing by Town Council.
- (d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):
 - 1. The health, safety, and welfare of the general public.
 - 2. Physical and visual impact on adjoining and abutting properties.
 - 3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.
 - 4. Compliance with the adopted master plan.
 - 5. Environmental compatibility.
 - 6. Community sentiment.
- (e) Applicant to be notified by Zoning Administrator of Town Council action.

SECTION 203 - R-3 RESIDENTIAL DISTRICT

203 STATEMENT OF INTENT

The R-3 District is composed of high-density residential uses and open area where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the character of the area so designated and create areas for apartment and townhouse construction, along with appropriate living environments. These areas are located close to employment, shopping, and other community facilities. Development is limited to high-density residential uses of various types, plus selected additional uses, such as schools, parks, churches, and certain public facilities.

203.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the R-3 Residential District.

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Schools.
- (d) Churches.
- (e) Parks and playgrounds.
- (f) Home occupations.
- (g) Public, semi-public, or governmental buildings.
- (h) Off-street parking for permitted uses in the district as set forth in Section 305.
- (i) Accessory buildings and Temporary Family Health Care Structures permitted as defined; however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five (5) feet from any property line or to any other structure.
(11/10)
- (j) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
- (k) Signs as set forth in Section 307.
- (l) Travel trailers, which shall not be stored within the front setback area and which shall be prohibited from occupancy.
- (m) Fences as set forth in Section 303.
- (n) Rooming houses.
- (o) Boarding houses.
- (p) Tourist homes.

203.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Nursing and/or convalescent homes as set forth in Section 311.
- (b) Professional offices as set forth in Section 312.
- (c) Townhouses as set forth in Section 309.
- (d) Apartments as set forth in Section 310.
- (e) Conversion of a structure originally intended and designed for occupancy as a single-family dwelling into a structure with two or more dwellings.

Section 203 (R-3) Residential District

- (f) Day care centers. (10/94)
- (g) Barber and beauty shops. (5/95)
- (h) Furniture and automobile upholstery businesses. (4/99)
- (i) Banks and financial institutions with drive-through facilities. (8/07)

203.3 AREA REGULATIONS

- (a) The minimum lot area shall be eight thousand (8,000) square feet for freestanding one- or two-family detached structures. Each unit in a two-family structure arranged side by side shall be given four thousand (4,000) square feet of lot area.
- (b) The minimum lot area for the conversion of structures to a larger number of dwelling units shall be eight thousand (8,000) square feet for the first two dwelling units and two thousand (2,000) square feet for each additional dwelling unit above two.
- (c) The minimum lot areas for townhouses and apartments are set forth in Section 309 and 310 respectively.
- (d) The minimum lot area for other permitted uses shall be eight thousand (8,000) square feet or as otherwise specified herein. Accessory uses may be located on the same lot as the principal use without increased lot size.

203.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width (5/94), or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width.

203.5 FRONTAGE REGULATIONS

The minimum width at the setback line shall be seventy-five (75) feet.

203.6 YARD REGULATIONS

- (a) Side - Each side yard shall be a minimum of ten (10) feet.
- (b) Rear - The minimum rear yard shall be twenty-five (25) feet.

203.7 LOT COVERAGE

Any structure or structures shall not occupy more than 40 percent of the total area of the lot.

203.8 OPEN SPACE

Each dwelling created when a structure is converted to a larger number of units shall be provided with six hundred (600) square feet of usable open space per dwelling unit. Such space shall be exclusive of areas devoted to streets, alleys, and parking.

203.9 HEIGHT REGULATIONS

- (a) Buildings may be erected up to three (3) stories, but not to exceed thirty-five (35) feet in height.
- (b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side,

Section 203 (R-3) Residential District

and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

- (c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (d) Accessory buildings over one story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

203.10 SPECIAL PROVISIONS FOR CORNER LOTS

- (a) Of the two sides of a corner lot fronting on streets, the shortest shall be deemed to be the front.
- (b) Each corner lot shall have a minimum width at the setback line of eighty-five (85) feet.

Section 311 – Nursing, Convalescent, and Rest Homes

SECTION 311 - NURSING, CONVALESCENT, AND REST HOMES

- 311** In addition to the requirements of the district in which the Nursing, Convalescent, or Rest Home is located, such uses shall meet the following requirements:
- 311.1** All state rules and regulations for the licensing of such uses.
- 311.2** All requirements of the State Health Department and Fire Marshall's Office regarding such uses.
- 311.3** Architectural barriers (such as stairs) for residents of such establishments shall be overcome to the greatest extent possible. Additional safety features, such as handrails in various areas, shall be installed.

SECTION 312 – PROFESSIONAL OFFICES

- 312** Professional offices are subject to the following requirements:
- 312.1** All activity and equipment (other than parking) must be housed in a fully enclosed building.
- 312.2** No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.
- 312.3** All vehicular access to the site shall be from a street that meets Town standards for streets.
- 312.4** No display in the building shall be visible from outside the building.

BERRYVILLE TOWN COUNCIL

**MOTION FOR APPROVAL OF SPECIAL USE PERMIT FOR PROFESSIONAL OFFICE
AT 208 NORTH BUCKMARSH STREET**

Date: October 11, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville approve/deny Special Use Permit 04-16 in order to operate a Professional Office at the property located at 208 North Buckmarsh Street, identified as Tax Map Parcel number 14A2-((A))-33 zoned R-3 Residential with the following condition:

- Hours of operation 9:00am to 9:00pm seven days per week.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 2

BERRYVILLE TOWN COUNCIL

Public Hearing – Text Amendment to Section 204.2 of the Berryville Zoning Ordinance

October 11, 2016

The Berryville Planning Commission is initiating a text amendment to Article II, Section 204.2 of the Berryville Zoning Ordinance establishing veterinary hospitals as a use by Special Permit in the C General Commercial Zoning District. TA 07-16

Public hearing notices were published in the Winchester Star on Tuesday, September 27 and Tuesday, October 4, 2016. No comments were received in the Planning or Business Office.

Dr. Knode, DVM, has requested an amendment to Section 204, C General Commercial Zoning District of the Berryville Zoning Ordinance in order to allow veterinary hospitals as a use by Special Permit. The Berryville Planning Commission held a public hearing at their August meeting and recommended approval of the request.

September 13, 2016 Staff Report

The Planning Commission held a public hearing on this matter at their August 23, 2016 meeting, recommending approval of the text amendment to Town Council.

Dr. Leah Knode, DVM, has requested a text amendment to Section 204, C General Commercial Zoning District of the Berryville Zoning Ordinance in order to allow veterinary hospitals as a use by Special Permit. “Small animal veterinary hospitals, exclusive of boarding” is currently permitted as a use by right in Section 609 L-1 Industrial. The C-1 Commercial district, which is generally located on East Main Street from Cattleman’s Lane east and one block of North Buckmarsh Street, allows “veterinary hospitals” as a use by Special Permit. The B and BC districts, Business and Business Commercial, respectively, allows “veterinary hospitals (small animals), exclusive of outdoor boarding kennels” as a use by Special Permit. A Town zoning map is included with this report.

The applicant owns two mobile vet clinics and two bricks and mortar offices in Loudoun County (Lovettsville and Round Hill). Berryville staff spoke to the Town Clerk in Lovettsville, which is next door to Dr. Knode’s clinic, and she said they have had no issues with the office being located downtown.

The following items are included following this report:

- Land Development Application for Text Amendment to the Berryville Zoning Ordinance;*
- Proposed amendment establishing Section 204.2(h);*
- Section 503 Special Use Permit of the Town of Berryville Zoning Ordinance;*
- Chapter 4 Animals and Fowl, Code of the Town of Berryville;*
- Zoning Map for the Town of Berryville; and*

- *Resolution adopted by the Planning Commission initiating the proposed text amendment.*

Recommendation

Approve the request as presented. An ordinance and motion is included at the end this report.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner Jerry Johnson

Owner's Address 37 E Main St. Berryville, VA 22611

Phone 703.928.0431

Agent (Contact Person) Leah Knode VMD (House Paws Animal Hospital Berryville)

Agent's Address P.O. Box 299 Purcellville, VA 20134

Phone (703) 407.2752

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
- Other: _____

Complete As Applicable:

Nature of Request/Proposal: Text Amendment to ^{section} 204.2 - Veterinary Hospital

Tax Map & Parcel Number(s): N/A

Size of Project Site: N/A

Proposed # of Lots: N/A Existing Zoning _____

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: Jerry Johnson Date: 7/20/16

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

Signature: Jerry Johnson Date: 7/20/16

OFFICE USE ONLY

Public Hearing Required? Per TC Dates Advertised _____

Adjoining Property Owners Notified? N/A

Action Taken: N/A

SECTION 204 - C GENERAL COMMERCIAL DISTRICT

204 STATEMENT OF INTENT

The C General Commercial District covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, garages and services stations, and multi-family dwellings.

204.1 USES PERMITTED BY RIGHT

In District C, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) Assembly halls.
- (b) Assembly of high-tech components and /or systems (not including manufacturing).
(6/98)
- (c) Automobile and home appliance services.
- (d) Automobile service stations (with major repair under cover).
- (e) Automobile sales and service.
- (f) Bakeries.
- (g) Banks and financial institutions.
- (h) Barber and beauty shops.
- (i) Nursing homes.
- (j) Churches.
- (k) Day care centers. (10/94)
- (l) Department stores.
- (m) Drug stores.
- (n) Dry cleaners.
- (o) Fire and rescue squad stations.
- (p) Fraternal and auxiliary organizations.
- (q) Funeral homes.
- (r) Furniture repair.
- (s) Garages, public and commercial.
- (t) Hardware stores.
- (u) Hospitals, nursing homes, convalescent homes, rest homes.
- (v) (Deleted, 1982.)
- (w) Laundries.
- (x) Libraries.
- (y) Newspaper office buildings, including printing and publishing facilities incidental to such uses.
- (z) Office buildings.
- (aa) Personal and professional services.
- (bb) Pet shops, but excluding boarding kennels.
- (cc) Printing shops.
- (dd) Federal, state, county, or town governmental offices or buildings.

Section 204 General Commercial (C) District

- (ee) Radio and television broadcasting stations and studios, or offices.
- (ff) Restaurants.
- (gg) Retail stores.
- (hh) Single-family detached dwellings. (3/98)
- (ii) Theaters, indoor.
- (jj) (Deleted, 1982.)
- (kk) Wearing apparel stores.
- (ll) Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- (mm) Off-street parking for permitted uses in the district as forth in Section 305.
- (nn) Signs as set forth in Section 307.
- (oo) Fences as set forth in Section 303.
- (pp) Accessory uses clearly incidental to the principal use of the lot.
- (qq) Second story apartments as set forth in Section 310. (02/14)

204.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Shopping centers as set forth in Section 308.
- (b) Townhouses as set forth in Section 309.
- (c) First story storefront and basement apartments as set forth in Section 310. (02/14)
- (d) Conversion of residential and/or commercial structures into buildings with a greater number of dwelling units.
- (e) Public billiard parlors and poolrooms, bowling alleys, dance halls, health spas and clubs, and similar forms of public amusement only after a public hearing shall have been held by the Governing Body on an application submitted to the Body for such use. The Governing Body may request that the Planning Commission submit a recommendation to them concerning such use applications. In approving any such applications, the Governing Body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest, before granting approval to said application.
- (f) Wholesale and distributive establishments which do not create hazards for traffic or adverse impacts on the surrounding area.
- (g) Boarding houses, hotels, motels, and tourist homes.
- (h) Veterinary hospitals (00/16)**

204.3 AREA REGULATIONS

No requirements for commercial uses or for one (1) dwelling unit in conjunction with a commercial use. For two-family or multi-family dwellings, except as specified in Section 204.2, area requirements shall be the same as in the R-3 District for residential units above one (1).

204.4 SETBACK REGULATIONS

No requirement, except for townhouses and apartments as stated in Sections 309 and 310 respectively.

Section 204 General Commercial (C) District

204.5 FRONTAGE AND YARD REGULATIONS

No requirement except that, if the property is adjacent to a residential district, each minimum side yard shall be ten (10) feet and the minimum rear yard shall be twenty (20) feet. Sections 309 and 310 shall apply for townhouses and apartments respectively.

204.6 HEIGHT REGULATIONS

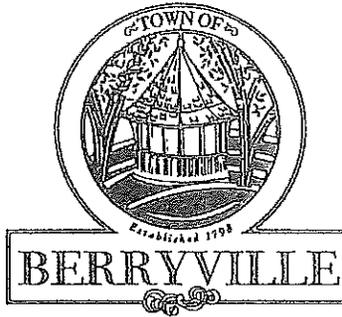
Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

- (a) A public or semi-public building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimney flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (c) Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

204.7 SITE PLAN REQUIREMENTS

All new structures, excepting accessory buildings of one hundred fifty (150) square feet or less, shall be subject to final site plan approval. Changes of use or additions to an existing structure requiring additional parking or other significant site changes applicable to a new use shall also be subject to final site plan approval. Site plans shall comply with the conditions of Section 314.

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

A RESOLUTION: Amendment to Article II, Section 204.2 of the Berryville Zoning Ordinance establishing veterinary hospitals as a use by Special Permit in the C General Commercial zoning district.

WHEREAS, there are currently no veterinary hospitals located within the corporate limits of the Town of Berryville and the need for such a facility has been identified by the applicant; and

WHEREAS, veterinary hospitals are permitted by Special Permit in the B, BC, and C-1 zoning districts and by right in the L-1 zoning district; and

WHEREAS, clients using this facility would increase foot traffic in the downtown area of Berryville; and

WHEREAS, Berryville will receive BPOL and machinery and tools taxes as a result of a veterinary hospital locating into the Town; and

WHEREAS, the Planning Commission of the Town of Berryville supports the veterinary hospital use in the C General Commercial zoning district as a use by Special Permit; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Berryville, Virginia hereby initiates the text amendment to establish Section 204.2(h) of the Berryville Zoning Ordinance in order allow veterinary hospitals in the C General Commercial zoning district as a use by Special Permit.

Passed this 23rd day of August, 2016.

Attest: _____

By: Douglas A. Shaffer, Chair

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Planning Commission of the Town of Berryville, in a duly assembled meeting on the 23rd day of August, 2016.

By: Christy Dunkle, Clerk

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

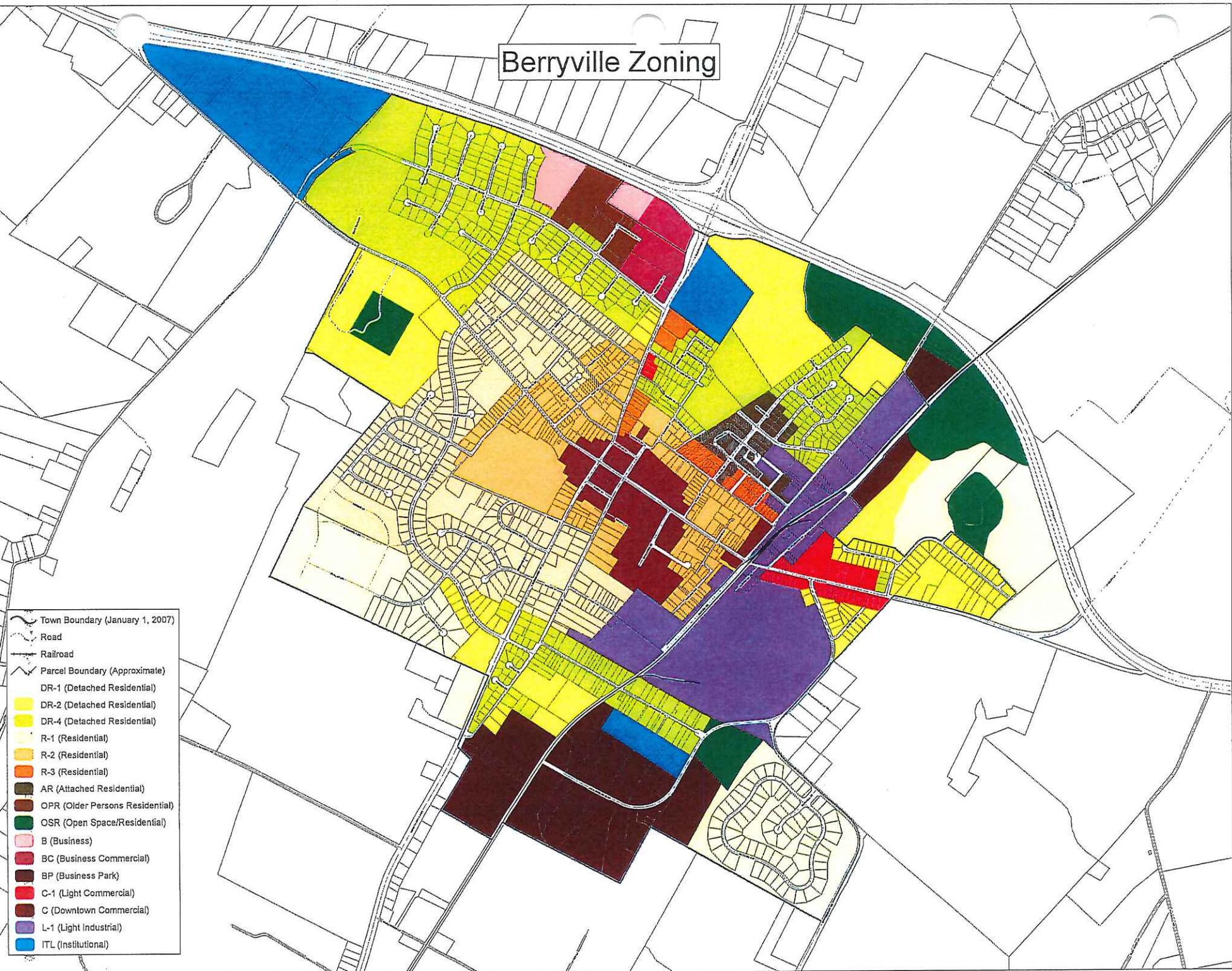
Allen Kitselman, III
Ward 2

Erecka L. Gibson
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

Berryville Zoning



- Town Boundary (January 1, 2007)
- Road
- Railroad
- Parcel Boundary (Approximate)
- DR-1 (Detached Residential)
- DR-2 (Detached Residential)
- DR-4 (Detached Residential)
- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- AR (Attached Residential)
- OPR (Older Persons Residential)
- OSR (Open Space/Residential)
- B (Business)
- BC (Business Commercial)
- BP (Business Park)
- C-1 (Light Commercial)
- C (Downtown Commercial)
- L-1 (Light Industrial)
- ITL (Institutional)

AN ORDINANCE AMENDING
ARTICLE II, SECTION 204 OF THE
TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article II, District Regulations, Section 204 General Commercial (C) District, of the Town of Berryville Zoning Ordinance, shall be amended as follows:

ARTICLE II – DISTRICT REGULATIONS

SECTION 204 General Commercial (C) District

204.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Shopping centers as set forth in Section 308.
- (b) Townhouses as set forth in Section 309.
- (c) First story storefront and basement apartments as set forth in Section 310. **(02/14)**
- (d) Conversion of residential and/or commercial structures into buildings with a greater number of dwelling units.
- (e) Public billiard parlors and poolrooms, bowling alleys, dance halls, health spas and clubs, and similar forms of public amusement only after a public hearing shall have been held by the Governing Body on an application submitted to the Body for such use. The Governing Body may request that the Planning Commission submit a recommendation to them concerning such use applications. In approving any such applications, the Governing Body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest, before granting approval to said application.
- (f) Wholesale and distributive establishments which do not create hazards for traffic or adverse impacts on the surrounding area.
- (g) Boarding houses, hotels, motels, and tourist homes.
- (h) Veterinary hospitals (10/16)**

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT A TEXT AMENDMENT TO
ARTICLE II SECTION 204 OF THE BERRYVILLE ZONING ORDINANCE

Date: October 11, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance modifying Article II District Regulations, establishing Section 204.2(h) of the Berryville Zoning Ordinance in order to allow veterinary hospital as a use by Special Permit in the C General Commercial Zoning District.

VOTE:

Aye:

Nay:

Absent:

Attest: _____
Harry Lee Arnold, Jr., Recorder

Attachment 3

BERRYVILLE TOWN COUNCIL

Public Hearing – Text Amendment to Section 614.2 of the Berryville Zoning Ordinance

October 11, 2016

The Berryville Town Council is sponsoring a text amendment requested by A.C. Echols, Owner/Agent, to Article VI, Section 614 Older Person Residential (OPR), of the Berryville Zoning Ordinance to allow “Housing for Older Persons Residential: Single Family Detached; Single Family Attached – Duplexes, Tri-plexes, Quad plexes, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet)” as a permitted use under Section 614.2(c) and removing “Housing for Older Persons, Medium Density: Single-Family Attached (Townhouses – 5 to 8 attached residential uses), Multi-family (including personal service uses of less than 500 square feet” from Section 614.3.(c). TA 04-16

Public hearing notices were published in the Winchester Star on Tuesday, September 27 and Tuesday, October 4, 2016. No comments were received in the Planning or Business Office. A letter from Mr. Garrett dated September 30, 2016, entitled “Public Hearing Response” is included in this packet. Mr. Echols has also requested that several documents be included with this staff report.

The Planning Commission held a public hearing on this matter at their August meeting. They continued the discussion to their September meeting when they voiced concern that without the ability to set conditions, issues surrounding such uses would not be controlled. All members present at the meeting voted to recommend that Town Council deny the request as submitted.

Mr. Echols is requesting modifications to Section 614 Older Person Residential (OPR) zoning district in order to allow all housing types by right under Section 614.2(c) of the Berryville Zoning Ordinance. At the July meeting, Town Council agreed to sponsor a text amendment as requested by A.C. Echols, Jr. Currently single-family attached (5-8 residential Townhouses) and multifamily (including personal service uses of less than 500 square feet) require an approved Special Use Permit (SUP). As part of this action the current Section 614.2(c), which allows these uses by Special Permit, would be deleted.

Special Use Permits allow Town Council to apply conditions deemed appropriate in the public interest. A Town Council public hearing is required as part of the Special Use Permit process which allows for public input and the ability for residents and adjacent property owners to voice their concerns and for Council to address those concerns by placing conditions on specific projects. Activities authorized by a Special Use Permit shall be established within two years of approval with a one year extension granted by Council prior to expiration. As established in Section 503.4(d), Town Council shall review the following items, among other relevant factors, when considering a request:

1. The health, safety, and welfare of the general public.
2. Physical and visual impact on adjoining and abutting properties.

3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.
4. Compliance with the adopted master plan.
5. Environmental compatibility.
6. Community sentiment.

September 13, 2016 Staff Report

The Planning Commission held a public hearing on this matter at their August 23, 2016 meeting. After closing the public hearing, they will be discussing the request at their September 27 meeting and forwarding recommendations to Town Council by the October 11, 2016 meeting.

Mr. Echols is requesting modifications to Section 614 Older Person Residential (OPR) zoning district in order to allow all housing types by right under Section 614.2(c) of the Berryville Zoning Ordinance. At the July meeting, Town Council agreed to sponsor a text amendment as requested by A.C. Echols, Jr. Currently single-family attached (5-8 residential Townhouses) and multifamily (including personal service uses of less than 500 square feet) require an approved Special Use Permit (SUP). As part of this action the current Section 614.2(c), which allows these uses by Special Permit, would be deleted.

Per Section 503 of the Berryville Zoning Ordinance, which regulates SUP applications, conditions may be set on special permit uses for the public interest in order to secure compliance with provisions of the Zoning Ordinance.

Mr. Echols has submitted four Special Use Permit applications for his property located in the OPR district: two were approved; one did not conform to zoning and comprehensive plan regulations and policies, respectively; and the fourth was withdrawn.

Please note that while a specific parcel is identified on this Land Development Application, this amendment would apply to all parcels within the Older Person Residential (OPR) zoning district.

Recommendation

Discuss at the meeting. A motion and ordinance follow this report.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property - Tax Map 14-5-251B, Section 2B of Battlefield Estates

Owner - A. C. Echols, Jr., Trustee

Owner's Address - 400 Custer Court, Berryville, Virginia 22611

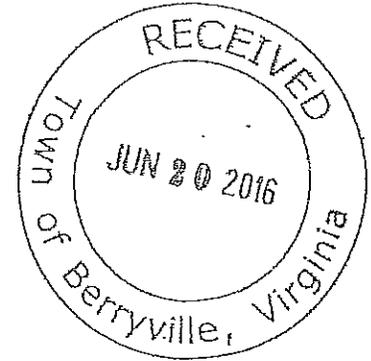
Phone - 540-944-2618 or 703-777-4100

Agent (Contact Person) - A. C. Echols, Jr.

Agent's Address

Address - 400 Custer Court, Berryville, Virginia 22611

Phone 703-777-4100



Check Appropriate Request:

- Subdivision - creating more than 2 lots
Minor Subdivision - single lot divided into 2 lots
Boundary Line Adjustment
Site Plan
Rezoning
[X] Text Amendment x Zoning or Subdivision Ordinance
ARB Certificate of Appropriateness
Town of Berryville Utilities
Other:

Complete As Applicable:

Text Amendment Request: SECTION 614 -- OLDER PERSON RESIDENTIAL (OPR)

An Amendment to Section 614.2 (Permitted Uses) Subsection (c) wherein it is changed to read as follows: Subsection (c) Housing for Older Persons Residential: Single Family Detached; Single Family Attached -- Duplexes, Tri-plexes, Quad-plexes, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet), and Section 614.5 - "Maximum Density" to delete the last sentence in the section which reads as follows: "However, not more than three hundred (300) Older Persons Residential units (including not more than one hundred twenty (120) multi-family units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans."

Proposed # of Lots: One Existing Zoning - Older Person Residential (OPR)

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: Delta C. Echols, Jr. - Trustee Date: 6/20/16

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

Section 614 Older Person Residential (OPR) District

SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)

614.1 PURPOSE AND INTENT

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

614.2 PERMITTED USES

- (a) Accessory structures less than one hundred fifty (150) square feet in size
- (b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
- (c) Housing for Older Persons **Residential: Single Family Detached; Single Family Attached – Duplexes, Tri-plexes, Quad plexs, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet).**, ~~Low Density: Single Family Detached, Two Family Detached (Duplex), Single Family Attached (Triples and Quadplex – 3 to 4 attached residential units)~~
- (d) Public utilities
- (e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

614.3 SPECIAL PERMIT USES

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

Section 614 Older Person Residential (OPR) District

614.4 AGE REQUIREMENT

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

- (a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;
- (b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;
- (c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and
- (d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

614.5 MAXIMUM DENSITY

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

614.6 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres

614.7 MAXIMUM BUILDING HEIGHT

Maximum building height: forty (40) feet

614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements
 - (1) Front Yard: 20 feet
 - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
 - (3) Rear yard: 40 feet

Section 614 Older Person Residential (OPR) District

- (d) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines
- (e) Parking Requirements
The number of required off-street parking spaces shall be a total of 2 per unit.

614.9 REGULATIONS FOR TWO FAMILY DETACHED (DUPLEX) DWELLINGS

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

614.10 REQUIREMENTS FOR SINGLE FAMILY ATTACHED DWELLINGS (TRIPLEX & QUADPLEX AND TOWNHOUSES, 5 TO 8 UNITS PER STRUCTURE)

- (a) Minimum lot area per dwelling
 - Interior lot: 2,000 square feet
 - Corner lot: 2,400 square feet
 - Condominium: Not regulated
- (b) Minimum lot width
 - Interior lot: 20 feet
 - Corner lot: 35 feet
 - Condominiums: subject to site plan review and applicable performance zoning criteria
- (c) Minimum yard requirements
 - Front yard: 15 feet
 - Side yard: 15 feet
 - Rear yard: 30 feet
- (d) No side yard requirement shall be applied where dwellings share a party wall.

Section 614 Older Person Residential (OPR) District

- (e) Accessory structures of less than 150 square feet: 5 feet from side and rear lot lines.
- (f) Where a lot is to be divided into individual lots for the sale of single family attached dwelling units:
 - 1. Lot lines shall conform with party wall centerlines.
 - 2. Privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot.
 - 3. Privacy yards shall include screening, fencing, patio paving and/or special landscaping treatment.
- (g) Open Space Requirements
 - 1. An open space plan shall be submitted with a site plan application.
 - 2. 25% of the net site area shall be open space dedicated to common usage and ownership.
 - 3. At least 20% of the required open space (5% of the net site area) shall be designed and developed as recreational and active community open space.
 - 4. Refer to Section 615.2 regarding critical environmental area and open space requirements.
- (h) Site Plan Requirements
 - 1. A site plan, which shall govern all development, shall be submitted for approval per Section 6.
 - 2. Site plans shall include provisions for:
 - A. Adequate public facilities, development phasing.
 - B. Storm water management facilities to address the ultimate development coverage within the district, lighting and signing.
 - C. Building placement and lot configuration, screening, buffering, and landscaping, and other special site features and land use considerations deemed necessary to serve the district.
 - D. Any site plan application which is not in strict conformance with a pre-existing approved master plan for the district shall require an amendment to that master plan and preliminary plat, if necessary, prior to site plan approval of the specific use.
 - E. All uses shall be subject to final site plan approval.
- (i) Parking and parking access
 - 1. The number of required off-street parking spaces shall be a total of 1.5 per unit and shall be located not more than one hundred (100) feet from the individual dwelling served.
 - 2. Parking bays shall be no closer than twelve (12) feet to any adjoining property line.
 - 3. Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights of way.
- (j) Driveways
 - 1. Attached dwelling units shall have access to a private driveway with a minimum width of twenty-three (23) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
 - 2. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit.

Section 614 Older Person Residential (OPR) District

3. No private driveway shall be located within twelve (12) feet of any property line.
- (k) Setback, yards, buffering, separation and grouping of units
1. Where adjacent properties are zoned to a district other than the OPR District, all single family attached dwellings shall be set back at least forty (40) feet from the common property line(s).
 2. Where single family attached dwellings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of 15 feet from that drive, area, and/or walk.
 3. Adjacent groupings of single family attached dwellings with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
 4. No more than four attached dwellings shall be included in any one physically contiguous grouping.
- (l) Maintenance of improvements, covenants and required improvements
1. All common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the property owner until such time as the owner conveys such common area to a nonprofit (homeowner's) entity consisting of at least all of the individual owners of the dwelling units in the development.
 2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rate share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Covenants shall specify the means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
 3. All deed restrictions, covenants, nonprofit (homeowner's) entity incorporation documents, and information related to conveyance programs shall be submitted with the plat and plans, and reviewed by the Berryville Town Attorney.
- (m) General Regulations
1. All refuse shall be contained in completely enclosed and screened facilities.
 2. On-site lighting, signing, and mailboxes shall be of compatible scale, materials, and colors to the primary structures.
- (n) Condominiums
1. Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:
 - A. Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.

Section 614 Older Person Residential (OPR) District

- B. A site plan shall be required and subject to review by the Berryville Area Development Authority. The site plan shall govern the location of all structures and improvements.
- C. Setbacks, density and other district provisions shall be met.

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

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

Section 614 Older Person Residential (OPR) District

- (i) Buffering and Landscaping
 1. Where a parcel is contiguous to a residential zoning district or public right of way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
 2. Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences, or wider buffer strips may be used in lieu of landscaping.
- (j) Storage of Materials and Refuse
 1. All refuse containers shall be screened by a solid wall or fence.
 2. Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
 3. All storage shall be conducted within the principal structure, which is to be completely enclosed.
 4. There shall be no outdoor storage and/or display of goods, with the exception of retail display such as plant materials associated with nurseries.
- (k) Uses, Facilities, and Improvements
 1. All business services (and storage) shall be conducted within the principal structure which is to be completely enclosed.
 2. Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
 3. Private driveways, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agent.

BERRYVILLE TOWN COUNCIL
PUBLIC HEARING RESPONSE
09/30/16



Text Amendment to Section 614.2, Older Person Residential.

I favor the text amendment sponsored by the Town Council to designate housing options in this section as a Permitted Use, rather than Uses by Special Permit. The Code of Virginia mandates that local entities provide for affordable senior housing. Having already zoned this area Older Person Residential, why would you want to introduce another step in providing such housing? The additional special use permit process simply increases the cost of affordable senior housing. I fail to see what purpose is served by this additional level of planning, application expense, and development costs. Why would an area zoned "Older Person Residential" require a special use permit to build residences? This present zoning provision effectively blocks development.

Text Amendment to Section 614.5, Older Person Residential.

I favor the text amendment to eliminate the 300 cap on senior housing units and the 120 cap on multi-family senior housing units. The Berryville Zoning Ordinance, following the BADA Comprehensive Plan maintains a discriminatory provision against affordable senior housing with arbitrary restrictions in one small area of the Town and in no other. Neither the BADA, The Town Planning Commission, nor County and Town Planning staff have been able to provide a rationale for these arbitrary figures. It is simply indefensible, and marks the Town of Berryville as the only locality in the Commonwealth of Virginia with such an exclusionary provision against seniors. The recent election signaled strong support for affordable senior housing. Town officials who claim that they favor senior housing, while consistently blocking it, are simply posturing in public. It is time to move ahead and eliminate the roadblocks.

REV. DANIEL L. GARRETT

A handwritten signature in black ink that reads "Daniel L. Garrett".

FLORIDA

CONDO & HOA LAW BLOG

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Legal and Business Strategists

55 & Over Housing: What is the 80/20 Rule?

By Lisa Magill on April 1st, 2010

55 & Older Housing – what does that mean? The Federal Fair Housing Act prohibits discrimination because of race, color, religion, sex, handicap, familial status or national origin. Many States have their own Fair Housing Act – in Florida Chapter 760 of the Florida Statutes is dedicated to discrimination issues that expand the protection to age and marital status. The term ‘familial status’ generally refers to occupancy by children (person under 18) with parent, guardian or designee of the parent. So why or how are there 55 & older communities? Well, every rule has exceptions, right? The Fair Housing Act is no different. The Housing for Older Persons Act (HOPA) is an exception that allows communities to operate as “55 or over” housing. To qualify for this exemption, the following criteria must be met:

1. At least 80% of the units must be occupied by at least one resident over the age of 55;
2. The community must publish and adhere to policies and procedures demonstrating an intent by the housing provider (the association) to provide housing for persons 55 years of age or older; and
3. The housing provider must engage in appropriate age verification procedures that includes a community census from time to time.



Ok – at least one person 55 or older must reside in at least 80% of the occupied units. What do you do with the other 20%? On April 1, 1999 the United States Department of House and Urban Development (“HUD”) published Federal Regulations implementing the Housing For Older Persons Act of 1995 (“HOPA”). Basically, HUD does not care how a community handles the 20% “cushion” as reflected below:

There continues to be confusion concerning what is often referred to as the 80/20 split. HOPA states that the minimum standard to obtain housing for persons who are 55 years of age or older status is that “at least 80%” of the occupied units be occupied by persons 55 years or older. There is no requirement that the remaining 20% of the occupied units be occupied by persons under the age of 55, nor is there a requirement that those units be used only for persons where at least one member of the household is 55 years of age or older. Communities may decline to permit any persons under the age of 55, may require that 100% of the units have at least one occupant who is 55 years of age or older, may permit up to 20% of the occupied units to be occupied by persons who are younger than 55 years of age, or set whatever requirements they wish, as long as “at least 80%” of the occupied units are occupied by one person 55 years of age or older, and so long as

such requirements are not inconsistent with the overall intent to be housing for older persons.

Does that mean a community that desires to sustain its Housing for Older Persons status should let everyone in up to the 20%? No, not really. The “cushion” is designed to allow the housing provider (association) to permit exceptions when appropriate. If a couple resides in a property and one is 55 and the other not, do you, as a community leader or manager, want to be put in a position that requires you to say “you’re in violation” if the resident over 55 passes away? What if the couple gets divorced? What if someone resides with their adult child? In our view, the ‘cushion’ is exactly that – something that protects you or softens the requirements to avoid unpleasant results. Does your community qualify as Housing for Older Persons? Community leaders that aren’t sure should consult with counsel, as penalties for discrimination (even unintentional discrimination) can be harsh.

Becker & Poliakoff | 1 East Broward Blvd, Suite 1800 | Fort Lauderdale, FL 33301

STRATEGY, DESIGN, MARKETING & SUPPORT BY



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For instance, some communities require only a minimum number of residents must be 55 or older, leaving the possibility that young families may become your neighbor. And that's fine for many seniors. It's just something to be aware of.

Deciding if a 55+ community is right for you is like any other major decision. You'll need to do some research, explore your options, and recognize potential pitfalls. And ultimately, you'll want to visit the community you're interested in.

The Appeal of 55+ Communities

So why do people choose a 55+ community? The well-designed communities have all of the residents' needs in mind. You should be close to hospitals, shopping, dining, and local attractions. Some like the physical security that a community provides whether it's a gated neighborhood or on-site security patrols. Others like to live with their peers without children in the neighborhood.

More Senior Living Articles

[Senior Lifestyles: What Are All My Options](#)

[Paying For Senior Care](#)

[Home Care: The Most Affordable Option](#)

[Best Places In The US To Retire](#)

[Aging Well: How To Master The Art](#)

[CCRCs: What Is Continuum Care And Why Should I Care?](#)

Many communities have conveniences (the amenities mentioned below) that seniors find irresistible. Another convenience is that all of your expenses—taxes, insurance, utilities, etc---are wrapped up in one fee. The maintenance and care of your property is basically eliminated: no more mowing the grass, raking

leaves or replacing a leaky gutter.

Types of 55+ Communities

In general, 55+ communities are for active adults desiring to live with their peers. And while many communities offer general amenities in a suburban setting, others are more focused on a particular lifestyle or location. Here are a few examples:

- Golden Girls Housing for women who want to share a home
- Luxury Hi-rise condos in the city
- Manufactured homes community in the country
- College town communities
- RV retirement parks
- Golf and resort communities
- Sailing retirement communities

Amenities in 55+ Communities

The kinds of amenities you'll find vary greatly from community to community. But in general, most will have a clubhouse and exercise facilities, indoor/outdoor pools, hobby and craft clubs, security and maintenance.

Others offer golf courses, marinas, tennis courts, on-site health care, restaurants, professional entertainment, walking trails, billiards rooms, card rooms, library/media center, bocce courts, lakes for fishing, and many other lifestyle related options.

For seniors needing some assistance with living, there are communities with this option.

The Law and Age-Restricted Communities

You'll find many variations of age-restricted communities such as 55+, 62+, and 65+.

The U.S. Department of Housing & Urban Development (HUD) and the **Housing for Older Persons Act**, which says that housing must include at least one person who is 55 or older in at least 80 percent of the occupied units, regulates these communities.

This means one spouse can be under the required age. Also, those under 19 cannot be permanent residents. These communities are usually noted as "age-qualified" in their marketing brochures.

Then there are those communities that are marketed to a certain age group—"age-targeted"—but are not age-restrictive. This means that younger couples with kids are permitted to live there. And for many seniors, that's just fine.

Important Considerations

As you research locations and community amenities, also consider other aspects that won't be mentioned in the glossy brochures.

- What are your neighbors like? Talk to them. Do they live there all year or part-time? Are they the kind of people you'd want to have over for dinner? Do you share the same interests?

Andrew A. Painter
(571) 209-5775
apainter@thelandlawyers.com



June 29, 2015

Via Email & First Class Mail

Ms. Christy N. Dunkle, Assistant Town Manager/Planner
Town of Berryville
101 Chalmers Court, Suite B
Berryville, Virginia 22611

**Re: Proposed Senior Housing Development
Clarke County Tax Map #14-5-251B
Marlyn Development Corporation**

Dear Ms. Dunkle:

My firm has recently been asked to assist **Marlyn Development Corporation**, the contract purchaser of the above-referenced property (the "Property"), in preparing plans for construction of a 120-unit affordable independent living facility.

Since our meeting with you and Town Manager Keith Dalton in late April, Marlyn has refined its proposal, conducted a fiscal impact analysis, and developed a more formal illustrative concept plan for the Town of Berryville's (the "Town") consideration. Marlyn has also met with local citizens and organizations, including the Battlefield Estates Civic Association, all of which have provided constructive comments that have been incorporated into Marlyn's latest design.

As noted below, Marlyn's proposed plans will provide much-needed affordable housing for Clarke County seniors, and will deliver substantial amenities and public open space. It will also serve as a buffer between commercial uses to the east and the lower-density residential development to the south and west of the Property. As noted in the fiscal impact analysis, the revised proposal is economically viable and overwhelmingly beneficial to the Town from a pecuniary perspective. Marlyn has also made substantial commitments to address concerns over the potential for increased loads on both rescue and fire suppression services.

Marlyn's revised proposal represents a \$14.9 million investment in the Town, and it is clearly the highest and best use of the Property in terms of land use planning, tax benefits, and ability to serve the greatest number of Clarke County seniors. The company looks forward to becoming a long-term corporate citizen, and welcomes your review.

ATTORNEYS AT LAW

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1 E. MARKET STREET ■ SUITE 300 ■ LEESBURG, VA 20176-3014
ARLINGTON 703 528 4700 ■ WOODBRIDGE 703 680 4664

I. Revised Project Summary

From a background perspective, the Property comprises approximately 10.9 acres and is zoned to the Older Person Residential (“OPR”) pursuant to § 614 *et seq.* of the Town of Berryville Zoning Ordinance (the “Zoning Ordinance”). The Property is the last undeveloped OPR-zoned property within the Town’s corporate limits. The Property is also depicted as a part of Annexation Area B in the Berryville Area Plan (the “Plan”). Both the Zoning Ordinance and the Plan recommend a maximum of 300 OPR units within the annexation area, a maximum of 120 of which are recommended to be multifamily units.

At present, 60 OPR multifamily units are provided at Mary Hardesty House, and 60 OPR units are approved, but unbuilt, for the previously-approved Robert Reagan facility on the Property. Marlyn notes that there are full occupancies and waiting lists at Mary Hardesty House and the Greenfield assisted living facility, and it is clear there is an unmet demand for multifamily senior housing options in the Town. Accordingly, Marlyn is asking for an additional 60 OPR multifamily units above and beyond those approved for Robert Reagan (10 percent of which would be market rate) to create a larger 120-unit, three-story independent living facility on the Property.

As depicted on the revised illustrative prepared by Morris & Ritchie Associates, Inc., this proposal would seek to address a number of issues in this quadrant of the Town [see Exhibit 1]. From a transportation perspective, this proposal would share a common driveway with the planned Meridian Healthcare assisted living facility on Tax Map #14A-7-141, and would provide a transportation link to both Mosby Boulevard and Chamberlain Street.

The proposed building would be 34 feet in height (40 feet to the peak of the roof), three stories, and would include elevators and access road around the building. Exterior finishes will include brick, HardiePlank panels, and premium vinyl siding. [See Exhibit 2] The proposal would include a mix of one- and two-bedroom units, with an overall anticipated population of 150 persons. Stormwater management would be provided in an above-ground stormwater facility to the north of the building and throughout green areas around the building.

Approximately 7.21 acres of Property (or 70 percent) is proposed as privately-maintained landscaped open space, which will provide a substantial buffer with the Battlefield Estates community, and provide useable open space for Mary Hardesty House, the 66-bed Greenfield assisted living facility, and Meridian Healthcare’s planned 73-bed assisted living facility. In addition, Marlyn would be amenable to providing a public access easement to permit Town residents use of the property as well.

All sidewalks and entrances across the Property would be ADA-compliant, and access to the building would be restricted through a controlled access entry. For a facility serving 120 units, Marlyn will be able to provide amenities on a size and scale desired by its target demographic. This includes an accessible community garden and interior courtyard, as well as an accessible laundry room and hook-ups in the units for individual laundry machines, library,

business center with computers, fitness center, beauty/barber shop, card and game rooms, resident lounges, cable TV, and walking paths. Marlyn will also employ an activity director and provide a passenger van for community outings.

All living units provided would be ADA "Type B" units and would include fully-finished living space, accessible routes from the parking lot, full handicap accessibility, grab bars and blocking for handrails in bathtubs, clear floor areas and knee spaces, and lowered worktops, as well as usable kitchens, bathrooms, and appliances. The units will also feature a number of standard universal design features, including single-level living, open floor plans, an accessible interior corridor, wider doors, flush thresholds at all doorways, and a variety of kitchen and bathroom features.

Concerning environmental sustainability, the proposed building will include Energy Star windows and appliances, energy-efficient light fixtures and HVAC systems, LED or fluorescent lamps in all common interior building lighting fixtures, and low-emitting emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings, if available. The site design will incorporate Low Impact Design ("LID") elements such as but not limited to, bio-retention, bio-swales, curb and gutter removal to direct sheet flow from paved areas into grass areas, disconnection of impervious areas through the use of swales instead of piping storm sewer, native plant species that don't require watering and additional plantings around the parking areas to reduce heat island effect.

The project will also provide upgraded stormwater management conditions. At present, a majority of the Property site drains to the north into an existing stormwater facility constructed concurrent with the Greenfield Assisted Living Facility. The pond was initially used a sediment basin during Greenfield's construction, and was then expected to be transitioned to into a conventional pond once the site had been stabilized. The conversion of the facility never occurred and, due to a lack of maintenance, the facility now has a significant stand of small trees growing in it. Marlyn proposes to upgrade the stormwater pond bring it into conformance with the recently-adopted Department of Environmental Quality regulations. The stormwater pond will be converted into a Level Two extended detention facility, and Marlyn will assume responsibility for its maintenance. Runoff from the Greenfield property will continue to drain to the pond.

Ten percent of the proposed units will be constructed as market-rate units with no income limit; 90 percent of the units would be constructed as affordable housing, but at a slightly higher income and rent structure as compared to Mary Hardesty House. Marlyn's proposal would establish two rent rates set at or below 60 percent of Area Median Income ("AMI") and market rents, which is in contrast with the three rent rates at Mary Hardesty House, all of which are at or below 50 percent of AMI.

Because this proposal would exceed the 120-unit limitation on OPR multifamily units as permitted by the Zoning Ordinance and Plan, Marlyn's proposal would require an amendment to

both documents to allow an additional 60 senior multi-family units (an increase from 120 to 180 units for the OPR district overall) with no overall increase in the total number of units (a maximum of 300 units).

II. Fire and Rescue Concerns

In response to the January 28, 2015 memorandum from Chief Harold Rohde of the John H. Enders Fire Company, Marlyn acknowledges the potential for increased loads on both rescue and fire suppression services with age-restricted housing. It also takes seriously the increased risks associated with evacuating seniors from multifamily structures. It would welcome the opportunity to discuss such concerns in person, and proposes the following measures be incorporated in its plans:

- 1) The proposed facility will be fully licensed and compliant with the currently-adopted National Fire Protection Association ("NFPA") codes and standards, and would be fully-sprinklered (including in the attic and standpipes) in accordance with the NFPA 13R residential sprinkler design standard;
- 2) The use of natural gas for cooking and heating in individual units will be prohibited. The electric coil stove/range of each unit will be equipped with "Safe T Element" cooking system technology to prevent cooking fires by regulating the temperature of the elements below the auto-ignition point of grease, oil, and clothing.
- 3) The proposed facility will include a fire alarm system with central station monitoring.
- 4) The proposed facility will include fire doors between the wings of the building, a central stairwell at the ends of each wing and near the elevators, and additional emergency lighting and exits;
- 5) The facility will include a loop road around the building with sufficient turning radii for emergency vehicles, as well as a grass-pave driveway for emergency vehicles to access the interior courtyard space;
- 6) To increase the safety of each unit, and to substantially reduce phone call pressure on local emergency services by half, each unit will be equipped with 24-hour emergency push/pull alert buttons which will be connected to a central monitoring station service to provide master system control for all emergency and non-emergency calls originating in the facility. This system will monitor resident and system alerts and, if necessary, alert the Clarke County Communications Facility of a potential emergency. The facility will also include a 24-hour on-call staff person which, concurrent with the centralized monitoring system, will serve as the first line of communication for all alerts.
- 7) In consultation with Chief Rohde and the Director of Fire & Emergency Medical Services, as appropriate, Marlyn will develop pre-incident evacuation and emergency

plans that align with current code, policy, and response criteria, including protect-in-place evacuation scenarios, additional specialized training for staff persons, and the appointment of onsite floor captains and a fire and life safety warden. Planning efforts will also include routine evacuation drills, written procedures, meeting place designations, designating the location of all utilities, emergency power stations, fire protection and smoke control equipment, and effective ways to implement the plan.

- 8) The facility will maintain an updated resident personal information binder, which will include a list of all residents and their room numbers, any special medical or physical conditions of each resident, and photographs, basic floor plans, and the locations of fire extinguishers and fire alarm pull stations. This information will be provided to the John H. Enders Fire Company.
- 9) Marlyn will make a \$25,000 emergency equipment contribution to the Town for distribution to the John H. Enders Fire Company for the purchase of fire-related equipment and rescue services.

Marlyn also notes that, concentrating senior housing at a localized location near emergency services – such as on the Property – makes sense from a service provider perspective and should result in a reduction in the distance emergency responders would otherwise have to travel.

III. Addressing Demographic Trends

Marlyn's proposal will address the needs of Town and Clarke County seniors. As the Property is the last undeveloped OPR-zoned parcel in the Town, Marlyn wishes to serve the greatest number of older Town and Clarke County residents. Marlyn views its proposal as a way to maximize the Town's remaining OPR land and serve as many Clarke County seniors as possible. It is centrally located near a grocery store and emergency services, and will provide a substantial buffer between buildings on Chamberlain Street and the surrounding community.

The 65-plus population in the United States, which totaled 40.3 million in 2010, is expected to reach 54.8 million—a 36 percent growth rate—by the end of this decade, as 40 million Baby Boomers turn 65.¹ 10 percent of the region's population already is 65 or older, and 11.5 percent is between the ages of 55 and 64. In Clarke County, the total senior population has doubled in the past 25 years.² These trends indicate a rising demand for active adult age-restricted communities to accommodate the growing number of County residents entering their late 50s and 60s.

¹ Urban Land Institute Report "Housing in America: The Baby Boomers Turn 65' Explores Opportunities, Challenges in Housing the Nation's Older Citizens" posted on October 17, 2012, by Robert Kruger.

² See Exhibit A (Market Analysis and Financial Impact Report).

Many of the County's Baby Boomers are signaling a preference to "age in Clarke"; that is, a desire to remain in Clarke County and be connected to their community in a safe, independent, affordable, and comfortable manner. Marlyn's research indicates older residents are increasingly searching for maintenance-free living spaces that offer one-level living and open floor plans.³ Anecdotal evidence also indicates that the County's residents do not wish to leave the area where they spent their working lives and raised their families. This has proven a durable pattern, even in a transient region such as Northern Virginia, where many people have relocated from other places.⁴

Concerning the Plan's current recommendation for a mix of senior housing options, Marlyn believes that such a unit mix would be too costly for the marketplace and unrealistic for affordable senior housing. There is no higher or better use for the Property under current zoning, particularly given the landscaping, open space, and amenities which would be made possible by serving the needs of more seniors.

Additionally, market data indicate that, among comparable jurisdictions, the Town has the highest population of seniors, and the lowest percentage of multifamily dwelling units. Marlyn believes it can develop each apartment unit for approximately \$125,000, while quadplex, duplex, and single family senior homes would be more expensive.⁵

IV. Positive Fiscal Impact

Marlyn has requested S. Patz and Associates, Inc. prepare a combined market and fiscal impact analysis based on its revised plans [see Exhibit 3]. Although there is much debate about which homes built in Clarke County will be fiscally positive or fiscally negative, there can be absolutely no debate about whether a multifamily age-restricted development, such as the one Marlyn proposes will be extremely fiscally positive.

Multifamily age-restricted development has proven to have extraordinarily positive fiscal impacts for local governments throughout Virginia. The new residents would drive demand for retail, restaurants, and local-serving office users in the Town, which typically have a very positive fiscal impact on the Town and County. These impacts include indirect economic impacts of this spending, and the size of the indirect impacts show the potential to stimulate new business growth in the Town and County. Finally, the proposed development is age-restricted, it will generate the above benefits without the added burden on schools, which is the largest public cost item associated with residential development. Operating costs are so low because the community will not result in any education costs.

³ National Association of Home Builders article "Baby Boomers Dominate Housing Trends" www.nahb.org.

⁴ An American Association of Retired Persons ("AARP") analysis of census data showed that nine in 10 older adults nationally were living in the same communities where they raised their children and built their lives. Proximity to children, grandchildren and friends is key.

⁵ The starting price for a two-bedroom quadplex unit on the Property would be between \$250,000 and \$300,000; the starting price for duplex units would be between \$290,000 and \$310,000, and the starting price for a new single-family home would be approximately \$325,000.

Marlyn's proposed development will generate approximately \$65,000 in annual revenues to the Town, and nearly \$216,000 in annual revenues to Clarke County. This is in contrast to about \$106,000 in annual operating costs to the Town and County, even after taking account of higher EMT costs per capita than for the average person in the Town. This means that the total annual net fiscal impact at build-out calculated on this simple basis for the proposed development is approximately \$174,000. Looked at another way, for every dollar in revenues the Town receives from the proposed development, the proposed development will only require 50 cents in Town operating costs.⁶

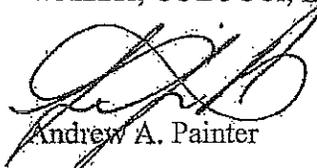
V. Conclusion

As noted above, Marlyn is committed to serving residents of the Town and Clarke County. Its proposal represents a \$14.9 million investment in the Town, and Marlyn will provide housing and affordable dwelling units to meet the needs of Clarke County's aging population. Marlyn's fiscal analysis demonstrates that the proposed community is substantially more fiscally beneficial than lower-density development, in large measure due to the community's tax revenues, absence of school-aged children, and other commitments. Additionally, Marlyn has provided real solutions to address any issues related to fire and rescue services.

I thank you for allowing us to participate in the Town's planning process, and would appreciate you kindly forwarding this letter to BADA for their review as well. We look forward to discussing this project in the coming weeks and, in the interim, please do not hesitate to contact me directly at (571) 209-5775 if I may answer any questions.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



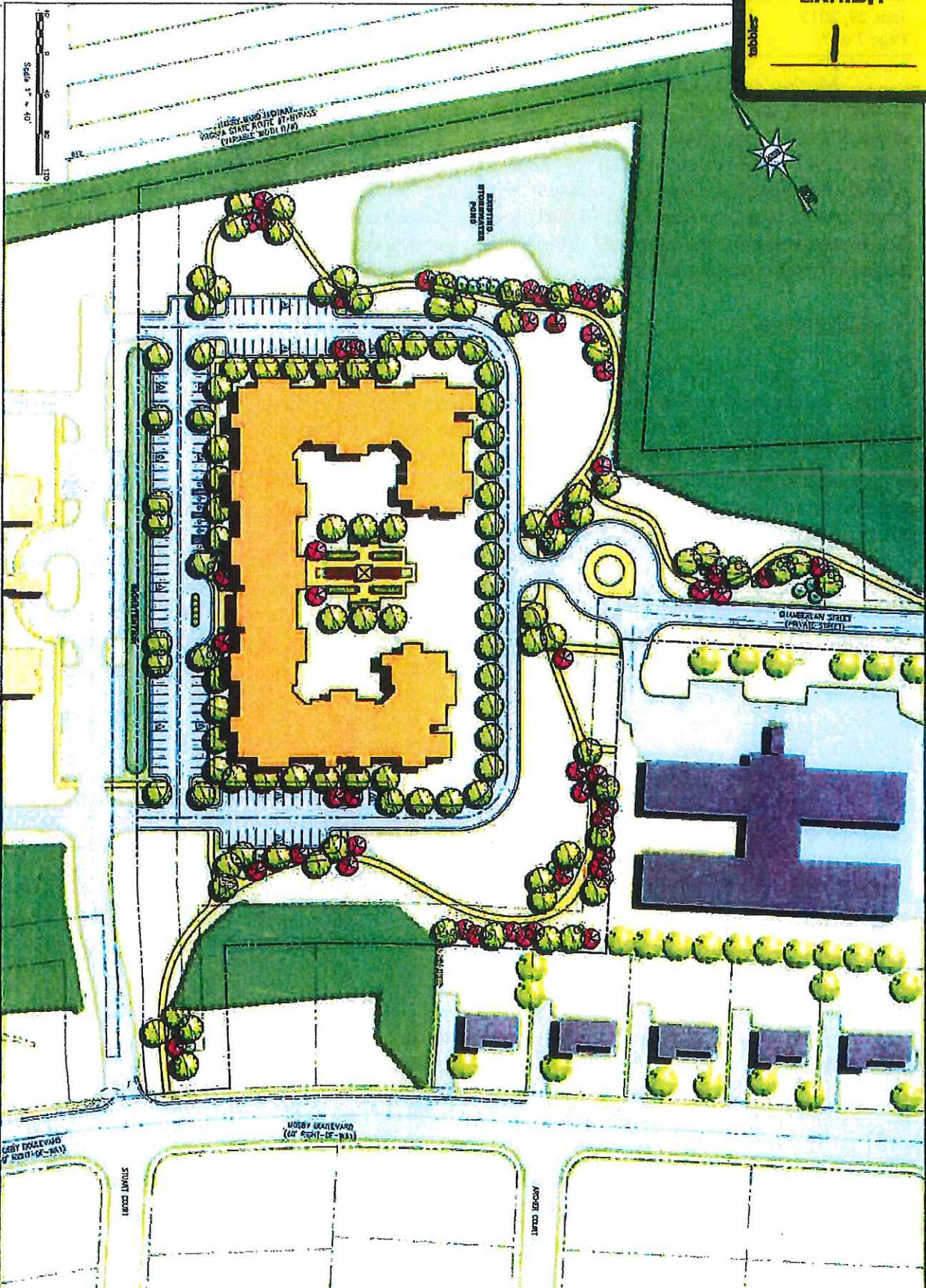
Andrew A. Painter

Enclosures, as stated

Cc: Mr. Francis R. Nance, Marlyn Development Corporation
Mr. Jon K. Erickson, P.E., L.S., Morris & Ritchie Associates, Inc.
Mr. Stuart M. Patz, S. Patz & Associates, Inc.

⁶ Additionally, this proposal will generate approximately \$240,000 in tap fees and, assuming each resident uses at least 50 gallons of water per day, the facility would generate \$60,000 annually in water and sewer fees.

EXHIBIT
1



LAYOUT PLAN	
SITE PLAN	
MARLYN	
DATE: 11/14/12	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
APPROVED BY: [Name]	
SCALE: 1" = 40'	
SHEET: 01	



MORRIS & RITCHIE ASSOCIATES, INC.
 ARCHITECTS, PLANNERS, SCULPTORS AND LANDSCAPE ARCHITECTS
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 STEELING, VA 22116
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DATE	REVISIONS

AN ORDINANCE AMENDING
ARTICLE VI, SECTION 614 OF THE
TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Additional Districts, Section 614 Older Person Residential (OPR) Zoning District, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI – DISTRICT REGULATIONS

SECTION 614 Older Person Residential (OPR) Zoning District

614.2 PERMITTED USES

- (a) Accessory structures less than one hundred fifty (150) square feet in size
- (b) Community buildings and association facilities, public and private, including recreation areas and other common area improvements associated with residential developments
- (c) Housing for Older Persons **Residential: Single Family Detached; Single Family Attached – Duplexes, Tri-plexes, Quad plexes, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet).** ~~Low Density: Single-Family Detached, Two-Family Detached (Duplex), Single-Family Attached (Triples and Quadplex – 3 to 4 attached residential units) (10/16)~~
- (d) Public utilities
- (e) Recreation facilities (indoor or outdoor), including parks, playgrounds, golf courses, swimming pools, tennis courts, etc.

614.3 SPECIAL PERMIT USES

- (a) Day care centers
- (b) Government and other public buildings (including police, fire, library, museum, and postal facilities)
- ~~(c) Housing for Older Persons, Medium Density: Single-Family Attached (Townhouses – 5 to 8 attached residential uses), Multi-family (including personal service uses of less than 500 square feet) Deleted (10/16)~~
- (d) (Deleted 2010)
- (e) Medical care facilities, licensed
- (f) Places of worship
- (g) Schools, public and private, including nurseries, playgrounds, and related uses

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT A TEXT AMENDMENT TO
ARTICLE VI SECTION 614 OF THE BERRYVILLE ZONING ORDINANCE

Date: October 11, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance modifying Article VI Additional Districts, Section 614.2(c) and deleting Section 614.3(c) of the Berryville Zoning Ordinance in order to allow Housing for Older Persons Residential: Single Family Detached; Single Family Attached – Duplexes, Tri-plexes, Quad plexs, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet) as a use by right.

VOTE:

Aye:

Nay:

Absent:

Attest:

Harry Lee Arnold, Jr., Recorder

Attachment 4

BERRYVILLE TOWN COUNCIL

Public Hearing – Text Amendment to Section 614.5 of the Berryville Zoning Ordinance

October 11, 2016

The Berryville Town Council is sponsoring a text amendment requested by A.C. Echols, Owner/Agent, to Article VI, Section 614 Older Person Residential (OPR), of the Berryville Zoning Ordinance in order to remove the maximum number of Older Person Residential units (300), including not more than one hundred twenty (120) multifamily units, permitted in the OPR Zoning District in Annexation Area B as shown on approved subdivision plats and site plans as established in Section 614.5 Maximum Density. TA-05-16

Public hearing notices were published in the Winchester Star on Tuesday, September 27 and Tuesday, October 4, 2016. No comments were received in the Planning or Business Office.

The Planning Commission held a public hearing on this amendment at their August meeting and discussed the matter at their September meeting. Citing non-conformance with the recently updated Berryville Area Plan; the possibility of adding a significant percentage of older residents to the community; and minimal tax generation, all members present at the Berryville Planning Commission's meeting voted to recommend Town Council deny the request as presented.

September 13, 2016 Staff Report

The Planning Commission held a public hearing on this matter at their August 23, 2016 meeting. After closing the public hearing, they will be discussing the request at their September 27 meeting and forwarding recommendations to Town Council by the October 11, 2016 meeting.

At the July meeting, Town Council agreed to sponsor a text amendment requested by A.C. Echols, Jr. to remove the 300 unit cap on Older Person Residential units, as well as the maximum 120 multifamily units, in Section 614.5 of the Berryville Zoning Ordinance.

Mr. Echols is requesting that the number of senior units be unrestricted in the Older Person Residential (OPR) zoning district within Annexation Area B. The current cap of 300 total units, including no more than 120 units of multifamily, was established in the original Berryville Area Plan (1992) and is retained in the updated Plan (2015). No application for a Berryville Area Plan amendment has been submitted.

Previous concerns voiced by BADA and Planning Commission members include:

- sufficient emergency services to accommodate more senior units;*
- lack of medical facilities;*
- lack of transportation options;*
- the community need for such facilities;*

- *lack of senior housing type options (e.g., townhouses, patio homes, single-family cottages); and*
- *levels of service expected by those moving to Berryville and Clarke County from urban areas.*

The updated Berryville Area Plan as well as the original capped multifamily senior housing in this district to a total of 120 units. With 60 being applied to Mary Hardesty House, there are 60 remaining. The property owner has previously requested a 120-unit development which would go over the cap by 60 units.

Mr. Echols requested that staff include the June 29, 2015 document that was submitted with a previous Special Use Permit application for 120 senior multifamily units.

Recommendation

Discuss at the meeting. An ordinance and motion follow this report.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property - Tax Map 14-5-251B, Section 2B of Battlefield Estates

Owner - A. C. Echols, Jr., Trustee

Owner's Address - 400 Custer Court, Berryville, Virginia 22611

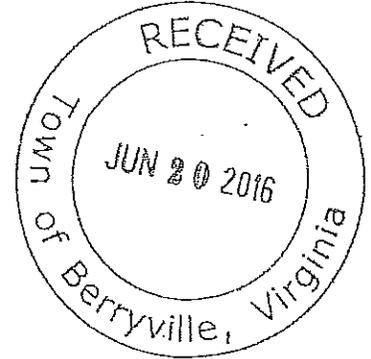
Phone - 540-944-2618 or 703-777-4100

Agent (Contact Person) - A. C. Echols, Jr.

Agent's Address

Address - 400 Custer Court, Berryville, Virginia 22611

Phone 703-777-4100



Check Appropriate Request:

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

Complete As Applicable:

Text Amendment Request: SECTION 614 - OLDER PERSON RESIDENTIAL (OPR)

An Amendment to Section 614.2 (Permitted Uses) Subsection (c) wherein it is changed to read as follows: Subsection (c) Housing for Older Persons Residential: Single Family Detached; Single Family Attached - Duplexes, Tri-plexes, Quad-plexes, Townhouses, and Multi-family Apartments (including personal service uses of less than 500 square feet) and Section 614.5 - "Maximum Density" to delete the last sentence in the section which reads as follows: "However, not more than three hundred (300) Older Persons Residential units (including not more than one hundred twenty (120) multi-family units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans."

Proposed # of Lots: ONE

Existing Zoning - Older Person Residential (OPR)

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: Delta C. Echols, Jr. - Trustee Date: 6/20/16

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

Section 614 Older Person Residential (OPR) District

614.4 AGE REQUIREMENT

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

- (a) the covenants, management regulations, or other similar legal instruments with enforcement by the property owner, homeowners association, or other private entity;
- (b) the identity of the private entity which shall be held responsible for any violation of the age restrictions for Housing for Older Persons;
- (c) a provision for an annual report to the Town of Berryville as to age status of the occupants of each unit; and
- (d) a provision which states that no person under nineteen (19) years of age shall reside in any unit for more than ninety (90) days in any calendar year.

614.5 MAXIMUM DENSITY

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

614.6 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres

614.7 MAXIMUM BUILDING HEIGHT

Maximum building height: forty (40) feet

614.8 REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum yard requirements
 - (1) Front Yard: 20 feet
 - (2) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings
 - (3) Rear yard: 40 feet

AN ORDINANCE AMENDING
ARTICLE VI, SECTION 614 OF THE
TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Additional Districts, Section 614 Older Person Residential (OPR) Zoning District, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI – DISTRICT REGULATIONS

SECTION 614 Older Person Residential (OPR) Zoning District

614.5 MAXIMUM DENSITY

A Master Plan shall be submitted with a request for OPR zoning showing a general arrangement of uses and density for the subject property and all adjacent areas intended for OPR uses. The Master Plan shall show that the public service needs are no greater for the OPR uses than the public service needs for the uses planned for that sub-area. The number of average daily vehicle trips generated, the amount of sewage generated, the amount of water used, and demand on emergency services will be no greater with the proposed number of older person residential units and service uses than that generated by the maximum density of uses allowed by a property's land use designation. ~~However, not more than three hundred (300) Older Person Residential units (including not more than one hundred twenty (120) multifamily units) shall be allowed in Annexation Area B as shown on approved subdivision plats or site plans. (10/16)~~

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT A TEXT AMENDMENT TO
ARTICLE VI SECTION 614 OF THE BERRYVILLE ZONING ORDINANCE

Date: October 11, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance modifying Article VI Additional Districts, Section 614.5 of the Berryville Zoning Ordinance in order to remove the cap of 300 Older Person Residential units (including not more than 120 multifamily units) allowed in Annexation Area B as shown on approved subdivision plats or site plans.

VOTE:

Aye:

Nay:

Absent:

Attest: _____
Harry Lee Arnold, Jr., Recorder

Attachment 5

MINUTES
BERRYVILLE TOWN COUNCIL & CLARKE COUNTY BOARD OF SUPERVISORS
Berryville-Clarke County Government Center
Joint Work Session
September 13, 2016
6:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett

Clarke County Board of Supervisors: Present- Barbara Byrd; Terri Catlett; Mary Daniel; Bev McKay; David Weiss, Chair

Others: Franklin Roberts, Mayor, Town of Boyce; Matthew C. Ames, Hubacher & Ames

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police; Ann Phillips, Town Clerk; David Ash, County Administrator; Gordon Russell, IT Director; Lora Walburn, Deputy Clerk of the Board

Press: Cathy Kuehner, Winchester Star

1. Call to Order

Mayor Dickinson called the Town Council meeting to order at 6:31 p.m.

Chair Weiss called the County Board of Supervisors meeting to order at 6:31 p.m.

2. Discussion – Cable Television Franchise Agreement

Mr. Dalton provided an overview of the issue and referenced the original 1984 agreement that is currently in effect. He introduced Mr. Matt Ames, Esquire, who is representing the Town and County during the lease renewal. Mr. Ames discussed the update to the existing franchise agreement saying that both federal and state law affect the agreement. He noted that the agreement is for a cable franchise and has no connection with broadband services.

He said considerable time had been spent working with Comcast to choose areas of the County that are underserved, but that the towns are well covered since they easily meet the required criteria of 30 homes per mile. Mr. Ames continued saying that Comcast's biggest expense is getting cable extended further down the road, so they look for the efficiency of choosing dense population areas. Supervisor Byrd asked if the 30 homes referred to one side or both sides of the road, and Mr. Ames responded that it refers to both sides.

Mr. Ames reviewed the key terms of the proposed renewal agreement (attached following this document). He said there is a separate agreement for the three jurisdictions which are: Clarke County, the Town of Berryville, and the Town of Boyce. He said the terms are for 15 years, but can be adjusted if the governing bodies so choose. He noted the agreement calls for a continuation of the 5% state communications tax or franchise fee if the tax were to be repealed. Mr. Ames also noted that the communities can require Comcast to provide two public, educational and governmental access channels on nine months' notice and added that if the request comes more than three years from the effective date of the new franchise agreement, the locality must pay the cost of building the connection between the origination site and the Comcast headend in Winchester.

Mr. Ames highlighted the remainder of the key terms of the franchise agreement, and reviewed the fiber lease agreement and the side letter addressing existing equipment.

The Council and Board members discussed the renewal. Mr. Dalton ask about the number of subscribers in each jurisdiction. Mr. Russell and Mr. Ames replied there about 800 subscribers in the County and 800 subscribers in the Town of Berryville.

Mr. Dalton said the next step will be a public hearing.

By consensus, the Council and Board agreed to hold the joint public hearing on October 18, 2016, at 6:30 p.m.

Chair Weiss thanked the staff for their efforts on the renewal agreement.

3. Adjourn

The Clarke County Board of Supervisors adjourned at 7:06 pm.

The Council of the Town of Berryville adjourned at 7:06 pm.

DRAFT

MINUTES

KEY TERMS OF PROPOSED COMCAST FRANCHISE RENEWAL

1. Franchise Agreement:

- a. Each jurisdiction will continue to have a separate agreement with Comcast.
- b. Term of franchise: 15 years.
- c. Comcast continues to pay existing 5% state communications tax, or franchise fee if tax is ever repealed.
- d. Clarke County and the Town of Berryville have right to require up to 2 public, educational and governmental ("PEG") access channels on 9 months' notice. Boyce would receive the County's channels.
 - i. One channel would be used by the local governments, the other by the County school system.
 - ii. If request more than 3 years from the effective date of the new franchise, must pay cost of building connection between origination site and Comcast headend in Winchester.
- e. Communities can require Comcast to pay PEG capital fee of \$0.50 per subscriber per month on 90 days' notice; this fee would be collected from subscribers as a separate line item on bills.
- f. Comcast to provide free cable service at public buildings listed in Ex. A, plus additional locations within 200 feet of their plant, upon request.
- g. Agreement includes updated customer service standards and improved enforcement provisions.
- h. Comcast must serve upon request any home located within 400 feet of the public right-of-way, where there are at least 30 homes per mile along the right-of-way.

2. Fiber lease agreement:

- a. Clarke County and the Town of Berryville to pay \$3600/year for right to use existing fiber network.
- b. Agreement runs as long as the Franchise Agreement.

3. Side letter:

- a. Comcast to provide all existing equipment, at no charge.
- b. Comcast to provide up to 3 converters or other equipment to serve new public buildings, at no charge. If request more than 3, Comcast will charge standard rates.

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 13, 2016
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett
Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Finance; Neal White, Chief of Police; Ann Phillips, Town Clerk
Press: Cathy Kuehner

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

The agenda was approved as presented.

4. Approval of Minutes

Council member Gibson noted an omission in her remarks at the August meeting. Council member Tollett noted a correction to Mr. Echols' remarks at the August meeting. **Upon motion of Council member Kitselman, seconded by Council Member Gibson, the minutes of the August 9, 2016 meeting were approved with corrections as follows:**

Aye – Patricia Dickinson
Harry Lee Arnold, Jr.
Donna McDonald
Allen Kitselman
Erecka Gibson
David Tollett

Nay – None
Absent – None

5. Citizens' Forum

The speakers were as follows:

Diana Kincannon, Chairman of the Board of the Barns of Rose Hill, who gave a report of recent activities at the Barns. She said the newly placed tourist signage has increased the number of people visiting the Barns. She added that the Barns' annual report is available at the Barns for anyone interested in having a copy.

Sue Ross, Executive Director of Berryville Main Street, who said the downtown area is experiencing a small renaissance. She highlighted the recent Cruise-In event and noted upcoming activities.

Susi Bailey, 2386 Springsbury Road, who said she represented both Berryville Main Street and The Barns. She noted the recent fifth anniversary of the Barns opening.

Brian McClemens, 333 East Fairfax Street, who reviewed the contents of emails between the Mayor and Alton Echols which he obtained under a FOIA request.

Christina Kraybill, 317 First Street, who reiterated that the tourist signs recently placed on Route 7 have greatly increased visitors and sales at her business. She thanked the Mayor for participating in several ribbon cutting ceremonies.

Diane Harrison, 325 South Church Street, who noted the upcoming Clarke County Studio Tour highlighting 30 artists at 22 locations. She also noted the recently established Top of Virginia Artisan Trail.

Harold Rhode, Chief of John H. Enders Fire Company, who said the Company was glad to be able to participate the recent September 11 Remembrance. He said the Company will hold an open house on Sunday, October 9 from 1:00-4:00 pm and invited the public to attend.

6. Report of Patricia Dickinson, Mayor

The Mayor said she wished to streamline the Policy Committee and suggested the membership of the Committee be changed to include one elected member and one administrative member. Recorder Arnold said he is not in favor of a committee of one. He said too many changes are being made all at once, and that there is no great urgency to change everything in the first few months. He suggested choosing one or two priorities and bringing them to Council.

Council member Kitselman agreed, and said creating more bureaucracy is not the answer. He referred to recent emails from the Mayor and said the subject of the emails are not on the agenda, but can't be addressed in email without violating the public meeting requirement. He reminded the Council members that they should not reply to all in an email.

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

A. Rappahannock Electrical Cooperative Presentation – Ronnie Rutherford

Mr. Rutherford, Director of Member Services, gave an overview of the Cooperative's plans to install LED lights in Town as older fixtures are replaced. He said an earlier pilot program showed the lights were well received, and noted that costs are coming down. Mr. Rutherford also stated that REC had been working on a street light inventory and presented the Planner with a map of the Town with street lights located.

B. Planning Department Report

Ms. Dunkle noted the amendments to the Construction Standards and Specifications Manual. Mayor Dickinson asked why "streets and associated stormwater management facilities" had been added to Section 2 under Provision for Future Growth. Ms. Dunkle said these requirements are being established as a result of the Town taking responsibility of secondary street maintenance from VDOT in 2012. She added that these standards had been modeled after regulations from the City of Winchester and include testing obligations that developers are required to meet. The Mayor inquired whether anyone who understood the standards had reviewed them and further inquired whether or not a developer or a builder had reviewed them. Ms. Dunkle replied that she had reviewed the standards. **Council member**

Kitselman moved that the Council of the Town of Berryville approve amendments as follows to the Construction Standards and Specifications Manual in order to update Section 2 General Design Standards which regulates stormwater management facilities and to add standard details reflecting the updated narrative. Council member Tollett seconded the motion which carried as follows:

Aye – Patricia Dickinson
Harry Lee Arnold, Jr.
Donna McDonald
Allen Kitselman
Erecka Gibson
David Tollett

Nay – None
Absent – None

Section 2

General Design Standards

I. Provision for Future Growth

The Town may require the modification of certain proposed public improvements to provide adequate capacity for the logical extension of said improvements. Proposed facilities would include, but not be limited to, water lines, booster stations, water pressure control valves, sewer lines, ~~and~~ sewer pump stations, **and streets and associated stormwater management facilities**. Costs for the provision of additional capacity or modifications as required above may be reimbursed by the Town or through agreements with other owners/developers.

II. Phased Construction

A. Delineation

If development is to be constructed in phases, plans shall clearly indicate by phase lines and notes, which facilities are to be constructed under each phase. Plans shall indicate locations of contour tie-ins for each phase and specific measures for phased termination of all water, sewer, storm drainage, streets and other public improvements. Construction plans for public improvements and utilities shall be designed so as to be fully functional at the completion of each phase and allow for construction of the next phase with a minimal impact to existing improvements. A temporary marker identifying the location of the utility termination shall be provided.

B. Bonding

Bonding of public improvements and erosion and sediment control measures as required by Town Ordinance shall be provided independently for each proposed phase.

III. Drainage

General

1. An evaluation shall be performed for all proposed drainage systems to ensure adequate hydraulic capacity for conveyance of the minimum ten-year event including, but not limited to, channels, storm water management facilities and conduits.
2. Hydraulic capacity must be verified with engineering calculations, in accordance with the procedures outlined in the *Virginia Erosion and Sediment Control Handbook*, the *Virginia Department of Transportation Drainage Manual*, *Town of Berryville Storm Water Management Ordinance*, and this manual. Submit two complete copies of drainage calculations with construction plans.

Calculations shall include a copy of the site grading and drainage plan, at the plan scale, upon which the boundaries, acreages, time of concentration paths and C-factors of the interior drainage areas shall be shown. Calculations shall also include a map at an appropriate scale delineating the boundaries, acreages, time of concentration paths and C-factors of the drainage areas, upstream of the development, which would contribute storm water to the development.

3. Due consideration must be given to infrequent events (100-year) resulting in runoff quantities greater than minor system design capacity. The design for the major drainage system shall provide for overland relief of the 100-year event without flooding or damaging buildings and structures and without reliance upon the minor drainage system. The limits of the area affected by the 100-year event shall be represented on construction plans.
4. The drainage system shall be designed to honor all natural drainage divides and create no adverse impact on downstream properties; to account for all off-site storm water and; to convey discharge surface waters to the flow line of a natural watercourse or an existing underground or above-ground adequate conveyance system.
5. The owner or developer may not create a new discharge or concentrated storm water from a pipe, culvert, channel, or other drainage structure, onto or through lands of another, without first obtaining a permanent storm drainage easement and constructing improvements to guarantee continuity of an outfall from the point of discharge to the nearest natural or man-made watercourse.
6. If off-site downstream construction and easements are required to construct an adequate channel outfall, no plans shall be approved until such storm drainage easements, extending to the nearest natural or man-made watercourse, have been obtained and recorded. It will be the responsibility of the developer to obtain all off-site easements.
7. Energy dissipation devices and/or friction channel lining shall be used at and downstream of outfalls when discharge velocities exceed the maximum permissible as defined by the *Virginia Erosion and Sediment Control Handbook*.
8. Plans shall be prepared to preclude adverse impacts because of higher flow rates that may occur during construction.
9. Construction plans shall show the location, size, flow line elevations, profiles and details of all drainage facilities and structures, existing or proposed, including, but not limited to, swales, ditches, culverts under public streets and private drives, drop inlets, storm sewers and detention/retention ponds and pond outlet structures. Typical cross sections of all swales and ditches shall be shown.

10. Profiles of streets shall show profiles of storm sewers and cross sections of culverts together with point of intersection. Profiles shall show clearance of such drainage facilities with water mains and sanitary sewer.

Storm Sewer Systems

- ~~1. Design and capacity of culverts, inlets and piped storm drainage systems shall be in accordance with the requirements of the Virginia Department of Transportation (VDOT) Drainage Manual, latest release, Town of Berryville Storm Water Management Ordinance, Virginia Department of Environmental Quality Storm Water Management Program and this manual. Proposed drainage facilities shall be sized for ultimate development conditions. Ultimate developed condition of currently undeveloped areas within a watershed shall be based upon the current or anticipated zoning of those areas.~~
- ~~2. Where a proposed drainage system is connected to an existing drainage system, the hydraulic gradient shall be computed through the existing system outfalls to daylight to demonstrate hydraulic capacity. System computations for the existing system will be made available by the Town to the designer for those systems for which the Town has this information. The Town Superintendent may waive this requirement when it has been previously determined that the receiving system is known to have sufficient capacity.~~
- ~~3. All storm sewer pipe within a public right-of-way or public drainage easement shall be reinforced concrete pipe with a minimum diameter of 15 inches or equivalent elliptical size. Storm sewer pipe which begins or ends within a public right-of-way or public easement shall be reinforced concrete for its entire length between terminal structures. All reinforced concrete pipe shall be Class III, or greater as conditions require. Installation shall be in accordance with VDOT Standard PB-1, joined using a tongue and groove connection with bitumastic sealant. Precast box culvert sections shall be joined using a closed-cell extruded rubber gasket, Delta Rubber "Omni Flex" or Town approved equal.~~
- ~~4. Reinforced concrete flared end sections shall be installed at the open ends of all storm drainage pipe. Concrete endwalls may be accepted 42 inches in diameter or less subject to approval by the Town Superintendent.~~
- ~~5. Minimum cover for storm sewer pipe shall be two feet vertically from finish grade to the outside crown of pipe, except where structural correction is provided and approved. Requests for less than two feet of cover shall be recorded on the plans and clearly denoted. Test pits will be required and shall be shown on the plans for all crossings which involve gas lines, water mains, sanitary sewer crossings which have minimum clearance, and all fiber optic telephone service lines. Test pits shall be dug and clearances verified prior to installing any portion of the storm sewer system. Test pits as basis of design may be required at the discretion of the Town Engineer.~~
- ~~6. Storm manhole covers shall have the word "STORM" cast into them. (05/16)~~

Final Inspection and Testing

- ~~1. All storm sewer lines shall be internally inspected by closed-circuit television camera prior to acceptance. A copy of the inspection video and reports must be submitted to the Town of Berryville Public Works Director for review. All deficiencies noted~~

must be corrected and an additional televised inspection must be submitted to the Town for review and approval.

2. Such inspection shall be made after the storm sewer has been fully backfilled and the associated roadway sub-grade construction has been completed.

3. The cost of these inspections shall be borne by the project's owner.

Design and capacity of culverts, inlets and piped storm drainage systems shall be in accordance with the requirements of the *Virginia Department of Transportation (VDOT) Drainage (05/16)*

1. General

A. The following minimum requirements are considered acceptable to the Town of Berryville for the collection and detention of stormwater runoff. Deviation from these may be allowed if: a) the deviation is in accordance with sound engineering standards; b) the deviation will not increase the likelihood of a system failure; c) the deviation will not adversely impact the environment or others.

B. As a general guideline, standards shall be those set forth in the latest editions of the Virginia Erosion and Sediment Control Handbook, the Virginia Stormwater Management Handbook, and the Virginia Department of Transportation Drainage Manual. If the standards set forth in this manual conflict for a particular application, the Director of Public Works shall determine which standard is to be applied.

C. When the Town of Berryville standards differ from state and/or federal requirements, the most stringent requirement shall apply.

D. All drawings, specifications, and engineer's reports submitted for approval shall be prepared by or under the supervision of a registered professional engineer with a current registration in the Commonwealth of Virginia in accordance with Title 54.1, Chapter 3 of the Code of Virginia, 1950, as amended. Where applicable, design may be performed under the direction of a certified Land Surveyor B, in accordance with § 54.1-408 of the above-cited code. The front cover of each set of drawings, of each copy of the engineer's report, and of each copy of the specifications submitted for review shall bear the signed imprint of the seal of the above licensed professional who prepared or supervised the preparation, and shall be signed with an original signature and date.

E. The engineer shall be responsible for obtaining the review and necessary approvals of all drawings and specifications by applicable Town, County, State and Federal agencies having jurisdiction. Copies of such approvals shall be submitted to the Town of Berryville Department of Public Works at the time of final approval.

2. Stormwater Report

A. All drainage calculations shall be incorporated into a stormwater report, which shall present the following information as applicable. If the necessary calculations are minimal, they can be included on the plan sheets.

1. A description of the computer software used and references to charts and tables used. Computer spreadsheets or programs created "in-house," used in lieu of standard forms or standard manual calculations, shall be substantiated, at least initially, with manual calculations showing equivalent results. Acceptance of, or request for substantiation of "in-house"

spreadsheets and programs will be the decision of the Director of Public Works.

2. The following computations shall be shown for both pre-developed and post-developed conditions:
 - a. The stormwater report or plan set shall show the grading plan with the boundaries, acreages, and C-factors or CN values for all drainage areas contributing storm water to the site.
 - b. Flow paths and calculations of times of concentration.
 - c. Runoff computations.

3. Stormwater Design

A. General

1. An evaluation using verifiable engineering calculations shall be performed for all proposed drainage systems including, but not limited to, channels, inlets, and conduits. At a minimum, this evaluation shall show adequate hydraulic capacity for conveyance of the ten year storm event.
2. Due consideration must be given to less frequent storms, up to and including the 100-year storm event. The design of drainage systems shall generally provide for overland relief of the 100-year storm event without flooding or damaging buildings and structures.
3. The drainage system shall be designed with an attempt to closely maintain existing drainage divides and must not create adverse impacts on upstream or downstream properties.
4. Drainage designs must account for any off-site drainage that will be collected by the drainage system or that will flow through any part of the site. Ultimate developed condition of currently undeveloped areas within a watershed shall be based upon the current or anticipated zoning of those areas.
5. All systems shall be designed to convey runoff to the flow line of a natural watercourse or to an adequate conveyance system.
6. The owner or developer may continue to discharge stormwater as sheet flow (non-concentrated) onto an adjoining property if, at the same location:
 - a. The post-development peak runoff rate based on documentation and calculations does not exceed the pre-development peak rates.
 - b. The duration of the flow does not increase under post-development conditions.
7. The owner or developer may not create a new discharge of concentrated storm water from a pipe, culvert, channel, or other drainage structure, onto or through lands of others without first obtaining a permanent storm drainage easement, and ensuring that adequate conveyance exists downstream between the point of discharge and the nearest natural or man-made waterway.
8. If off-site downstream construction and easements are required to construct an adequate channel outfall, no plans shall be approved until such storm drainage easement, extending to the nearest natural or man-made

watercourse, has been obtained and recorded. It will be the responsibility of the developer to obtain all off-site easements.

B. Storm Sewer Systems

1. All publicly owned storm inlets and manholes shall include inlet/invert shaping per VDOT standard IS-1.
2. No concentrated flow greater than one cubic foot per second, based on the 10-year storm, shall cross a sidewalk or curb.
3. Culverts and storm sewers shall be of adequate size to transport runoff from the 10-year storm, for the ultimate developed condition of the subject property. Contributions of off-site flow from permanently developed properties shall be based upon existing conditions. Contributions of off-site flow from undeveloped properties shall be calculated based upon the two-year fully developed flow (undetained) from such properties. Plans shall account for overland relief resulting from less frequent events.
4. The hydraulic grade line of storm sewers for the post-developed 10-year storm shall be lower than the gutter line or grate inlet top elevation at all points.
5. All publicly-owned storm sewer pipes within traffic-bearing areas shall be reinforced concrete pipe with a minimum diameter of 15 inches or equivalent elliptical size. Publicly-owned storm sewer pipe in non-traffic bearing areas may be corrugated HDPE pipe with a minimum diameter of 15 inches.
6. All pipes shall terminate with flared end sections or concrete headwalls. Box culverts shall include concrete headwalls and end walls, which shall be located a minimum of 25 feet from the edge of pavement if the culvert is subject to vehicular traffic.
7. The outfall conditions of pipes and culverts shall be designed to withstand the velocities produced during the 2-year storm event without erosion.
8. Pipe shall not deflect between storm structures. Pipe on slopes greater than 20 percent shall be anchored.
9. Minimum cover for storm sewer pipe within the right-of-way shall be according to the Town of Berryville Standard Details 22 and 24. Outside the right-of-way, the minimum cover, from finished grade to the outside crown of pipe, shall be the greater of one foot or half the pipe diameter.
10. In parallel installations, under normal conditions, storm sewer pipes shall be laid at least 10 feet horizontally from water lines and sanitary sewer lines. The distance shall be measured from outside edge to outside edge.
11. In general crossing situations, storm sewer pipes shall maintain a minimum vertical distance of 18 inches from water mains and 12 inches from sanitary sewer lines. In cases where this separation is impossible to achieve, the water or sanitary sewer line shall be protected in accordance with the appropriate Town of Berryville utility standard. In cases where the water or sanitary sewer line is not owned by the Town of Berryville, the crossing shall be governed by the regulations of the authority which owns the utility in question.

12. Test pits will be required and shall be shown on the plans for all crossings which involve gas lines, water mains 12 inches in diameter and larger, sanitary sewer crossings that have minimum clearance, and all fiber optic telephone service lines. Test pits shall be dug and clearances verified prior to installing any portion of the storm sewer system.

C. Easements

1. An “easement” shall mean any area to which the Town has unlimited access for maintaining adequate drainage.
2. Permanent easements shall be a minimum width of 20 feet. Wider easements may be required where more than one facility may occupy an easement, or in consideration of structure size, depth, or access requirements. The extent of drainage easements shall be dependent on upstream and downstream conditions and the scope of maintenance needed to maintain adequate drainage.
3. Easements shall be recorded and the Deed Book and Page Numbers of the recordation provided to the Planning Department before approval of the as-built plans and release of the construction bonds.
 - a. No building or other structure, including but not limited to fences and decks, shall be erected over permanent easements.
 - b. Any plantings installed within an easement may be damaged or destroyed during the course of servicing. The Town is not liable for damage to any improvements or plantings within an easement. The Town will re-seed as necessary any bare or disturbed soil for erosion control purposes.
 - c. Small and medium shrubs, groundcovers, or grasses may be planted within an easement. Their suitability shall be determined by their likelihood to create or entrap debris, or to obstruct natural flow.

D. Storm Inlet Design

1. Drop inlets shall be sized and spaced such that a minimum of one half of the travel way in each direction shall be free from flooding at the inlet design flow.
2. To properly drain sag vertical curves, it is required on roads classified as minor arterial or higher to place three inlets on each side of the road; one inlet at the low point and one flanking inlet on each side of the low point. The flanking inlets shall be placed so that they will limit the spread in the low gradient (flatter) approaches to the sag point and will act in relief of the sag inlet should it become clogged.
3. Drainage flowing in street gutters shall be intercepted 100 percent, at design flow, prior to entering an intersection with another public street.
4. Inlets which have bypass flows shall be clearly marked on the plans and bypass flow must be included in the total gutter flow contributing to the next downstream inlet.
5. Downstream flow for drop inlets in streets and parking areas shall be computed using the rational method and applying a rainfall intensity of four inches per hour. Design flow for grate inlets located near structures that

could be damaged by flooding shall be computed using the 100-year storm and assuming 50 percent blockage of the grate. Design flow for all other grate inlets shall be the same as street inlets but must assume 50 percent blockage.

E. Stormwater Conveyance Channels

- 1. Channel adequacy, hydraulic capacity, maximum velocities, channel linings, and other related design variables shall be determined by the procedures outlined in Chapter 5 of the Virginia Erosion and Sediment Control Handbook, or by approved computer software.**
- 2. All open channels shall be designed to contain the 10-year storm with six inches of freeboard below the banks of the channel. Contributions of off-site flow from permanently developed properties shall be calculated based upon the two-year fully developed flow (undetained) from such properties. Plans shall account for overland relief resulting from less frequent events.**
- 3. Unless otherwise approved, the need, type, and dimensions of lining for erosion control shall be based on the velocity and depth of flow associated with the ten-year event.**
- 4. Maximum side slope for grass lined conveyance channels shall be 3:1 (H:V) with a minimum longitudinal slope of two percent.**

F. Stormwater Quantity

- 1. To protect downstream properties and receiving waterways from flooding, the ten (10) year post-development peak rate and velocity of runoff from the land development shall not exceed the two (2) year pre-development peak rate of runoff.**
- 2. To protect downstream properties and receiving waterways from channel erosion, the two (2) year post-development peak rate and velocity of runoff from the land development shall not exceed the two (2) year pre-development peak rate and velocity of runoff.**
- 3. If the land development is in a watershed for which a hydrologic and/or hydraulic study has been conducted or a stormwater model developed, the program authority may modify the requirements of items 1 and 2 above so that runoff from the land development is controlled in accordance with the findings in the study or model, or to prevent adverse watershed storm flow timing, channel degradation, and/or localized flooding problems.**
- 4. The program authority may also require that the plan include additional measures to address damaging conditions to downstream properties and receiving waterways caused by the land development.**
- 5. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with accepted engineering practices as determined by the program authority.**

G. Stormwater Quality

- 1. Best management practices shall be designed and sited to capture runoff from the entire land development project area and, in particular, areas of**

impervious cover within the land development, to the maximum extent practicable.

2. Best management practices shall be designed to remove the difference between post-development and pre-development total phosphorus loads in cases where post-develop loads exceed pre-development loads. The calculation method in Appendix 5D of the Virginia Storm Water Management Handbook shall be used to perform the calculations.

4. Materials

A. Concrete Pipe

1. Circular reinforced concrete culvert and storm sewer pipe shall be in accordance with ASTM C76 and be Class III minimum.
2. Elliptical reinforced concrete culvert and storm sewer pipe shall be in accordance with ASTM C507.
3. Gasketed joints shall be bell and spigot with rubber gasket seal in accordance with ASTM C443. Tongue and groove joints shall be sealed with mortar or pre-formed flexible sealant per ASTM C990, or other suitable sealant.

B. Corrugated Plastic Pipe

1. Pipe shall be in accordance with AASHTO M294 or ASTM 2306.
2. Pipe shall be joined using a bell and spigot joint meeting AASHTO M252, AASHTO M294, or ASTM F2306. The joint shall be soil-tight and gaskets, when applicable, shall meet the requirements of ASTM F477. Gaskets shall be installed by the pipe manufacturer and covered with a removable wrap to ensure the gasket is free from debris. A joint lubricant supplied by the manufacturer shall be used on the gasket and bell during assembly.
3. Fittings shall conform to AASHTO M252, AASHTO M294 or ASTM F2306. Bell and spigot connections shall utilize a spun-on or welded bell and valley or saddle gasket meeting the soil-tight joint performance requirements of AASHTO M252, AASHTO M294, or ASTM F2306.
4. All installation of corrugated plastic pipe shall be per manufacturer's specifications.

C. Drop Inlets

1. Standard drop inlets shall be per VDOT specifications.
2. For drop inlets in shallow conditions, structures shall be consistent with Standard Details 25A, B and C or shall be a precast or cast-in-place concrete box with a top consistent with Standard Detail 26.
3. For drop inlets requiring a manhole frame and cover for access, the manhole frame and cover shall be as manufactured by Neenah Foundry per Standard Detail 26. Frames and covers shall be manufactured in the United States.

D. Manholes

1. Storm manholes shall be per VDOT specifications.
2. Frames and covers shall be as manufactured by Neenah Foundry per Standard Details 27 - 30, or approved equivalent.

5. Inspection and Testing

A. Concrete Pipe

- 1. Concrete pipe shall be inspected visually during installation by the Director of Public Works or his/her designee.**
- 2. After installation and backfill, all sand, dirt, and debris from the lines shall be flushed prior to inspection.**
- 3. All lines and manholes shall be visually inspected by the Town of Berryville from every manhole by use of television cameras. The cost shall be the responsibility of the Owner/Developer as identified on the Planning and Zoning Fee Schedule, 2012, as amended.**
- 4. The lines shall exhibit a fully circular pattern when viewed from one manhole to the next.**
- 5. Lines which do not exhibit a true and correct line and grade, or have obstruction or structural defects, shall be corrected to meet these specifications and the barrel left clean for its entire length.**

B. Corrugated Plastic Pipe

- 1. Corrugated plastic pipe shall be inspected visually during installation by the Director of Public Works or his/her designee.**
- 2. Following installation, the contractor shall perform cleaning and video inspection of the installed plastic pipe. The processes listed below shall be followed:**
 - a. The CCTV inspection must be completed per this manual and by an impartial, qualified and reputable Inspection Agency in the presence of a Town inspector. The Town reserves the right to reject an Inspection Agency.**
 - b. The Owner/Developer shall provide 48 hours notice to the Town prior to televising any pipe to allow an inspector to be on site.**
 - c. A written inspection report accompanied by visual recording shall be provided to the Town's Inspector at the end of each day of CCTB inspection. Visual recording shall be digital mpeg4 format. The written report shall be in both list form and plan view. PLEASE NOTE: VHS video tapes will not be accepted.**
 - d. It will be the Developer/Contractor's responsibility to demonstrate acceptable joint spacing.**
 - e. Deflection visible on the CCTV monitor will be assumed to be greater than 5%. The Developer/Contractor has the right to challenge this decision by direct measurement or by the use of a GO-NO-GO Mandrel. The pipe will be rechecked for damage after use of the Mandrel.**
 - f. The Developer/Contractor must repair all defects found during inspection. A follow-up CCTV inspection shall be performed by the Developer/Contractor to assure the repairs have been completed satisfactorily.**

IV. Water & Sewer

A. General

A Preliminary Design Report shall be submitted to the Town which shall describe the additions to the water distribution and sewerage collection systems, and at a minimum shall include:

1. Number of units, with the estimates for water usage and wastewater production.
2. Hydraulic calculations for the proposed water system and existing water system to insure that adequate pressure and volume can be sustained to the new development without reducing pressure or volume in other areas of the existing system.
3. Hydraulic calculations for the proposed sewerage collection system and all existing lines or pump stations that may be impacted.

B. Design Practices

1. Scope

- a. This section is included for the clarification, information and benefit of the engineering design community, to act as a guide to the practices of the Town. This section is a compilation of a variety of typical practices to be followed in the layout and design of water distribution and wastewater collection systems of the Town. The information contained in this section must be applied in conjunction with the regulations of the Commonwealth of Virginia Department of Environmental Quality, Virginia Department of Health Waterworks Regulations and the other sections of this manual.
- b. Many criteria listed are minimums. Additional separations and clearances are to be furnished as practical to optimize each design. Attention shall be given to locating utilities so as to facilitate their re-excavation. The Town will consider factors such as depth and magnitude of facility in determining the adequacy of each design, and may relax or increase dimensional requirements accordingly. In general, a design is to be sought which minimizes length of piping and number of appurtenances, while providing a system which minimizes maintenance costs.
- c. Because of the wide variety of situations that arise, it is impossible to address all scenarios. The Town reserves the right to exercise engineering judgement and will have the final decision on the acceptability of design.
- d. The Town reserves the right to amend or modify this document without notice and to interpret the meaning of all statements made herein.

2. Water Distribution

a. Design Flows

- (i) Fire Flows. The water distribution system piping and any extensions thereof shall have adequate capacity to supply the normal (average) and peak hour demands of all customers – domestic, public, commercial and industrial – while maintaining a pressure of not less than 30 pounds per square inch at all points of delivery. In addition, the piping system shall be capable of delivering on the day of maximum customer demand, flows required for fire protection to at least one (1) point within 300 feet of each building being served or proposed to be served by such system and extension, while maintaining a residual pressure of not less than 20 pounds per square inch at the point of service. Flows required for fire protection

shall be a minimum of 750 gpm for Single Family Detached Dwelling developments, 1,500 gpm for Attached Residential or Apartment (3 stories or less), and 2,000 gpm for Commercial and Industrial developments.

(ii) Daily Demands. The following criteria will be used in estimating demands for water and accomplishing hydraulic design of the system.

(a) Average day, maximum day and peak hour demands to be used in system hydraulic design will be estimated using the following parameters:

1. Residential Population
= N = number of dwelling units x 2.75
2. Average daily water demand of residential population in gallons per day (g.p.d.)
= R = N x 100
3. Average daily commercial and industrial water demand in g.p.d.
= C = number of commercial and industrial employees x 100*
*NOTE: Appropriate additional water demand allowance shall be made for commercial and/or industrial establishments of types having water demands in excess of 100 g.p.d. per employee.
4. Average daily school water demand in g.p.d.
= S = number of staff employees and students x 20
5. Average daily water demand in g.p.d.
= A = R + C + S
6. Maximum daily water demand in g.p.d.
= M = A x 2
7. Peak hour demand in g.p.m. is calculated using the formula provided in the Waterworks Regulations 12 VAC 5-590-690
= Q = 11.4 x N^{0.544}

(iii) Distribution piping design will be based upon providing flows and service pressures in accordance with these standards from the supply design gradient (HGL) furnished by the Town. Hydraulic design of distribution piping will be based on pipe carrying capacities consistent with head losses determined in accordance with the following:

<u>Pipe Diameter</u>	<u>Hazen-Williams Coefficient "C"</u>
6"	100
8"	110
10"	115
12" or greater	120

3. Wastewater Collection

a. Design Flows

(i) Tributary Population

(a) Sewer systems, which provide for a complete watershed, shall be designed and sized assuming the entire watershed to be completely developed according to present or planned land use designation whichever requires the greater capacity.

(b) Sewer systems initially developed for only a part of a complete watershed shall be sized to provide for the entire watershed. Otherwise, if acceptable to the Town, physical provision shall be made for future increased capacity. Proper modification to allow for the characteristics (i.e. domestic, commercial and industrial wastes, and ground water infiltration) of the area under consideration shall be made.

(ii) Capacities

(a) In determining the required capacities of sanitary sewers, the following factors shall be considered:

- (1) Maximum hourly quantity of domestic sewage
- (2) Additional maximum sewage or waste from industrial plants and commercial areas.

(b) New sewer systems shall be designed on the basis of an average per capita flow of sewage from the equivalent population served of not less than 100 gallons per capita per day. Lateral and submain sewers shall be designed for a minimum of 400% of the average flow, main and trunk sewers shall be designed for a minimum of 250% of the average flow, and interceptors shall be designed for a minimum of 200% of the average flow.

(c) Computations shall use a roughness coefficient (n) in the Mannings Formula of 0.014. However, other values may be used for situations where sufficient engineering justification can be demonstrated.

(d) The 100 gallons per capita per day figure is assumed to cover normal infiltration, but an additional allowance shall be made where conditions are especially unfavorable.

(e) The minimum allowance for flow from single-family detached residences shall be based on 3.5 people per home. For single-family attached residences or dwelling units in multifamily structures, a basis of 3 people per unit may be used.

(f) Unless evidence is presented to prove a different flow from industry at ultimate development, the minimum allowance for industrial flow shall be determined by providing an equivalent population of 40 persons per acre or one (1) equivalent population per employee, whichever is the greater, in the industrial area. "Area" shall include the entire area zoned for industry, except public road, street, and highway rights-of-way, flood plains on which construction is prohibited, and "green zones" separating industrial from residential areas, on which construction is prohibited.

(g) The minimum allowance for flows from commercial areas shall be determined by providing an equivalent population of 30 persons per acre, or one-half (1/2) equivalent population per employee, whichever is the greater, in the commercial area. "Area" shall include entire area zoned for commercial development, including off-street parking and landscaped areas, but excluding the rights-of-way of public roads, streets and highways, flood plains of streams on which construction is

prohibited and “green zones” 100 feet or more wide separating commercial from residential areas, on which construction is prohibited.

- (h) Sewer size shall not be less than eight inches in diameter, except under the following condition:
 - 1. Laterals serving six connections or fewer on cul-de-sacs or as sidewalk collector lines may be six inches in diameter.

(i) Minimum Gravity Sewer Slopes

Sewer Size Minimum Slope in Feet per 100 Feet

Nonsettled Sewage

3 inch	Not Allowed
4 inch	Not Allowed
6 inch	0.49
8 inch	0.40
10 inch	0.28
12 inch	0.22
14 inch	0.17
15 inch	0.15
16 inch	0.14
18 inch	0.12
21 inch	0.10
24 inch	0.08
27 inch	0.067
30 inch	0.058
36 inch	0.046

All sewer shall be nonsettled unless pre-approved by the Director of Public Works.

- (j) Minimum flow velocities of 1.3 fps and 2 fps are required for settled and non-settled sewage, respectively.
- (k) Special provisions must be made to protect against internal erosion when flow velocities exceed 15 fps.
- (l) A minimum sewer burial depth to protect against freezing shall be 24”.
- (m) In cases where the above criteria are not applicable, an alternate design procedure may be submitted to the Town for approval. A description of the procedure used and justification for the modifications for sewer design proposed shall be included with the Design Analyses and plans submitted for approval.

V. Easements

Where the Town of Berryville permits the construction of water, sewer, or storm water improvements (town utilities) outside of the public right-of-way, the following shall apply:

- A. Town utilities approved such that they will not be in the public right-of-way shall be located in easements conveyed to the Town of Berryville. Such easement shall include language and conditions as required by the Town and will be approved by the Town prior to recordation.

- B. Easements shall be located so as to provide access to all parts of the utility without interference from abutting buildings, fences, and other private improvements.
- C. Easements shall not be centered on property lines but shall run parallel to boundary lines to the greatest degree practical. Easements may straddle boundaries, provided that the associated channel or pipeline is offset from the boundary.
- D. Easements must remain clear of buildings, trees, fences, and other improvements, and underground structures other than the designated utility. Fence sections may be erected across an easement section so long as the section contained within the easement is a gate through which personnel and equipment may enter the property. Trees planted in and/or improvements erected within a utility easement that are damaged or destroyed in the course of utility inspection, maintenance, or reconstruction will not be replaced or paid for by the Town of Berryville.
- E. Easements shall be a minimum of twenty (20) feet in width; however, the Town reserves the right to require wider easements as deemed necessary.
- F. Town utility easements are exclusive. Other utilities may only cross the town's easement, and such crossings must be at or near a 90-degree angle.

VI. Submission of Calculation Data in Digital Format

- A. Engineering calculations used in the design of public improvements shall be submitted to the Town in digital format for review.
- B. Submissions for water system design shall be on a master development plan that includes the locations of the water mains. The plan(s) shall be paper drawings or provided in an AutoCad compatible format. In addition, the plans shall be a scale accurate drawings referenced to the State Plane Coordinate System.
- C. Submissions for sanitary sewer system design should be provided in Microsoft Excel format, or Heastead input/output files.
- D. Submissions for storm drain system, and storm water management design should be provided in Microsoft Excel format, or Heastead input/output files, or Soil Conservation Service TRT -20 or 55 format.

VII. Transferring of Pump Station Ownership

- A. Ownership of pump stations will occur only after final acceptance in writing of a completed project.
- B. The developer will be responsible for any maintenance as a result of construction defects of said facilities for one year from the date of Final Acceptance.

VIII. Streets and Related Improvements in the Public Right-of-Way

- A. All activity performed in the public right-of-way requires an approved permit from VDOT or the Town of Berryville. VDOT maintains public primary roadways (Business Route 7 and SH 340). The Town of Berryville maintains public secondary roadways.
- B. All work performed under a permit issued by the Town of Berryville must be performed in accordance with the following as applicable:
 - 1. Berryville Town Ordinances
 - 2. Berryville Construction Standards and Specifications
 - 3. VDOT Road and Bridge Standards, current edition
 - 4. VDOT Road and Bridge Specifications, current edition
 - 5. Manual on Uniform Traffic Control Devices (MUTCD) including the VDOT supplement
 - 6. VDOT Manuals on Planting and Irrigation in the Right-of-Way
 - 7. VDOT Land Use Permit Manual
 - 8. Virginia Erosion and Sediment Control Handbook
- C. Right-of-way dedication and acceptance of public streets not maintained by VDOT shall be evidenced by authorized signatures on the deed of dedication or other instrument deemed acceptable by the Town of Berryville.
- D. In order to obtain guarantee of performance to assure timely completion and competent construction of physical improvements, the applicant is required to post a bond or other acceptable surety as identified in Article VII, Performance Surety, of the Town of Berryville Subdivision Ordinance and Article III, Section 314.8 Construction and Bonding of the Town of Berryville Zoning Ordinance.
- E. Performance bonds shall be submitted to the Town of Berryville for review and approval for those streets in the Town's system (secondaries).
- F. Dedication and acceptance of public streets shall be in compliance with VDOT Memorandum SR-50-93, Guide for Additions, Abandonments, and Discontinuances, current edition.

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Ms. Dunkle noted there were several public hearings which she requested the Council to set. In reference to the public hearing for a special use permit at 208 North Buckmarsh Street, Mayor Dickinson said she thought the costs for the zoning process were high. There was discussion of the zoning ordinance, and permitted uses and those uses which require a Special Use Permit. By consensus, the Council agreed to set a public hearing on October 11 for a special use permit at 208 North Buckmarsh Street. By consensus, the Council agreed to set a public hearing on October 11 for a text amendment to Section 204.2 of the Berryville Zoning Ordinance. By consensus, the Council agreed to set a public hearing on October 11 for a text amendment to Section 614.2 of the Berryville Zoning Ordinance. By consensus, the Council agreed to set a public hearing on October 11 for a text amendment to Section 614.5 of the Berryville Zoning Ordinance. Council member Kitselman said he wished to go on record as saying he is not in favor of the last two text amendments. Recorder Arnold asked the Mayor to explain the last two items to the members of the public. Council member Tollett asked if the applicant's letter can be included in the packet for the public hearing since a letter of opposition was included in this information packet. Ms. Dunkle replied that she had not received a letter from the applicant, but would include one if it is received.

Mr. Dalton addressed the issue of rain harvesting as a citizen has inquired about installing such a system for his personal use. He said staff is supportive of the idea and has been working through the issues including compliance with chapter 17 of the Berryville Code, compliance with cross-connection / backflow prevention requirements, and provision of an equitable means by which the Town would bill for wastewater leaving the home but not metered through the water meter. He presented the issue for discussion, but noted that staff will be spending more time on the matter. He added that the use of a rain harvesting system makes sense, but the Town's water and sewer systems need to be protected both physically and fiscally. Recorder Arnold said the idea may be ahead of its time and will be costly to the Town. Council member Kitselman disagreed saying the idea is the wave of the future and will be good for the environment. He added that the additional meters will be expensive. Council member Tollett asked whether there is any role for the Streets and Utilities Committee in the discussion and Mayor Dickinson replied that there was a role. Council member Gibson asked if any other residents have inquired about such a system and Mr. Dalton said that no others have come forward yet, but that he expects there will be more in the future. Recorder Arnold said accommodating the system will take time, but is possible. Council members Kitselman and McDonald urged staff take the necessary time to study the request without rushing. By consensus, the Council agreed that staff should report back at the November meeting.

8. Report of Keith Dalton, Town Manager

In reference to a Policy Regarding Photography, Video Recording, and Audio Recording of Town Meetings, Mr. Dalton noted the two versions of the policy included in the agenda packet. He said Version 1 calls for recording of meetings to assist with minutes only while Version 2 calls for the audio files to be posted on the Town website for 12 months. Council member Gibson asked which members had a concern about posting the files on the website. Recorder Arnold said he did not see an advantage to posting the files. Council member Tollett asked why recording of the meetings was being suggested and the Mayor responded that the reason was transparency. Recorder Arnold said the Council has always had transparency. There was a discussion of the use of the files and whether all public meetings should be recorded or only Town Council and Planning Commission meetings. **Recorder Arnold moved that the Council of the Town of Berryville adopt Version 1 of the policy regarding photography, video recording, and audio recording of Town meetings. Council member McDonald seconded the motion. Mayor Dickinson asked for a roll call vote. The motion carried as follows:**

Recorder Arnold	Aye
Council member McDonald	Aye
Council member Kitselman	Aye
Council member Gibson	Aye
Council member Tollett	Aye
Mayor Dickinson	Nay

{Version 1 – No Posting}
Town of Berryville Policy

Photography, Video Recording, and Audio Recording of Town Meetings

I. Purpose

Meetings of Town public bodies are intended to allow the public bodies to conduct public business in an open and transparent fashion. The Town may record public meetings for its purposes, and the public, including news media, may record meetings as allowed by law. This policy is to provide direction to Town officials regarding how Town recordings will be utilized, disseminated, and destroyed. The policy

is also to provide direction to the presiding officers of public meetings regarding how recording and photography may occur during public meetings.

II. Policy

A. Recording by Town Officials

All public meetings of the Town Council and the Planning Commission, except duly constituted closed meetings held in accordance with the Code of Virginia, will be recorded. The recording may be used by the member of the Town staff responsible for preparing the minutes of the meeting. The recording shall be destroyed after the meeting minutes have been approved by the public body; provided, however, if the recording is determined by an affirmative vote of a majority of the membership of the public body that the recording is of an enduring historically significant nature or describes the current function or organization of the Town's major administrative units, then the recording shall be considered a permanent record pursuant to the Virginia Public Records Act and shall be retained. The destruction of all recordings shall comply with the Virginia Public Records Act. Recordings that are the subject of a Freedom of Information Act request shall be retained in accordance with applicable requirements.

B. Recording of meetings and photography by the public

A member of the public may audio or video record or photograph the Town's public meetings. The public's recording activities may not disrupt the meeting. Disruptions would include noise, supplemental lighting (not approved in advance by the presiding officer), flash photography (not approved in advance by the presiding officer), or blocking the view of other members of the public. No person may position equipment or personnel in a manner that the presiding officer deems an obstruction to emergency egress or accessibility by handicapped individuals.

III. Procedures

A. Recording Meetings

The Town staff person tasked with taking minutes notes for the meeting will begin recording prior to the meeting being called to order and end recording upon meeting adjournment. When a public body enters a closed meeting, the recording will be stopped and recording will resume just prior to the presiding officer announcing that the public body has re-entered open session.

B. Equipment Failures

If during a meeting it is discovered that the recording device is not functioning properly, the staff member recording the meeting will immediately notify the presiding officer of the problem. If the recording device can be made to function or if a backup recording device is available, the remainder of the meeting will be recorded. Otherwise, the meeting will proceed without being recorded. If it is discovered after a meeting that the recording device failed to record the meeting, then the staff member responsible for preparing meeting minutes will notify the presiding officer and the Town Manager of the problem.

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Mr. Dalton introduced the calendar of Town Council / Town Council Standing Committee meetings for the Council's approval. He noted that at each Town Council meeting, Standing Committees would indicate whether or not they planned to meet during the month on their scheduled meeting date. Following a discussion of the calendar, **Council member Gibson moved that the Council of the Town of**

Berryville adopt the following Calendar of Town Council and Town Council Standing Committee Meetings. Council member Tollett seconded the motion which carried as follows:

Aye – Patricia Dickinson
Harry Lee Arnold, Jr.
Donna McDonald
Allen Kitselman
Erecka Gibson
David Tollett

Nay – None
Absent – None

Calendar of Town Council / Town Council Standing Committee Meetings

Meeting date and time, packet schedule, and staffing (staff with principal responsibility for meeting):

1st Monday / 3:00 p.m. – Town Council Work Session (held as needed *) {Packet delivered on Friday prior}

Staff: **Town Manager, Town Clerk, Planner, Treasurer, Public Works Director, Public Utilities Director, and Police Chief**

2nd Tuesday / 7:30 p.m. - Regular Town Council Meeting (Packet delivered on Friday prior)

Staff: **Town Manager, Town Clerk, Planner, Treasurer, Public Works Director, Public Utilities Director, and Police Chief**

4th Monday / 7:00 p.m. Community Improvements Committee Meeting (held as needed **) {Packet Delivered Friday prior}

Staff: **Planner and Town Clerk**

4th Tuesday / 9:00 a.m. – Personnel Committee Meeting (held as needed **) {Packet delivered Friday prior}

Staff: **Town Manager and Town Clerk**

4th Tuesday / 10:30 a.m. – Budget and Finance Committee Meeting (held as needed **) {Packet delivered Friday prior}

Staff: **Treasurer, Town Manager, and Town Clerk**

4th Tuesday / 12:00 p.m. – Streets and Utilities Committee (held as needed **) {Packet delivered Friday prior}

Staff: **Town Manager, Town Clerk, Public Works Director, Public Utilities Director, and Planner**

4th Thursday / 9:00 a.m. - Police and Security Committee Meeting (held as needed **) {Packet delivered Monday prior}

Staff: **Chief of Police, Town Manager, Town Clerk**

* Each month at its regular meeting, the Town Council will determine whether a work session will be scheduled for the subsequent month.

** Each month at the regular Town Council meeting, the Committee will determine whether a committee meeting will be held that month.

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Mr. Dalton noted the need to appoint a representative to the Northern Shenandoah Valley Regional Commission, and Recorder Arnold said the appointment should be addressed during the Personnel Committee report.

9. Report of H. Allen Kitzelman, III – Berryville Area Development Authority Liaison
Council member Kitzelman had nothing to report.

10. Report of Erecka Gibson - Chair, Budget and Finance Committee
Council member Gibson noted that the Committee had met with the auditors to discuss the mapping of internal accounting controls. She said the Town has also received a letter of engagement from Yount Hyde and Barbour. She added the Committee will meet on September 21 at 2:00pm, and said that Mr. Dalton scheduled a joint meeting with the County finance committee on October 14. **The minutes of the Committee meeting of August 18, 2016, were approved unanimously.** Ms. Moreland said that the auditors will be here the week of September 19.

11. Report of Donna McDonald - Chair, Community Improvements Committee
Council member McDonald said the next Committee meeting will be September 26, 2016, at 7:00pm. She thanked all who attended the previous meeting. **The minutes of the Committee meeting of August 30, 2016, were approved unanimously.**

12. Report of David Tollett – Planning Commission Liaison
Council member Tollett said that after checking with the members of the Planning Commission, there is no interest in adding to the current number of members on the Commission. He added that Berryville has the largest planning commission in the surrounding area.

13. Report of David Tollett – Police and Security Committee
Council member Tollett said that no meeting will be held this month.

14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee
Mayor Dickinson noted the reports in the packet from the Director of Public Utilities and the Director of Public Works. **The Committee meeting minutes of August 16, 2016, were approved unanimously.**

15. Report of Erecka Gibson – Chair, Personnel Committee
Council member Gibson said she would like the Town Manager and Recorder Arnold to identify areas to add to the “market basket” for comparison to the Town during a compensation study. She said that Town job descriptions are still being updated. She added that a Committee meeting will be held on October 24. Council member Gibson noted that there is an opening on the Board of Zoning Appeals now that Mr. Mathur has been appointed to the Planning Commission, and this opening will be discussed at the meeting.

16. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Tollett, the meeting was adjourned at 9:21 p.m.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk

DRAFT MINUTES

Attachment 6

Planning and Community Development

Action Items

- **Public Hearing – Special Use Permit – Professional Office at 208 North Buckmarsh Street**
- **Public Hearing – Text Amendment to Section 204.2 of the Berryville Zoning Ordinance**
- **Public Hearing – Text Amendment to Section 614.2 of the Berryville Zoning Ordinance**
- **Public hearing – Text Amendment to Section 614.5 of the Berryville Zoning Ordinance**
- **Set Public Hearing – Text Amendment to Section 610 of the Berryville Zoning Ordinance**
- **Tourism Zone Incentives**

October 11, 2016

Planning Commission

The Planning Commission held a meeting on Tuesday, September 27, 2016. They held public hearings on a Special Use Permit for a professional office at 208 N. Buckmarsh Street and for a text amendment to Section 610 of the Berryville Zoning Ordinance. They discussed public hearings held at the August meeting for text amendments to Section 614 Older Person Residential in order to remove the unit cap and to allow a number of housing options, including multifamily units, by right. All referenced discussions are included in this packet. Their next meeting is scheduled for Tuesday, October 25, 2016 at 7:30pm.

Berryville Area Development Authority

The BADA did not hold an August meeting. Their next meeting is scheduled for Wednesday, October 19, 2016 at 7:00pm.

Architectural Review Board

The Architectural Review Board held a meeting on Wednesday, September 7, 2016 to review the following:

Sign Review

Elise Seidita, Owner, Cotton Hill Home, is requesting a Certificate of Appropriateness in order to install a projecting sign at 10 West Main Street, identified as Tax Map Parcel number 14A2-((A))-60, zoned C General Commercial. *Approved as presented.*

Architectural Review

Brock Johnson, Owner, is requesting a Certificate of Appropriateness in order to construct an accessory structure (garage) at the property located at 311 South Church Street, identified as Tax Map Parcel number 14A1-((A))-76, zoned R-1 Residential. *Approved as presented.*

Architectural Review

Dina Thompson and Glenn Skillman, Owners, are requesting a Certificate of Appropriateness in order to install new windows, new shutters, and a wooden fence at their property located at 307 East Main Street, identified as Tax Map Parcel number 14A5-((A))-100, zoned C General Commercial.

Approved as presented.

Sign Review

Clarke County Conservation Easement Authority (Randy Buckley, Agent), is requesting a Certificate of Appropriateness to install a temporary banner at Berryville Farm Supply located at 400 East Main Street, identified as Tax Map Parcel number 14A3-((A))-18, zoned L-1 Industrial.

Approved as presented.

Their next meeting will be held a week early, on Wednesday, November 30, at 12:30pm, in order to judge the Berryville Main Street parking meter contest.

Board of Zoning Appeals

The Board of Zoning Appeals has not held a meeting since the last Council meeting.

BERRYVILLE TOWN COUNCIL

Set Public Hearing – Text Amendment to Section 610 Business Commercial of the Berryville Zoning Ordinance

October 11, 2016

The Berryville Town Council is sponsoring text amendments requested by House of Lords, Inc. (Ding Wang, Land Contract Owner, A.C. Echols, Jr., Agent) in order to modify Article VI, Section 610 Business Commercial, of the Berryville Zoning Ordinance, deleting Section 610.2(u) retail stores and shops as an accessory use to the primary permitted use with provisions and establishing Section 610.2(x) “Personal service establishments, retail stores and shops not to exceed 10,000 [square] feet for each free-standing business or for each business in a shopping center or strip mall center.” TA 06-16

The Planning Commission held a public hearing on this matter at their September 27, 2016 meeting. They will be making a recommendation to Town Council in time for the November 8 meeting. Discussion at the public hearing will be included in the November packet.

The Berryville Town Council initiated the above text amendment at their July meeting. Mr. Echols is requesting that existing section 610.2(u) be removed from the zoning ordinance and that additional retail (up to 10,000 square feet per building) be permitted as a use by right. Mr. Echols’ company, House of Lords, is the current owner of a parcel in this zoning district identified as Tax Map Parcel number 15-((5))-251E consisting of just over seven acres according to Clarke County Tax Records. Please note that the zoning text amendment would affect the entire BC zoning district.

This text amendment would delete Section 610.2(u) of the Berryville Zoning Ordinance as which allows retail stores and shops as an accessory use in the Business Commercial Zoning District as follows:

610.2(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)**

Mr. Echols, Agent, is requesting that the following language be established under 610.2(x) of the Berryville Zoning Ordinance as follows:

610.2(x) Personal service establishments, retail stores and shops not to exceed 10,000 feet for each free-standing business or for each business in a shopping center or strip mall center. (00/16)

The intent of the BC District is to provide locations for highway commercial uses (such as retail uses dependent on automobile access, restaurants, motels), office and employment-related businesses within the precincts of the Berryville Area. Further, Section 610 of the Berryville Zoning Ordinance states that “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”.

BC zoning encompasses the entirety of Sub-Area 7 as identified in the updated Berryville Area Plan (BAP) and is currently the only location this zoning is applied in the Town and Annexation Area B. Highway and visitor commercial uses are identified in this narrative. A portion of Chapter II of the Berryville Area Plan that describes Sub-Area 7 is included in this report.

The following items are included in this packet:

- application for text amendment to Section 610 Business Commercial of the Berryville Zoning Ordinance;
- Proposed modified text identified in red, deleting 610.2(u) and establishing 610.2(x) of the Berryville Zoning Ordinance;
- Town Council resolution initiating the text amendments;
- Zoning Map;
- Chapter II of the Berryville Area Plan, Sub-Area 7;
- Berryville Area Plan Land Use map; and
- A document submitted by Mr. Echols.

Recommendation

Set a public hearing for the November 8, 2016 Town Council meeting.

Christy

July 18, 2016

Madam Mayor Dickinson
Keith Dalton, Town Manager
Attn: Christy Dunkle, Town Planner



Madam Mayor et al:

Attached is our application for a Two Text Amendments to the Berryville Zoning Ordinance. This replaces the previously filed amendments (June 20, 2016) which was withdrawn at Council's Meeting on July 12th, 2016 (since by mistake we were not placed on the agenda).

If there is a problem with this request, please respond promptly.

Thanking you in advance for your attention to this important matter.

Best Regards,

A handwritten signature in black ink that reads "Alton C. Echols, Jr.".

Alton C. Echols, Jr.

Christy

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)
Current Property

Tax Plat # 14-5-251E

Owner
Owner's Address

House of Lords, Inc. - Ding Wang, Land Contract Owner
400 Custer Ct. Berryville, Virginia 22611

Phone

703-777-4100

Agent (Contact

A.C. Echols, Jr

Person)

Agent's

400 Custer Ct. Berryville, Virginia 22611

Address

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
- Town of Berryville Utilities
- Other: _____

Complete As Applica

TWO TEXT AMENDMENTS TO SECTION 611.2 (u) BERRYVILLE Zoning Ordinance - permitted uses in the Business Commercial District (BC):

Nature of Request/Proj

First - Delete Sub-section (u) in the "Permitted Uses Section, and

Tax Map & Parcel

Second - Replace it with the following Text for Sub-section (u): "Personal service establishments, retail stores and shops not to exceed 10,000 feet for each free-standing business or for each business in a shopping center or strip mall center".

Number(s):

Size of Project Site:

#15-5-251B

Proposed # of Lots:

7 Acre Parcel

1 Lot

(BC)

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. President Date: July 18, 2016

HOUSE OF LORDS, INC. by: A. C. Echols, Jr. President

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

Signature: House of Lords, Inc. by

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 3,000 square feet of gross floor area) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building. **(04/16)**
- (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 exceed 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
- (x) Personal service establishments, retail stores and shops not to exceed 10,000 feet for each free-standing business or for each business in a shopping center or strip mall center. (00/16)**

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.

Section 610 Business Commercial (BC) District

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
 - (F) Other special site features and land use considerations deemed necessary to serve the district.

Section 610 Business Commercial (BC) 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.

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



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www.berryvilleva.gov

RESOLUTION OF TOWN OF BERRYVILLE

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 9th day of August, 2016 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: REMOVING SECTION 610.2(U) OF THE TOWN OF BERRYVILLE ZONING ORDINANCE CONCERNING RETAIL STORES AND SHOPS AS AN ACCESSORY USE WITH PROVISIONS AND ADDING "PERSONAL SERVICE ESTABLISHMENTS, RETAIL STORES AND SHOPS NOT TO EXCEED 10,000 FEET FOR EACH FREE-STANDING BUSINESS OR FOR EACH BUSINESS IN A SHOPPING CENTER OR STRIP MALL CENTER."

WHEREAS, the Council of the Town of Berryville supports retail development in the Business Commercial Zoning District; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Berryville, Virginia hereby initiates the modification of the Town of Berryville Zoning Ordinance allowing the uses identified above by right in the Business Commercial (BC) zoning district.

Passed this 9th day of August, 2016.

THE TOWN OF BERRYVILLE

Attest: _____

By: Patricia Dickinson, 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 9th day of August, 2016.

Harry Lee Arnold, Jr., Recorder

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

Allen Kitzelman, III
Ward 2

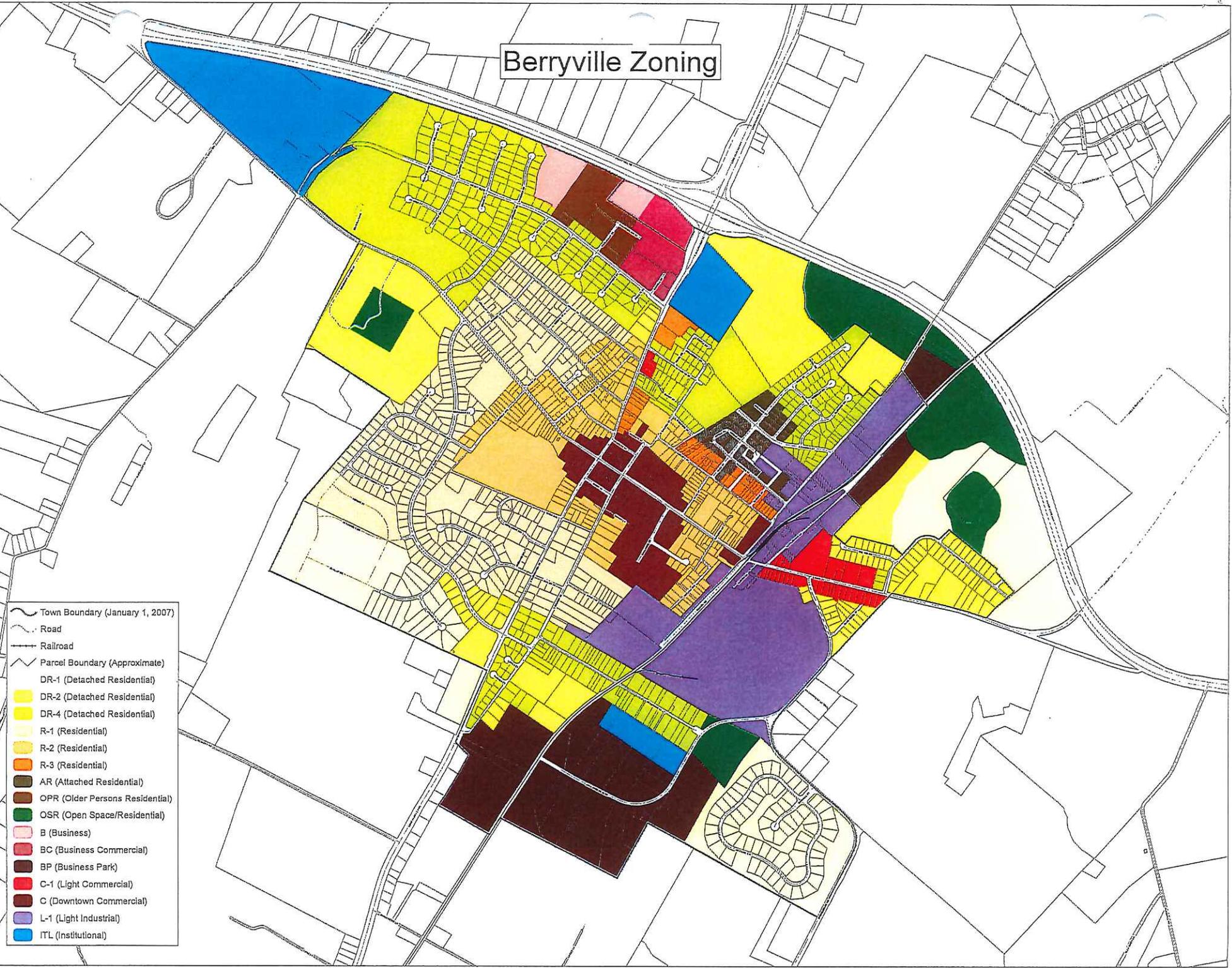
Erecka L. Gibson
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

Berryville Zoning

- ~ Town Boundary (January 1, 2007)
- Road
- Railroad
- ~ Parcel Boundary (Approximate)
- DR-1 (Detached Residential)
- DR-2 (Detached Residential)
- DR-4 (Detached Residential)
- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- AR (Attached Residential)
- OPR (Older Persons Residential)
- OSR (Open Space/Residential)
- B (Business)
- BC (Business Commercial)
- BP (Business Park)
- C-1 (Light Commercial)
- C (Downtown Commercial)
- L-1 (Light Industrial)
- ITL (Institutional)



well as, adequate public street linkages within the overall planning precinct. The private sector should design and construct public roads in the planning precinct necessary to carry the ultimate traffic loadings for the projected development. In addition, transportation plans shall provide for bikeways as well as internal pedestrian movements via sidewalks and paths.

SUB-AREA 7

Name: NORTHERN GATEWAY/MOSBY HIGHWAY COMMERCIAL
Acreage: 23.1 acres
Land Use Designation: Highway and Visitor Commercial
Annexed: Yes

Sub-Area 7, containing approximately 23 acres, is situated in the southwest quadrant of the Route 7 Bypass/Route 340 highway interchange, being bordered on the north and east by these roads. The southern boundary abuts Mosby Boulevard. The Sub-Area is zoned Business Commercial BC which provides locations for highway commercial uses including restaurants and motels. The Highway Access Corridor Overlay District also covers a portion of this Sub-Area – 300 feet south of the Route 7 right of way. Approximately 13 acres of Sub-Area 7, including the Food Lion and Bank of Clarke County, have been annexed by the Town.

The land use designation for Sub-Area 7 is Highway and Visitor Commercial. The Highway and Visitor Commercial land uses are established to provide locations within the Berryville Area for highway oriented business and commercial activities such as retail uses dependent on automobile access, restaurants, lodging, and offices. The locational characteristics of the Highway and Visitor Commercial uses solidify the goals of both the Town and County to expand the tax base while preventing the spread of urban-scale commercial development into rural portions of the County and providing for such development in the area of the County where urban services are available.

The transportation network in Sub-Area 7 must allow for access to the northern-most parcel. The roads within this Sub-Area must also be brought into the Town's secondary street system to allow for public access to both developed and undeveloped parcels. As this location is the northern entrance to the Town, aesthetics reflected in architectural design and landscaping shall be considered as a part of the development in this area. Direct access to North Buckmarsh Street should be limited, prohibiting full entrances with the possibility of right in/right out ingress/egress. Consideration shall also be given to completing connectivity between McNeill Drive and Chamberlain Street to facilitate traffic to use McClellan Street in order to exit the Sub-Area via Mosby Boulevard. This will help to minimize stacking and other access management concerns with traffic attempting to exit the Sub-Area via McNeill Drive to use the signalized intersection at Mosby Boulevard and North Buckmarsh Street.

The Highway and Visitor Commercial Land use policy is designed to encourage business and commercial employment uses in a master planned setting, with an emphasis on low density, well landscaped development. This strategy is in keeping with the Town and County's firm commitment to the preservation of its existing residential neighborhoods and the semirural lifestyle of the outlying community, while ensuring the economic vitality and stability of the County and the Town.

Private developers shall coordinate their work to establish a master site plan for the surrounding Sub-Areas (Sub-Area 4, 5, 6 and 7) as a condition of any specific land use approval. A consistent design theme shall be established for all proposed buildings within the Sub-Area. Given the locational and topographic characteristics of this Sub-Area, development shall emphasize low intensity building coverage, quality landscaping and buffering as well as the preservation of the extensive natural drainageways which impact the site. Site planning and design shall address stormwater management and preserve the existing natural swales and ridges.

Development intensity in the Business Commercial Zoning District proposed for this Sub-Area should not exceed a 0.3 floor area ratio (FAR), based on the net developable area within the Sub-Area. The Sub-Area has an estimated development capacity of 210,000 square feet of leasable area.

The type and scale of commercial uses should relate to the architectural styling, massing, and materials described in the guidelines for the Historic Access Corridor while serving the prevailing marketplace needs. The planning of public streets, and water and sanitary sewer service shall address both on-site and off-site improvements as a condition of approval.

SUB-AREA 8

Name: CEMETERY
Acreage: N/A
Land Use Designation: N/A
Annexed: Yes

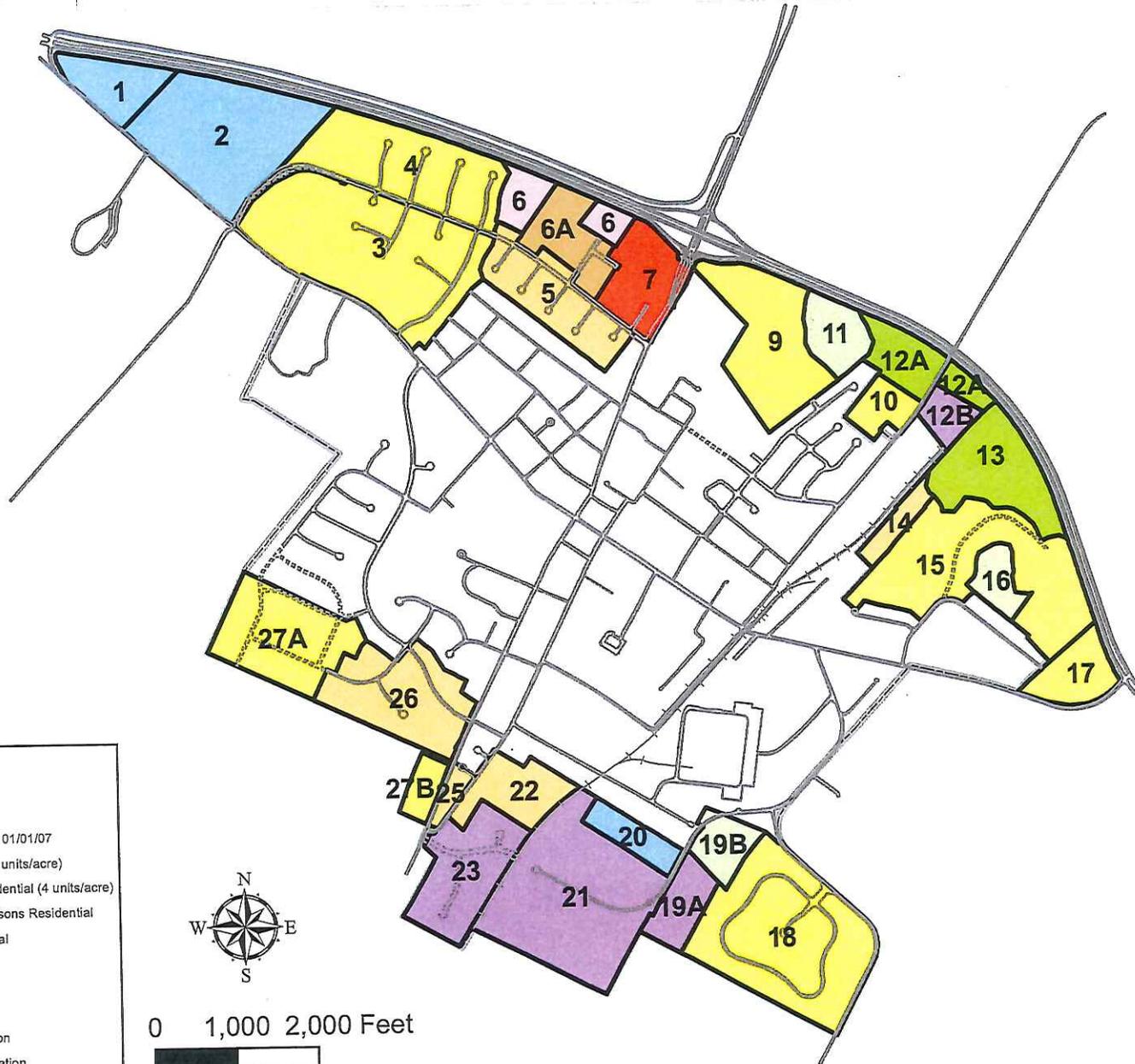
Sub-Area 8, containing approximately 22.2 acres, is located immediately north of the Town of Berryville, on the east side of Route 340. The Sub-Area is developed entirely as Green Hill Cemetery, with the entire Sub-Area under the ownership of the cemetery corporation. The parcels within this Sub-Area are zoned Institutional ITL. Since this original Sub-Area does not have development potential, it is removed from the revised Plan.

SUB-AREA 9

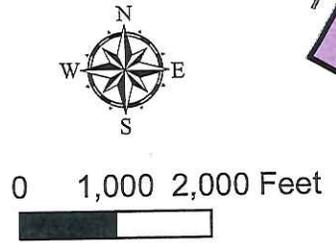
Name: NORTHERN RESIDENTIAL GROWTH AREA
Acreage: 41.7 acres
Land Use Designation: Low Density Residential
Annexed: Yes

Sub-Area 9, a portion of the farm referred to as Soldier's Rest, contains approximately 41.7 acres and is located in the southeast quadrant of the Route 7 Bypass/Route 340 interchange. A major ridge formation constitutes the largest part of the Sub-Area's eastern boundary, with the balance following the Sub-Area 11 boundary, a minor swaled drainage way that runs in a northerly direction towards Route 7 Bypass. The southerly boundary corresponds to an east-west ridge that approximately delineates the line between Annexation Area B and the previous Town corporate limits. Route 7 Bypass provides the northerly limits of the Sub-Area, with Green Hill Cemetery serving as the western limits of this undeveloped property. Sub-Area 9 is currently zoned Detached Residential – 2 (DR-2). The entire Sub-Area is located within town limits.

MAP 4 -- Berryville Area Plan Land Uses (2015)



- Existing Roads
- Proposed Roads
- Railroads
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Research
- Institutional/Public
- Environmental Conservation
- Historical/Cultural Preservation



10/4/16

REC'D. 5:48 PM VIA EMAIL

FROM A.C. EWOLS

"Text Amendment to Section 610
Business Commercial (BC) of the Berryville Zoning Ordinance"

"The General Assembly has delegated to local governments its police power to establish and regulate zoning and zoning districts" (Board of Supervisors vs. Rowe, 216 Va. 128 S.E. 2d 199-1979). In Virginia it is clear on the basis of "Rowe", that a Town Council would be unreasonable, and act illegally, if it were to deny a rezoning petition that requested an amendment permitting "Retail and Service" businesses in the Business Commercial (BC) District (which already had a major Food Store and a Drive thru Bank). Berryville's current zoning ordinance excludes "Retail and Service" businesses on the basis of protecting owners of existing retail businesses on Main Street in Berryville's General Commercial District.

"Free and open competition has always been a strong principle in our society...It is the philosophy of our society that any increase competition which may result from a change in the Zoning restrictions will ultimately be beneficial. A competitor who may suffer has no actionable injury" (Swain v. Winnebago County, 250 N.E. 2nd 439,444-1969).

Berryville's Zoning (BC) Ordinance permits a wide variety of "Retail and Service" business in this District. These include grocery stores (over 25,000 sq. ft.), restaurants (with drive-thru); auto sale, banks (with drive thru) hotels, laundromats, business and professional offices, antique sales, etc. "Retail and Service" uses are also permitted, but only as accessory use, and only if they do not exceed 10% of the gross floor area, or occupy more than 2000 square feet.

In view of the evidence and facts received at the Public Hearing, the current use restrictions on "Retail and Services" in the Business Commercial District (BC) are unreasonable, arbitrary, capricious, discriminatory and unconstitutional. This renders such restrictions void as a violation of the landowner's legal rights under the Due Process and Equal Protection Clauses. Several "Retail and Service" uses that are excluded from the BC Zone include Auto Parts, Drugstore, Florist, Dry Cleaners plus any other "Retail and Service" Businesses which are not inherently noxious, dangerous or otherwise detrimental to the public health, safety or welfare. This exclusion does not promote the police power objectives as outlined in the "PURPOSE AND INTENT" Section of the BC District regulations. In conclusion, such use restrictions for the Berryville's Business District" excludes a large number of otherwise

legitimate "Retail and Service" business uses from the BC Zone, when nothing presented at the recent Public Hearing shows that uses excluded would be more detrimental to the public health, safety, or welfare than the uses so permitted. (See "Rowe" citation above).

NOTE: THE FOLLOWING AUTHORITY MAY BE FOUND IN THE CASE NOTES TO THE CODE OF VIRGINIA UNDER SECTION 15.1-486-DISCRIMINATORY LAND USE VIOLATIVE OF EQUAL PROTECTION AND DUE PROCESS:

- *When a land use permitted to one landowner is restricted to another similarly situated, the restriction is discriminatory, and if not substantially related to the public health, safety or welfare, constitutes a denial of equal protection of the laws. A restriction on the right to use which thus denies equal protection also constitutes a "taking" of one of the most valuable components of the package of private property rights and absent just compensation such taking is a denial of due process of law". (See "Rowe" citation above).*
- *Zoning sub-classifications are presumed to be reasonable, but, unless they are substantially related to the public health, safety, or welfare, the restrictions on use offend both the equal protection and use process guarantees. (See "Rowe" citation above).*
- *A classification cannot prohibit or restrict certain uses and permit other uses where there is no valid basis, reasonably related to the public health, safety, morals, welfare or other proper object of the police power, for distinguishing between them. (See "Rowe" citation above).*
- *An ordinance which excludes a large number of otherwise legitimate retail business and service uses from a retail business district, when nothing in the record shows that the use excluded would be more detrimental to the public welfare than the use permitted is unreasonable, arbitrary, and invalid. (See "Rowe" citation above).*

BERRYVILLE TOWN COUNCIL

Tourism Zone Incentives – Proposed Town Code Section 16-9

October 11, 2016

Staff has been contacted by several current and potential property and business owners about the status of the Tourism Zone effort. Discussion on these incentives has been ongoing since March of this year by the Community Improvements Committee and full Town Council. Council adopted a resolution of support for modifications to the L-1 Zoning District and for the Tourism Zone Incentives at their May 10, 2016 meeting. At the August meeting, Town Council approved amendments to the L-1 District (Section 609 of the Berryville Zoning Ordinance) to allow for eligible land uses identified in the proposed Community Business Tourism Zone.

Staff is requesting consideration of this Town Code amendment that will incentivize tourism-related businesses in three zones identified on the attached maps.

Incentives based on thresholds met as identified in Section (C) in the draft of Town Code Section 16-9 include:

- Business, Professional and Occupational License (BPOL) reductions;
- Permit Fee Incentive;
- Ability to pay availability fees over time which would be agreed upon between the Town and applicant in an executed Performance Agreement.

The following items follow this report:

- Draft amendment establishing Town Code Section 16-9;
- Maps identifying proposed tourism zones;
- Resolution approved for amendments previously adopted by Town Council and for the proposed Tourism Zone Incentives adopted on May 10, 2016; and
- Ordinance and motion.

Recommendation

Adopt the Town Code Language and Tourism Zone Maps for implementation. An ordinance and motion are at the end of this report.

DRAFT AMENDMENT 060616

Incentives

NOTE: This draft amendment to the Town Code proposes the establishment of tourism zones with incentives. This draft amendment proposes to maintain the existing historic district partial tax incentives under Sec. 16-7 creating a broader incentive for business development.

Sec. 16-9 Tourism Zone Incentives

- (a) Purpose: The purpose for creating tourism zones is to encourage certain types of business growth in the Town that will attract visitors to the Town, increase tax revenue, and enhance the general welfare of Town residents. Virginia Code § 58.1-3851 grants towns the legal authority to establish one or more tourism zones and grant tax incentives and regulatory flexibility therein.
- (b) Establishment of Tourism Zones
- (1) Downtown Business Tourism (DBT) Zone Created. There is hereby established the "Downtown Business Tourism Zone," consisting of the areas zoned C General Commercial and designated on the map entitled "Town of Berryville Tourism Zones," dated _____, attached hereto and incorporated herein. The intent of the Downtown Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the downtown area.
 - (2) Entrance Corridor Tourism (ECT) Zone Created. There is hereby established the "Entrance Corridor Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zones," dated _____, attached hereto and incorporated herein. The intent of the Entrance Corridor Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the entrance corridor area.
 - (3) Community Business Tourism (CBT) Zone Created. There is hereby established the "Community Business Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zones," dated _____, attached hereto and incorporated herein. The intent of the Community Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging general business growth in the Town of Berryville that supports tourism.
- (c) Eligibility Requirements
- (1) **ELIGIBLE USES BY TOURISM ZONE**. The following land uses, as categorized within each tourism zone, are eligible to receive the

tourism zone incentives of Sec. 16-9(d), subject to compliance with all other code requirements of the Town of Berryville Code and Town of Berryville Zoning Ordinance.

TABLE 16-9(c)(1)

| SPECIFIC TOURISM ZONE | ELIGIBLE TYPES OF LAND USES |
|----------------------------------|--|
| Downtown Business Tourism (DBT) | Retail
Dining
Lodging
Entertainment*
Culture & Arts
Personal Services & Offices
Recreation
Second story
apartments/condominiums |
| Entrance Corridor Tourism (ECT) | Retail
Dining
Lodging
Entertainment*
Culture & Arts
Personal Services & Offices
Agritourism
Recreation |
| Community Business Tourism (CBT) | Retail
Dining
Lodging
Entertainment*
Culture & Arts
Personal Services & Offices
Recreation
Loft Apartments/Condominiums
Wholesale/Retail Food Hub
Commercial Kitchens |

*Including both outdoor and indoor uses, but excluding adult entertainment uses.

(2) INVESTMENT CRITERIA. Eligible land uses, as specific under Sec. 16-9(c)(1), shown above, are eligible to receive the tourism zone incentives of Sec. 16-99(d) shown below, only if all of the following criteria is met:

(a) A minimum new capital investment of \$25,000.

- (b) A minimum creation of one (1) new job.
- (c) Conformance with the Town's Comprehensive Plan.
- (d) Conformance with the Town's Zoning Ordinance.
- (e) Conformance with the Berryville Area Plan.
- (e) Conformance with the Town Code.

(d) Incentives.

(1) BPOL Tax Incentive. BPOL Tax may be reduced for eligible land uses that meet the investment criteria as specified under 16-9(c)(2).

(a) Eligible land uses shall be categorized into one of the following three (3) tier groups, depending on the amount of capital investment and quantity of jobs created:

Table 16-9(d)(1)(a)

| Tier Group | Capital Investment | Jobs Created |
|------------|-----------------------|--------------|
| Tier 1 | \$25,000 - \$99,999 | 1 - 3 |
| Tier 2 | \$100,000 - \$499,999 | 4 - 10 |
| Tier 3 | \$500,000 + | 11 + |

(b) The following table illustrates the duration that eligible land uses may receive BPOL tax reduction based on the qualifying tier group.

Table 16-9(d)(1)(b)

| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11+ |
|---------------|---|---|---|---|---|---|---|---|---|----|-----|
| <i>Tier 1</i> | ✓ | ✓ | ✓ | ✓ | X | X | X | X | X | X | X |
| <i>Tier 2</i> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | X | X | X | X |
| <i>Tier 3</i> | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | X |

(c) Eligible land uses may receive up to 100% BPOL tax reduction for the number of specified years they qualify for under Table 16-9(d)(1)(b).

(d) BPOL tax reduction is based on the estimated increase in BPOL tax as calculated from estimated increased revenue after the proposed investment. BPOL tax reduction shall not apply to existing BPOL tax prior to the specific investment.

(2) Permit Fee Incentive. All eligible land uses may receive up to 100% reduction in permit fees with the Town of Berryville as identified in the Planning and Zoning Fee Schedule, as amended.

(3) Availability Fee Incentive. Eligible commercial land uses may be allowed to make payment of required availability fees over a period of time that does not exceed ten (10) years, without interest or fees, subject to a lien on the property, or other guarantee, for the specified time period.

(e) Administration & Interpretation.

- (1) The Town Manager, or designee, is authorized to administer tourism zones.
- (2) Interpretations of this section shall be determined by the Town Manager after consultation with the Town Attorney.
- (3) All eligible businesses must submit an application for tourism incentives to the Town Business Office.
- (4) The Town Manager, or designee, shall draft a performance agreement for applicants that qualify for incentives. The performance agreement shall be reviewed by the Town Attorney, Assistant Town Manager/Treasurer, Assistant Town Manager/Planner, and other departments, authorities, committees, commissions or agencies as determined appropriate by the Town Manager.
- (5) Performance agreements shall specify all incentives that are to be authorized and may include conditions of approval including but not limited to requirements that the applicant maintain certain hours of operation, site improvement requirements, or reduction of incentives from their maximum levels authorized by this section.
- (6) Incentives are not authorized until a performance agreement is approved by Town Council and nothing herein shall be interpreted to require or obligate the Town to approving any incentives until a performance agreement is approved by Town Council.
- (7) Town Council may revoke, reduce, or suspend incentives after approval of the performance agreement if the conditions, or other terms, of the performance agreement are not in compliance.

Code of Virginia
Title 58.1. Taxation
Chapter 38. Miscellaneous Taxes

§ 58.1-3851. Creation of local tourism zones.

A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.

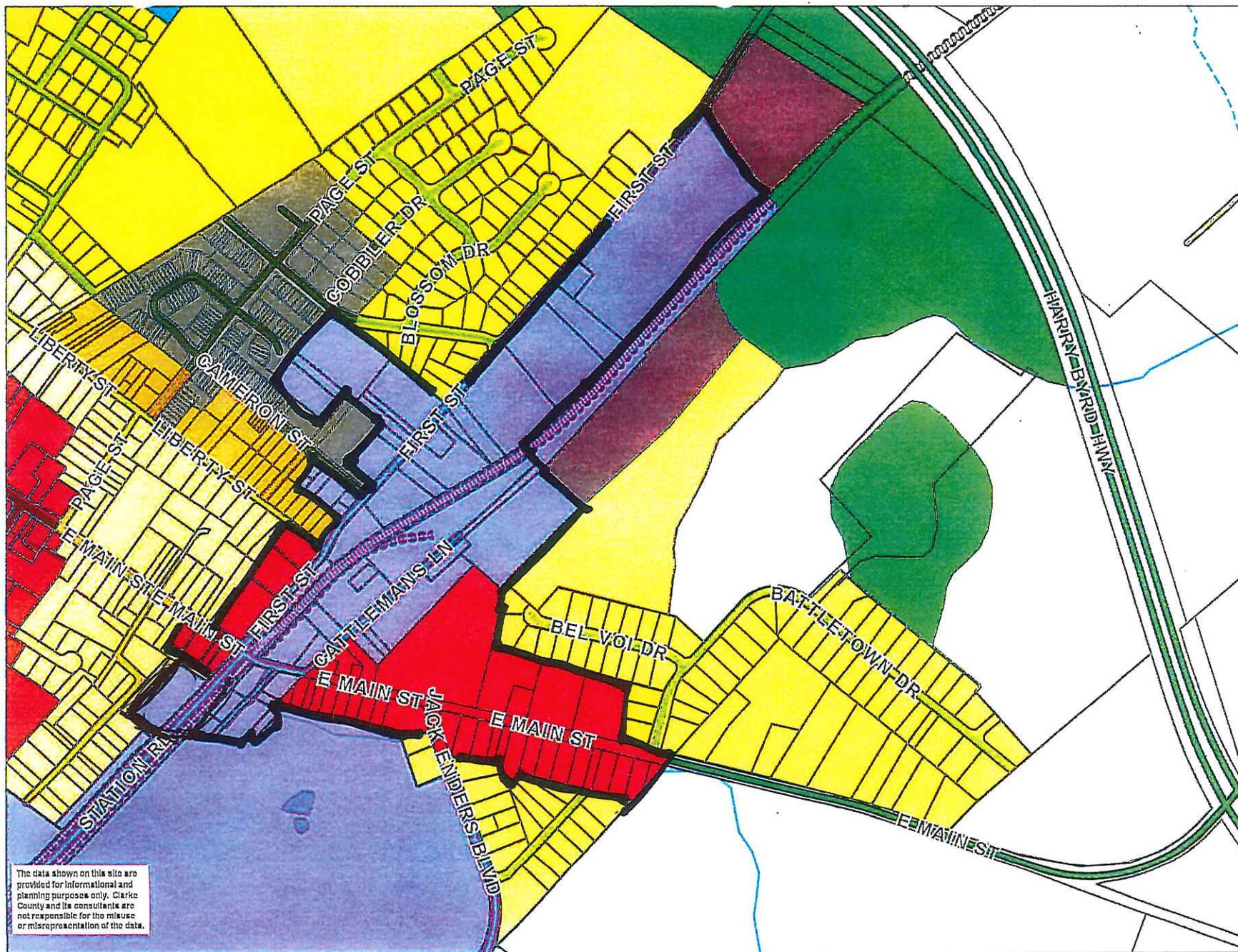
B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), or the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.

2006, c. 642; 2008, c. 462; 2013, cc. 756, 793.

COMMUNITY BUSINESS TOURISM ZONE



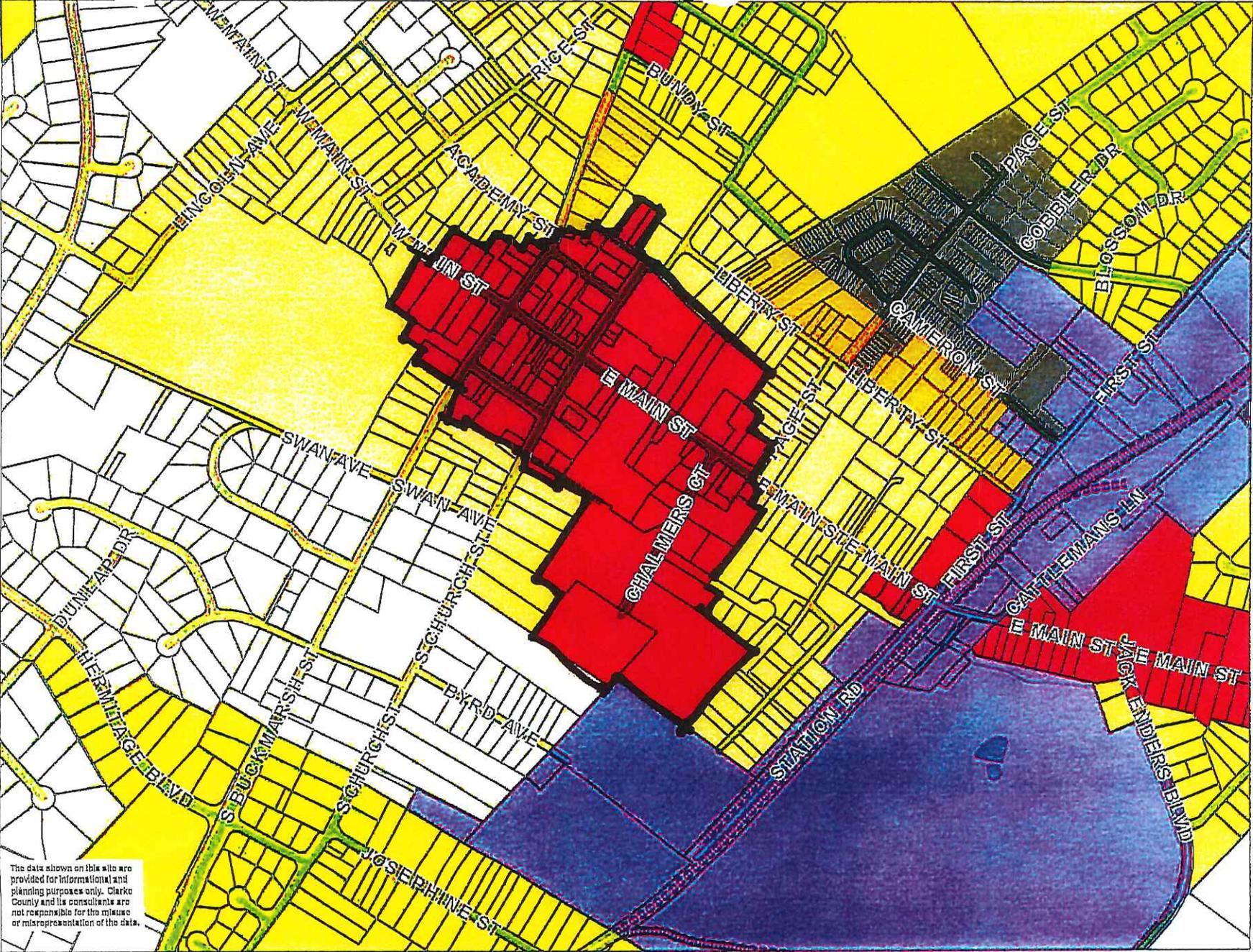
- CLARKE COUNTY**
GEORGIA
- Points of Interest
 - Parcels
 - Borerville Zoning**
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Downtown Commercial (C)
 - Light Industrial (L-1)
 - Institutional (I-1)
 - Clarke County Boundary
 - Major Roads**
 - Interstate
 - US Highway
 - State Highway
 - Surrounding Counties Opaque
 - Clarke County Roads
 - Private Roads
 - Roads
 - Rail
 - Buildings
 - Appalachian Trail
 - Streams
 - Perennial Streams
 - Intermittent Streams
 - Ponds
 - Rivers

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DOWNTOWN BUSINESS TOURIC ZONE



- Points of Interest
- Parcel
- Barryville Zoning
 - Delached Res-1 (DR-1)
 - Delached Res-2 (DR-2)
 - Delached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Down Commercial (C)
 - Light Industrial (L-1)
 - Industrial (ITL)
- Clarke County Boundary
- Major Roads
 - Interstate
 - US Highway
 - State Highway
- Surrounding Counties Opaque
- Clarke County Roads
 - Private Roads
 - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intermittent Streams
- Ponds
- Rivers

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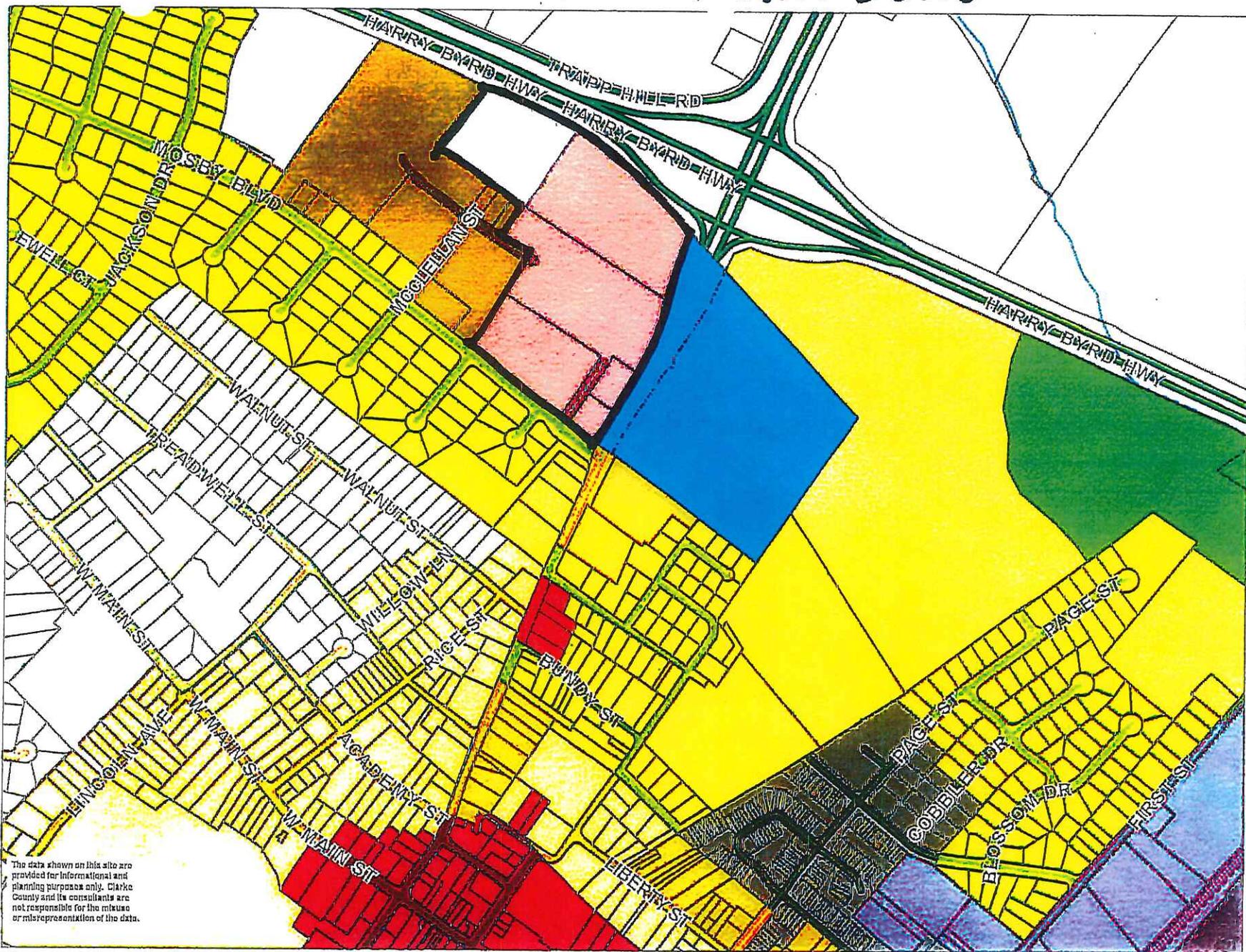
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EMERGENCY CORRIDOR TOURISM ZONE



- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSR)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
 - Downtown Commercial (C)
 - Light Industrial (L-1)
 - Institutional (ITL)
- Clarke County Boundary
- Major Roads
 - Interstate
 - US Highway
 - State Highway
- Surrounding Counties Opague
- Clarke County Roads
 - Private Roads
 - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intermittent Streams
- Ponds
- Rivers



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Town of Berryville
Berryville-Clarke County
Government Center
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Berryville, VA 22611



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www.berryvilleva.gov

A RESOLUTION: Amendments to Section 609 of the Berryville Zoning Ordinance and consideration of establishing Town Code Section 16-9 Tourism Zone Incentives

WHEREAS, the Council of the Town of Berryville supports the creation of tourism zones in order to encourage certain types of business growth in the Town that will attract visitors, increase tax revenue, and enhance the general welfare of Town residents; and

WHEREAS, the Virginia General Assembly adopted Virginia Code § 58.1-3851 which grants towns legal authority to establish one or more tourism zones and grant tax incentives and regulatory flexibility therein; and

WHEREAS, the Council of the Town of Berryville identifies three Tourism Zones including Downtown Business Tourism Zone, Entrance Corridor Tourism Zone, and Community Business Tourism Zone which are identified on the maps herein; and

WHEREAS, the Council of the Town of Berryville recommends eligible land uses within these Zones and identifies criteria for businesses which would receive incentives including reduced BPOL taxes and permit fees and the ability to pay water and sanitary sewer availability fees over a period of time not to exceed ten (10) years; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Berryville, Virginia hereby initiates the establishment of Section 16-9 to the Code of the Town of Berryville and text amendments to Section 609 of the Berryville Zoning Ordinance in order align with uses in Tourism Zone locations.

Passed this 10th day of May, 2016.

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 10th day of May, 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

J. Bryant Condrey
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE TOWN COUNCIL
AN ORDINANCE AMENDING CHAPTER 16 OF THE BERRYVILLE CODE

Date: October 11, 2016

Motion By:

Second By:

Be it ordained, by the Council of the Town of Berryville, that the attached Code Section 16-9 Tourism Zone Incentives and maps identifying the Downtown Business Tourism Zone (DBT); Entrance Corridor Tourism Zone (ECT), and Community Business Tourism (CBT) Zone, be added to the Berryville Code establishing economic development incentives for tourism-related businesses as identified in the attached ordinance.

VOTE:

Aye:

Nay:

Absent:

Attest:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT AN ORDINANCE ESTABLISHING
SECTION 16-9 TOURISM ZONE INCENTIVES AND TOURISM ZONE
LOCATIONS OF THE BERRYVILLE CODE

Date: October 11, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 16, establishing Section 16-9 Tourism Zone Incentives and maps identifying the Downtown Business Tourism Zone (DBT); Entrance Corridor Tourism Zone (ECT), and Community Business Tourism (CBT) Zone in order to provide economic development incentives for tourism-related businesses as enabled by the Virginia General Assembly in § 58.1-3851. Creation of local tourism zones.

VOTE:

Aye:

Nay:

Absent:

Attest:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
Safe Routes to School Update
October 11, 2016

The Town and Schools have been working on a Safe Routes to School (SRTS) infrastructure project for several years. The project consists of an approximately 800 linear foot sidewalk and removal of the existing sidewalk along the Johnson-Williams Middle School property on Swan Avenue. Since the bids were received in April, staff has been working with VDOT officials and the consulting engineer on the project to re-scope the original project which came in over budget. The project has been broken into two phases. It is anticipated that the first phase will be able to be funded with remaining grant proceeds and includes the construction of the new 10' sidewalk and retrofitting other non-conforming items including handicapped ramps. A bid date of November 3, 2016 has been set with updated estimates for both phases.

The second phase includes the demolition of the existing sidewalk which is in disrepair and does not conform to current standards due to its close location to the travel lane of Swan Avenue. Town staff will be applying for additional grant funding through VDOT programming which will offer an 80/20 split (80% funded with a 20% local match). The deadline for this grant application is November 1, 2016.

Town staff met with school officials the week of October 3 to describe the project and identify the location of the proposed sidewalk.

Attachment 7

Valor Awards

Three of Berryville's Public Works Department personnel will be honored at this year's Top of Virginia Regional Chamber of Commerce Valor Awards.

Ralph Elliot, Darrell Ferree, and Patrick Lickey will be recognized for their efforts in the early morning of 3 January 2015 when they discovered an individual who had fallen outside of her home and gave her aid until medical rescue personnel arrived on the scene.

On that morning Darrell Ferree and Patrick Lickey were surveying street conditions as temperatures were dropping and a wintery mix was beginning to fall. Because Patrick observed something amiss in a yard on Willow Lane, he and Darrell stopped to investigate. Patrick and Darrell discovered an 81-year old resident who had fallen and was injured. Darrell contacted 911 and his shift supervisor, Ralph Elliot. Darrell, Pat, and Ralph provided aid to the victim until medical personnel arrived on the scene.

We are very proud of the vigilance, quick action, and compassion exhibited by Patrick, Darrell, and Ralph.

These three men will be honored at this year's Top of Virginia Regional Chamber on 3 November. Much deserved! Well done!

Further, I would like to thank Chief White for nominating these gentleman for this award.

Attachment 8

MINUTES
BERRYVILLE TOWN COUNCIL
BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
Called Meeting
September 21, 2016
2:00 p.m.

Committee members: Present- Erecka Gibson, Chair; Patricia Dickinson

Staff: Keith Dalton, Town Manager; Desiree Moreland, Treasurer/Assistant Town Manager-Finance and Administration; Ann Phillips, Town Clerk

Others: Harry Lee Arnold, Jr., Allan McWilliams

Press: Cathy Kuehner, Winchester Star

1. Call to Order

Chair Gibson called the meeting to order at 2:00 p.m.

2. Discussion – Mapping of Internal Controls

Ms. Gibson provided a recap of the mapping discussion saying that the Town Council has passed a motion authorizing an RFP be issued if necessary to solicit mapping services. She said the Committee met with Robison Farmer Cox to discuss expanding the scope of the current audit, the Town has received a letter of engagement from Yount Hyde and Barbour, and has also received information from Robinson Farmer Cox outlining the scope of their offer to map internal controls.

Ms. Gibson said the first item in the agenda packet is titled "Internal Controls, PBC." Ms. Moreland said that the document was prepared by Robinson Farmer Cox with information gained by interviewing staff members.

Ms. Gibson said that she understood that an RFP for additional services could be issued after the Committee met with Robinson Farmer Cox.

Ms. Gibson noted the engagement letter in the packet and said it offered a preliminary analysis including sampling statements and accounting records, analytical procedures on revenues collected, and testing of disbursements for a fee of \$5000 to \$7500. She noted that this is not an assessment of internal controls, and asked what the intent of the service would be.

Ms. Dickinson said that Jennifer Files at Yount Hyde and Barbour recommended three steps: a preliminary analysis, mapping of internal controls, and a full audit. She said that if the preliminary analysis looks good, then the mapping would not be needed. She added that Ms. Files of YHB said that typically such agreements go through the Town Attorney. In answer to Ms. Gibson's question, Ms. Dickinson said that her understanding is when using the attorney, any outcome of the analysis requiring legal review could be addressed before the report

becomes a public record. Ms. Dickinson said that the preliminary analysis is an interim step that cuts the mapping step in half.

Ms. Gibson asked if using the attorney added costs, and whether the Town Attorney has spoken to YHB. Ms. Gibson said that because the engagement letter was issued before the Committee met with the current auditors, the Committee may be ahead of itself. Ms. Dickinson said that this was a more formal response than she had expected in answer to her request for information.

Ms. Gibson asked for the cost of the regular financial audit, and Ms. Moreland said that the budgeted cost is approximately \$13,000.

Ms. Gibson said that she wants to be conscious of the cost and what is received. She said that if mapping is done, the Town will get more value in the future, and will still get an assessment as part of the end product. She added that if money is being spent, she wants to see the Town receive a product that can be used, is not in favor of spending on a preliminary step, and that said she prefers to see mapping done. Ms. Dickinson said that she agreed.

Ms. Gibson said it is important to issue the RFP, and added that for clarification, the request should be for review and assessment of internal controls and mapping of procedures. She offered an example from George Washington University that she said is very detailed, and said that perhaps it could be used as template when writing the RFP.

The Committee and staff discussed the RFP process, and Ms. Gibson noted that in order to cut costs, the scope of the project could be narrowed and only certain areas mapped. She further suggested that the Town could find someone qualified, such as a retired accountant, to use the example from George Washington University as a guide to document the Town's controls, and then contract with an auditor to review the assessment and make recommendations. Ms. Dickinson said she liked the idea of limiting the scope, but it would not be easy to find a citizen to do the work pro-bono.

Mr. Dalton entered the meeting, and Ms. Gibson reviewed the discussion thus far. In answer to Ms. Gibson's question, Mr. Dalton said that the attorney, Mr. Mitchell, had not spoken to YHB as of their last conversation.

Ms. Gibson said that she and Ms. Dickinson agreed to mapping of the internal controls rather than the preliminary analysis as offered by YHB. The Committee agreed to limit the scope of the mapping services to cash disbursements and purchases. Ms. Gibson noted that she is keeping in mind the scale of audit costs and that this service is not budgeted for. She asked Mr. Dalton and Ms. Moreland for their thoughts on the process.

Mr. Dalton asked whether with the scope is limited to cash disbursements and purchases, the project could be done under the current auditor's contract. Ms. Dickinson said there is value in

doing an RFP where the Town can clearly articulate what is wanted. Mr. Dalton asked about the timing and the nature of the recommendations in regard to what the Committee may want to send to Town Council. He suggested that the Committee clarify with Council how the project will be funded, such as from the General Fund Contingency fund. Ms. Dickinson said if the Committee issues the RFP, the responses would be taken back to Town Council.

Ms. Gibson asked if the current auditor could be given the project, and Ms. Moreland said the current contract can be amended increasing the cost by no more than 25% of the current contract value.

Mr. Dalton suggested that the Council take the proposal back to the Town Council with funding options since the focus has changed.

Ms. Dickinson said the Committee would want a motion to document the change in scope, the funding, and a decision that the Budget and Finance Committee will select the firm.

Mr. Dalton clarified the process including his recommendations to send the issue back to Town Council.

The Committee agreed that the date of the deliverable product may be part of the evaluation process.

Ms. Gibson inquired what the Committee and staff thought of the template example from George Washington University. Ms. Dickinson said she liked it. Ms. Moreland said that she liked it but thought it was more detailed than the Town needs. Ms. Gibson said she liked the mapping and the list of inherent risks, and said using the template would let the Town document what it is already doing.

3. Other

Ms. Dickinson asked whether the waste water plant pre-purchase would be brought to this Committee. Mr. Dalton provided a brief overview of the issue regarding the necessity of replacing the membrane(s) at the WWTP with a cost of \$1.2 million to \$1.4 million. He said a pre-purchase agreement is being considered, but that Utilities Director Dave Tyrrell is still working on numbers. The Committee agreed to discuss the matter at the next meeting.

Ms. Moreland said she has received notice of the Pcard rebate for this year which is \$10,335.04.

4. Adjourn

There being no further business, the meeting was adjourned at 2:43 p.m.

Attachment 9

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: MONTHLY REPORTS
DATE: 10/5/2016
CC: KEITH DALTON, TOWN MANAGER

A/P Check Listing

Checks issued in September 2016.

Bank of America/GL Cash Disbursement Entries

August 2016 P-Card Purchases that were paid on September 25, 2016.

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH

Date From - 9/1/2016 Date To - 9/30/2016

Town of Berryville
10/05/2016 08:16 AM

Page: 1 of 3

| Check Number | Bank | Vendor | Date | Amount |
|--------------|------|--|--------------------------|------------|
| 3664 | 1 | H. Allen Kitselman | 09/08/2016 | \$325.00 |
| 3665 | 1 | Douglas A. Shaffer | 09/08/2016 | \$75.00 |
| 3666 | 1 | David L. Tollett | 09/08/2016 | \$250.00 |
| 3667 | 1 | VUPS | 09/08/2016 | \$69.30 |
| 3668 | 1 | H20 Pipe Cleaning LLC | VOIDED 09/08/2016 | \$5,050.00 |
| 3669 | 1 | Michelle M. Jones | 09/08/2016 | \$717.50 |
| 3670 | 1 | Southern Software, Inc. | 09/08/2016 | \$6,030.00 |
| 3671 | 1 | Hall, Monahan, Engle, Mahan & Mitchell | 09/08/2016 | \$992.50 |
| 3672 | 1 | The Winchester Star | 09/08/2016 | \$783.93 |
| 3673 | 1 | Bureau for Child Support Enforcement | 09/08/2016 | \$180.00 |
| 3674 | 1 | Bureau for Child Support Enforcement | 09/08/2016 | \$1,000.00 |
| 3675 | 1 | Anderson's Nursery | 09/08/2016 | \$1,100.00 |
| 3676 | 1 | Daniel Dorsey | 09/08/2016 | \$10.55 |
| 3677 | 1 | Erecka Gibson | 09/08/2016 | \$250.00 |
| 3678 | 1 | VA Dept of Criminal Justice Services | 09/08/2016 | \$619.00 |
| 3679 | 1 | Donna McDonald | 09/08/2016 | \$250.00 |
| 3680 | 1 | Patricia Dickinson | 09/08/2016 | \$300.00 |
| 3681 | 1 | Treasurer of Virginia - DEQ | 09/08/2016 | \$2,707.00 |
| 3682 | 1 | Keith Dalton | 09/08/2016 | \$50.00 |
| 3683 | 1 | Jay Arnold | 09/08/2016 | \$275.00 |
| 3684 | 1 | FREDERICK WINSTON JOHNS | 09/08/2016 | \$49.20 |
| 3685 | 1 | RICHARD EDWARD QUEST | 09/08/2016 | \$123.40 |
| 3686 | 1 | USPS | 09/12/2016 | \$158.57 |
| 3687 | 1 | H20 Pipe Cleaning LLC | 09/12/2016 | \$5,000.00 |
| 3688 | 1 | Treasurer of Frederick County | 09/12/2016 | \$4,130.82 |
| 3689 | 1 | Berryville Farm Supply | 09/12/2016 | \$97.40 |
| 3690 | 1 | DOUGLAS CARTER | 09/12/2016 | \$27.84 |
| 3691 | 1 | Rappahannock Electric Cooperative | 09/21/2016 | \$4,591.22 |
| 3692 | 1 | Lincoln Financial Group | 09/21/2016 | \$734.89 |
| 3693 | 1 | Wilson's Asphalt Maint, L.C. | 09/21/2016 | \$1,250.00 |

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH

Date From - 9/1/2016 Date To - 9/30/2016

Town of Berryville
10/05/2016 08:16 AM

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| Check Number | Bank | Vendor | Date | Amount |
|--------------|------|--|------------|--------------|
| 3694 | 1 | John H. Enders Fire Company | 09/21/2016 | \$12,223.00 |
| 3695 | 1 | Bureau for Child Support Enforcement | 09/21/2016 | \$1,000.00 |
| 3696 | 1 | Bureau for Child Support Enforcement | 09/21/2016 | \$180.00 |
| 3697 | 1 | Steven A. Cuellar | 09/21/2016 | \$236.03 |
| 3698 | 1 | Enviro-Organic | 09/21/2016 | \$17,160.00 |
| 3699 | 1 | Virasec, LLC | 09/21/2016 | \$1,608.04 |
| 3700 | 1 | Nationwide Retirement Solutions | 09/21/2016 | \$805.00 |
| 3701 | 1 | CAROL GRIGSBY | 09/21/2016 | \$49.20 |
| 3702 | 1 | PATHLIGHT PROPERTY MGMT | 09/21/2016 | \$199.60 |
| 3703 | 1 | BIG T PROPERTIES LLC | 09/21/2016 | \$205.00 |
| 3704 | 1 | HD SUPPLY WATERWORKS, LTD | 09/28/2016 | \$7,457.25 |
| 3705 | 1 | USPS | 09/28/2016 | \$736.31 |
| 3706 | 1 | Rappahannock Electric Cooperative | 09/28/2016 | \$8,504.68 |
| 3707 | 1 | PENNONI ASSOCIATES INC | 09/28/2016 | \$1,260.00 |
| 3708 | 1 | PENNONI ASSOCIATES INC | 09/28/2016 | \$810.00 |
| 3709 | 1 | Fluid Conservation Tech, Inc. | 09/28/2016 | \$4,050.00 |
| 3710 | 1 | James River Equipment | 09/28/2016 | \$1,109.40 |
| 3711 | 1 | Minnesota Life Insurance Co. | 09/28/2016 | \$125.04 |
| 3712 | 1 | Christy Dunkle | 09/28/2016 | \$77.76 |
| 3713 | 1 | Capital One Bank, USA | 09/28/2016 | \$4,237.55 |
| 3714 | 1 | XPO Logistics Freight, Inc. | 09/28/2016 | \$142.43 |
| 3715 | 1 | CFW Credit Bureau | 09/28/2016 | \$28.00 |
| 3716 | 1 | Nationwide Retirement Solutions | 09/28/2016 | \$805.00 |
| 3717 | 1 | Northern Shenandoah Valley Regional Commission | 09/28/2016 | \$627.75 |
| 3718 | 1 | COMMONWEALTH INDUSTRIAL | 09/28/2016 | \$777.45 |
| 55 | | Checks Totaling - | | \$101,612.61 |

Totals By Fund

| | Checks | Voids | Total |
|-----|-------------|------------|-------------|
| 100 | \$46,465.14 | \$3,200.00 | \$43,265.14 |
| 501 | \$32,157.46 | \$50.00 | \$32,107.46 |
| 502 | \$22,990.01 | \$1,800.00 | \$21,190.01 |

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH

Date From - 9/1/2016 Date To - 9/30/2016

Town of Berryville
10/05/2016 08:16 AM

Page: 3 of 3

| Check Number | Bank | Vendor | Date | Amount |
|--------------|---------|--------------|------------|-------------|
| | | Checks | | |
| | | | Voids | |
| | Totals: | \$101,612.61 | \$5,050.00 | \$96,562.61 |



BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 XXXX-XXXX-XXXX-7237
 August 01, 2016 - August 31, 2016

Purchasing Card

Company Statement

| Account Information | Payment Information | Account Summary |
|--|---|--|
| Mail Billing Inquiries to:
BANKCARD CENTER
PO BOX 982238
EL PASO, TX 79998-2238

Customer Service:
1.888.449.2273 24 Hours

TTY Hearing Impaired:
1.800.222.7365 24 Hours

Outside the U.S.:
1.509.353.6656 24 Hours

For Lost or Stolen Card:
1.888.449.2273 24 Hours | Statement Date 08/31/16
Payment Due Date 09/25/16
Days in Billing Cycle 31
Credit Limit \$500,000
Cash Limit \$0
Total Payment Due \$71,973.32 | Previous Balance \$50,768.37
Payments -\$50,768.37
Credits -\$1,723.06
Cash \$0.00
Purchases \$73,696.38
Other Debits \$0.00
Overlimit Fee \$0.00
Late Payment Fee \$0.00
Cash Fees \$0.00
Other Fees \$0.00
Finance Charge \$0.00
Current Balance \$71,973.32 |

Important Messages

** ATTENTION ** Your account is in dispute for \$65.32.

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 09/23/16.

Cardholder Activity Summary

| Account Number | Credits | Cash | Purchases and Other Debits | Total Activity |
|--|---------|------|----------------------------|----------------|
| Credit Limit
BOOR, RICK
XXXX-XXXX-XXXX-1273
15,000 | 0.00 | 0.00 | 7,676.73 | 7,676.73 |

5076837 7197332 7197332 4715291201837237

Account Number: XXXX-XXXX-XXXX-7237
 August 01, 2016 - August 31, 2016

Total Payment Due \$71,973.32
Payment Due Date 09/25/16

Enter payment amount

\$

Check here for a change of mailing address or phone numbers.
 Please provide all corrections on the reverse side.

Mail this coupon along with your check payable to:
 BANK OF AMERICA



BANK OF AMERICA
 PO BOX 15731
 WILMINGTON, DE 19886-5731



BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 STE A
 101 CHALMERS CT
 BERRYVILLE, VA 22611-1387

**N002082?

549990011:00051201837237

GL Cash Disbursement Entries

Town of Berryville

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Batch: 4101

Operator: 4

| Description: | Date | Reference | Bank | Cash Receipt Amount |
|--|------------|--------------------|------|------------------------|
| AMAZON | 09/25/2016 | CC | 1 | \$393.81 |
| Account Distributions: | | | | Debit Credit |
| ****Vendor: 1988 Amazon.com | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | \$315.98 |
| 100-4012530-3400 WEB SITE | | CC | | \$0.55 |
| 100-4031100-3310 REPAIR & MAINTENANCE | | CC | | \$15.93 |
| 100-4031100-6010 POLICE SUPPLIES | | CC | | \$299.50 |
| 501-1140000-0000 B/C OPR | | Cash Credit Entry | | \$67.83 |
| 501-4012222-6001 OFFICE SUPPLIES | | CC | | \$67.83 |
| 502-1140000-0000 B/C OPR | | Cash Credit Entry | | \$10.00 |
| 502-4012222-6001 OFFICE SUPPLIES | | CC | | \$10.00 |
| Check: 92516 | | Total Distributed: | | \$393.81 \$393.81 |
| ARBYS | 09/25/2016 | CC | 1 | \$9.82 |
| Account Distributions: | | | | Debit Credit |
| ****Vendor: 2155 ARBYS | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | \$9.82 |
| 100-4031100-5540 TRAINING | | CC | | \$9.82 |
| Check: 92516 | | Total Distributed: | | \$9.82 \$9.82 |
| ATCO MANUFACTURING COMPANY | 09/25/2016 | CC | 1 | \$64.55 |
| Account Distributions: | | | | Debit Credit |
| ****Vendor: 1014 ATCO INTERNATIONAL | | | | |
| 502-1140000-0000 B/C OPR | | Cash Credit Entry | | \$64.55 |
| 502-4012222-3310 REPAIR & MAINTENANCE | | CC | | \$64.55 |
| Check: 92516 | | Total Distributed: | | \$64.55 \$64.55 |
| AUTOMATECH INC | 09/25/2016 | CC | 1 | \$495.00 |
| Account Distributions: | | | | Debit Credit |
| ****Vendor: 3063 AUTOMATECH INC | | | | |
| 502-1140000-0000 B/C OPR | | Cash Credit Entry | | \$495.00 |
| 502-4012222-3145 PROFESSIONAL SERVICES | | CC | | \$495.00 |
| Check: 92516 | | Total Distributed: | | \$495.00 \$495.00 |
| BATTLEFIELD BOOTS | 09/25/2016 | CC | 1 | \$152.99 |
| Account Distributions: | | | | Debit Credit |
| ****Vendor: 2119 BATTLEFIELD BOOTS | | | | |

GL Cash Disbursement Entries

Town of Berryville

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| | | | |
|---------------------------------------|--------------------|----------|----------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$152.99 |
| 501-4012224-6007 MATERIALS & SUPPLIES | CC | \$152.99 | |
| Check: 92516 | Total Distributed: | \$152.99 | \$152.99 |

| | | | | |
|---------------------------|------------|----|---|----------|
| BERRYVILLE AUTO PARTS INC | 09/25/2016 | CC | 1 | \$700.16 |
|---------------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 39 Berryville Auto Parts

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$548.52 |
| 100-4031100-3310 REPAIR & MAINTENANCE | CC | \$548.52 | |
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$142.12 |
| 501-4012222-3310 REPAIR & MAINTENANCE | CC | \$128.13 | |
| 501-4012224-6007 MATERIALS & SUPPLIES | CC | \$13.99 | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$9.52 |
| 502-4012222-6001 OFFICE SUPPLIES | CC | \$9.52 | |
| Check: 92516 | Total Distributed: | \$700.16 | \$700.16 |

| | | | | |
|-----------------------|------------|----|---|----------|
| BERRYVILLE TRUE VALUE | 09/25/2016 | CC | 1 | \$503.88 |
|-----------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 45 Berryville True Value Hardware

| | | | |
|--|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$123.91 |
| 100-4041200-6007 MATERIALS & SUPPLIES | CC | \$41.61 | |
| 100-4041200-6011 UNIFORMS | CC | \$82.30 | |
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$207.71 |
| 501-4012222-6005 JANITORIAL SUPPLIES | CC | \$45.03 | |
| 501-4012224-3330 LINE REPAIR & MAINTENANCE | CC | \$80.32 | |
| 501-4012224-6007 MATERIALS & SUPPLIES | CC | \$82.36 | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$172.26 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | \$150.55 | |
| 502-4012222-6004 LAB SUPPLIES | CC | \$5.99 | |
| 502-4012222-6005 JANITORIAL SUPPLIES | CC | \$15.72 | |
| Check: 92516 | Total Distributed: | \$503.88 | \$503.88 |

| | | | | |
|--------------------------|------------|----|---|---------|
| BIG DADDY AUTOMOTIVE LLC | 09/25/2016 | CC | 1 | \$16.00 |
|--------------------------|------------|----|---|---------|

Account Distributions: Debit Credit

****Vendor: 164 Big Daddy Automotive

| | | | |
|--------------------------|-------------------|--|---------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$16.00 |
|--------------------------|-------------------|--|---------|

GL Cash Disbursement Entries

Town of Berryville

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100-4041100-3310 VEHICLE REP &
MAINTENANCE

CC

\$16.00

Check: 92516 Total Distributed: \$16.00 \$16.00

| | | | | |
|---------------|------------|----|---|----------|
| BROWNELLS INC | 09/25/2016 | CC | 1 | \$207.80 |
|---------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 3059 BROWNELLS.COM

100-1140000-0000 B/C OPR Cash Credit Entry \$207.80

100-4031100-6010 POLICE SUPPLIES CC \$207.80

Check: 92516 Total Distributed: \$207.80 \$207.80

| | | | | |
|-------------------------|------------|----|---|----------|
| BROY & SON PUMP SERVICE | 09/25/2016 | CC | 1 | \$200.00 |
|-------------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 95 Broy & Son Pump Service, Inc

501-1140000-0000 B/C OPR Cash Credit Entry \$200.00

501-4094200-8361 WATER LINE UPGRADES CC \$200.00

Check: 92516 Total Distributed: \$200.00 \$200.00

| | | | | |
|-------------|------------|----|---|------------|
| CAROTEK INC | 09/25/2016 | CC | 1 | \$1,786.00 |
|-------------|------------|----|---|------------|

Account Distributions: Debit Credit

****Vendor: 3061 CAROTEK INC

502-1140000-0000 B/C OPR Cash Credit Entry \$1,786.00

502-4012222-3310 REPAIR & MAINTENANCE CC \$1,786.00

Check: 92516 Total Distributed: \$1,786.00 \$1,786.00

| | | | | |
|---------|------------|----|---|---------|
| COMCAST | 09/25/2016 | CC | 1 | \$74.90 |
|---------|------------|----|---|---------|

Account Distributions: Debit Credit

****Vendor: 91 Comcast

100-1140000-0000 B/C OPR Cash Credit Entry \$74.90

100-4012530-5230 TELECOMMUNICATIONS CC \$74.90

Check: 92516 Total Distributed: \$74.90 \$74.90

| | | | | |
|-------------------------|------------|----|---|----------|
| COMMONWEALTH OF VA DEPT | 09/25/2016 | CC | 1 | \$792.50 |
|-------------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 710 DGS

501-1140000-0000 B/C OPR Cash Credit Entry \$792.50

501-4012222-2850 LAB TESTING CC \$792.50

Check: 92516 Total Distributed: \$792.50 \$792.50

| | | | | |
|-----------------------|------------|----|---|------------|
| CONSOLIDATED ELECTRIC | 09/25/2016 | CC | 1 | \$1,874.00 |
|-----------------------|------------|----|---|------------|

Account Distributions: Debit Credit

GL Cash Disbursement Entries

Town of Berryville
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****Vendor: 89 Consolidated Electric

| | | | |
|---------------------------------------|--------------------|--|----------------------------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$1,874.00 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | | \$1,874.00 |
| Check: 92516 | Total Distributed: | | \$1,874.00 \$1,874.00 |

| | | | | | |
|------------------------|------------|----|---|---------|--------|
| COULS AUTOMOTIVE | 09/25/2016 | CC | 1 | \$79.40 | |
| Account Distributions: | | | | Debit | Credit |

****Vendor: 1759 COULS AUTOMOTIVE, LLC

| | | | |
|--|--------------------|--|----------------------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$79.40 |
| 100-4041100-3310 VEHICLE REP & MAINTENANCE | CC | | \$79.40 |
| Check: 92516 | Total Distributed: | | \$79.40 \$79.40 |

| | | | | | |
|------------------------|------------|----|---|------------|--------|
| COYNE CHEMICAL | 09/25/2016 | CC | 1 | \$5,237.79 | |
| Account Distributions: | | | | Debit | Credit |

****Vendor: 53 Coyne Chemical

| | | | |
|----------------------------|--------------------|--|----------------------------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$2,051.71 |
| 501-4012222-6025 CHEMICALS | CC | | \$2,051.71 |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$3,186.08 |
| 502-4012222-6025 CHEMICALS | CC | | \$3,186.08 |
| Check: 92516 | Total Distributed: | | \$5,237.79 \$5,237.79 |

| | | | | | |
|------------------------|------------|----|---|--------|--------|
| CROWN TROPHY | 09/25/2016 | CC | 1 | \$9.00 | |
| Account Distributions: | | | | Debit | Credit |

****Vendor: 2431 Crown Trophy

| | | | |
|----------------------------------|--------------------|--|--------------------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$9.00 |
| 100-4012530-6001 OFFICE SUPPLIES | CC | | \$9.00 |
| Check: 92516 | Total Distributed: | | \$9.00 \$9.00 |

| | | | | | |
|------------------------|------------|----|---|----------|--------|
| CUMMINS ATLANTIC | 09/25/2016 | CC | 1 | \$367.90 | |
| Account Distributions: | | | | Debit | Credit |

****Vendor: 2320 CUMMINS ATLANTIC

| | | | |
|---------------------------------------|--------------------|--|------------------------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$367.90 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | | \$367.90 |
| Check: 92516 | Total Distributed: | | \$367.90 \$367.90 |

| | | | | | |
|------------------------|------------|----|---|----------|--------|
| DMV | 09/25/2016 | CC | 1 | \$720.00 | |
| Account Distributions: | | | | Debit | Credit |

****Vendor: 1438 DMV

| | | | |
|--------------------------|-------------------|--|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$720.00 |
|--------------------------|-------------------|--|----------|



GL Cash Disbursement Entries

Town of Berryville

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100-3410201-0000 MISCELLANEOUS
REVENUES

CC



\$720.00

Check: 92516

Total Distributed:

\$720.00

\$720.00

| | | | | |
|-------|------------|----|---|---------|
| EXXON | 09/25/2016 | CC | 1 | \$13.10 |
|-------|------------|----|---|---------|

Account Distributions:

Debit

Credit

****Vendor: 2137 EXXON MOBILE

501-1140000-0000 B/C OPR

Cash Credit Entry

\$13.10

501-4012224-3330 LINE REPAIR &
MAINTENANCE

CC

\$10.48

501-4012224-6007 MATERIALS & SUPPLIES

CC

\$2.62

Check: 92516

Total Distributed:

\$13.10

\$13.10

| | | | | |
|-----------------------|------------|----|---|--------|
| FESTIVAL DRY CLEANERS | 09/25/2016 | CC | 1 | \$8.00 |
|-----------------------|------------|----|---|--------|

Account Distributions:

Debit

Credit

****Vendor: 1997 Festival Cleaners

100-1140000-0000 B/C OPR

Cash Credit Entry

\$8.00

100-4031100-6011 UNIFORMS

CC

\$8.00

Check: 92516

Total Distributed:

\$8.00

\$8.00

| | | | | |
|-------------------|------------|----|---|---------|
| FISHER AUTO PARTS | 09/25/2016 | CC | 1 | \$25.41 |
|-------------------|------------|----|---|---------|

Account Distributions:

Debit

Credit

****Vendor: 46 Fisher Auto Parts

100-1140000-0000 B/C OPR

Cash Credit Entry

\$25.41

100-4041100-3310 VEHICLE REP &
MAINTENANCE

CC

\$25.41

Check: 92516

Total Distributed:

\$25.41

\$25.41

| | | | | |
|-----------|------------|----|---|---------|
| FOOD LION | 09/25/2016 | CC | 1 | \$19.83 |
|-----------|------------|----|---|---------|

Account Distributions:

Debit

Credit

****Vendor: 2029 Food Lion # 1164

501-1140000-0000 B/C OPR

Cash Credit Entry

\$19.83

501-4012222-6004 LAB SUPPLIES

CC

\$12.25

501-4012222-6005 JANITORIAL SUPPLIES

CC

\$7.58

Check: 92516

Total Distributed:

\$19.83

\$19.83

| | | | | |
|---------------|------------|----|---|----------|
| GLASS AMERICA | 09/25/2016 | CC | 1 | \$172.04 |
|---------------|------------|----|---|----------|

Account Distributions:

Debit

Credit

****Vendor: 3060 GLASS AMERICA LLC

502-1140000-0000 B/C OPR

Cash Credit Entry

\$172.04

502-4012222-3310 REPAIR & MAINTENANCE

CC

\$172.04



GL Cash Disbursement Entries

Town of Berryville
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| | | | | | | |
|--|------------|-------------------|--------------------|--|------------|------------|
| Check: | 92516 | | Total Distributed: | | \$172.04 | \$172.04 |
| GRIFFITH ENERGY | | | | | | |
| | 09/25/2016 | CC | 1 | | \$1,718.10 | |
| Account Distributions: | | | | | Debit | Credit |
| ****Vendor: 102 Griffith Energy Services, Inc. | | | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | | | \$1,718.10 |
| 100-4041200-6008 GASOLINE & OIL | | CC | | | \$1,718.10 | |
| Check: | 92516 | | Total Distributed: | | \$1,718.10 | \$1,718.10 |
| HACH COMPANY | | | | | | |
| | 09/25/2016 | CC | 1 | | \$8,590.04 | |
| Account Distributions: | | | | | Debit | Credit |
| ****Vendor: 52 Hach Chemical Company | | | | | | |
| 501-1140000-0000 B/C OPR | | Cash Credit Entry | | | | \$8,486.00 |
| 501-4012222-3310 REPAIR & MAINTENANCE | | CC | | | \$8,486.00 | |
| 502-1140000-0000 B/C OPR | | Cash Credit Entry | | | | \$104.04 |
| 502-4012222-6004 LAB SUPPLIES | | CC | | | \$104.04 | |
| Check: | 92516 | | Total Distributed: | | \$8,590.04 | \$8,590.04 |
| HELENA CHEMICAL CO | | | | | | |
| | 09/25/2016 | CC | 1 | | \$167.55 | |
| Account Distributions: | | | | | Debit | Credit |
| ****Vendor: 1637 HELENA CHEMICAL COMPANY | | | | | | |
| 502-1140000-0000 B/C OPR | | Cash Credit Entry | | | | \$167.55 |
| 502-4012222-3310 REPAIR & MAINTENANCE | | CC | | | \$167.55 | |
| Check: | 92516 | | Total Distributed: | | \$167.55 | \$167.55 |
| HOMWOOD SUITES BY HILTON | | | | | | |
| | 09/25/2016 | CC | 1 | | \$504.20 | |
| Account Distributions: | | | | | Debit | Credit |
| ****Vendor: 2124 HILTON HOTELS | | | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | | | \$504.20 |
| 100-4031100-5540 TRAINING | | CC | | | \$504.20 | |
| Check: | 92516 | | Total Distributed: | | \$504.20 | \$504.20 |
| HOOTERS | | | | | | |
| | 09/25/2016 | CC | 1 | | \$14.83 | |
| Account Distributions: | | | | | Debit | Credit |
| ****Vendor: 3009 HOOTERS | | | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | | | \$14.83 |
| 100-4031100-5540 TRAINING | | CC | | | \$14.83 | |
| Check: | 92516 | | Total Distributed: | | \$14.83 | \$14.83 |
| INTERSTATE ALL BATTERY | | | | | | |
| | 09/25/2016 | CC | 1 | | \$585.49 | |
| Account Distributions: | | | | | Debit | Credit |
| [REDACTED] | | | | | | |

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****Vendor: 3045 INTERSTATE ALL BATTERY CENTER

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$585.49 |
| 100-4031100-3310 REPAIR & MAINTENANCE | CC | | \$585.49 |
| Check: 92516 | Total Distributed: | \$585.49 | \$585.49 |

| | | | | |
|--------------------|------------|----|---|----------|
| JNO. S SOLENBERGER | 09/25/2016 | CC | 1 | \$115.40 |
|--------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 113 Jno. S. Solenberger & Co., Inc

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$115.40 |
| 501-4012224-6007 MATERIALS & SUPPLIES | CC | | \$115.40 |
| Check: 92516 | Total Distributed: | \$115.40 | \$115.40 |

| | | | | |
|-------------------|------------|----|---|---------|
| JOHNNY BLUE, INC. | 09/25/2016 | CC | 1 | \$82.00 |
|-------------------|------------|----|---|---------|

Account Distributions: Debit Credit

****Vendor: 67 Johnny Blue

| | | | |
|---|--------------------|---------|---------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$82.00 |
| 100-4071310-3160 CONTRACTURAL SER/JN BLUE | CC | | \$82.00 |
| Check: 92516 | Total Distributed: | \$82.00 | \$82.00 |

| | | | | |
|---------------------------|------------|----|---|------------|
| JOINER MICRO LABORATORIES | 09/25/2016 | CC | 1 | \$1,250.00 |
|---------------------------|------------|----|---|------------|

Account Distributions: Debit Credit

****Vendor: 51 Joiner Micro Laboratories

| | | | |
|--|--------------------|------------|------------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$110.00 |
| 501-4012224-3330 LINE REPAIR & MAINTENANCE | CC | | \$110.00 |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$1,140.00 |
| 502-4012222-2850 LAB TESTING | CC | | \$1,140.00 |
| Check: 92516 | Total Distributed: | \$1,250.00 | \$1,250.00 |

| | | | | |
|--------------------|------------|----|---|------------|
| KYM INDUSTRIES INC | 09/25/2016 | CC | 1 | \$2,130.00 |
|--------------------|------------|----|---|------------|

Account Distributions: Debit Credit

****Vendor: 3056 KYM INDUSTRIES INC

| | | | |
|---------------------------------------|--------------------|------------|------------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$2,130.00 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | | \$2,130.00 |
| Check: 92516 | Total Distributed: | \$2,130.00 | \$2,130.00 |

| | | | | |
|-------|------------|----|---|----------|
| LOWES | 09/25/2016 | CC | 1 | \$136.53 |
|-------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 682 Lowe's



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| | | | |
|---------------------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$98.97 |
| 100-4041200-6007 MATERIALS & SUPPLIES | CC | \$30.07 | |
| 100-4043200-3310 REPAIR & MAINTENANCE | CC | \$68.90 | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$37.56 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | \$37.56 | |
| Check: 92516 | Total Distributed: | \$136.53 | \$136.53 |

| | | | | |
|-------------|------------|----|---|----------|
| MALLOY FORD | 09/25/2016 | CC | 1 | \$135.00 |
|-------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 2206 MALLOY FORD

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$135.00 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | \$135.00 | |
| Check: 92516 | Total Distributed: | \$135.00 | \$135.00 |

| | | | | |
|--------------------|------------|----|---|----------|
| MARTEL ELECTRONICS | 09/25/2016 | CC | 1 | \$428.00 |
|--------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 3062 MARTEL ELECTRONICS

| | | | |
|----------------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$428.00 |
| 100-4012530-6001 OFFICE SUPPLIES | CC | \$428.00 | |
| Check: 92516 | Total Distributed: | \$428.00 | \$428.00 |

| | | | | |
|----------------------|------------|----|---|----------|
| MARYLAND BIOCHEMICAL | 09/25/2016 | CC | 1 | \$473.81 |
|----------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 2066 MARYLAND BIOCHEMICAL

| | | | |
|----------------------------|--------------------|----------|----------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$473.81 |
| 502-4012222-6025 CHEMICALS | CC | \$473.81 | |
| Check: 92516 | Total Distributed: | \$473.81 | \$473.81 |

| | | | | |
|---------------|------------|----|---|------------|
| MCMaster-CARR | 09/25/2016 | CC | 1 | \$1,068.60 |
|---------------|------------|----|---|------------|

Account Distributions: Debit Credit

****Vendor: 630 McMaster-Carr Supply Co.

| | | | |
|---------------------------------------|--------------------|------------|------------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$234.25 |
| 501-4012222-3310 REPAIR & MAINTENANCE | CC | \$234.25 | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$834.35 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | \$663.23 | |
| 502-4012222-6005 JANITORIAL SUPPLIES | CC | \$171.12 | |
| Check: 92516 | Total Distributed: | \$1,068.60 | \$1,068.60 |

| | | | | |
|----------------------------|------------|----|---|----------|
| MERRITT SANITATION SERVICE | 09/25/2016 | CC | 1 | \$631.25 |
|----------------------------|------------|----|---|----------|



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| Account Distributions: | | | | Debit | Credit |
|---|-------------------|--------------------|---|------------|------------|
| ****Vendor: 237 Merritt's Sanitation | | | | | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$631.25 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | | | \$631.25 | |
| Check: 92516 | | Total Distributed: | | \$631.25 | \$631.25 |
| MID ATLANTIC CRANE | 09/25/2016 | CC | 1 | \$4,225.63 | |
| Account Distributions: | | | | | |
| ****Vendor: 2344 MID ATLANTIC CRAND AND EQUIPMENT | | | | | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$4,225.63 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | | | \$4,225.63 | |
| Check: 92516 | | Total Distributed: | | \$4,225.63 | \$4,225.63 |
| NATIONAL TESTING NETWORK | 09/25/2016 | CC | 1 | \$85.00 | |
| Account Distributions: | | | | | |
| ****Vendor: 2436 NATIONAL TESTING NETWORK | | | | | |
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$85.00 |
| 501-4012222-2830 CERTIFICATION FEES | CC | | | \$85.00 | |
| Check: 92516 | | Total Distributed: | | \$85.00 | \$85.00 |
| NOVA OCCUPATIONAL HEALTH | 09/25/2016 | CC | 1 | \$85.00 | |
| Account Distributions: | | | | | |
| ****Vendor: 3067 NOVA OCCUPATIONAL HEALTH | | | | | |
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$85.00 |
| 100-4041100-3110 MEDICAL EXAMS | CC | | | \$85.00 | |
| Check: 92516 | | Total Distributed: | | \$85.00 | \$85.00 |
| PANERA BREAD | 09/25/2016 | CC | 1 | \$10.80 | |
| Account Distributions: | | | | | |
| ****Vendor: 3065 PANERA BREAD | | | | | |
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$10.80 |
| 100-4031100-5540 TRAINING | CC | | | \$10.80 | |
| Check: 92516 | | Total Distributed: | | \$10.80 | \$10.80 |
| PMSI | 09/25/2016 | CC | 1 | \$74.00 | |
| Account Distributions: | | | | | |
| ****Vendor: 180 Pest Management Services | | | | | |
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$74.00 |
| 100-4043200-3310 REPAIR & MAINTENANCE | CC | | | \$74.00 | |
| Check: 92516 | | Total Distributed: | | \$74.00 | \$74.00 |



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| | | | | | |
|---|------------|----|---|--------------------|------------------------------|
| PRIMOS PIZZA | 09/25/2016 | CC | 1 | \$9.28 | |
| Account Distributions: | | | | Debit | Credit |
| ****Vendor: 3066 PRIMOS PIZZA | | | | | |
| 100-1140000-0000 B/C OPR | | | | | \$9.28 |
| 100-4031100-5540 TRAINING | | CC | | \$9.28 | |
| Check: 92516 | | | | Total Distributed: | \$9.28 \$9.28 |
| RED BUD SUPPLY INC | 09/25/2016 | CC | 1 | \$219.25 | |
| Account Distributions: | | | | Debit | Credit |
| ****Vendor: 111 Red Bud Supply | | | | | |
| 501-1140000-0000 B/C OPR | | | | | \$219.25 |
| 501-4012224-6007 MATERIALS & SUPPLIES | | CC | | \$219.25 | |
| Check: 92516 | | | | Total Distributed: | \$219.25 \$219.25 |
| REPUBLIC SERVICES TRASH | 09/25/2016 | CC | 1 | \$20,399.59 | |
| Account Distributions: | | | | Debit | Credit |
| ****Vendor: 305 Allied Waste Services # 976 | | | | | |
| 100-1140000-0000 B/C OPR | | | | | \$19,562.96 |
| 100-4042300-3220 CONTRACTUAL SERVICES | | CC | | \$15,099.77 | |
| 100-4042300-6225 RECYCLING SERVICES | | CC | | \$4,463.19 | |
| 502-1140000-0000 B/C OPR | | | | | \$836.63 |
| 502-4012222-3210 LANDFILL-SOLIDS DISPOSAL | | CC | | \$836.63 | |
| Check: 92516 | | | | Total Distributed: | \$20,399.59 \$20,399.59 |
| RIDDLEBERGER BROTHERS | 09/25/2016 | CC | 1 | \$2,841.08 | |
| Account Distributions: | | | | Debit | Credit |
| ****Vendor: 1271 RIDDLEBERGER BROTHERS | | | | | |
| 502-1140000-0000 B/C OPR | | | | | \$2,841.08 |
| 502-4012222-3310 REPAIR & MAINTENANCE | | CC | | \$2,841.08 | |
| Check: 92516 | | | | Total Distributed: | \$2,841.08 \$2,841.08 |
| ROBERTS OXYGEN CO | 09/25/2016 | CC | 1 | \$26.85 | |
| Account Distributions: | | | | Debit | Credit |
| ****Vendor: 1752 ROBERTS OXYGEN CO | | | | | |
| 502-1140000-0000 B/C OPR | | | | | \$26.85 |
| 502-4012222-6008 DIESEL FUEL | | CC | | \$26.85 | |
| Check: 92516 | | | | Total Distributed: | \$26.85 \$26.85 |
| SHADE EQUIPMENT CO | 09/25/2016 | CC | 1 | \$5,191.95 | |



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| Account Distributions: | | | | Debit | Credit |
|---|--|--------------------|------------|------------|------------|
| ****Vendor: 238 Shade Equipment Company | | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | | \$5,191.95 |
| 100-4041250-3310 EQUIPMENT MAINTENANCE (VDOT) | | CC | [REDACTED] | \$291.95 | |
| 100-4041250-6307 SNOW REMOVAL (VDOT) | | CC | [REDACTED] | \$4,900.00 | |
| Check: 92516 | | Total Distributed: | | \$5,191.95 | \$5,191.95 |

| | | | | | |
|-----------------|------------|----|---|----------|--|
| SHENANDOAH SAND | 09/25/2016 | CC | 1 | \$165.00 | |
|-----------------|------------|----|---|----------|--|

| Account Distributions: | | | | Debit | Credit |
|--------------------------------------|--|--------------------|--|----------|----------|
| ****Vendor: 717 SHENANDOAH SAND | | | | | |
| 501-1140000-0000 B/C OPR | | Cash Credit Entry | | | \$165.00 |
| 501-4094200-8361 WATER LINE UPGRADES | | CC | | \$165.00 | |
| Check: 92516 | | Total Distributed: | | \$165.00 | \$165.00 |

| | | | | | |
|--------------------|------------|----|---|------------|--|
| SQ INSTRULOGIC LLC | 09/25/2016 | CC | 1 | \$1,216.28 | |
|--------------------|------------|----|---|------------|--|

| Account Distributions: | | | | Debit | Credit |
|---|--|--------------------|--|------------|------------|
| ****Vendor: 396 Instrulogic Corporation | | | | | |
| 502-1140000-0000 B/C OPR | | Cash Credit Entry | | | \$1,216.28 |
| 502-4012224-3310 EQUIPMENT MAINTENANCE | | CC | | \$1,216.28 | |
| Check: 92516 | | Total Distributed: | | \$1,216.28 | \$1,216.28 |

| | | | | | |
|---------|------------|----|---|----------|--|
| STAPLES | 09/25/2016 | CC | 1 | \$120.90 | |
|---------|------------|----|---|----------|--|

| Account Distributions: | | | | Debit | Credit |
|-----------------------------------|--|--------------------|--|----------|----------|
| ****Vendor: 669 STAPLES ADVANTAGE | | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | | \$120.90 |
| 100-4012530-6001 OFFICE SUPPLIES | | CC | | \$120.90 | |
| Check: 92516 | | Total Distributed: | | \$120.90 | \$120.90 |

| | | | | | |
|---------------|------------|----|---|---------|--|
| STEAK-N-SHAKE | 09/25/2016 | CC | 1 | \$18.27 | |
|---------------|------------|----|---|---------|--|

| Account Distributions: | | | | Debit | Credit |
|---------------------------------|--|--------------------|--|---------|---------|
| ****Vendor: 3018 STEAK 'N SHAKE | | | | | |
| 100-1140000-0000 B/C OPR | | Cash Credit Entry | | | \$18.27 |
| 100-4031100-5540 TRAINING | | CC | | \$18.27 | |
| Check: 92516 | | Total Distributed: | | \$18.27 | \$18.27 |

| | | | | | |
|----------------|------------|----|---|----------|--|
| STUART M PERRY | 09/25/2016 | CC | 1 | \$326.91 | |
|----------------|------------|----|---|----------|--|

| Account Distributions: | | | | Debit | Credit |
|--------------------------------------|--|--|--|-------|--------|
| ****Vendor: 109 Stuart M. Perry, Inc | | | | | |



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| | | | |
|--------------------------------------|--------------------|----------|----------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$326.91 |
| 501-4094200-8361 WATER LINE UPGRADES | CC | \$326.91 | |
| Check: 92516 | Total Distributed: | \$326.91 | \$326.91 |

| | | | | |
|---------------|------------|----|---|----------|
| TELEDYNE ISCO | 09/25/2016 | CC | 1 | \$109.51 |
|---------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 651 TELEDYNE ISCO INC

| | | | |
|-------------------------------|--------------------|----------|----------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$109.51 |
| 502-4012222-6004 LAB SUPPLIES | CC | \$109.51 | |
| Check: 92516 | Total Distributed: | \$109.51 | \$109.51 |

| | | | | |
|---------------------|------------|----|---|---------|
| TELRITE CORPORATION | 09/25/2016 | CC | 1 | \$16.89 |
|---------------------|------------|----|---|---------|

Account Distributions: Debit Credit

****Vendor: 768 Telrite Corporation

| | | | |
|-------------------------------------|--------------------|---------|---------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$16.89 |
| 100-4041100-5230 TELECOMMUNICATIONS | CC | \$16.89 | |
| Check: 92516 | Total Distributed: | \$16.89 | \$16.89 |

| | | | | |
|-----------|------------|----|---|----------|
| TELTRONIC | 09/25/2016 | CC | 1 | \$197.39 |
|-----------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 1725 TELTRONIC

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$197.39 |
| 100-4031100-3310 REPAIR & MAINTENANCE | CC | \$197.39 | |
| Check: 92516 | Total Distributed: | \$197.39 | \$197.39 |

| | | | | |
|-----------------------|------------|----|---|----------|
| TENCARVA MACHINERY CO | 09/25/2016 | CC | 1 | \$885.85 |
|-----------------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 1240 TENCARVA

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$885.85 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | \$885.85 | |
| Check: 92516 | Total Distributed: | \$885.85 | \$885.85 |

| | | | | |
|-------------|------------|----|---|----------|
| TOTAL IMAGE | 09/25/2016 | CC | 1 | \$189.99 |
|-------------|------------|----|---|----------|

Account Distributions: Debit Credit

****Vendor: 2099 TOTAL IMAGE WORKINGMANS

| | | | |
|---------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$189.99 |
| 100-4041200-6011 UNIFORMS | CC | \$189.99 | |
| Check: 92516 | Total Distributed: | \$189.99 | \$189.99 |

| | | | | |
|-----------|------------|----|---|---------|
| TRUESHRED | 09/25/2016 | CC | 1 | \$49.00 |
|-----------|------------|----|---|---------|

Account Distributions: Debit Credit



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****Vendor: 1909 TrueShred

| | | | |
|----------------------------------|--------------------|---------|---------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$49.00 |
| 100-4012530-6001 OFFICE SUPPLIES | CC | | \$49.00 |
| Check: 92516 | Total Distributed: | \$49.00 | \$49.00 |

| | | | | |
|------------------------|------------|----|---|-------------------|
| USA BLUE BOOK | 09/25/2016 | CC | 1 | \$733.24 |
| Account Distributions: | | | | Debit Credit |

****Vendor: 116 USA Bluebook

| | | | |
|---------------------------------------|--------------------|----------|----------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$373.31 |
| 501-4012222-6004 LAB SUPPLIES | CC | | \$373.31 |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$359.93 |
| 502-4012222-3310 REPAIR & MAINTENANCE | CC | | \$359.93 |
| Check: 92516 | Total Distributed: | \$733.24 | \$733.24 |

| | | | | |
|------------------------|------------|----|---|-------------------|
| USPS | 09/25/2016 | CC | 1 | \$196.45 |
| Account Distributions: | | | | Debit Credit |

****Vendor: 303 US Postal Service

| | | | |
|--------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$196.45 |
| 100-4012530-5210 POSTAGE | CC | | \$188.00 |
| 100-4031100-5210 POSTAGE | CC | | \$8.45 |
| Check: 92516 | Total Distributed: | \$196.45 | \$196.45 |

| | | | | |
|------------------------|------------|----|---|-------------------|
| VERIZON | 09/25/2016 | CC | 1 | \$646.57 |
| Account Distributions: | | | | Debit Credit |

****Vendor: 36 Verizon

| | | | |
|-------------------------------------|--------------------|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$135.07 |
| 100-4041100-5230 TELECOMMUNICATIONS | CC | | \$135.07 |
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | \$112.98 |
| 501-4012222-5230 TELECOMMUNICATIONS | CC | | \$112.98 |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | \$398.52 |
| 502-4012222-5230 TELECOMMUNICATIONS | CC | | \$398.52 |
| Check: 92516 | Total Distributed: | \$646.57 | \$646.57 |

| | | | | |
|------------------------|------------|----|---|-------------------|
| VERIZON WIRELESS | 09/25/2016 | CC | 1 | \$691.37 |
| Account Distributions: | | | | Debit Credit |

****Vendor: 2243 Verizon Wireless

| | | | |
|-------------------------------------|-------------------|--|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$581.47 |
| 100-4012530-5230 TELECOMMUNICATIONS | CC | | \$19.04 |



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|-------------------------------------|--------------------|--|--|----------|----------|
| 100-4031100-5230 TELECOMMUNICATIONS | CC | | | \$331.94 | |
| 100-4041100-5230 TELECOMMUNICATIONS | CC | | | \$230.49 | |
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$27.47 |
| 501-4012222-5230 TELECOMMUNICATIONS | CC | | | \$27.47 | |
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$82.43 |
| 502-4012222-5230 TELECOMMUNICATIONS | CC | | | \$82.43 | |
| Check: 92516 | Total Distributed: | | | \$691.37 | \$691.37 |

| | | | | | |
|-------------|------------|----|---|---------|--|
| VISTA PRINT | 09/25/2016 | CC | 1 | \$35.20 | |
|-------------|------------|----|---|---------|--|

| | | |
|------------------------|-------|--------|
| Account Distributions: | Debit | Credit |
|------------------------|-------|--------|

****Vendor: 2028 Vista Print

| | | | | | |
|----------------------------------|--------------------|--|--|---------|---------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$35.20 |
| 100-4012530-6001 OFFICE SUPPLIES | CC | | | \$15.98 | |
| 100-4031100-6010 POLICE SUPPLIES | CC | | | \$19.22 | |
| Check: 92516 | Total Distributed: | | | \$35.20 | \$35.20 |

| | | | | | |
|----------|------------|----|---|----------|--|
| WAL-MART | 09/25/2016 | CC | 1 | \$322.42 | |
|----------|------------|----|---|----------|--|

| | | |
|------------------------|-------|--------|
| Account Distributions: | Debit | Credit |
|------------------------|-------|--------|

****Vendor: 2055 Walmart

| | | | | | |
|---------------------------|--------------------|--|--|----------|----------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$322.42 |
| 100-4041200-6011 UNIFORMS | CC | | | \$322.42 | |
| Check: 92516 | Total Distributed: | | | \$322.42 | \$322.42 |

| | | | | | |
|-----------|------------|----|---|----------|--|
| WATER JAM | 09/25/2016 | CC | 1 | \$460.00 | |
|-----------|------------|----|---|----------|--|

| | | |
|------------------------|-------|--------|
| Account Distributions: | Debit | Credit |
|------------------------|-------|--------|

****Vendor: 92 American Water Works Association

| | | | | | |
|---------------------------|--------------------|--|--|----------|----------|
| 502-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$460.00 |
| 502-4012222-5540 TRAINING | CC | | | \$460.00 | |
| Check: 92516 | Total Distributed: | | | \$460.00 | \$460.00 |

| | | | | | |
|------------------------------|------------|----|---|---------|--|
| WINCHESTER BUILDING SUPPLIES | 09/25/2016 | CC | 1 | \$49.44 | |
|------------------------------|------------|----|---|---------|--|

| | | |
|------------------------|-------|--------|
| Account Distributions: | Debit | Credit |
|------------------------|-------|--------|

****Vendor: 120 Winchester Building Supply

| | | | | | |
|--|--------------------|--|--|---------|---------|
| 501-1140000-0000 B/C OPR | Cash Credit Entry | | | | \$49.44 |
| 501-4012224-3330 LINE REPAIR & MAINTENANCE | CC | | | \$49.44 | |
| Check: 92516 | Total Distributed: | | | \$49.44 | \$49.44 |

| | | | | | |
|----------------------------------|------------|----|---|----------|--|
| WINCHESTER BUSINESS/A SIGN PLACE | 09/25/2016 | CC | 1 | \$410.28 | |
|----------------------------------|------------|----|---|----------|--|

PLACE



GL Cash Disbursement Entries

Town of Berryville

10/6/2016 10:41:19 AM

Page 15 Of 16

Account Distributions:

Debit Credit

****Vendor: 351 Winchester Business Services/A Sign Place

| | | | |
|---|--------------------|---|--|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$410.28 |
| 100-4041200-3316 STREET SIGN
MAINTENANCE | CC | █ | \$410.28 |
| Check: 92516 | Total Distributed: | | \$410.28 \$410.28 |

| | | | | |
|----------------------|------------|----|---|---------|
| WINCHESTER EQUIPMENT | 09/25/2016 | CC | 1 | \$33.30 |
|----------------------|------------|----|---|---------|

Account Distributions:

Debit Credit

****Vendor: 381 Winchester Equipment Co

| | | | |
|---|--------------------|--|--------------------------------------|
| 100-1140000-0000 B/C OPR | Cash Credit Entry | | \$33.30 |
| 100-4041200-3310 EQUIPMENT
MAINTENANCE | CC | | \$33.30 |
| Check: 92516 | Total Distributed: | | \$33.30 \$33.30 |

| | | |
|--|---------------|--|
| | Batch Totals: | \$71,997.37 \$71,997.37 |
|--|---------------|--|



GL Cash Disbursement Entries

Town of Berryville
10/6/2016 10:41:19 AM

Page 16 Of 16



GL Cash Receipt Entries

Town of Berryville
10/6/2016 10:42:29 AM

Page 1 Of 1

Batch: 4102

Operator: 4

| Description: | Date | Reference | Bank | Cash Receipt Amount |
|---------------------------------------|------------|---------------------------|------|---------------------|
| AMAZON | 09/25/2016 | 1988 | 13 | \$24.05 |
| Account Distributions: | | | | |
| | | | | Debit |
| | | | | Credit |
| 501-1130000-0000 CASH/BB&T MM+ | | Cash Debit Entry | | \$24.05 |
| 501-4012222-3310 REPAIR & MAINTENANCE | | CC | | \$24.05 |
| | | Total Distributed: | | \$24.05 |
| | | Batch Totals: | | \$24.05 |

Attachment 10

MINUTES
BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Berryville-Clarke County Government Center
Regular Meeting
September 26, 2016

Committee members: Present- Donna Marie McDonald, Chair; Allen Kitselman, David Tollett
Staff: Keith Dalton, Town Manager; Christy Dunkle, Planner
Press: Cathy Keuhner, Winchester Star
Others: Paula Le Duigou; Susan Schoonover; Cathy Pierson, Berryville Main Street; Brian McClemens

1. Call to Order

Chair McDonald called the meeting to order at 7:00 p.m.

2. Discussion – Darbybrook Homeowners Association

Chair McDonald recognized citizens from the Darbybrook Subdivision and told them that she wanted to make sure that those who were working to constitute a HOA Board had a chance to speak to this issue since Mrs. Betz had appeared before the committee last month.

Mrs. Le Duigou stated that the HOA has not been dissolved and the work before the residents at present is to meet and to elect a new HOA Board of Directors. She added that a meeting has been called to address that matter.

Chair McDonald thanked those in attendance for taking the time to speak to this issue and wished the residents luck as they worked to reorganize the HOA Board of Directors.

3. Discussion – Town Hall Meeting

Chair McDonald stated that she wanted to pin down a date for the Town Hall Meeting of the Committee. She stated that the meeting was intended to provide a forum in which citizens could provide input on what community issues and projects were important to them.

Mr. Kitselman stated that the Committee should utilize a facilitator for such a meeting. Cathy Pierson stated that she believed that Virginia Main Street may offer facilitator services to its members. The Committee agreed that the meeting should have a facilitator and thanked Ms. Pierson for her offer so help secure one for the meeting. Ms. Pierson agreed to put Ms. Dunkle in the loop as this matter was discussed.

The Committee agreed to look at December 6, 7, & 8, from 6:00 p.m. to 8:00 p.m., as possible Town Hall Meeting dates. Chair McDonald stated that she would like to have refreshments in the lobby prior to the meeting.

There was a general discussion about the nature of the meeting and the Committee agreed that this would essentially be a visioning process.

4. Christmas Tree

Chair McDonald stated that she would like to see additional work done this year to make the Town's Christmas Tree even better. She stated that she would like to seek \$1,000 in additional funds for improved lighting. Ms. Dunkle discussed working with not for profits to make such improvements.

5. Other

There was a discussion about examining CDBG funds for downtown improvements.

Chair McDonald stated that she wanted the Committee to examine whether a Town Walk could be created that would get citizens and visitors out to see some of the lovely buildings in town. There was a general discussion regarding the Studio Tour, Christmas House Tour, Haunted Building Tour, and the self-guided Walking Tour.

There was a general discussion about the assessment and use of the livery stable at 23 East Main Street.

There was a general discussion about accessibility of downtown buildings.

There was a general discussion about blighted properties in Town.

6. Adjourn

Chair McDonald thanked everyone for attending and asked that everyone stay involved as we move forward. There being no further business, the meeting was adjourned at 7:58 p.m.

DRAFT

MINUTES

Attachment 11



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: 10/05/2016

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 10/11/2016

Monthly Activity Report

The activity report for the month of September 2016 is attached to this memo.

Police and Security Committee

The Police and Security Committee will begin holding monthly meetings on the fourth Thursday of the month at 09:00 am dependent upon items for an agenda. The next regular meeting of the committee would take place on 10/27/2016 if it is deemed necessary.



Berryville Police Department

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

W. Neal White – Chief of Police

POLICE AND SECURITY REPORT

| Month: September | Year To Date | September | August |
|-----------------------------------|--------------|-------------|-------------|
| Year: 2016 | 2016 | 2016 | 2016 |
| <u>Complaints Answered</u> | | | |
| 911 Hang Up: | 29 | 4 | 7 |
| Alarms: | 88 | 10 | 12 |
| Animal Complaint: | 72 | 8 | 9 |
| Assault And Battery: | 13 | 1 | 2 |
| Assist County: | 13 | 0 | 3 |
| Auto Larceny: | 2 | 0 | 0 |
| Burglary: | 7 | 2 | 0 |
| Civil Complaints: | 72 | 8 | 10 |
| Disturbance (Non Violent): | 44 | 4 | 3 |
| Domestic Disturbance: | 3 | 1 | 2 |
| Drunk In Public: | 8 | 0 | 0 |
| Forgery & Uttering: | 0 | 0 | 1 |
| Fraud: | 6 | 3 | 1 |
| Grand Larceny: | 11 | 4 | 2 |
| Harassment/Intimidation: | 24 | 2 | 4 |
| Homicide: | 0 | 0 | 0 |
| Juvenile Related: | 43 | 1 | 2 |
| Noise: | 28 | 2 | 2 |
| Petty Larceny: | 15 | 3 | 1 |
| Public Service: | 32 | 0 | 2 |
| Rape: | 0 | 0 | 0 |
| Robbery: | 1 | 1 | 0 |
| Runaway: | 1 | 0 | 0 |
| Shoplifting: | 0 | 0 | 0 |
| Suspicious Activity: | 119 | 15 | 14 |
| Trespassing: | 10 | 0 | 2 |
| Vandalism: | 22 | 3 | 1 |
| Welfare Check: | 104 | 9 | 9 |
| Miscellaneous Complaints: | 162 | 14 | 16 |
| Total Complaints Answered: | 929 | 95 | 105 |



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W. Neal White – Chief of Police

Traffic

| | | | |
|----------------------------|-----|----|----|
| Accidents Investigated: | 33 | 9 | 5 |
| Assist Motorist: | 27 | 2 | 2 |
| Child Safety Seat Install: | 27 | 9 | 4 |
| Funeral Escort: | 29 | 6 | 5 |
| Hit & Run: | 10 | 2 | 2 |
| Parking Tickets: | 210 | 39 | 88 |
| Traffic Warnings: | 203 | 19 | 33 |

Traffic Summons Issued

| | | | |
|--------------------------------------|------------|-----------|-----------|
| Defective Equipment: | 2 | 0 | 1 |
| Driving Suspended: | 10 | 2 | 2 |
| Expired Inspection: | 5 | 2 | 0 |
| Expired Registration: | 6 | 1 | 1 |
| Fail To Obey Highway Sign: | 130 | 12 | 45 |
| Fail To Obey Traffic Signals: | 2 | 0 | 0 |
| Fail To Stop/Lights & Siren: | 1 | 0 | 1 |
| Fail To Yield Right Of Way: | 5 | 1 | 0 |
| Hit And Run: | 0 | 0 | 0 |
| No Liability Insurance: | 2 | 1 | 1 |
| No Operator's License: | 7 | 2 | 2 |
| No Seat Belt: | 1 | 0 | 1 |
| Reckless Driving: | 18 | 1 | 9 |
| Speeding: | 84 | 20 | 26 |
| Miscellaneous Summons: | 8 | 3 | 2 |
| Total Traffic Summons Issued: | 281 | 45 | 91 |



Berryville Police Department

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policeadmin@berryvilleva.gov

(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: | 11 | 1 | 2 |
| A & B On Police Officer: | 1 | 0 | 0 |
| Auto Larceny: | 0 | 0 | 0 |
| Breaking And Entering: | 2 | 1 | 0 |
| Capias: | 10 | 1 | 1 |
| Disorderly Conduct: | 1 | 0 | 0 |
| Driving While Intoxicated: | 5 | 1 | 0 |
| Drunk In Public: | 6 | 0 | 1 |
| Fail To Obey Police Officer: | 0 | 0 | 0 |
| Fail To Pay Parking Ticket: | 4 | 0 | 0 |
| Forgery: | 0 | 0 | 0 |
| Fraud: | 1 | 1 | 0 |
| Grand Larceny: | 0 | 0 | 0 |
| Homicide: | 0 | 0 | 0 |
| Illegal Drugs/Paraphernalia | 13 | 0 | 2 |
| Petty Larceny: | 1 | 0 | 0 |
| Possess Alcohol Underage: | 0 | 0 | 0 |
| Protective Order: | 23 | 1 | 3 |
| Rape: | 0 | 0 | 0 |
| Resisting Arrest: | 2 | 0 | 0 |
| Robbery: | 1 | 1 | 0 |
| Shoplifting: | 0 | 0 | 0 |
| Trespassing: | 0 | 0 | 0 |
| Vandalism: | 0 | 0 | 0 |
| Weapons Violation | 0 | 0 | 0 |
| | 21 | 6 | 0 |
| Miscellaneous Criminal Arrests: | | | |
| Juvenile Arrest Total: | 0 | 0 | 0 |
| Total Criminal Arrests: | 102 | 13 | 9 |

Found Open At Business In Town

| | | | |
|--------------------------|----|---|---|
| Doors: | 17 | 2 | 3 |
| Windows: | 0 | 0 | 0 |
| Garage Doors Found Open: | 0 | 0 | 0 |

Attachment 12

Memo

To: Town Council

From: David Tyrrell

Date: October 3, 2016

Re: September 2016 Operations Report

The water treatment plant is in compliance for September 2016 with its monthly parameters per test received to date. We sent a total of 11.435 MG water to the system with a daily average production of 0.381 MGD and a daily max of 0.501 MG.

The garage door to the WTP building has been replaced with a manually operated insulated door. We experienced a minor chlorine leak this month which was corrected. We did not run the water plant on the weekend of October 1 due to muddy river conditions.

The low flow flush of water system dead ends has continued as personnel were available. Most of Hermitage is now completed with the remaining portions of this subdivision expected to be completed by Tuesday October 4th. We have also flushed Bundy with the assistance of Public Works. We will be starting the low side of town on Wednesday morning if current progress continues.

We have started to replace the grating support structure in the booster building. The old supports were badly corroded and in need of replacement. All of the old structure has been removed and steel frame cut and mounting started. This project will be completed in October.

Drought Conditions: Water levels in the Shenandoah River have run just below historic average levels for September until the rains the last few days of the month. There is no concern for drought in our area at this time.

The wastewater plant is in compliance with its discharge permit for August per the data received to date. We have treated a total of 7.93 MG with a daily average of 0.26 MGD and a daily max of 0.51 MG. The rains the end of the month gave us some additional flows which we were able to balance out using the equalization basins. The highest flow day was September 29th with a total flow of 0.68 MG with a peak hourly flow of 1.21 MGD during the late morning hours.

Total Phosphorous levels have been returning to normal with our removals back down below 0.3 mg/l for the month.

Acid recovery cleans have been completed on membrane trains #3 and #4. Hypo cleans on all four trains will be completed in October to ensure they are in top operational condition.

Attached for review is the DMR data report for the wastewater plant, latest InSight report for the membrane performance from GE, and the water plant page 1 operations report for VDH. Please note the DMR data and VDH report have not been verified or are complete as of this time.

FLOWS AND CHEMICAL DOSAGES

March 2016

No. Connections Served: 1650
Population Served: 4185

| DATE | Raw Water Treated MGD | Finished Water Produced MGD | Finished Water Delivered MGD | Hours in Service | Raw Water Chemicals | | | | | | | | | | Finished Water Chemicals | | | | | | | |
|---------|-----------------------|-----------------------------|------------------------------|------------------|---------------------|-------|-------------|---------|-------------|-------|-------------|-------|-------------|---------|--------------------------|---------|-------------|---------|-------------|-------|----------------|-------|
| | | | | | Alum | | Carbon | | Chlorine | | Fluoride | | Polymer | | KMnO4 | | Soda Ash | | Chlorine | | Corr Inhibitor | |
| | | | | | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L | Lbs per Day | mg/L |
| 1 | 0.467 | | 0.425 | 13.8 | 66 | 16.9 | 0 | 0.1 | | | 3.6 | 0.92 | 0.071 | 0.018 | 0 | 0.0 | | | 14.3 | 3.7 | | |
| 2 | 0.476 | | 0.433 | 14.0 | 51 | 12.8 | 0 | 0.0 | | | 6.6 | 1.67 | 0.075 | 0.019 | 10.0 | 2.5 | | | 14.6 | 3.7 | | |
| 3 | 0.244 | | 0.226 | 7.5 | 30 | 14.9 | 0 | 0.0 | | | 3.3 | 1.64 | 0.040 | 0.019 | 0.0 | 0.0 | | | 7.8 | 3.8 | | |
| 4 | 0.223 | | 0.202 | 6.3 | 35 | 19.1 | 2 | 0.9 | | | 0.3 | 0.15 | 0.015 | 0.008 | 0.0 | 0.0 | | | 6.6 | 3.5 | | |
| 5 | 0.291 | | 0.265 | 8.5 | 20 | 8.4 | 0 | 0.0 | | | 3.4 | 1.39 | 0.044 | 0.018 | 8.0 | 3.3 | | | 8.9 | 3.6 | | |
| 6 | 0.517 | | 0.471 | 15.5 | 51 | 11.8 | 4 | 0.8 | | | 6.7 | 1.55 | 0.079 | 0.018 | 0.0 | 0.0 | | | 16.2 | 3.7 | | |
| 7 | 0.521 | | 0.470 | 15.8 | 51 | 11.7 | 6 | 1.4 | | | 6.7 | 1.54 | 0.084 | 0.019 | 8.0 | 1.8 | | | 16.4 | 3.8 | | |
| 8 | 0.542 | | 0.495 | 15.8 | 56 | 12.3 | 5 | 1.1 | | | 7.1 | 1.57 | 0.088 | 0.019 | 6.0 | 1.3 | | | 16.4 | 3.6 | | |
| 9 | 0.542 | | 0.492 | 16.3 | 66 | 14.6 | 4 | 0.9 | | | 13.6 | 3.00 | 0.088 | 0.019 | 6.0 | 1.3 | | | 16.9 | 3.7 | | |
| 10 | 0.254 | | 0.212 | 7.5 | 25 | 12.0 | 2 | 0.9 | | | 10.1 | 4.79 | 0.042 | 0.020 | 0.0 | 0.0 | | | 7.8 | 3.7 | | |
| 11 | 0.251 | | 0.233 | 7.5 | 41 | 19.4 | 2 | 1.0 | | | 10.0 | 4.78 | 0.037 | 0.018 | 0.0 | 0.0 | | | 7.5 | 3.6 | | |
| 12 | 0.539 | | 0.486 | 15.8 | 61 | 13.5 | 5 | 1.2 | | | 6.7 | 1.50 | 0.086 | 0.019 | 8.0 | 1.8 | | | 15.8 | 3.5 | | |
| 13 | 0.5 | | 0.453 | 14.5 | 56 | 13.4 | 4 | 0.9 | | | 7.0 | 1.68 | 0.080 | 0.019 | 8.0 | 1.9 | | | 14.5 | 3.5 | | |
| 14 | 0.429 | | 0.453 | 16.0 | 56 | 15.6 | 4 | 1.2 | | | 3.4 | 0.94 | 0.077 | 0.022 | 5.0 | 1.4 | | | 16.0 | 4.5 | | |
| 15 | 0.4914 | | 0.447 | 14.0 | 61 | 14.8 | 4 | 1.0 | | | 6.7 | 1.63 | 0.075 | 0.018 | 5.0 | 1.2 | | | 13.1 | 3.2 | | |
| 16 | 0.501 | | 0.451 | 14.4 | 51 | 12.1 | 5 | 1.2 | | | 0.9 | 0.22 | 0.070 | 0.017 | 5.0 | 1.2 | | | 14.4 | 3.4 | | |
| 17 | 0.2475 | | 0.203 | 8.0 | 25 | 12.3 | 2 | 1.0 | | | 6.1 | 2.93 | 0.022 | 0.011 | 0.0 | 0.0 | | | 8.0 | 3.9 | | |
| 18 | 0.1598 | | 0.146 | 7.0 | 20 | 15.2 | 2 | 1.2 | | | 3.2 | 2.40 | 0.027 | 0.020 | 0.0 | 0.0 | | | 7.0 | 5.2 | | |
| 19 | 0.5339 | | 0.482 | 16.5 | 56 | 12.5 | 4 | 1.0 | | | 3.6 | 0.81 | 0.079 | 0.018 | 6.0 | 1.3 | | | 16.5 | 3.7 | | |
| 20 | 0.5276 | | 0.484 | 16.5 | 61 | 13.8 | 1 | 0.2 | | | 6.7 | 1.53 | 0.083 | 0.019 | 6.0 | 1.4 | | | 16.5 | 3.7 | | |
| 21 | 0.5217 | | 0.472 | 16.0 | 56 | 12.8 | 5 | 1.1 | | | 6.7 | 1.54 | 0.084 | 0.019 | 8.0 | 1.8 | | | 16.0 | 3.7 | | |
| 22 | 0.5205 | | 0.466 | 15.5 | 20 | 4.7 | 5 | 1.1 | | | 7.0 | 1.62 | 0.071 | 0.016 | 0.0 | 0.0 | | | 15.5 | 3.6 | | |
| 23 | 0.5144 | | 0.462 | 15.0 | 86 | 20.1 | 4 | 0.9 | | | 3.3 | 0.77 | 0.088 | 0.021 | 8.0 | 1.9 | | | 15.0 | 3.5 | | |
| 24 | 0.3156 | | 0.287 | 9.5 | 41 | 15.4 | 3 | 1.2 | | | 3.4 | 1.31 | 0.044 | 0.017 | 0.0 | 0.0 | | | 9.5 | 3.6 | | |
| 25 | 0.1997 | | 0.182 | 5.8 | 0 | 0.0 | 2 | 1.0 | | | 3.3 | 1.98 | 0.030 | 0.018 | 8.0 | 4.8 | | | 5.8 | 3.5 | | |
| 26 | 0.5353 | | 0.486 | 15.5 | 91 | 20.4 | 4 | 1.0 | | | 6.7 | 1.50 | 0.080 | 0.018 | 0.0 | 0.0 | | | 15.5 | 3.5 | | |
| 27 | 0.4375 | | 0.396 | 12.6 | 5 | 1.4 | 4 | 1.1 | | | 3.5 | 0.96 | 0.070 | 0.019 | 6.0 | 1.6 | | | 12.6 | 3.5 | | |
| 28 | 0.5534 | | 0.501 | 15.8 | 56 | 12.1 | 4 | 1.0 | | | 6.7 | 1.45 | 0.090 | 0.020 | 0.0 | 0.0 | | | 15.8 | 3.4 | | |
| 29 | 0.4827 | | 0.440 | 14.0 | 76 | 18.9 | 4 | 1.0 | | | 3.6 | 0.89 | 0.070 | 0.017 | 6.0 | 1.5 | | | 14.0 | 3.5 | | |
| 30 | 0.2522 | | 0.214 | 6.8 | 30 | 14.5 | 2 | 1.1 | | | 3.3 | 1.57 | 0.040 | 0.019 | 6.0 | 2.9 | | | 6.8 | 3.2 | | |
| 31 | | | | | ##### | | #DIV/0! | | | | ##### | | #DIV/0! | | #DIV/0! | | | | ##### | | | |
| Total | 12.590 | 0.000 | 11.435 | 377.4 | 1399 | ##### | 93 | #DIV/0! | 0.0 | 0.00 | 163.3 | ##### | 1.93 | #DIV/0! | 123 | #DIV/0! | 0.0 | 0.00 | 381.5 | ##### | 0.0 | 0.00 |
| Maximum | 0.553 | 0.000 | 0.501 | 16.5 | 91 | ##### | 6 | #DIV/0! | 0.0 | 0.00 | 13.6 | ##### | 0.09 | #DIV/0! | 10 | #DIV/0! | 0.0 | 0.00 | 16.9 | ##### | 0.0 | 0.00 |
| Minimum | 0.160 | 0.000 | 0.146 | 5.8 | 0 | ##### | 0 | #DIV/0! | 0.0 | 0.00 | 0.3 | ##### | 0.02 | #DIV/0! | 0 | #DIV/0! | 0.0 | 0.00 | 5.8 | ##### | 0.0 | 0.00 |
| Average | 0.420 | 0.000 | 0.381 | 12.6 | 47 | ##### | 3 | #DIV/0! | ##### | ##### | 5.4 | ##### | 0.06 | #DIV/0! | 4 | #DIV/0! | ##### | #DIV/0! | 12.7 | ##### | ##### | ##### |

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) _____
 PRINTED NAME David A Tyrrell
 TITLE: OPERATOR CLASSIFICATION Class 1
 DPOR CERTIFICATION NO. 1955002813

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

Shenandoah River - Entire Month

Berryville STP Monthly DMR Data

September 2016

| Date | Effluent Flow
MGD | Eff pH
SU | 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 |
|-----------|----------------------|--------------|-------------------|------------------|------------------|-----------------|-----------------|------------------------------|-----------------------------|--------------------------|-----------------|-----------------|---------------------|
| 9/1/2016 | 0.18 | 7.4 | 24.1 | 24.00 | 16.35 | | | 6.3 | 6.6 | | | | |
| 9/2/2016 | 0.18 | 7.4 | 22.7 | | | | | 6.8 | 6.6 | | | | |
| 9/3/2016 | 0.18 | 7.6 | 22.1 | | | | | 7.9 | 7.0 | | | | |
| 9/4/2016 | 0.19 | 7.5 | 23.2 | | | | | 7.4 | 7.0 | | | | |
| 9/5/2016 | 0.20 | 7.3 | 23.2 | | | | | 8.0 | 6.0 | | | | |
| 9/6/2016 | 0.29 | 7.4 | 23.3 | 0.00 | 0.00 | | | 7.8 | 6.3 | | | | |
| 9/7/2016 | 0.29 | 7.2 | 23.7 | 0.00 | 0.00 | | | 7.4 | 5.1 | | | | |
| 9/8/2016 | 0.22 | 7.5 | 24.2 | 0.00 | 0.00 | | | 7.1 | 5.8 | | | | |
| 9/9/2016 | 0.34 | 7.6 | 25.6 | | | | | 7.2 | 7.3 | | | | |
| 9/10/2016 | 0.23 | 7.3 | 26.1 | | | | | 8.0 | 7.4 | | | | |
| 9/11/2016 | 0.21 | 7.3 | 25.5 | | | | | 7.1 | 7.1 | | | | |
| 9/12/2016 | 0.27 | 6.9 | 25.3 | | | | | 7.6 | 7.6 | | | | |
| 9/13/2016 | 0.20 | 6.9 | 25.7 | 0.00 | 0.00 | 0.00 | 0.00 | 7.3 | 7.4 | 3.44 | 0.71 | 0.53 | 4.15 |
| 9/14/2016 | 0.27 | 6.8 | 25.3 | 0.00 | 0.00 | | | 7.7 | 7.1 | | | | |
| 9/15/2016 | 0.33 | 7.1 | 24.8 | 2.00 | 2.48 | | | 7.4 | 7.4 | | | | |
| 9/16/2016 | 0.22 | 6.8 | 25.1 | | | | | 7.5 | 7.5 | | | | |
| 9/17/2016 | 0.16 | 6.6 | 24.3 | | | | | 7.2 | 7.2 | | | | |
| 9/18/2016 | 0.20 | 7.2 | 25.7 | | | | | 7.7 | 6.8 | | | | |
| 9/19/2016 | 0.23 | 7.4 | 25.3 | | | | | 7.4 | 6.9 | | | | |
| 9/20/2016 | 0.21 | 7.6 | 23.6 | 0.00 | 0.00 | 0.00 | 0.00 | 7.4 | 6.8 | 0.98 | 0.46 | 0.36 | 1.44 |
| 9/21/2016 | 0.22 | 7.7 | 23.2 | 2.00 | 1.64 | | | 7.3 | 6.1 | | | | |
| 9/22/2016 | 0.29 | 7.7 | 22.8 | 0.00 | 0.00 | | | 8.9 | 8.9 | | | | |
| 9/23/2016 | 0.30 | 7.6 | 22.5 | | | | | 7.3 | 6.7 | | | | |
| 9/24/2016 | 0.34 | 7.8 | 22.5 | | | | | 8.3 | 6.9 | | | | |
| 9/25/2016 | 0.35 | 7.4 | 22.3 | | | | | 7.7 | 7.1 | | | | |
| 9/26/2016 | 0.32 | 7.7 | 24.0 | | | | | 7.7 | 7.1 | | | | |
| 9/27/2016 | 0.29 | 7.5 | 23.8 | | | | | 7.2 | 6.8 | | | | |
| 9/28/2016 | 0.28 | 7.3 | 23.7 | | | | | 8.2 | 7.6 | | | | |
| 9/29/2016 | 0.49 | 7.3 | 23.5 | | | | | 7.3 | 6.9 | | | | |
| 9/30/2016 | 0.51 | 7.4 | 23.2 | | | | | 9.5 | 8.8 | | | | |
| Minimum | 0.16 | 6.6 | 22.1 | 0.00 | 0.00 | 0.00 | 0.00 | 6.3 | 5.1 | 0.98 | 0.46 | 0.36 | 1.44 |
| Maximum | 0.51 | 7.8 | 26.1 | 24.00 | 16.35 | 0.00 | 0.00 | 9.5 | 8.9 | 3.44 | 0.71 | 0.53 | 4.15 |
| Total | 7.93 | 220.2 | 720.3 | 28.00 | 20.46 | 0.00 | 0.00 | 227.6 | 209.8 | 4.42 | 1.17 | 0.89 | 5.59 |
| Average | 0.26 | 7.3 | 24.0 | 2.80 | 2.05 | 0.00 | 0.00 | 7.6 | 7.0 | 2.21 | 0.59 | 0.45 | 2.80 |
| Geo Mean | 0.25 | 7.3 | 24.0 | 1.58 | 1.52 | 1.00 | 1.00 | 7.6 | 7.0 | 1.84 | 0.6 | 0.44 | 2.44 |

Berryville STP Monthly DMR Data

September 2016

| Date | Eff Total N
KG/D | Eff Total P
mg/l | Eff Total P
KG/D | E-Coli
No/100ml |
|-----------|---------------------|---------------------|---------------------|--------------------|
| 9/1/2016 | | | | |
| 9/2/2016 | | | | |
| 9/3/2016 | | | | |
| 9/4/2016 | | | | |
| 9/5/2016 | | | | |
| 9/6/2016 | | | | 1 |
| 9/7/2016 | | | | |
| 9/8/2016 | | | | |
| 9/9/2016 | | | | |
| 9/10/2016 | | | | |
| 9/11/2016 | | | | |
| 9/12/2016 | | | | |
| 9/13/2016 | 3.12 | 0.01 | 0.01 | 5 |
| 9/14/2016 | | | | |
| 9/15/2016 | | | | |
| 9/16/2016 | | | | |
| 9/17/2016 | | | | |
| 9/18/2016 | | | | |
| 9/19/2016 | | | | |
| 9/20/2016 | 1.13 | 0.01 | 0.01 | 1 |
| 9/21/2016 | | | | |
| 9/22/2016 | | | | |
| 9/23/2016 | | | | |
| 9/24/2016 | | | | |
| 9/25/2016 | | | | |
| 9/26/2016 | | | | |
| 9/27/2016 | | | | |
| 9/28/2016 | | | | |
| 9/29/2016 | | | | |
| 9/30/2016 | | | | |
| Minimum | 1.13 | 0.01 | 0.01 | 1 |
| Maximum | 3.12 | 0.01 | 0.01 | 5 |
| Total | 4.25 | 0.02 | 0.02 | 7 |
| Average | 2.12 | 0.01 | 0.01 | 2 |
| Geo Mean | 1.88 | 0.01 | 0.01 | 2 |



Berryville Biweekly InSight Report

Date: 8/23/2016

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

System Equipment

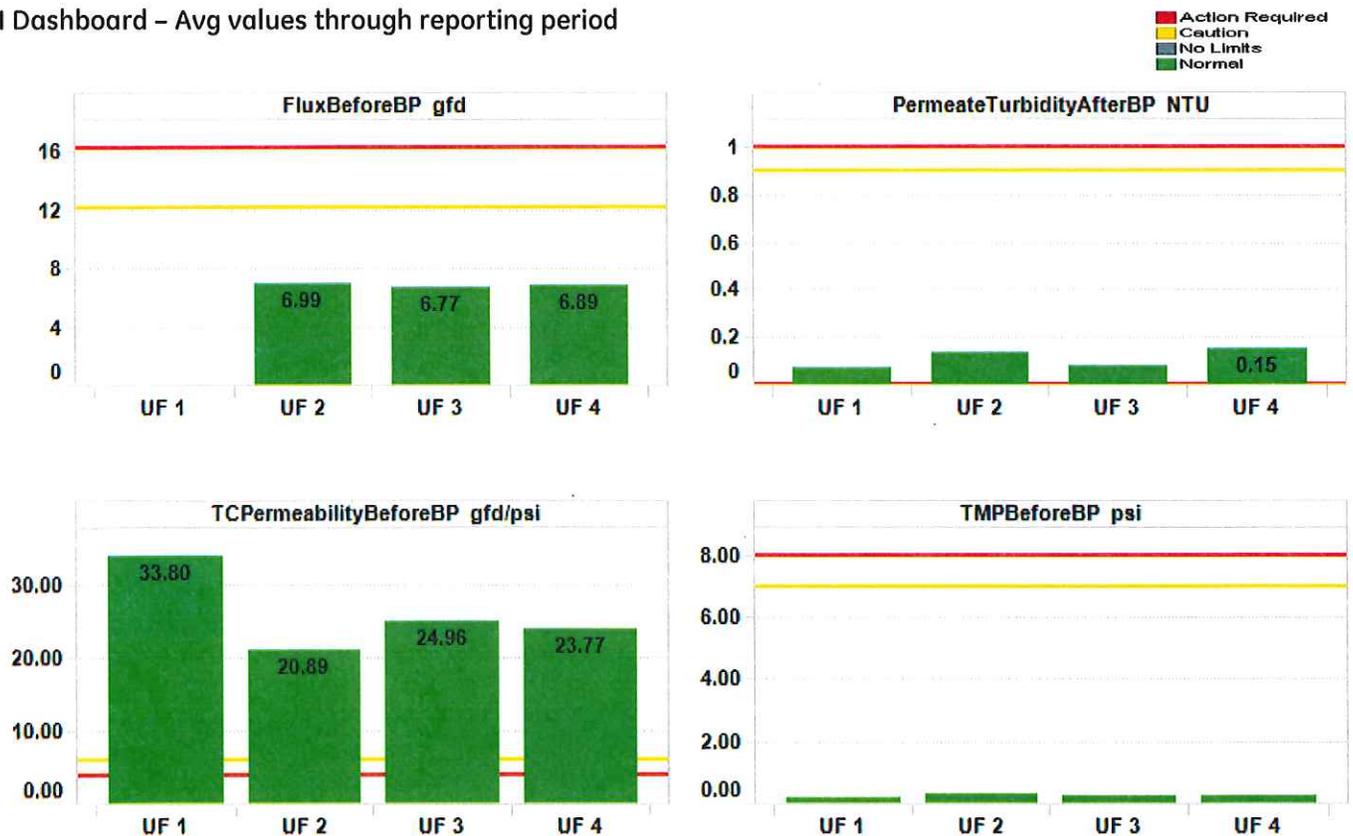
4 × ZW trains, each 3 cassettes, 2x48/1x42 500D (surface area 46920 sq. ft. per train)

Cleaning Strategy

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

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

KPI Dashboard – Avg values through reporting period



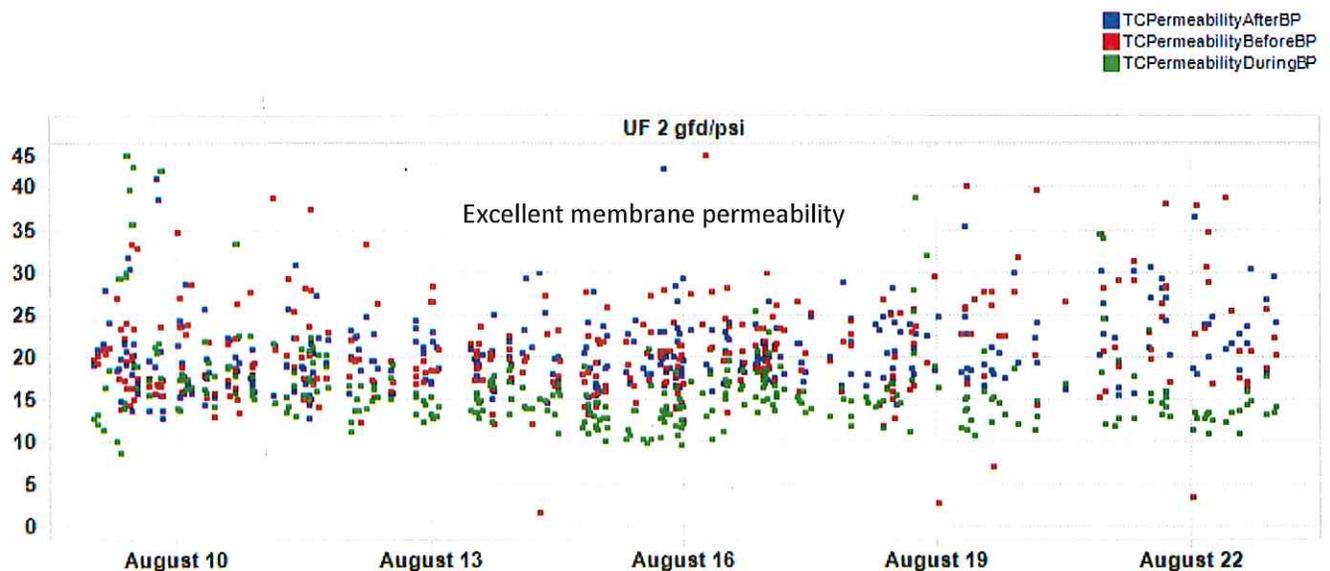
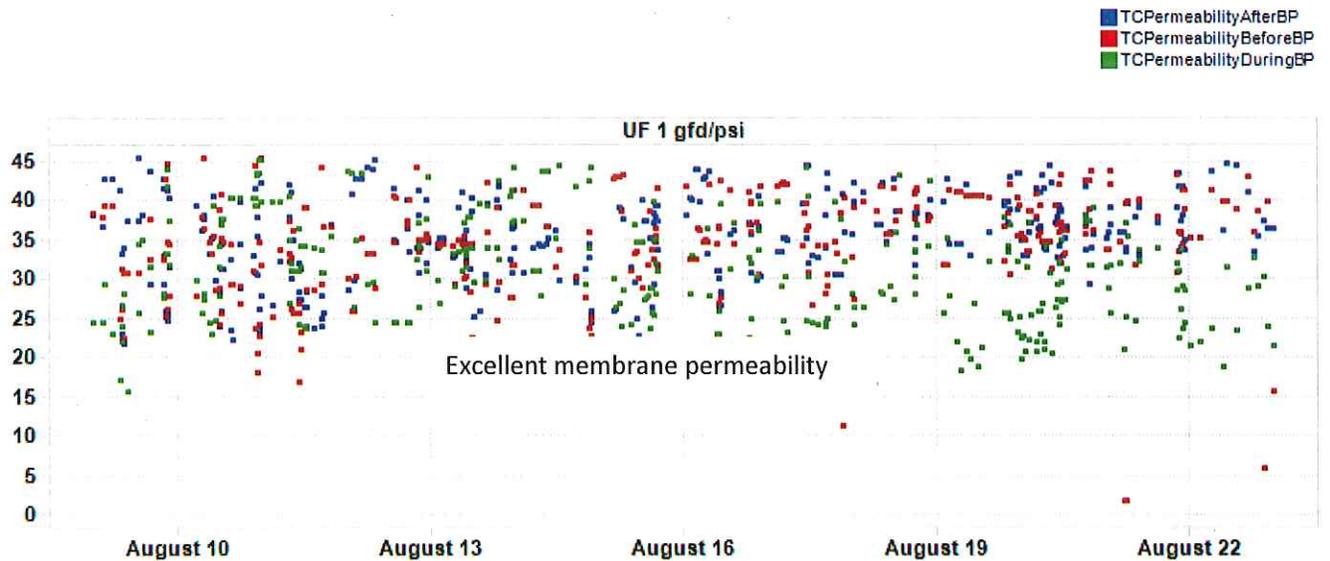


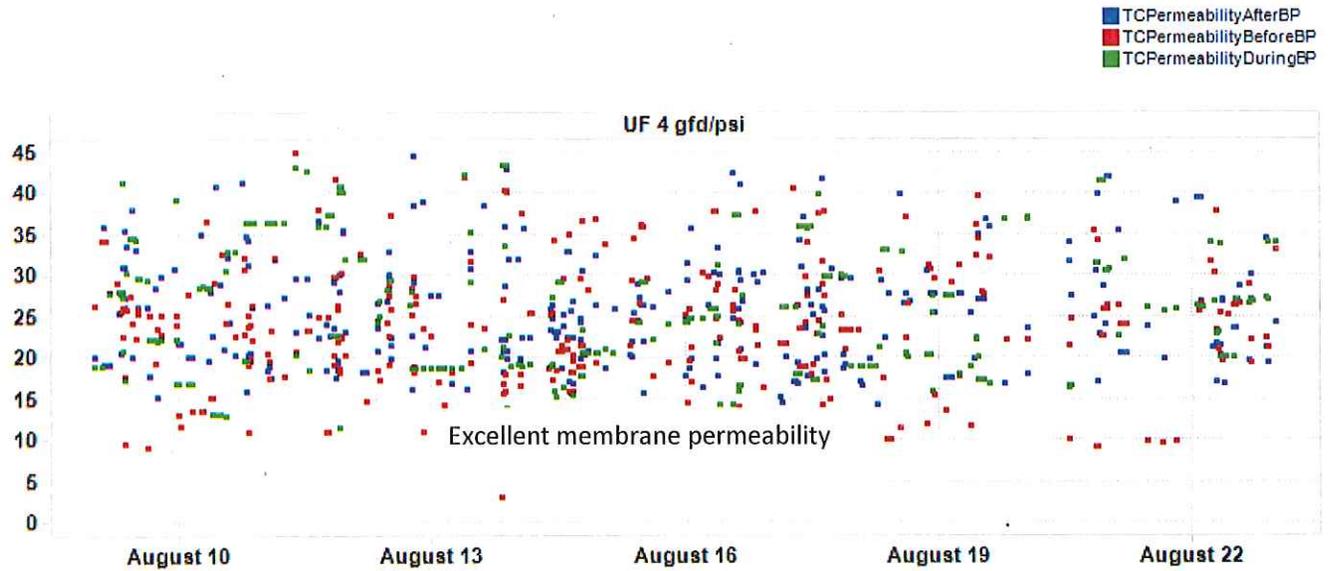
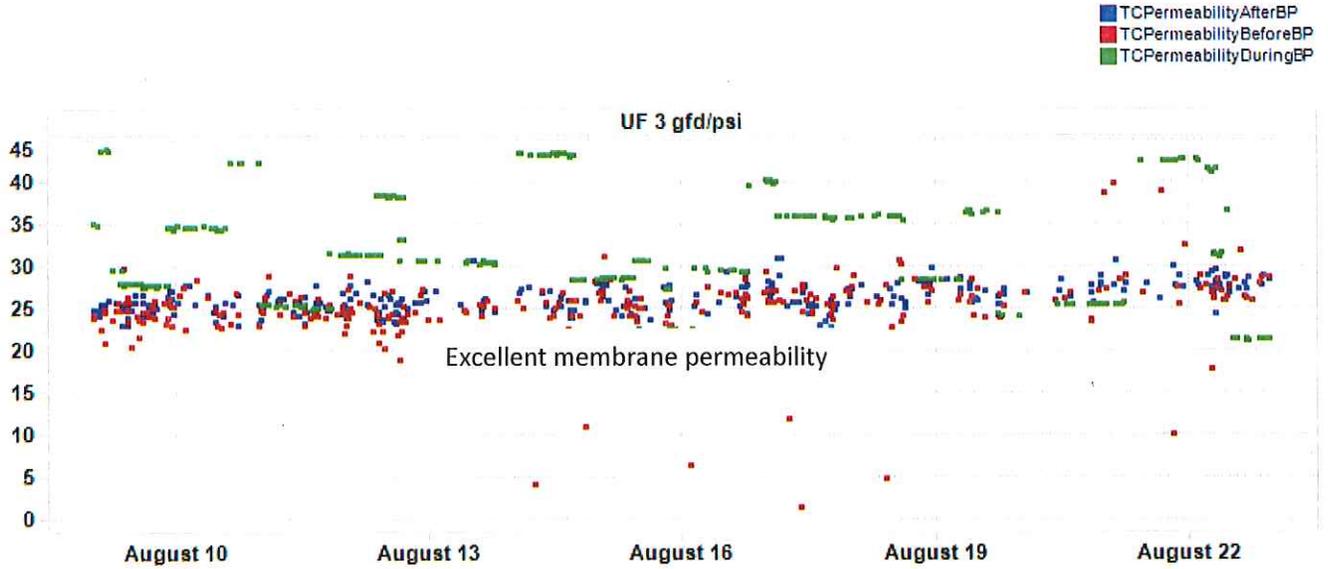
Plant Summary

Daily permeate flow went down by 25-30% compared to production in July. Plant permeate flows averaged at 243K. As a result, production TMPs also saw a slight decline. Temperature corrected production permeability was excellent averaging at 25 gfd/psi across all the trains. Trains operated at an average production flux of 7 gfd, production TMPs were <0.5 psi 99% of the time.

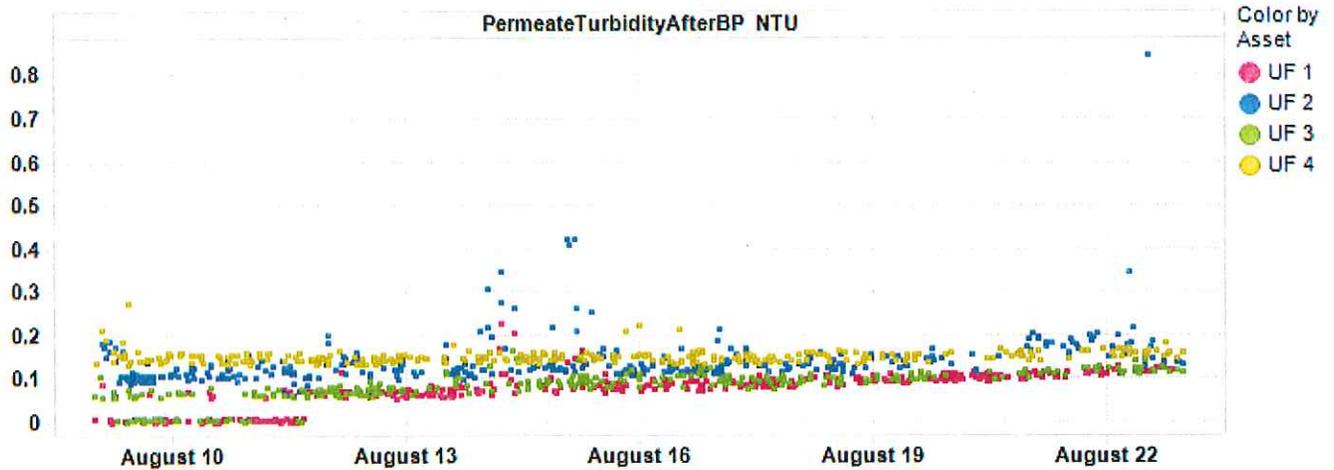
Permeate turbidity on Trains 1 and 3 dropped to a satisfactory range after going upto 2.8 NTU. Regular inspection and cleaning of the turbidimeters is required for accurate readings.

TC Permeability Trends By Train



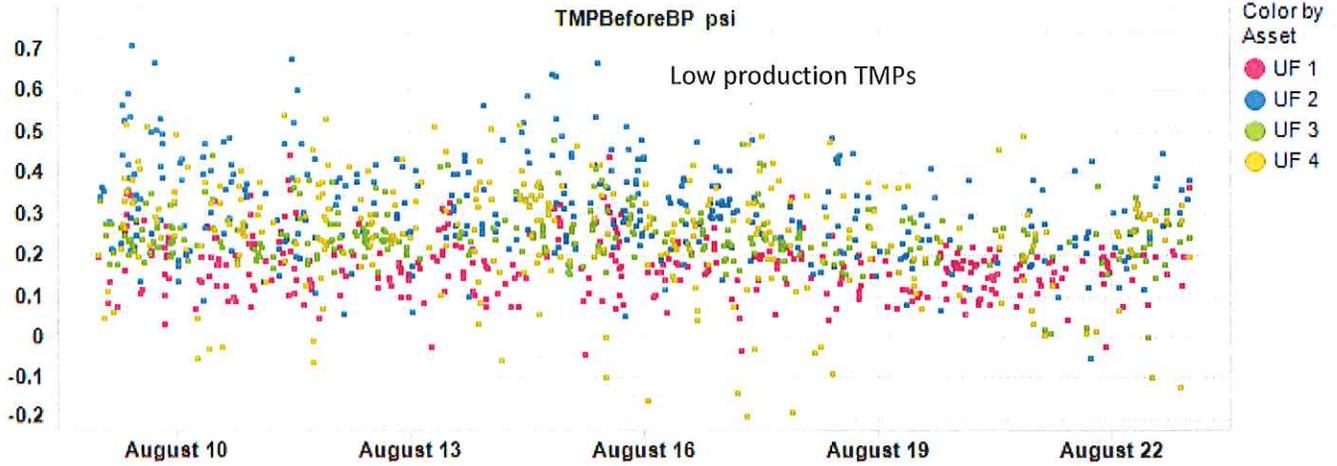


Permeate Turbidity Trend

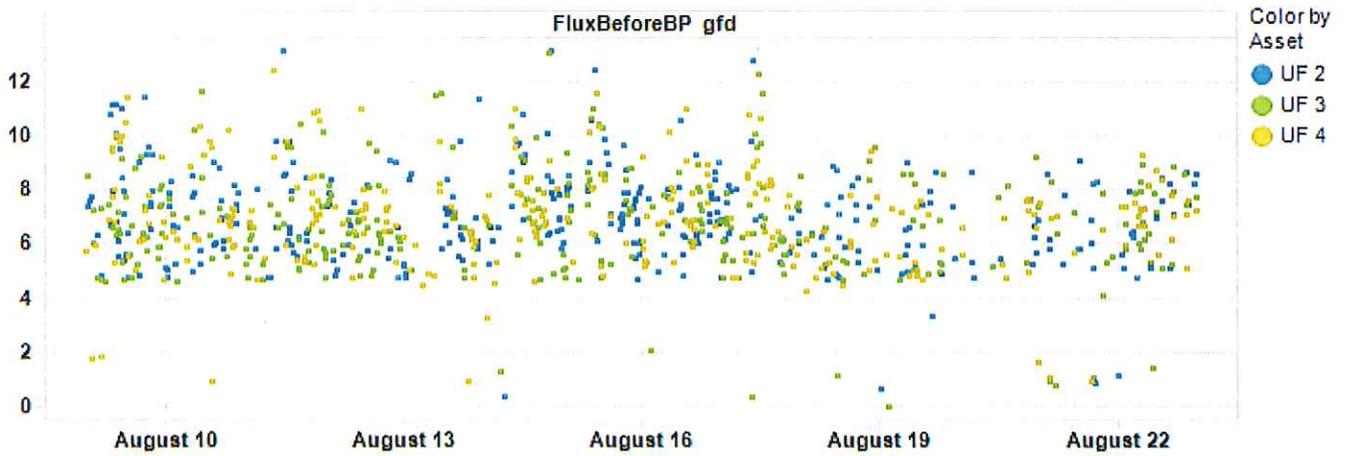




Before BPTMP Trend

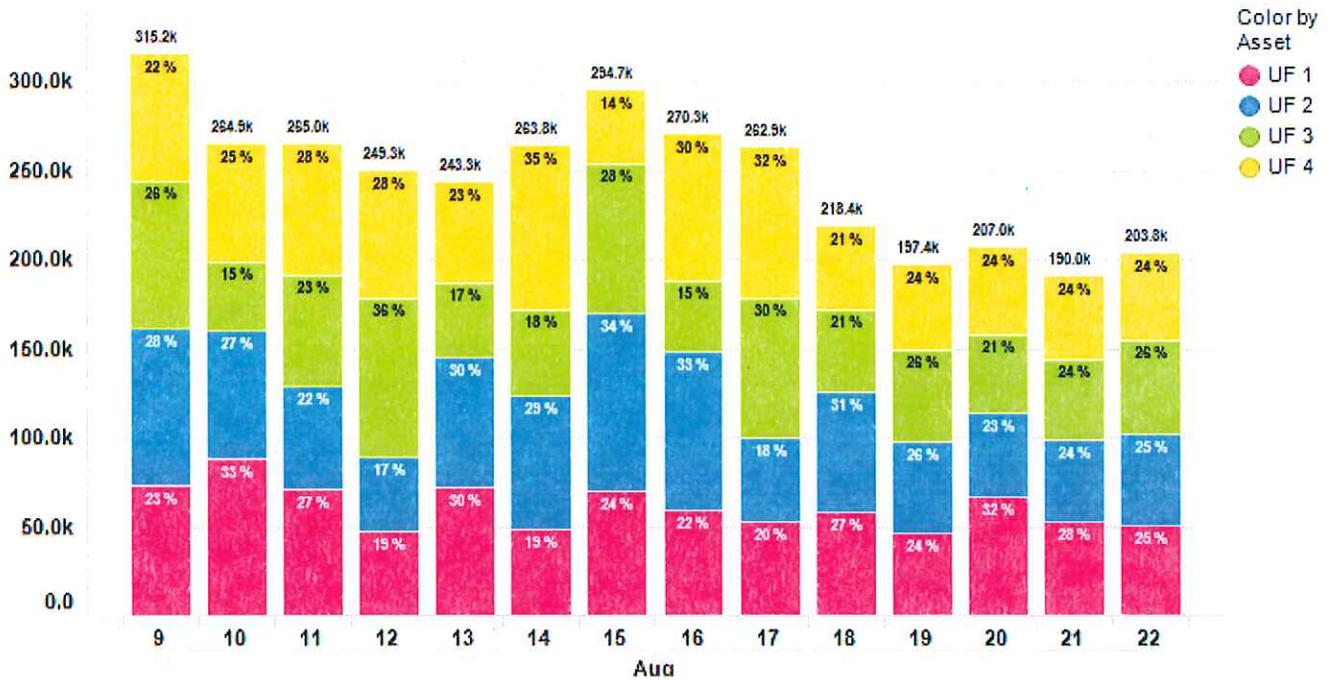


Before BP Flux Trend





Daily Permeate Flow



Average Daily permeate flow from 8/9/2016 to 8/22/2016 is 246.1k gal with a maximum daily flow of 315.2k gal.

Asset Summary

| KPI Parameters | Value/Change | UF 1 | UF 2 | UF 3 | UF 4 |
|--------------------------------|--------------|-----------|----------|-----------|----------|
| FluxBeforeBP gfd | Value | | 6.99 | 6.77 | 6.89 |
| | Change | | -3.28 % | -6.96 % | -2.78 % |
| PermeateTurbidityAfterBP NTU | Value | 0.07 | 0.14 | 0.08 | 0.15 |
| | Change | -908.23 % | -28.29 % | -693.51 % | 4.73 % |
| TCPermeabilityBeforeBP gfd/psi | Value | 33.80 | 20.89 | 24.96 | 23.77 |
| | Change | 3.95 % | 8.45 % | 2.84 % | 3.92 % |
| TMPBeforeBP psi | Value | 0.17 | 0.32 | 0.25 | 0.25 |
| | Change | -15.44 % | -15.64 % | -11.31 % | -9.82 % |
| TotalPermeateFlowDaily gal | Value | 61.29k | 64.97k | 57.41k | 62.46k |
| | Change | -30.95 % | -9.64 % | -35.24 % | -24.32 % |



Plant Summary

| KPI Parameters | Value/Change | UF Plant |
|----------------------------|--------------|----------|
| PermeateTemperature °F | Value | 76.42 |
| | Change | 2.31 % |
| TotalPermeateFlowDaily gal | Value | 246.14k |
| | Change | -24.64 % |

Contract Expiry Date : 09/26/2018

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

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

Attachment 13

Report of the Department of Public Works October 5, 2016

Public Works was able to abandon the four inch connection that used to supply water to Academy Court. We have started applying base asphalt to the ditch line on Academy Court and should have the entire ditch asphalted by the 15th of this month. Our asphalt contractor has us on his schedule to improve the subgrade and install base asphalt in the cul-de-sac of Academy Court. He will be excavating the area and applying 21B stone base and 4 inches of base asphalt.

Fluid Technologies was here the week of September 19th to conduct a leak survey on our water distribution system. He found one leak on the low side of the system. This leak was located in the 200 block of Treadwell Street. I have called in a Miss Utility ticket for the location and we will be repairing the leak on Wednesday 12th. In order to repair the break we will have to do a scheduled shut down of water mains in the area. We will be notifying the customers affected by the shut in advance of the project. Several other improvements will be made during the scheduled shut down in order to improve the system.

All of our line painting and crosswalk painting has been completed. Wilson Asphalt has reestablished the double yellow lines on South Church and Tyson Drive that were covered up during the recent asphalt projects.

During the next couple of weeks we will be busy checking out our snow plows and other snow removal equipment. Each snow plow and salt box will be serviced and operated to insure they are in good working condition when the first winter event arrives.

As you are aware on September 21st, there was a very tragic construction accident on Battletown Drive. I was near the area when the call came in and responded within minutes. Upon arriving on scene, I was notified the water lateral to the resident had broken during the ditch collapse and the main had to be shut down. I contacted several Public Works employees and had them shut off the main. Once we had the water main off, we then focused our effort as to what assistance we could offer to help rescue the victim in the trench. The Town Manager and I met with the on scene fire commander offering our assistance and equipment. During our conversation with the fire department they requested the use of our trench box and shoring material, and asked us to call other jurisdictions for vac-trucks and alternate shoring equipment. During this operation there were a lot of first responders and various public service agencies working together to rescue the victim. I feel that at the end of the day all responding personnel did everything possible to save the victim's life.