

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Regular Meeting
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Tuesday, April 11, 2017
7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call to Order – Patricia Dickinson, Mayor	
2. Pledge of Allegiance	
3. Approval of Agenda	
4. Public Hearings-	
Proposed Tax Rates for 2017	1
The Berryville Planning Commission has initiated the repeal of the Town of Berryville Stormwater Management Ordinance in order to comply with recent changes to the Stormwater Management Act (Code of Virginia §62.1-44.15:24 et seq.) which allows only localities that are Virginia Stormwater Management Program (VSMP) authorities to adopt stormwater ordinances that are more stringent than State requirements. The Town of Berryville has chosen to opt-out of operating a local VSMP. The proposed amendment also avoids duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality (DEQ) to serve as the sole regulatory authority for stormwater management in the Town of Berryville. TA 01-17	2↓
5. Approval of Minutes	
March 20, 2017 Regular Meeting	3
March 20, 2017 Work Session	4
6. Citizens' Forum	
7. Report of Patricia Dickinson, Mayor	
8. Report of Harry Lee Arnold, Jr., Recorder	

<u>Item</u>	<u>Attachment</u>
9. Report of Christy Dunkle, Asst. Town Manager for Community Development Planning Department Monthly Report	5↓
10. Report of Keith Dalton, Town Manager	
11. Report of Erecka Gibson – Chair, Budget and Finance Committee Approval of Committee Meeting Minutes – 3/28/17	6
Report of Desiree Moreland, Treasurer	7↓
Set Public Hearing on FY18 Budget	
12. Report of Donna McDonald – Chair, Community Improvements Committee	
13. Report of David Tollett – Chair, Police and Security Committee Chief of Police’s Report	8
14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee Approval of Committee Meeting Minutes – 3/28/17	9
Public Utilities Director’s Report	10
Public Works Director’s Report	11
Appeal of water/sewer bill adjustment denial	12
Water and Sewer Availability Fees	13
15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee	
16. Other Proposed Policy Concerning Legal Advice/Opinions	14↓
Proposed Amendment of Berryville Code Section 2-19	15↓
17. Closed Session – No closed session scheduled	
18. Adjourn	

↑ denotes an item on which a motion for action is included in the packet

Attachment 1

**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, April 11, 2017**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

1) Proposed Tax Rates for 2017

Listed below are the proposed tax rates for the tax year beginning January 1, 2017, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

- A. \$.19 per \$100 assessed valuation on real estate, including real estate of public service corporations;
- B. \$1.25 per \$100 assessed valuation on tangible personal property except machinery and tools;
- C. \$1.30 per \$100 assessed valuation on tangible machinery and tools.

The proposed real estate tax rate reflects no increase in the real estate tax rate that was adopted for the year 2016. The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2016. The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2016.

Copies of materials may be examined at the Town of Berryville Business Office, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia during regular business hours. Additional information may be obtained by calling the Town Business Office at 540/955-1099.

Attachment 2

BERRYVILLE TOWN COUNCIL

Public Hearing – Repeal of Town of Berryville Stormwater Management Ordinance April 11, 2017

The Berryville Planning Commission has initiated the repeal of the Town of Berryville Stormwater Management Ordinance in order to comply with recent changes to the Stormwater Management Act (Code of Virginia §62.1-44.15:24 et seq.) which allows only localities that are Virginia Stormwater Management Program (VSMP) authorities to adopt stormwater ordinances that are more stringent than State requirements. The Town of Berryville has chosen to opt-out of operating a local VSMP. The proposed amendment also avoids duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality (DEQ) to serve as the sole regulatory authority for stormwater management in the Town of Berryville. TA 01-17

Public hearing notices were published in the Winchester Star on Tuesday, March 28 and Tuesday, April 4, 2017. No comments were received in the Planning Office.

The Planning Commission held a public hearing on this matter at their February meeting and recommended repealing the ordinance.

As the Town of Berryville, along with most of the localities in the Planning District, “opted out” of operating its own VSMP management, repealing the stormwater ordinance will identify the DEQ to be sole regulatory authority for the Town.

DEQ oversight will continue over new residential and commercial construction sites as well as those sites where there are active Stormwater Pollution Permits (SWPP) and other requisite permits that were obtained at the time of land disturbance. Please note that existing stormwater facilities (e.g., ponds in Darbybrook, Southgate, Hermitage, and Battlefield Estates) in the Town will not be affected by this action.

Once the stormwater management ordinance is repealed, staff will begin modifying references to this ordinance in the zoning and subdivision ordinance. Staff will concurrently update the existing Erosion and Sediment Control Ordinance.

March 14, 2017 Staff Report

Recent changes to the Stormwater Management Act (Code of Virginia §62.1-44.15:24 et seq.) allow only localities that are Virginia Stormwater Management Program (VSMP) authorities to adopt stormwater ordinances that are more stringent than State requirements. Berryville, along with Clarke County and most localities in the region, has “opted out” of operating a local VSMP. The repeal of the Berryville Stormwater Management Ordinance avoids duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality (DEQ) to act as the sole regulatory authority for stormwater management for the Town. Staff will be working on

modifications to the zoning and subdivision ordinances to modify current local stormwater regulations referenced in the respective documents and replace them with the references to State regulations.

Clarke County has repealed Chapter 154, Stormwater Management, of the Code of Clarke County and County staff is continuing efforts to update their Zoning and Subdivision ordinances by removing references to this chapter.

Staff met with DEQ representatives on Tuesday, March 7 and discussed this effort as well as updates to the Erosion and Sediment Control regulations in the Zoning Ordinance. The Stormwater Management Ordinance follows this report.

Recommendation

Repeal the Berryville Stormwater Management Ordinance allowing the Virginia Department of Environmental Quality to act as the sole regulatory authority for the Town of Berryville stormwater management. An ordinance and motion follow this report.

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The proposed real estate tax rate reflects no increase in the real estate tax rate that was adopted for the year 2016. The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2016. The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2016.

Copies of materials may be examined at the Town of Berryville Business Office, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia during regular business hours. Additional information may be obtained by calling the Town Business Office at 540/955-1099.

2) The Berryville Planning Commission has initiated the repeal of the Town of Berryville Stormwater Management Ordinance in order to comply with recent changes to the Stormwater Management Act (Code of Virginia §62.1-44.15:24 et seq.) which allows only localities that are Virginia Stormwater Management Program (VSMP) authorities to adopt stormwater ordinances that are more stringent than State requirements. The Town of Berryville has chosen to opt-out of operating a local VSMP. The proposed amendment also avoids duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality (DEQ) to serve as the sole regulatory authority for stormwater management in the Town of Berryville. TA 01-17

Copies of the applications, amendments, and maps may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First 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 regarding the above matters should appear at the appointed time and place. Written copies of statements at public hearings are requested but not required.

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 Town Council
Keith R. Dalton, Town Manager

SECTION 1. GENERAL PROVISIONS

1.1 STATUTORY AUTHORITY

The Stormwater Management Act, Section 10.1-603.2 et seq. of the Code of Virginia, enables localities to prepare and adopt a stormwater management plan and implementing ordinance.

1.2 FINDINGS OF FACT

The waters and waterways within the Berryville Area are at times subjected to flooding; that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the Berryville Area; that development tends to accentuate such flooding by increasing stormwater runoff due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition; that such increased flooding produced by the development of real property contributes increased quantities of water-borne pollutants, and tends to increase channel erosion; that such increased flooding, increased erosion, and increased pollution can be controlled to some extent by the regulation of stormwater runoff from such development. Therefore, it is determined that it is in the public interest to establish requirements to regulate the discharge of stormwater runoff from such developments as provided in this ordinance.

1.3 PURPOSE

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls:

- A. To reduce flood damage to public health, life, and property;
- B. to minimize increased stormwater runoff from new land development where such runoff will increase flood damage;
- C. to maintain the adequacy of existing and proposed culverts and bridges, dams, and other structures;
- D. to prevent, to the greatest extent feasible, an increase in non-point pollution;
- E. to maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- F. to reduce the impact of development upon stream erosion; and
- G. to preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and non-point-source pollution.

1.4 PROGRAM ADMINISTRATION

The Town of Berryville designates the Assistant Town Manager for Community Development or his/her designee as the Program Administrator.

1.5 APPLICABILITY

- A. Except as provided for in Section 1.5-B of this ordinance, all land development projects shall comply with the requirements of this ordinance.

- B. The following activities are exempt from this ordinance:
1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects, conducted under the provisions of Title 45.1 of the Code of Virginia.
 2. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops utilizing all applicable BMP's.
 3. Single-family residences separately built and not part of subdivision, including additions or modifications to existing single-family detached residential structures.
 4. Land development projects that disturb less than 20,000 square feet of land area.
 5. State projects as defined in this ordinance.

1.6 **COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS**
Approvals issued pursuant to this ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. If more stringent requirements concerning regulation of stormwater are contained in the other code, rule, act, or ordinance, the more stringent regulation shall apply.

1.7 **SEVERABILITY**
If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgement shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

SECTION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

adequate channel - a channel that will convey the designated frequency storm event without overtopping the channel banks nor causing erosive damage to the channel bed or banks.

applicant - any person submitting a stormwater management plan for approval.

channel - a natural stream or manmade waterway.

development - a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

downtown commercial district – generally land along the Main Street corridor zoned C-General Commercial District and specifically as established by ordinance and incorporated into this document.

flooding - a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

floodplain - those areas adjoining a river, stream, channel, ocean, bay, or lake which are likely to be covered by flooding.

infiltration facility - a stormwater management facility which temporarily impounds runoff and discharges it via infiltration through the surrounding soil. While an infiltration facility may also be equipped with an outlet structure to discharge impounded runoff, such discharge is normally reserved for overflow and other emergency conditions. Since an infiltration facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

inspection - an on-site review of the project's compliance with the approved plan, the local stormwater management program, and any applicable design criteria.

land development or land development project - a manmade change to the land surface that potentially changes runoff characteristics.

local stormwater management program or local program - a statement of the various methods employed by a locality to manage the runoff from land development projects and may include such items as local ordinances, policies, guidelines, technical materials, inspections, enforcement, and evaluation.

locality - a county, city, or town.

non-point-source pollution - pollution whose sources cannot be pinpointed but rather is washed from the land surface in a diffuse manner by stormwater runoff.

on-site stormwater management facilities - facilities which are designed to control stormwater runoff emanating from a specific site.

person - any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body or other legal entity.

Plan Approving Body - refers to the administrative body responsible for review of subdivision applications in the jurisdiction in which the land development project is located.

post-development - refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

pre-development - refers to the land use that exists at the time that plans for the land development are submitted to the locality. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing land use at the time the first item is submitted shall establish pre-development conditions.

regional (watershed-wide) stormwater management facility or regional facility - a facility or series of facilities designed to control stormwater runoff from a large contributing area, although only portions of the watershed may experience land development.

regional stormwater management plan or regional plan - a document containing material describing how runoff from open space, existing development, and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional stormwater management facilities.

runoff or stormwater runoff - that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

state project - the construction of any facility or expansion of an existing facility including, but not limited to land clearing, soil movement, or land development, which is undertaken by any state agency, board, commission, authority, or any branch of state government, including state-supported institutions of higher learning.

stormwater detention basin or detention basin - a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design.

Definitions

Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

stormwater management facility - a device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow.

stormwater management plan or **plan** - a document containing material for describing how existing runoff characteristics will be maintained by a land development project and comply with the requirements of this ordinance.

stormwater retention basin or **retention basin** - a stormwater management facility which, similar to a detention basin, temporarily impounds runoff and discharges its outflow through a hydraulic outlet structure to a downstream conveyance system. Unlike a detention basin, however, a retention basin also includes a permanent impoundment and, therefore, is normally wet, even during non-rainfall periods. Storm runoff inflows are temporarily stored above this permanent impoundment.

subdivision - the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

water quality volume - the volume equal to the first 0.5-inch of runoff multiplied by the total area of the land development project. The "total area of the land development project" shall, at a minimum, equal the total impervious area contained within the project area. Total area shall also include any areas within the land development project whereby the change in land use or runoff characteristics may impact water quality.

watershed - the total drainage area contributing runoff to a single point.

SECTION 3. TECHNICAL CRITERIA

Each proposed land development project not exempted from this ordinance as provided in 1.5-B shall meet the following stormwater management criteria:

3.1 QUANTITY CONTROL

- A. A stormwater management plan for a land development project shall be developed so that the post-development peak runoff rate from a 2-year storm and a 10-year storm, considered individually, shall not exceed their respective karst loss corrected pre-development rates.
- B. These design storms shall be defined as 24-hour storms using the rainfall distribution recommended by the U.S. Soil Conservation Service and U.S. Soil Conservation Service calculation methods (TR-55 or TR-20) shall be utilized. Other calculation methods may be utilized with prior approval by the Program Administrator.
- C. For purposes of computing runoff, all lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns, or parks); with good cover (if the lands are woods); or with conservation treatment (if the lands are cultivated); regardless of conditions existing at the time of computation.
- D. Upon completion of pre-development runoff rates as prescribed above, the pre-development rate shall be adjusted for karst loss in the following manner:
 1. Delineate the contributing drainage area or watershed to be studied.
 2. Define any sinkhole sub-areas in the study area where surface drainage has no means of escaping offsite, other than downward through the karst strata (i.e. cracks, sinks, etc.). These areas can be assumed to contribute no surface discharge and can be subtracted from the contributing drainage area established in Step 1.
 3. Determine the amount of the contributing drainage area (from Step 2) underlain by karst strata (as a percentage). This shall be assumed to be 100 percent unless the applicant's geotechnical report indicates otherwise.

4. Adjust the pre-development runoff rate for karst loss by the following method:

- a. With the results of Step 3, choose appropriate multiplier from the chart below:

Percentage of Karst in Study Area	Storm Return Frequency		
	2-Yr.	10-Yr.	100-Yr.
100	.33	.43	.50
90	.35	.46	.56
80	.38	.51	.62
70	.47	.58	.68
60	.55	.66	.74
50	.64	.73	.80
40	.73	.80	.85
30	.82	.86	.89
20	.91	.92	.93
10	1.0	.98	.97
0	1.0	1.0	1.0

- b. Multiply the calculated pre-development runoff rate for each storm return frequency by the appropriate factor from the chart in Item “a.” The product of the calculated rate and the karst loss multiplier is the karst loss adjusted pre-development rate.

3.2 QUALITY CONTROL (3/08)

In order to enhance water quality of stormwater runoff, all stormwater management plans must provide for the control of the water quality volume. The design of water quality control shall meet the *Performance-based* or *Technology-based* water quality criteria outlined in the Virginia Stormwater Management Handbook. The water quality volume shall be treated by one of the following methods:

- A. For a detention basin, the water quality volume, as defined in Section 2, shall be detained and released over a minimum of 30 hours.
1. The detention time is a brim draw-down time and therefore, shall begin at the time of peak storage of the water quality volume in the detention basin.
 2. If the above requirement would result in an outlet opening smaller than three inches in diameter or the equivalent cross-sectional area, the period of detention shall be waived so that three inches will be the minimum outlet opening used.
- B. For a retention basin, the volume of the permanent pool must be at least three times greater than the water quality volume.
- C. For an infiltration facility, the water quality volume must be completely infiltrated within 48 hours.
1. The invert of the infiltration facility must be at least four feet above the seasonal high groundwater elevation.

2. A detailed soils analysis and report and a geotechnical report shall be required.
 3. Approvals will be on a case-by-case basis after technical review by the Town of Berryville. The object of this review will be to avoid groundwater contamination.
 4. The invert of the infiltration facility must be at least four feet above bedrock.
- D. Project sites within the downtown commercial district may use an existing average of impervious cover ($I_{existing}$) greater than the average 16% impervious coverage for the Chesapeake Bay watershed.
1. If the existing impervious cover on the project site is equal to or less than 26%, use 26% as the existing average impervious cover ($I_{existing} = 26\%$) or
 2. If the existing impervious cover on the project site is equal to or more than 52%, use the existing average impervious cover minus 10% or use 52%, whichever value is less ($I_{existing} = existing \% - 10\%$ or $I_{existing} = 52\%$) or
 3. If the existing impervious cover on the project site is between 26% and 52%, use the existing average impervious cover minus 10%, but not less than 26% ($I_{existing} = existing \% - 10\%$ or $I_{existing} = 26\%$).
- E. Design calculations verifying compliance with the water quality requirements shall be submitted.

3.3 REGIONAL STORMWATER MANAGEMENT

If a regional stormwater management plan has been adopted by the Town of Berryville for the watershed in which the proposed land development is located, the applicant shall comply with the requirements of the regional watershed plan.

3.4 GENERAL CRITERIA

- A. Proposed residential, commercial, and/or industrial subdivisions shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.
- B. Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits shall be presented.
- C. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices and are acceptable to the Town of Berryville.

- D. The design of impounding structures that are not covered by the Virginia Dam Safety Regulations shall be checked by the applicant's engineer (certified to practice in the Commonwealth of Virginia) for structural integrity and floodplain impacts for the 100-year storm event.
- E. Outflows from stormwater management facilities shall be discharged to an adequate channel. Measures for the adequate drainage of surface waters shall be taken and facilities to accommodate that drainage shall be provided in connection with all land development activities. Specifically, the drainage system must comply with the following provisions:
1. Adequate drainage of surface waters means the effective conveyance of storm and other surface waters through and from the development site and the discharge of such waters into a natural watercourse, i.e., a stream with incised channel (bed and banks), or a concave swale, or drainage facility of sufficient capacity without adverse impact upon the land over which the waters are conveyed or upon the watercourse or facility into which such waters are discharged. Complete calculations and a narrative shall be included on the plan.
 2. The provision of the necessary easements to accomplish that which is required above shall be required. These are to include sufficient easement extensions to property lines to permit future development reasonable access to drainage ways or drainage facilities for connections.
 3. The drainage system must have the hydraulic characteristics to accommodate the maximum expected flow of surface waters for a given watershed, or portion thereof, for the duration and intensity of rainfall, as specified in Section 3 et seq.
 4. Determination of the size and capacity of the drainage system shall be based on the planned development, existing zoning, or existing development, whichever is greater, within the watershed.
 5. The on-site drainage system shall be adequate and shall:
 - a. honor natural drainage divides;
 - b. account for both off-site and on-site surface waters;
 - c. convey such waters to a natural watercourse at the natural elevation, or an existing storm drainage facility; and
 - d. discharge the surface waters into an existing facility of adequate capacity.
 6. The drainage system shall be adequate and properties over which the surface waters are conveyed, from the development site to discharge point(s), not adversely affected.
 7. Concentrated surface waters shall not be discharged on adjoining property, unless an easement expressly authorizing such discharge has been granted by the owner of the affected land or unless the discharge is into a natural watercourse or other appropriate discharge point as set forth above.
- F. Velocity dissipators shall be placed at the outfall of all detention and retention basins and along the length of any outfall channel as necessary to provide a non-

erosive velocity of flow from the basin into an adequate channel. The velocity of flow shall not exceed the limits of grass-lined ditches. Grass-lined ditches shall be enhanced with erosion control blankets or soil stabilization mats as necessary and as specified in the current Virginia Department of Transportation standards. Riprap shall only be utilized upon prior approval by the Plan Approving Body.

- G. Land development projects must comply with the Virginia Erosion and Sediment Control Act and attendant regulations.
- H. Safety measures should be incorporated into the design of all stormwater management facilities as directed by the Plan Approving Body or the Program Administrator. These may include, but are not limited to, safety ledges, fencing, warning signs, anti-vortex devices, stadia rod indicating depth at the lowest point, and outlet structures designed to limit public access.
- I. If stormwater management facilities are provided through which water passes at times other than following rainfall, the Town of Berryville's engineer should be consulted concerning design criteria. It is necessary for detention requirements to be met, despite the necessity of passing certain low flows. This applies to all on-stream or on-line stormwater management facilities.
- J. Outlets from stormwater management facilities shall be designed to function without manual, electrical, or mechanical controls, unless authorized in advance in writing by the Program Administrator.
- K. Detention facilities shall be designed to minimize propagation of insects, particularly mosquitoes.

3.5 STORMWATER MANAGEMENT FACILITIES IN FLOODPLAINS

- A. New construction, including construction of on-site stormwater management facilities, should be avoided in floodplains. When this is unavoidable, a special examination to determine adequacy of proposed stormwater management facilities during the 10-year flood shall be required.

Note: The purpose of this analysis is to ensure that the stormwater management facility will operate effectively and to evaluate the effect the stormwater management facility may have on the available floodplain storage. One acceptable method is to apply the 10-year design storm to both the site and to the entire watershed contributing to the floodplain, assuming that the two peak simultaneously at the point in question. The time of concentration assumed for the entire watershed should be that appropriate to the larger area, rather than the shorter period applicable to the site.

- B. In addition, such construction shall be in compliance with all applicable regulations under the National Flood Insurance Program.

3.6 NONSTRUCTURAL MEASURES

It is not necessary that basic requirements for water quality and quantity control be satisfied solely by means of structural methods. Non-structural practices including, but not limited to, cluster land use development, minimization of impervious surfaces, open space acquisition, floodplain management, and protection of wetlands, steep slopes and vegetation should be coordinated with structural requirements.

3.7 REVIEW OF TECHNOLOGIES AND SYSTEMS NOT INCLUDED IN THE VIRGINIA STORMWATER MANAGEMENT HANDBOOK

The Assistant Town Manager for Community Development may, after consultation with the Town's consulting engineer, approve for use technologies and systems not included in the Virginia Stormwater Management Handbook. Approvals shall be issued in writing and shall establish design criteria and include any conditions for use. Denials shall be issued in writing and shall provide the reason(s) for denial. Any party aggrieved by a decision of the Assistant Town Manager for Community Development regarding review of a system may appeal that decision to the Berryville Town Council. All costs incurred by the Town for engineering review or proposals shall be reimbursed by the applicant.

SECTION 4. STORMWATER MANAGEMENT PLAN REQUIREMENTS

4.1 GENERAL REQUIREMENTS

- A. Except as provided for in Section 1.5-B of this ordinance, no grading, building, or other permit shall be issued for land development unless a stormwater management plan has been submitted to and approved by the Town of Berryville.
- B. The applicant shall demonstrate that the project meets the criteria set forth in this ordinance.
- C. Failure of the applicant to demonstrate that the project meets the criteria set forth in this ordinance shall be reason to deny the applicant's underlying application for approval.
- D. Planning, design, and approach to stormwater management shall incorporate the Berryville Area Stormwater Master Plan's (dated 9/9/91, as amended) findings and conclusions. Where requirements of this ordinance are in conflict with those of the Stormwater Master Plan, provisions of this ordinance shall apply.

4.2 PLAN SUBMISSION

- A. The applicant shall submit, to the Plan Approving Body, the material required in a stormwater management plan in accordance with Section 4.3 of this ordinance.
- B. Ten copies of the stormwater management plan shall be submitted.
- C. The stormwater management plan shall be accompanied by the fee specified in Section 5 of this ordinance.

4.3 STORMWATER MANAGEMENT PLAN

The following information, where applicable, shall be required for each proposed project subject to review under this ordinance. Maps, plans, designs, and calculations shall be certified by a professional engineer or Class III-B surveyor registered to practice in the Commonwealth of Virginia.

- A. General
 - 1. General description of the project.
 - 2. General description of the erosion and sediment controls.
 - 3. General description of temporary and permanent stormwater management facilities.
 - 4. Project schedule and narrative, including a sequence of construction.
- B. Maps of the project area showing:
 - 1. The boundary of the drainage area tributary to the project site (e.g., U.S.G.S. quadrangle map).
 - 2. The location of the project relative to significant features in the general surroundings such as roads, pedestrian ways, access to the site, adjacent

Stormwater Management
Plan Requirements

land uses, property lines, existing man-made structures, public facilities, landmarks, and places of architectural and historical significance.

3. Existing contours at 2-foot intervals, extending a minimum of 200 feet beyond the limits of the proposed development.
4. Streams, lakes, ponds, existing drainage swales, wetlands, forested areas, and other physical features within or adjacent to the project area.
5. Unique, unusual, or environmentally sensitive features that provide particular opportunities or constraints for development.
6. Locations of existing and proposed utilities, sewers, and water lines.
7. Soil types and boundaries, and locations of areas with steeply sloped or highly erodible soils.
8. Alterations in the natural terrain, cover, and grade including lawns and other landscaping.
9. Areas to be cut or filled.
10. The location of proposed buildings, roads, parking areas, and other permanent structures.
11. Final contours at 2-foot intervals, extending a minimum of 200 feet beyond the limits of the proposed development.

C. Stormwater Management Facilities

1. All stormwater management facilities shown on a map, including details, plan, profile, and cross-sections.
2. If infiltration facilities are proposed, the locations of existing and proposed wells and septic system drain fields.
3. Comprehensive hydrologic and hydraulic design calculations, including all assumptions and criteria, for the pre-development and post-development conditions for the design storms specified in Section 3 of this ordinance.
4. A soils report/geotechnical analysis and boring logs.
5. A maintenance plan indicating the person permanently responsible for maintenance of the stormwater management facilities and a maintenance program for the proposed stormwater management facilities.

4.4 PLAN APPROVAL

- A. A maximum of 30 calendar days from the receipt of an application will be allowed for preliminary review of the application for completeness. During this period, the application will be accepted for review, which will begin the 60-day review period, or rejected for incompleteness. The applicant will be informed in writing of the information necessary to complete the application.
- B. The 60-day review period begins on the day the complete stormwater management plan is accepted for review. At this time, an acknowledgement letter will be sent to the applicant. During the 60-day review period, the Plan Approving Body shall either approve or disapprove the plan and communicate its decision to the applicant in writing. Approval or denial shall be based on the plan's compliance with this ordinance.

Stormwater Management
Plan Requirements

- C. A disapproval of a plan shall contain the reasons for disapproval.
- D. The applicant or any aggrieved party authorized by law may appeal the Plan Approving Body's decision of approval or disapproval of a stormwater management plan application within 30 days after the rendering of such a decision, to the Clarke County Circuit Court.
- E. Judicial review shall be on the record previously established and shall otherwise be in accordance with the provisions of the Administrative Process Act (see 9-6.14:1 et seq. of the Code of Virginia).

4.5 CONDITIONS OF APPROVAL

- A. Each approved stormwater management plan shall be subject to the following conditions:
 - 1. The applicant shall comply with all applicable requirements of the approved plan and the local program and shall certify that all land clearing, construction, land development, and drainage will be done according to the approved plan.
 - 2. The land development project shall be conducted only within the area specified by the approved plan.
 - 3. The Town of Berryville shall be allowed, after giving notice to the owner, occupier, or operator of the land development project, to conduct periodic inspections of the project. The owner, occupier, or operator shall be given the opportunity to accompany the inspector.
 - 4. No transfer, assignment or sale of the rights granted by virtue of an approved plan shall be made unless a written notice of transfer is filed with the Town of Berryville and the transferee certifies agreement to comply with all obligations and conditions of the approved plan.
 - 5. A set of certified as-built plans shall be submitted to the Town of Berryville upon completion of the project. Said as-builts shall include volume confirmation with supporting computations.
 - 6. While the project is under bond, the person responsible for implementing the approved plan shall conduct monitoring and submit reports to ensure compliance with the approved plan and to determine whether the plan provides effective stormwater management.

4.6 PERFORMANCE BOND

- A. All applicants shall submit to the Town of Berryville a performance bond with surety, cash escrow, letter of credit, or such other legal arrangement acceptable to the Town's attorney, to ensure that measures could be taken by the Town at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of the applicant by the approved stormwater management plan.

Stormwater Management
Plan Requirements

- B. If the Town of Berryville takes such action upon such failure by the applicant, the Town may collect from the applicant the costs of such action in excess of the amount of the security held.
- C. Within sixty days of the completion of the requirements of the approved stormwater management plan, including necessary stabilization, the bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.
- D. These requirements are in addition to all other provisions of law relating to the issuance of such plans and are not intended to otherwise affect the requirements for such plans.

4.7 CHANGES TO AN APPROVED PLAN

No changes may be made to an approved plan without review and written approval by the Town of Berryville.

4.8 EXCEPTIONS

- A. A request for an exception shall be submitted, in writing, to the Plan Approving Body. An exception from this ordinance may be granted, provided that:
 - 1. exceptions to the criteria are the minimum necessary to afford relief, and
 - 2. reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the purpose and intent of this ordinance is preserved.
- B. Economic hardship is not sufficient reason to grant an exception from the requirements of this ordinance.

SECTION 5. FEES

The following plan review and inspection fees shall be paid to the Town of Berryville at the time of application:

Base Fee	\$150
Per Acre Fee (\$850 maximum)	\$ 25

Consulting services will be charged to the applicant at cost.

SECTION 6. CONSTRUCTION INSPECTIONS

- A. The Program Administrator or designee shall make regular inspections during all phases of construction of the stormwater management facilities.
- B. The applicant shall notify the Town of Berryville 48 hours prior to the commencement of any activity covered by this ordinance so that appropriate inspections can be made to ensure compliance with this ordinance.
- C. Inspection reports shall be maintained as part of the land development project file.

SECTION 7. MAINTENANCE

- A. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by the Town or other governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each parcel the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.
- B. In the case of developments where lots are to be sold, permanent arrangements satisfactory to the Town's attorney shall be made to ensure continued performance of these obligations.
- C. In the event that the stormwater management facilities are in need of maintenance or become a danger to public safety or public health, the responsible person shall be notified in writing, advised of the corrective measures required, and given a reasonable period of time to take necessary action. If the responsible person fails or refuses to perform such maintenance and repair, the Town has the authority to perform the work and to recover the costs from the responsible person.
- D. To ensure proper performance of the stormwater management facility, the owner is responsible for inspecting the stormwater management facility on a semi-annual basis and after any storm which causes the capacity of the facility to be exceeded. More frequent inspections may be required if deemed necessary by the Program Administrator. The owner must file written record of inspections to the Program Administrator within five working days of the inspection.
- E. Right of entry agreements or easements shall be required from the applicant for purposes of inspection by the Program Administrator or designee. Said agreements or easements may also permit the Town of Berryville or designee to enter the property for the purpose of maintenance and repair, should the responsible party not fulfill these duties.

SECTION 8. ENFORCEMENT

- A. If it is determined that there is a failure to comply with the approved plan, notice shall be served upon the applicant or person responsible for implementing the plan by registered or certified mail to the address specified in the application or plan certification or by delivery at the land development site to the agent or employee supervising such activities.
- B. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed.
- C. Upon failure to comply within the time specified the permit or approval may be revoked and the applicant or person responsible for implementing the plan shall be deemed to be in violation of this ordinance.
- D. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment, or both, for each violation, as provided in Section 10.1-603.14 of the Code of Virginia.
- E. The Program Administrator may apply to the circuit court to enjoin a violation or a threatened violation of this ordinance as provided for in Section 10.1-603.14 of the Code of Virginia without the necessity of showing that an adequate remedy at law does not exist.
- F. Without limiting the remedies which may be obtained in this section, the Program Administrator may bring a civil action against any person for violation of this ordinance, or any condition of the permit or approval, or any provision of the local program. The action may seek to impose a civil penalty of not more than \$2,000 for each violation as provided for in Section 10.1-604.14 of the Code of Virginia.
- G. With the consent of any person who has violated or failed, neglected or refused to obey this ordinance or any condition of the permit or approval of any provision of the local program, the Program Administrator may issue an order against or to such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection "F" of this section as provided for in Section 10.1-604.14 of the Code of Virginia. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection "F."

SECTION 9. EFFECTIVE DATE

This ordinance shall become effective on October 14, 1997. Development and site plans approved before the effective date are not subject to this ordinance unless amendments affecting stormwater runoff are made in said plan. Any development plan, site plan, or subdivision application that has not been approved by the effective date shall conform to the provisions of this ordinance.

Adopted October 14, 1998

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**AN ORDINANCE REPEALING THE
TOWN OF BERRYVILLE STORMWATER MANAGEMENT ORDINANCE**

BE IT ORDAINED, by the Council of the Town of Berryville, that the Town of Berryville Stormwater Management Ordinance is repealed in order to the Virginia Department of Environmental Quality to be the sole regulatory authority for stormwater management in the Town of Berryville.

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL
MOTION TO REPEAL OF THE TOWN OF BERRYVILLE
STORMWATER MANAGEMENT ORDINANCE**

Date: April 11, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance repealing the Berryville Stormwater Management Ordinance in order for the Virginia Department of Environmental Quality to be the sole regulatory authority for stormwater management in the Town of Berryville.

VOTE:

Aye:

Nay:

Absent:

Attachment 3

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
March 20, 2017
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/Treasurer; Neal White, Chief of Police; Ann Phillips, Town Clerk

Others: Josh Roller, Robinson, Farmer, Cox Associates; Cliff Balderson and Ed Carter, VDOT

Press: Cathy Kuehner

1. Call to Order

Mayor Dickinson called the meeting to order at 7:50 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Recorder Arnold, seconded by Council member Kitselman, the agenda was approved unanimously.

4. Public Hearing – *No public hearing was scheduled.*

5. Approval of Minutes

The minutes of the Town Council meeting of February 14, 2017, were approved unanimously on a motion by Recorder Arnold and seconded by Council member Kitselman. The minutes of the Town Council work session meeting of February 22, 2017, were approved unanimously on a motion by Council member Tollett and seconded by Council member McDonald. The minutes of the Town Council work session meeting of March 6, 2017, were approved unanimously on a motion by Recorder Arnold and seconded by Council member Kitselman.

6. Citizens' Forum

The speakers were as follows:

Diane Harrison, Town resident, said she supported the item put forth on the agenda regarding Town Council committee assignments. She said she thinks the committees have been one-sided and that the experience of the long term Council members is not being used. She said she hopes Council member Kitselman's suggestion will fix that issue.

Wayne Webb, Town resident, thanked the Mayor and Chief of Police for attending the recent Battletown Estates Civic Association meeting. He suggested a way for the Town to save \$20,000 would be by billing for water every other month rather than monthly. Mr. Webb said that a report from the Town of Woodstock suggests that the Town's water system connection fee is too high to be competitive. He concluded by saying that everyone has \$100 and \$200 internet and cell phone bills each month, so bi-monthly water bills should not be a problem for anyone to pay.

Dan Garrett, Town resident, thanked the Mayor for her participation in the suicide awareness program.

7. Report of Patricia Dickinson, Mayor

The Mayor recognized Josh Roller of Robinson, Farmer, Cox Associates. Mr. Roller provided a report on the FY 16 Audit. He noted that the Town has been given an unmodified opinion which is the best that can be given.

Mayor Dickinson said she hoped to have a slate of members to be appointed to the Tree Board at the next Council meeting.

The Mayor asked that the Personnel Committee make a recommendation for appointing a Council representative on the Barns of Rose Hill Board of Directors.

8. Report of Harry Lee Arnold, Jr, Recorder

Recorder Arnold had nothing to report.

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

Ms. Dunkle recognized Ed Carter and Cliff Balderson, VDOT representatives, in attendance.

Mr. Balderson and Mr. Carter spoke about items that had been identified by Town Council, and noted various funding options to help with problem areas. The topics of discussion included:

- Improvements on East Main Street

Mr. Carter and Mr. Balderson listed three options for funding on such improvements: TAP funds which are 80% federal and 20% local and are heavily favored to alternatives to auto traffic and therefore should include bicycle/pedestrian elements; Smartscale which are competitive across the state and if application is made this fall would not be funded until 2024; and revenue sharing which is 50% state -- 50% local funding (from a state fund that may be reduced in size)

- Traffic Calming on Buckmarsh Street

Mr. Balderson and Mr. Carter said there are many steps that can be taken but it would be up to the locality to fund these improvements.

- Crosswalk at Buckmarsh and Hermitage

In reference to making this intersection safer, Mr. Carter and Mr. Balderson noted that after studying this intersection two years ago VDOT is reluctant to recommend a crosswalk of this length because the distance a pedestrian must be in the travel way. In response to Council member McDonald's question about a traffic light, Mr. Carter said a traffic light costs between \$300,000 and \$500,000, and does not necessarily make the intersection safer.

- Safe-Routes-to-School Project on Swan Avenue

- Revenue Sharing for the Buckmarsh and Swan Avenue projects

- Parking restrictions on North Buckmarsh Street

Mr. Carter indicated that this should not present a problem for VDOT.

- Landscaping projects in the Right of Way

VDOT staff will provide Town/HOA agreement guidelines.

- Truck restriction signage

VDOT staff will have their sign representative review the Town's signage.

- Traffic signal timing

VDOT staff signal technician review the timing of the Main Street lights.

Mr. Dalton said the working relationship with VDOT has always been excellent and the staff has been good to work with.

Ms. Dunkle reviewed the Planning Department staff report.

10. Report of Keith Dalton, Town Manager

Mr. Dalton had nothing to report.

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

Council member Kitselman said the BADA will meet on March 22 to review the assisted living project.

12. Report of Erecka Gibson - Chair, Budget and Finance Committee

The minutes of the March 1 and March 8, 2017 meetings were approved.

The Mayor listed the proposed Administrative Goals. Council member Gibson suggested separating the goals which are funded once from those that have on-going funding. She also suggested that if the goals can't be addressed all at once, the top three goals should be identified and addressed first. The Mayor suggested a work session to review the goals and objectives. By consensus the Council decided to have the work session in June or July.

13. Report of Donna McDonald - Chair, Community Improvements Committee

Council member McDonald recapped the February 27 meeting. The minutes of the meeting were approved.

Mayor Dickinson said that there may be grant funding to assist with the landscaping in the Page Street median. She said she knows the County wants to leave the lot behind the renovated Primary School building as green space.

14. Report of David Tollett – Planning Commission Liaison

Council member Tollett had no report.

15. Report of David Tollett – Police and Security Committee

The minutes of the February 23 meeting were approved.

Council member Tollett moved that the Council of the Town of Berryville adopt the attached resolution of agreement to establish the Skyline Regional Criminal Justice Academy and authorizing the Town Manager to sign the attached Charter Agreement Establishing the Skyline Regional Criminal Justice Academy on behalf of the Town. The motion carried as follows:

Aye:	McDonald, Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay:	None
Absent:	None

RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE

WHEREAS, the TOWN OF BERRYVILLE, the COUNTY OF CLARKE, the COUNTY OF FREDERICK, the FREDERICK COUNTY EMERGENCY COMMUNICATIONS CENTER, the TOWN OF FRONT ROYAL, the LORD FAIRFAX COMMUNITY COLLEGE, the TOWN OF

MIDDLETOWN, the NORTHWESTERN REGIONAL JAIL AUTHORITY, the RSW REGIONAL JAIL AUTHORITY, the TOWN OF STEPHENS CITY, the TOWN OF STRASBURG, the COUNTY OF WARREN, the CITY OF WINCHESTER, and the COUNTY OF RAPPAHANNOCK, have agreed to form a regional criminal justice academy pursuant to Section 15.2-1747 et. seq. of the Code of Virginia in order to furnish the highest achievable level of professional law enforcement and criminal justice-related training to the participating jurisdictions through the development and operation of initial recruit training, continuing in-service training and advance training programs; and

WHEREAS, it is necessary for the participating members to enter into an agreement establishing the regional criminal justice academy that sets forth the relationship between the members and the regional criminal justice academy.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville as follows:

1. The Council hereby agrees to establish the Skyline Regional Criminal Justice Academy pursuant to Section 15.2-1747 et. seq. of the Code of Virginia.
2. At its regular meeting of March 20, 2017, the Council authorized the Town Manager to sign the Charter Agreement Establishing the Skyline Criminal Justice Academy, a copy of which is attached to this Resolution.

Adopted:

Mayor

Attest:

Recorder

CHARTER AGREEMENT ESTABLISHING THE
SKYLINE REGIONAL CRIMINAL JUSTICE ACADEMY

THIS CHARTER AGREEMENT (“Agreement”) is made this ____ day of April, 2017, by and among the TOWN OF BERRYVILLE, the COUNTY OF CLARKE, the COUNTY OF FREDERICK, the TOWN OF FRONT ROYAL, the LORD FAIRFAX COMMUNITY COLLEGE, the TOWN OF MIDDLETOWN, the NORTHWESTERN REGIONAL JAIL AUTHORITY, the RSW REGIONAL JAIL AUTHORITY, the TOWN OF STEPHENS CITY, the TOWN OF STRASBURG, the COUNTY OF WARREN, the CITY OF WINCHESTER, the COUNTY OF RAPPAHANNOCK (collectively the “Member Jurisdictions”).

WHEREAS, the Member Jurisdictions are each currently members of the Rappahannock Regional Criminal Justice Academy; and

WHEREAS, the Member Jurisdictions have determined that it is in their best interest to withdraw as members of the Rappahannock Regional Criminal Justice Academy and to establish and operate a new criminal justice training academy to be known as the Skyline Regional Criminal Justice Academy; and

WHEREAS, on November 2, 2016, the Board of Directors of the Rappahannock Regional Criminal Justice Academy approved the withdrawal of the Member Jurisdictions effective June 30, 2017; and

WHEREAS, the Member Jurisdictions have each adopted a resolution to withdraw as a member of the Rappahannock Regional Criminal Justice Academy and to start training as a member of the Skyline Regional Criminal Justice Academy effective July 1, 2017; and

WHEREAS, the Member Jurisdictions desire to enter into this Agreement pursuant to Section 15.2-1747 of the Code of Virginia to provide for the establishment and operation of the Skyline Regional Criminal Justice Academy.

NOW THEREFORE, the Member Jurisdictions agree as follows:

SECTION 1. NAME

The Member Jurisdictions agree to create a regional criminal justice training academy pursuant to the provisions of Section 15.2-1747 of the Code of Virginia to be known as the Skyline Regional Criminal Justice Academy ("Academy").

SECTION 2. PRINCIPAL OFFICE

The principal office of the Academy shall initially be located at 2275 Third Street, Middletown, Virginia 22645 in the County of Frederick, Virginia. The principal office may be changed at such times and under such conditions as the Board may determine.

SECTION 3. BOARD OF DIRECTORS

The Board of Directors (the "Board") shall be composed as follows:

- (i) each county shall be represented by both the chief of police and sheriff. If a county does not have a chief of police, then only the sheriff shall serve as the member representing that county. Notwithstanding the above, the director of the Frederick County Emergency Communications Center shall serve as a member representing Frederick County in addition to its sheriff.
- (ii) each city shall be represented by its chief of police or other City Official appointed by the governing body and sheriff or other City Official appointed by the governing body. Notwithstanding any other provisions of this Charter, these members shall serve for terms as designated by the governing body.
- (iii) each town shall be represented by its chief of police.
- (iv) each regional jail shall be represented by its superintendent.
- (v) if a Member Jurisdiction is not a city, county, town or regional jail, then that Member Jurisdiction shall be represented by its chief law enforcement officer.

The members of the Board shall serve for a term coexistent with their employment as sheriff, chief of police, jail superintendent, chief law enforcement officer, or director of emergency communications center. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum, and a vote of the majority of the members of the Board voting shall be necessary for the passage of all items. Each member of the Board may appoint an alternate in writing to attend meetings and vote in place of the member. The Board may adopt by-laws governing the operation of the Board and Academy.

The Board shall annually elect a Chairman and Vice-Chairman to serve as Officers of the Board.

During the annual meeting, the Board shall also elect a secretary. The secretary need not be a member of the Board. The secretary shall keep written minutes of the meeting and deliver copies to the members of the Board. The Board shall fix such meeting times as it deems necessary.

SECTION 4. EXECUTIVE COMMITTEE

The Board may create an Executive Committee, which may exercise the powers and authority of the Academy between meetings of the Board as authorized by law. The Chairman of the Academy Board of Directors shall serve as the Chairman of the Executive Committee. The remaining members of the Executive Committee shall be determined by the Board.

SECTION 5. PURPOSE AND POWERS

The purpose of the Academy is to furnish the highest achievable level of professional law enforcement and criminal justice-related training to the participating jurisdictions through the development and operation of initial recruit training, continuing in-service training and advanced training programs. The Academy shall have all powers set forth in Sections 15.2-1747 *et seq.*, of the Code of Virginia, as amended, and other provisions of Virginia Law.

SECTION 6. ADDITIONAL MEMBERS

Other governmental units may become members of the Academy upon a resolution adopted by the governing body of the governmental unit requesting membership in the Academy and approval of the request by a two-thirds vote of the Board of the Academy, subject to such conditions as the Board may prescribe.

SECTION 7. WITHDRAWAL AS A MEMBER

Members may withdraw from the Academy as provided by Sections 15.2-1747 *et seq.*, of the Code of Virginia as the same may be amended.

SECTION 8. AMENDMENT OF AGREEMENT

This Agreement may be amended upon approval by three-fourths of the governing bodies of the then Member Jurisdictions.

SECTION 9. AUDIT

An annual, independent financial audit made by a Certified Public Accountant of the Academy, and any special funds, shall be conducted. Copies of all audits shall be sent to each Member Jurisdiction.

SECTION 10. FINANCE AND BUDGET

The Board shall adopt a budget for each fiscal year, and shall submit its approved budget to each Member Jurisdiction prior to January 1 of each year. Such budget shall estimate the amount of funds needed from each Member Jurisdiction to operate the Academy during the fiscal year beginning July 1. Each Member agrees to pay, subject to appropriation, a percentage of the total cost of operating the Academy for the next fiscal year (minus any grants or income from the training of non-members or other source), which percentage shall be determined by comparing the number of criminal justice officers (subject to mandatory training) employed by each Member Jurisdiction. Member Jurisdictions agree to make such payment to the Academy by such date established by the Board.

SECTION 11. EFFECTIVE DATE AND DURATION

This Agreement shall be effective from date of its approval by all of the governing bodies of the Member Jurisdictions. The Academy shall continue in effect in perpetuity unless dissolved by unanimous action of the governing bodies of the Member Jurisdictions. In the event this Agreement is terminated, payment and/or credit for

the furnishing and use of real property owned by a Member Jurisdiction shall be adjusted ratable to the date of termination. All property shall be scheduled and valued by or at the direction of the Board and distributed in kind to the participants as nearly as is feasible in the same proportion as each participant contributed to acquiring it; however, one or more participants may purchase the interests of one or more of the other participants in the property.

SECTION 12. EXECUTION OF AGREEMENT

This Agreement may be signed in any number of counterparts, each of which is an original and all of which taken together form one single document.

WITNESS the following signatures:

TOWN OF BERRYVILLE

By: _____
Town Manager

Date: _____

COUNTY OF CLARKE

By: _____
County Administrator

Date: _____

COUNTY OF FREDERICK

By: _____
County Administrator

Date: _____

TOWN OF FRONT ROYAL

By: _____
Town Manager

Date: _____

LORD FAIRFAX COMMUNITY COLLEGE

By: _____
President

Date: _____

TOWN OF MIDDLETOWN

By: _____
Town Manager

Date: _____

NORTHWESTERN REGIONAL JAIL AUTHORITY

By: _____
Chairman

Date: _____

RSW REGIONAL JAIL AUTHORITY

By: _____
Chairman

Date: _____

TOWN OF STEPHENS CITY

By: _____
Town Manager

Date: _____

COUNTY OF RAPPAHANNOCK

By: _____
County Administrator

Date: _____

TOWN OF STRASBURG

By: _____
Town Manager

Date: _____

COUNTY OF WARREN

By: _____
County Administrator

Date: _____

CITY OF WINCHESTER

By: _____
City Manager

Date: _____

+ + + + +

16. Report of Patricia Dickinson – Chair, Streets and Utilities Committee

The minutes of the Committee meeting of February 28, 2017, were approved.

Mayor Dickinson recapped the committee meeting including the program from the Lord Fairfax Soil and Water Conversation District.

The Mayor said the committee decided to recommend hiring a consultant to study the availability fee schedule. She said funding for the study has not yet been allocated, and estimated about \$20,000 would be needed to complete the study. She said the challenge with waiting for a consultant is it jeopardizes the 120 unit senior housing proposal. She said the fees prohibit multifamily housing in Berryville.

Council member Tollett offered a proposal for the Town to set a bond for a half million dollars to get the fees to move the project forward. The Mayor said that would give the funds to move the project forward. Council member Kitselman said it would be irresponsible for the Council to set a precedent and accommodate a developer in this manner. He said the developer knew the fees when approval was sought, and now with the project approved the developer continues to come back and ask for things. Recorder Arnold said the last two times the project was approved, there was never any mention of the availability fee being a problem. Mayor Dickinson said she has seen different numbers for availability fees in documents from the previous applications and therefore is unsure of the fees on the current schedule. She said Council member Tollett's suggestion is an opportunity to move the 120 unit project forward and not put the Town at risk.

Council member Kitselman asked if the Town would have use of the half million dollars while the bond is being held. The Council discussed the bond. Council member Kitselman said the Council cannot keep bending over for developers adding that it is not the right way to run a town. Recorder Arnold said the fees are set on the schedule, and addressing the project piecemeal is not the right approach. Mayor Dickinson said she does not like the all or nothing approach because she thinks the 120 unit project is good for the Town.

Council member Kitselman said it is the developer's job is to identify the costs at the start of a project, not to come in at the end and say the numbers were not in the calculations. Recorder Arnold noted that the letter of support has already been sent to enable the developer to apply for tax credits, and asked whether the staff had received a copy of the application. Mr. Dalton outlined the application process which had been followed for the previously built Mary Hardesty House and previous iterations of the Robert Regan House.

The Mayor stated the options were doing nothing or following Council member Tollett's suggestion and moving forward. Recorder Arnold said he could not decide on the bond suggestion without knowing more information. Council member McDonald asked how long it would take to complete a study of the availability fees. Mr. Dalton noted that one estimate of the time required was a few months.

Mayor Dickinson noted that when the Town's engineer, Earl Sutherland of Pennoni Associates, spoke at the work session, he said most communities use the figure of 80% for water usage rather than 90% to compute multifamily water usage as in the current availability fee schedule. She suggested that the Town change to the 80% number to be in line with the industry which she said might be enough of a reduction in fees to move the 120 unit project forward. Council member Kitselman said he was at a loss and asked why the Council is trying to accommodate a developer. He said there is no special dispensation for a developer. Council member Kitselman said the approval of the project was done over the objections of the County and that the issue should not be added to by allowing a special availability fee rate. The Mayor said since the current fee schedule was adopted, no multifamily housing projects have been built. Council member McDonald said the focus should be on the 120 unit project and not on the developer.

The Council discussed doing the study of the availability fee schedule. Council member Gibson said no decision should be made until the study is done. She said the use of the 90% rather than 80% may mean it was necessary to have a higher fee. Mr. Dalton explained the origin of the current availability fee schedule.

Recorder Arnold and Council member Kitselman expressed support for a study of the availability fee schedule. Council member Gibson said more information was needed about the bond option before she could support it.

Mr. Dalton noted that he would confer with the engineer, Mr. Sutherland, to determine a ballpark cost for the study and then try to find a spot in the budget for the next fiscal year. Council member McDonald said a study should be done to get numbers established and written down so that there is no question in the future about the source of the fees.

Council member Tollett moved that the Council of the Town of Berryville hire a consultant to look the water and sewer availability and usage fee schedule with the cost of the study being no greater than \$20,000. Council member McDonald seconded the motion. Council member Gibson said in light of the study, the discussion of administrative goals should come sooner rather than later. There was discussion of using an RFP process versus using one of the engineers under contract with the Town. Council member Kitselman said that limiting the cost to \$20,000 will effectively add a kill switch in the event that all the proposals are over \$20,000. The Mayor said she preferred to issue an RFP. Recorder Arnold said the Town has already gone through an RFP process for engineering services and by repeating the process, the time to complete the study is extended. Council member McDonald asked how much time is left before the 120 unit project dies. The Mayor said she did not know. **The motion carried as follows:**

Aye:	McDonald, Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay:	None
Absent:	None

17. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee
Recorder Arnold had nothing to report.

18. Other

The Council discussed the proposed policy concerning legal advice and opinions. Council member Kitselman noted a revised policy ensuring that no one member of Council can incur legal costs, and moved that the Council adopt the policy. Recorder Arnold seconded the motion. The Council discussed

the change from 'Personnel Committee chairman' to 'Recorder.' The Mayor asked if the policy were necessary. Council member Gibson said she thinks the policy is necessary and she supports it. After discussion of the specific wording, the Council decided to revisit the policy at the next meeting. Council member Kitselman withdrew the motion.

Regarding the agenda item addressing committee assignments, Council member Kitselman said that committee assignments should be done by the Council. Recorder Arnold offered a revision to the proposed change to Section 2-19 of the Town Code. He suggested that the existing committee assignments remain in effect until July 1. Council member Kitselman moved that the revised proposal be adopted. Council member McDonald seconded the motion.

Council member Tollett said the proposed code change is divisive and serves no purpose. He said he would not support the motion.

Council member Kitselman said that no Mayor has come onto the Council and used appointments as a political tool. He said he found a need for a check and balance. He said the divisiveness has come from the Mayor's appointments. Mayor Dickinson said she has asked Council member Kitselman and Recorder Arnold to serve on committees and has been turned down. She said she is not trying to be divisive. She said that other than Mr. Arnold's request to be on the Budget and Finance Committee, everyone's requests have been granted. Council member Kitselman said that the Budget and Finance Committee appointment is exactly what his motion is about. He said the Town is missing Mr. Arnold's institutional knowledge on the Budget and Finance Committee. He added the idea that the Recorder has some sort of conflict of interest comes from the Mayor's assertions during the election campaign. Council member Kitselman reminded the Council that they had discussed the matter and had agreed that Recorder Arnold would be a valuable addition to the Budget and Finance Committee. He said that if Council says that it wants Mr. Arnold on the Committee, then Council should have the power to make that happen.

Recorder Arnold noted the challenges in filling committee spots and listed three instances of other Council members choosing not to serve on various committees. Council member Gibson said she is sympathetic to the idea, she is not sure the proposed change is the solution. She said she understands the concept of independence, but that all Council members vote on the budget. Council member Kitselman said his original version called for the Mayor to make the appointments with the Council able to override those appointments. He reminded the Council again that the majority of the Council had suggested that Recorder Arnold be put on the Budget and Finance Committee and it did not happen. He concluded by saying that all the Council members are equal with no one member being more powerful. Recorder Arnold said he was comfortable with the original version of the code change. Council member Kitselman withdrew his motion. The Council asked Mr. Dalton to redraft the code change with suggested changes for review at the April meeting.

19. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 10:10 p.m.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk

Attachment 4

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Budget Work Session
March 20, 2017
4:00 p.m.

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

Staff: Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Dave Tyrrell, Director of Utilities; Rick Boor, Director of Public Works; Ann Phillips, Town Clerk

Others: Brian Lichty, Clarke County EMS Director; Chris Shipe, President-John H. Enders Fire Co.; Sue Ross, Berryville Main Street

Press: Cathy Kuehner

1. Call to Order

Mayor Dickinson called the meeting to order at 4:00 p.m.

2. Approval of Agenda

On motion of Council member McDonald, seconded by Council member Tollett, the agenda was approved unanimously.

3. Presentation / Discussion – County of Clarke EMS

Brian Lichty, Clarke County EMS Director made a PowerPoint presentation overview of EMS services and funding in the County. In reference to the fee for service revenue, Mayor Dickinson said it appeared that Berryville was the cash cow because of the high call volume in town. Mr. Lichty noted that fee for service is not listed by company. He said that the highest service demands are in Berryville. The Mayor asked what the County plans to do should the Town Council not fund an EMS position. Mr. Lichty said the matter had not been discussed, but there is a possibility that the position would be eliminated.

Chris Shipe, John H. Enders Fire Company President, gave a PowerPoint presentation overview of Enders Fire Company and thanked the Council for all the support over the years. He cautioned that funding needs are reaching a critical status. Mr. Shipe noted that residents' expectations are different than in previous generations, regulatory requirements increase costs, training requirements are expensive, and existing equipment is old. He noted his Iowa hometown established a capital needs account for major expenses and requested Berryville consider that option. Mr. Shipe noted that Enders receives no funds from fee for service.

Sue Ross, Manager at Berryville Main Street, thanked the Council for supporting Berryville Main Street for 25 years. She gave an overview of the Berryville Main Street program and its mission, and highlighted the current happenings in downtown. Mayor Dickinson inquired what percentage of merchants are members and whether businesses pay a fee to be members of Berryville Main Street. Ms. Ross replied that there are 50 business members and there is also a friendship category. She said there is a membership or partnership fee of \$70 and friendship fee is \$35.

4. Discussion – Draft FY 18 Budget

Ms. Moreland noted the highlights of the proposed budget including the fact that no tax increase is proposed.

Mr. Dalton discussed the changes to the CIP.

Mayor Dickinson asked for discussion on any proposed changes. The Council reviewed the draft budget by line item, discussed changes and directed staff to make specific changes.

Council member McDonald asked for clarification on the E-citation line item, and Mr. Dalton provided the explanation.

Mayor Dickinson suggested that the Town Council have an appointed member of the board at Enders Fire and Rescue to ensure communication. Recorder Arnold said the Enders charter would not permit a non-member on the board of directors and he is opposed to the idea.

Recorder Arnold said the contribution to Enders had not been increased in 10 years and suggested an increase be made this year. Council member Kitselman suggested that a capital needs account be investigated for Enders Fire Company also.

Council member Tollett asked why no fee for service funds were available to Enders. Mr. Lichty said the funds are used at the county level for overall expenses such as insurance, equipment, testing, etc., which benefits all County fire and rescue companies.

Mayor Dickinson said the Town is not part of the conversation regarding funding for Enders, and she is uncomfortable with the Town being asked to write a check. Ms. Gibson said she supports the increase in the contribution to Enders and is in favor of creating an account for capital costs. She said she would like to have a conversation about the contribution to the County for EMS, and would like a reduction in the contribution to be used in establishing a capital expense account for Enders Fire Co. She added that she is not in favor of the \$5000 contribution to the County Parks and Recreation Department for swimming pool water.

Recorder Arnold moved that the Council of the Town of Berryville increase the contribution to John H. Enders Fire Co. from \$25,000 to \$30,000. Council member Kitselman seconded the motion. Recorder Arnold amended the motion to include adding a capital reserve of \$10,000 for Enders Fire Co. Following discussion of the history of the contribution and the source of the increased funding, Recorder Arnold withdrew the motion. Mayor Dickinson said she thinks the Budget and Finance Committee should be involved in setting up a capital reserve account.

At 5:53 p.m., the meeting was recessed until 6:15 p.m.

The meeting was reconvened at 6:15 p.m.

Recorder Arnold moved that the Council of the Town of Berryville increase the annual contribution from \$25,000 to \$30,000 and further that \$10,000 be set aside as a capital improvements reserve to cover future needs at John H. Enders Fire Co. Council member McDonald seconded the motion. Council member Tollett questioned whether the budget was balanced, and Ms. Moreland said the draft budget was balanced. Council member Gibson said she supported the increase and the capital reserve, and that she also supports the continued reduction of the contribution to the County for EMS. The Council and Mr. Shipe discussed the reserve account and how it is managed in Dewitt, Iowa where Mr. Shipe is from. Mr. Shipe cited transparency and invited the Council to attend Enders Company meetings. Mayor Dickinson cited concerns with rushing into setting up a capital reserve account.

Recorder Arnold said the money could be set aside, and the Council would still have time to set the policy before the funds are needed. **Mayor Dickinson restated the motion and noted it would be contingent on the budget being balanced. The motion carried as follows:**

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold
Nay: Dickinson
Absent: None

The Council discussed the contribution to the County for the professional services - EMT position. Ms. Gibson said she supports the contribution with the reduction as it has been done in the recent years. Recorder Arnold noted that the contribution had been started prior to his coming onto the Council. He said that the reduction in the contribution is on-going, and stopping the contribution all at once would not be fair to the County. Mayor Dickinson said the County had had plenty of notice that the intention is to do away with the contribution. She said she cannot support the Town making a contribution to help the County with payroll and she wants the entire contribution to end. Council member Kitselman cited the long history of cooperation with the County and said it appeared political to shift the burden which the Town is creating onto the County. He said he is in favor of tapering the contribution, and noted that the Town and the County have worked together for decades. He cautioned the Council about starting down the road of not cooperating with the County and said that would not be good for the tax payers of Berryville. Council member McDonald said she is not in favor of assisting with payroll, but would approve of helping with tangible needs. Recorder Arnold said the title of the contribution could be changed to specify tangible costs, especially since the reduced amount will not cover a paid position anyway. **Recorder Arnold moved that the Council of the Town of Berryville reduce the contribution to the County from \$50,000 to \$33,000. Council member Kitselman seconded the motion.** Council member Gibson said she agrees that the Town should not be making this payment, but she thinks good will is important. Mayor Dickinson said good will goes both ways and she was surprised the County requested more than last year's contribution since they knew there were Council members opposed to any contribution. Council member Gibson noted the County is having a tax reduction, but said good will and consensus are the reasons to make the contribution. The Mayor said it does not seem fair that the Town is being asked to pay more. Council member Kitselman said that perhaps the Town should not be allowing senior apartment buildings and generating more need. He said the County is not getting the requested \$75,000. Recorder Arnold noted that with the reduction, the contribution will be eliminated in two years. The Mayor said she did not like the double taxation. Recorder Arnold noted that the citizens of Berryville did benefit from the contribution. **The Mayor restated the motion which carried as follows:**

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold
Nay: Dickinson
Absent: None

The Council discussed the Swan Avenue sidewalk project funding and funding for the revenue sharing project for the crosswalk and flashing sign. The Council discussed adding a place holder line item to fund the difference not paid for the projects. **Mayor Dickinson moved that \$50,000 be added to a place holder line item in the operations budget to fund cost overruns on the school sidewalk and crosswalk projects. Council member Kitselman seconded the motion which carried as follows:**

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay: None
Absent: None

The Council discussed funding the study and possible rehabilitation of the Livery Stable adjacent to the old Town Office building at 23 East Main Street.

The Council discussed the \$5000 contribution to the County for swimming pool water at the County Park. By consensus, the contribution was left in the budget pending final review.

The Mayor noted that funds from the Transient Lodging Tax have been accumulating and will amount to \$9000 in FY 18. Recorder Arnold said he would like to see \$5000 of the collected funds contributed to the County toward Economic Development accomplished with direction from the Town, with \$4000 toward reserve. The Council agreed by consensus.

Recorder Arnold said he would like to see the contribution to Berryville Main Street increased from \$18,000 to \$20,000. The Council agreed to this increase by consensus. Mayor Dickinson said that although BMS is doing well she thinks the merchants need to do more to support downtown and she was not in favor of the increase.

The Council discussed the commitment to the E-citation program. The Mayor suggested beginning to collect the fee this year but deferring the start up until next year. Recorder Arnold said he supported getting E-citation going this year, since waiting a year would save only \$1500. Recorder Arnold suggested that the Council approve the resolution adopting the program at the April meeting.

The Mayor noted her concern about the tank repair and maintenance costs of \$450,000 which will exhaust the tank repair reserve fund. Mr. Dalton noted that the funds have been placed in this reserve account specifically for this purpose. Ms. Moreland noted there are other water fund reserve accounts.

On motion of Council member Tollett, seconded by Council member Gibson, the meeting was adjourned at 7:30 p.m.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk

Attachment 5

Planning and Community Development

Action Items

Public Hearing – Repeal of Stormwater Management Ordinance

Set Public Hearing – Rezoning and Special Use Permit Expansion

Set Bonds – McDonald’s Site Plan

April 11, 2017

Planning Commission

The Planning Commission held a meeting on March 28, 2017. They continued a public hearing for a Site Plan for Mario’s Pizza in order to construct a parking lot. They voted to conditionally approve the site plan and allow staff to manage the demolition details including bonds and traffic management plan. They also held a public hearing for a rezoning request for Rosemont Manor in order to add an additional acre of Open Space Residential zoning. They recommended approval of the request. A full staff report follows in this packet. They set a public hearing for a rezoning for their March meeting. Their next meeting will be held on Tuesday, April 25, 2017 at 7:30pm.

Berryville Area Development Authority

The BADA held a meeting on Wednesday, March 22, 2017. They continued discussing the Connexion Assisted Living project. They discussed final details including agreements, easement plats, and building elevations. Their next meeting will be scheduled after the applicant receives approval of stormwater management review from the Virginia Department of Environmental Quality.

Architectural Review Board

Due to a lack of agenda items, the April ARB meeting was cancelled. Due to scheduling conflicts, the May meeting has been scheduled for Wednesday, May 10, 2017.

Board of Zoning Appeals

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

BERRYVILLE TOWN COUNCIL

Set Public Hearings – Comprehensive Plan Amendment, Rezoning, Zoning Map Amendment, and Expansion of SUP 02-09

April 11, 2017

An amendment to Chapter 9 Future Land Use and the Future Land Use Map of the Berryville Comprehensive Plan to modify future land uses from DR-2 Residential to Open Space Residential (OSR) on the parcel identified as 14-((A))-10. Rezoning of a portion of this parcel through expansion of the OSR District is currently under consideration.

William Genda, Owner, is requesting a rezoning of a portion of one lot located at 16 Rosemont Manor Lane, identified as Tax Map Parcel number 14-((A))-10 consisting of 1.0 acre of additional Open Space Residential (OSR) Zoning from Detached Residential-2 (DR-2) zoning. RZ 01-17

An amendment to the Zoning Map of the Town of Berryville reconfiguring the zoning of one parcel on Rosemont Manor Lane to include additional Open Space Residential (OSR) zoning from Detached Residential-2 (DR-2) zoning.

William Genda, Owner, is requesting authorization to expand Special Use Permit SUP 02-09 uses per Section 503.1(c) of the Berryville Zoning Ordinance in order to increase activities related to the Country Inn use on the parcel identified as Tax Map Parcel number 14-((A))-10.

Mr. Genda is requesting a rezoning of the property identified above. The applicant's intent is to add an events barn to the southwestern corner of his property for larger (over 250 people) events, specifically weddings. Per Section 503.1(c) of the Berryville Zoning Ordinance, this would require an expansion of existing SUP 02-09.

The process to rezone a parcel also includes a Comprehensive Plan Amendment of the Future Land Use Map and a Zoning Map amendment to identify that portion of the parcel that will be rezoned.

The Berryville Planning Commission held a public hearing on this matter at their March 28, 2017 meeting. Staff received five calls and one visit from adjacent property owners asking for information about the request. All of the residents indicated they were fine with the rezoning and proposed events barn. The Planning Commission recommended that Council approve all of the related actions in order to rezone the property as illustrated on the rezoning exhibit.

The first request is to amend the Comprehensive Plan Future Land Use Map in order to expand the Open Space Residential (OSR) zoning district as illustrated on the exhibit following this staff report. As previously referenced, Mr. Genda has proposed the construction of an events barn in the southwest corner of the property. Staff has

recommended that the OSR be extended to the property lines (Byrd to the west and Jones to the south) as the proposed condition presents several problems including unusable property for future development (e.g., roads, access, and construction of dwelling units) in the DR-2 district and difficulty with zoning enforcement for Country Inn uses outside of the permitted OSR zoning district.

The second action is the rezoning. The area identified on the rezoning exhibit (included in this packet) would expand the Open Space Residential (OSR) zoning district by 1.0 acre. The current zoning applied to the parcel, approximately 10 acres of OSR and the residual Detached Residential-2 (DR-2), is identified on the Berryville Zoning map included after this staff report.

The third action is the Zoning Map Amendment. This would modify the Town of Berryville Zoning Map to reflect the changes approved by Council.

Finally, Council will need to authorize the expansion of the Special Use Permit (SUP 02-09) which was approved in June of 2009. The approval letter for SUP 02-09, including conditions of approval, and Section 503 of the Zoning Ordinance regulates Special Use Permits and are included in this packet.

Recommendation

Set public hearings for the May 9, 2017 meeting.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner WILLIAM GENDA

Owner's Address 16 Rosemont Manor Lane, Berryville, VA 22611

Phone 540-514-5010

Agent (Contact Person) John Lewis Park - Lewis, PLLC

Agent's Address 817 Cedar Creek Grade, Suite 120 Winchester, VA 22601

Phone 540-662-5792

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: reconfiguration and OSR^V EXPANSION from 10 to 11 acres

Tax Map & Parcel Number(s): H-A-10

Size of Project Site: 56 acres

Proposed # of Lots: n/a Existing Zoning OSR

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: W. Genda Date: Feb 8, 2017

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: W. Genda Date: Feb 8, 2017

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

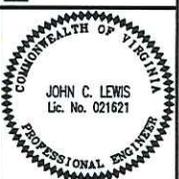
Action Taken: _____

CURVE	ARC	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	171.22'	03°24'01"	2885.00'	85.64'	N63°58'58"W	171.19'
C2	470.00'	24°09'18"	1114.84'	238.54'	S53°36'20"E	466.53'

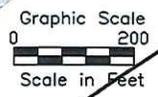


PROJECT:
ROSEMONT MANOR
OPEN SPACE RESIDENTIAL OVERLAY
TM# 14-A-10
TOWN OF BERRYVILLE, VIRGINIA

PAINTER-LEWIS, P.L.C.
 817 Cedar Creek Grade, Suite 120
 Winchester, Virginia 22601
 Telephone (540)662-5792
 Facsimile (540)662-5793
 Email office@painterlewis.com



SURVEY:	C.I.:
N/A	N/A
DRAWN BY:	JOB NO.:
P-L	1702006
SCALE:	DATE:
SHOWN	02/10/17
SHEET:	1/1



Metes and Bounds
Proposed Open Space Residential Zoning Area
Genda Land Holdings, LLC
Rosemont Manor
Berryville, Virginia
TM:14-A-10

Beginning at a point in the north boundary line of Randolph W. Jones and Susan R. Jones, said point being, S 56° 12' 45" E, 659.49 feet from a point in the east line of Westwood Farm, Inc.;

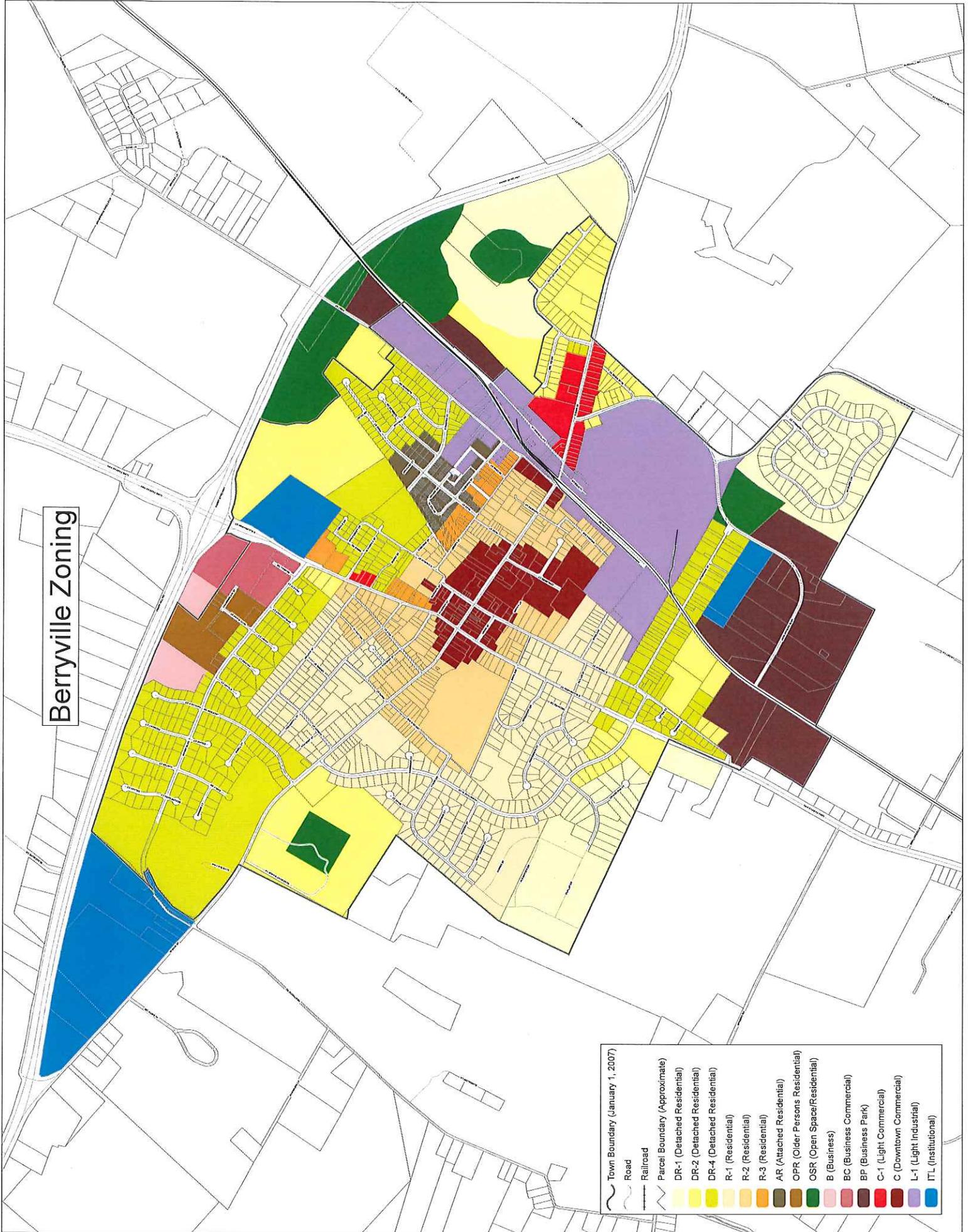
Thence leaving the said line of Randolph W. Jones and Susan R. Jones and running through the land of Genda Land Holdings, LLC the following Seventeen (17) courses and distances:

Thence N 33° 47' 15" E, 50.21 feet; Thence N 56° 11' 41" W, 539.62 feet;
Thence N 26° 58' 13" E, 297.32 feet; Thence S 59° 45' 05" E, 336.78 feet;
Thence S 30° 14' 55" W, 142.49 feet; Thence S 59° 45' 05" E, 166.04 feet;
Thence N 29° 14' 04" E, 170.56 feet; Thence N 59° 29' 23" W, 98.75 feet;
Thence N 26° 01' 28" E, 419.70 feet; Thence S 62° 30' 37" E, 216.04 feet;
Thence N 29° 14' 04" E, 347.59 feet; Thence S 59° 30' 27" E, 177.93 feet;
Thence S 29° 14' 04" W, 382.88 feet; Thence S 59° 50' 13" E, 147.52 feet;
Thence S 27° 30' 19" W, 105.40 feet; Thence N 59° 51' 39" W, 150.70 feet;
Thence S 29° 14' 07" W, 710.61 feet to a point in the line of James A. Stutzman, Jr. Trust;

Thence running with the line of said James A. Stutzman, Jr. Trust and the aforementioned line of Randolph W. Jones and Susan R. Jones, N 56° 12' 45" W, 183.67 feet to the beginning.

Containing 11.000 Acres

Berryville Zoning



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

June 11, 2009

Mr. Chip Schutte
Post Office Box 324
Millwood, Virginia 22646

Dear Chip:

The Berryville Town Council, at their June 9, 2009 meeting, voted to approve the following requests:

The Planning Commission of the Town of Berryville will hold a rezoning public hearing regarding the Rosemont property, Tax Map Parcel 14-A-10, zoned Detached Residential-2 (DR-2) and Open Space Residential (OSR), to clarify and establish the boundaries of the ten (10) acre portion of the property zoned OSR. RZ 01-09

Charles (Chip) Schutte, Agent, is requesting sponsorship of a text amendment to the Town of Berryville Zoning Ordinance in Article VI, establishing Section 601.3(g) allowing "country inn" as a use by Special Permit in the Open Space Residential (OSR) Zoning District. TA 02-09

Charles (Chip) Schutte, Agent, is requesting sponsorship of a text amendment to the Town of Berryville Zoning Ordinance in Article I, Section 102, establishing a definition for "country inn". TA 03-09

Charles (Chip) Schutte, Agent, is requesting sponsorship of a text amendment to the Town of Berryville Zoning Ordinance in Article III, establishing Section 307.3(g) defining signage allowances for commercial uses under an approved Special Use Permit in the Open Space Residential (OSR) zoning district. TA 04-09

Charles (Chip) Schutte, Agent, is requesting approval of a Special Use Permit in order to operate a Country Inn on the Rosemont parcel located at 16 Rosemont Manor Lane, identified as Tax Map Parcel number 14-A-10 on the portion zoned Open Space Residential (OSR). SUP 02-09

(continued)

Wilson Kirby
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Lawrence Russell, III
Ward 1

H. Allen Kitselman, III
Ward 2

Mary L. Daniel
Ward 3

Gail Smith
Ward 4

Keith R. Dalton
Town Manager

The Special Use Permit was approved with the following conditions:

1. All activities associated with the approved Special Use Permit shall be contained within the Open Space Residential (OSR) zoning district;
2. No outside/event related activities may occur between the hours of 11:00pm and 8:00am;
3. The removal of any mud or debris from vehicles exiting the parcel shall be cleaned from the public right-of-way on West Main Street per regulations established in the *Virginia Erosion and Sediment Control Handbook*;
4. The parking area designated for special events shall not be paved;
5. There shall be no access provided for the Special Permit use from Tyson Drive;
6. Final approval contingent upon Virginia Department of Transportation approval of the site entrance (letter attached); and
7. Any screening plants in place on the site at the time of this approval shall only be removed if necessitated by plant death or disease. Replacement of screening plant material shall be planted to replace those removed in a timely manner.

Per Section 503.3 of the Town of Berryville Zoning Ordinance, any authorized activities approved with the Special Use Permit shall be established within two years of the approval date.

If I can be of further assistance, please contact me at planner@berryvilleva.gov or 955-4081.

Sincerely,



Christy Dunkle
Assistant Town Manager

Cc: Wilson Kirby, Mayor
Harold Rohde, Chair, Berryville Planning Commission
Keith Dalton, Town Manager
Bobby Boyce, VDOT
William Genda (via e-mail)
Sue and Randy Jones

Enc./1



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

LURAY RESIDENCY
P.O. BOX 908
LURAY, VIRGINIA 22835

June 10, 2009

David S. Ekern, PE
COMMISSIONER

Ms. Christy Dunkle
Town of Berryville
101 Chalmers Court, Suite A
Berryville, Virginia 22611

Jeffery A. Lineberry, PE
RESIDENT ENGINEER
TEL (540) 743-6585
FAX (540) 743-7249

REF: Rosemont Inn
Route 7 – Town of Berryville

Dear Ms. Dunkle,

We have reviewed the existing entrances for the above referenced rezoning and we have no overall objections. However, neither of the existing entrances meet the State's minimum entrance design requirements. The "main" entrance to this facility also does not satisfy the minimum sight distance requirements.

Any of the two entrances which are proposed to remain open must be upgraded to meet the current edition of VDOT's *Minimum Standards of Entrances to State Highways* for both geometry and sight distance. The minimum sight distance required for an entrance at this location is 390'. Currently, the sight distance at the "main" entrance is limited to 200' to the east and 190' to the west. In order to obtain the minimum required sight distance the existing rock wall and slope will need to be removed.

The applicant will need to obtain a Land Use Permit to perform work within the State's right-of-way. The permit is issued through this office and will require an engineered plan, surety (bond), and fee to cover the cost of processing and inspection.

If you have any questions, need further information, or would like to meet and discuss our comments, please give me a call at (540) 743-6585.

Sincerely,

Arthur R. Boyce, III

Arthur R. Boyce, III
Land Development Manager

ARB/arb
cc: File

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.

BERRYVILLE TOWN COUNCIL
Set Bonds – McDonald’s Site Plan
April 11, 2017

Kimley-Horn and Associates, Inc. is requesting approval of the bond amounts for the McDonald’s Site Plan on the parcel located at 420 McNeil Drive, identified as Tax Map Parcel number 14-((5))-251F, zoned BC Business Commercial.

Bonds are required for public improvements and erosion and sediment control prior to land disturbance on respective properties under development as established in Section 314.8 of the Berryville Zoning Ordinance.

The following amounts have been reviewed and recommended by consulting engineers Pennoni Associates:

- | | |
|--------------------------------|--------------|
| - Public Improvements | \$138,083.13 |
| - Erosion and Sediment Control | \$11,682.00 |

The following items follow this report:

- Memo from Sean Millot, P.E. of Kimley-Horn and Associates;
- Public Improvements Bond Estimate;
- Erosion and Sediment Control Bond Estimate; and
- Motion.

Recommendation

Approve the bond amounts identified in the request included in this staff report. A motion follows this report.



MEMORANDUM

To: Town of Berryville
From: Sean Millot, P.E.
Kimley-Horn and Associates, Inc.
Date: April 6, 2017
Subject: McDonald's Berryville – Bond Estimates

Per Kimley-Horn's second submission to the Town of Berryville on February 21, 2017, the following bond estimates apply to the McDonald's Berryville project:

- Public Improvements: \$138,083.13
- Erosion and Sediment Control: \$11,682

Both bond estimates are attached for review.

Public Improvements Bond Estimate

Item	Unit	Unit Cost	Quantity	Extension
8" PVC Water Line	LF	\$ 102.00	410	\$ 41,820.00
2" Water Line	LF	\$ 60.00	35	\$ 2,100.00
6" Water Line	LF	\$ 90.00	35	\$ 3,150.00
10"x8"x8" Tapping Sleeve	EA	\$ 4,000.00	1	\$ 4,000.00
8" Gate Valve	EA	\$ 1,200.00	1	\$ 1,200.00
6" Gate Valve	EA	\$ 900.00	1	\$ 900.00
Hydrant	EA	\$ 4,500.00	1	\$ 4,500.00
8"x6" Tee	EA	\$ 3,500.00	1	\$ 3,500.00
2" Corp. Stop	EA	\$ 672.00	1	\$ 672.00
2" Gate Valve	EA	\$ 500.00	1	\$ 500.00
Blowoff Valve	EA	\$ 500.00	1	\$ 500.00
8" PVC Sanitary Sewer Line	LF	\$ 45.00	81	\$ 3,645.00
Modify Existing Sanitary Sewer Manhole	EA	\$ 600.00	1	\$ 600.00
Sanitary Sewer Manhole	EA	\$ 3,500.00	1	\$ 3,500.00
Mill and Overlay (Surface Course SM-9.5A, 2")	SY	\$ 14.00	1465	\$ 20,510.00
Full Pavement Replacement	SY	\$ 35.00	360	\$ 12,600.00
Pavement Marking	LF	\$ 2.25	150	\$ 337.50
Curb and Gutter	LF	\$ 26.00	32	\$ 832.00
Repair Cracked Curb	LS	\$ 1,500.00	1	\$ 1,500.00
Sidewalk	SY	\$ 50.00	82	\$ 4,100.00

SUBTOTAL \$ 110,466.50

25% CONTINGENCY \$ 27,616.63

GRAND TOTAL \$ 138,083.13

Erosion and Sediment Control Bond Estimate

Item	Unit	Unit Cost	Quantity	Extension
Construction Entrance with Wash Rack	EA	\$ 3,620.00	1	\$ 3,620.00
Silt Fence	LF	\$ 3.60	515	\$ 1,854.00
Inlet Protection	EA	\$ 180.00	7	\$ 1,260.00
Permanent Seeding	AC	\$ 2,410.00	0.25	\$ 602.50
Temporary Seeding	AC	\$ 1,810.00	1.11	\$ 2,009.10

SUBTOTAL \$ 9,345.60

25% CONTINGENCY \$ 2,336.40

GRAND TOTAL \$ 11,682.00

**BERRYVILLE TOWN COUNCIL
MOTION FOR APPROVAL OF
PUBLIC IMPROVEMENT AND EROSION AND SEDIMENT CONTROL BONDS
FOR THE McDONALD'S SITE DEVELOPMENT**

Date: April 11, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the request to set the following bonds for the McDonald's development located at 420 McNeil Drive and identified as Tax Max Parcel number 14-((5))-251F as follows:

Public Improvements:	\$138,038.13
Erosion and Sediment Control:	\$11,682.00

VOTE:

Aye:

Nay:

ATTEST:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL

Cruise-In

April 11, 2017

Berryville Main Street hosted the inaugural Cruise-In event in August 2016. With approximately 250 participants, the event was very successful and drew a number of spectators to Berryville. They would like to hold the event again this year on Saturday, August 26th and are requesting the closure of Main Street and a portion of Church Street and the use of Hogan's Alley located on West Main Street. Town Police, Planning, Public Works, and Administrative staff met with C.T. Hardesty and Mary Liz McCauley who are representing Berryville Main Street and discussed the following items:

- Street closure and signage (they would like to close the streets from 2:00pm to 7:30pm with the event being held from 4:00pm to 7:00pm);
- Liability insurance coverage;
- Portable toilets to be placed in Hogan's Alley;
- The need for cardboard trash containers.

Town staff will forward the requisite documents to VDOT for review and approval of the street closure for the event.

Mr. Hardesty and Ms. McCauley will be at the Council meeting to discuss the event and answer any questions Council members may have.

Recommendation

Approve the request of Berryville Main Street to hold the event downtown on Saturday, August 26, 2017.

Attachment 6

BERRYVILLE TOWN COUNCIL
Budget & Finance Committee
Regular Meeting
Tuesday, March 28, 2017
Berryville-Clarke County Government Center
10:30 a.m.

MINUTES

Roll:

Town Council:

Present: Erecka Gibson, Chair; Patricia Dickinson

Staff: Keith Dalton, Town Manager; Ann Phillips, Town Clerk

Others: Betsy Hedrick and Melissa Brohan of PB Mares; Harry Lee Arnold, Jr.

Press: Cathy Kuehner

1. Call to Order

Chair Gibson called the continued meeting to order at 10:30a.m.

2. Approval of Agenda

The agenda was approved as presented.

3. Discussion – Audit Services

Ms. Gibson noted the attendance of Ms. Hedrick and Ms. Brohan for an entrance conference in reference to the upcoming audit for mapping of internal controls. She said the discussion would include the objectives, scope, timing, and point of contacts for the audit. Ms. Gibson noted the objectives of safeguarding the Town's assets and obtaining a product that staff can use and update. She also noted the two areas of focus would be cash disbursements and procurement.

Ms. Hedrick provided a sample (attached) of the reporting that will be delivered at the end of the audit. Ms. Brohan discussed the map and the narrative that will be delivered. Ms. Gibson requested that the reporting include the existing policies and procedures including the last amended date. Ms. Gibson also requested that a list of related reports, such as the Treasurer's report, be included.

The Committee and staff discussed FOIA requirements concerning the audit. Mr. Dalton said that legal counsel has advised that the audit information is not privileged and could be subject to the FOIA. He noted that the question answered by Mr. Mitchell was quite general in nature and that any release would be reviewed in order to protect privileged information. The Committee decided that the Treasurer will be the main contact, with the Town Manager and Town Clerk copied on all correspondence from the auditors.

It was agreed that a draft of the audit report will be delivered by the end of April, with a finalized report being issued by mid-May. The Committee set an exit conference with PB Mares staff on May 8, 2017, at 10:30 am, to review the draft audit report. It was agreed that PB Mares staff will attend the June 13 Town Council Meeting to present the final report.

4. Adjourn

There being no further business, the meeting was adjourned at 11:15 am.

TOWN OF BERRYVILLE, VIRGINIA

**INTERNAL AUDIT OF CASH DISBURSEMENTS
AND PROCUREMENT**

MAY __, 2017

TOWN OF BERRYVILLE, VIRGINIA

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Procurement Process Narrative and Mapping	4
Cash Disbursements Process Narrative and Mapping	5
Issues and Recommendations	6

May __, 2017

To the Honorable Members of Town Council
Town of Berryville
101 Chalmers Court
Berryville, Virginia 22611

Pursuant to our Internal Audit Services Agreement RFP #FIN-2017-001, we hereby present the internal audit of the Town of Berryville's (Town) cash disbursements and procurement processes. Our report is summarized into the following sections:

- ❖ Overview
- ❖ Objectives and Approach
- ❖ Procurement Process Narrative and Mapping
- ❖ Cash Disbursements Process Narrative and Mapping
- ❖ Issues and Recommendations

We appreciate the courtesies and cooperation extended to us from all of those involved in assisting us in connection with our internal audit.

Respectfully submitted,

PBMares, LLP

Harrisonburg, Virginia

TOWN OF BERRYVILLE, VIRGINIA

OVERVIEW

The Town of Berryville, Virginia (Town) contracted with PBMares, LLP to review and assess the Town's cash disbursement and procurement processes, provide process and control documentation and mapping, define any significant risks and assess how they are managed, assess the controls in place and identify any significant failings or weaknesses, consider whether the findings indicate a need for more extensive monitoring of the system of internal controls and provide examples of best practices to remediate the deficiencies. The internal audit included, but was not limited to, the following procedures: reviewing and analyzing existing policies and procedures, interviewing key personnel, documentation and mapping of processes and detailed transaction testing of cash disbursements and procurements for the period from _____, 2016 through _____, 2017. Our approach focused on determining whether proper controls exist and whether existing controls are appropriate for mitigating certain financial and operational inherent risks.

Overall, the Town's internal controls were found to be _____ designed and _____ operating _____. While internal control weaknesses were found, the testing did not identify any instances of fraud or abuse of Town funds. The internal audit team identified the following areas where internal controls need improvement:

- 1.
- 2.

The recommendations provided focus principally on the need for the revision of policies and procedures that more accurately reflect current practices in place and increase desired levels of controls and oversight.

The internal audit team discussed observations and recommendation with the Town's _____ in meetings conducted on April __, 2017 and May __, 2017.

TOWN OF BERRYVILLE, VIRGINIA

OBJECTIVES AND APPROACH

I. Objectives and Scope

The objective of our internal audit focused on reviewing the control environment related to the cash disbursements and procurement processes. This internal audit covered the following areas:

II. Approach

Our audit approach consisted of three phases:

A. Understanding and Documentation of the Processes

During this phase, we conducted interviews with _____. We discussed scope and objectives of the audit work, obtained existing policies and established fieldwork dates.

B. Detailed Testing

The purpose of this phase was to test compliance and internal controls, based on our understanding of the applicable Virginia and Town code, policies and procedures. Our fieldwork was conducted utilizing auditing techniques to meet our audit objectives. Specific procedures performed included:

C. Reporting

At the conclusion of our audit, we summarized our observations related to the processes and conducted exit conferences with management. Issues and recommendations are included in this report.

TOWN OF BERRYVILLE, VIRGINIA

PROCUREMENT PROCESS NARRATIVE AND MAPPING

I. Sub-Processes

- A. New Vendor Setup
- B. Procurement Credit Card Maintenance
- C. Purchasing
- D. Invoicing

II. Key Personnel Involved in the Process

- A. Desiree A. Moreland, Assistant Town Manager/Treasurer
- B.

III. Related IT Systems/Applications

IV. Mapping and Narrative

TOWN OF BERRYVILLE, VIRGINIA

CASH DISBURSEMENTS PROCESS NARRATIVE AND MAPPING

I. Sub-Processes

- A.
- B.

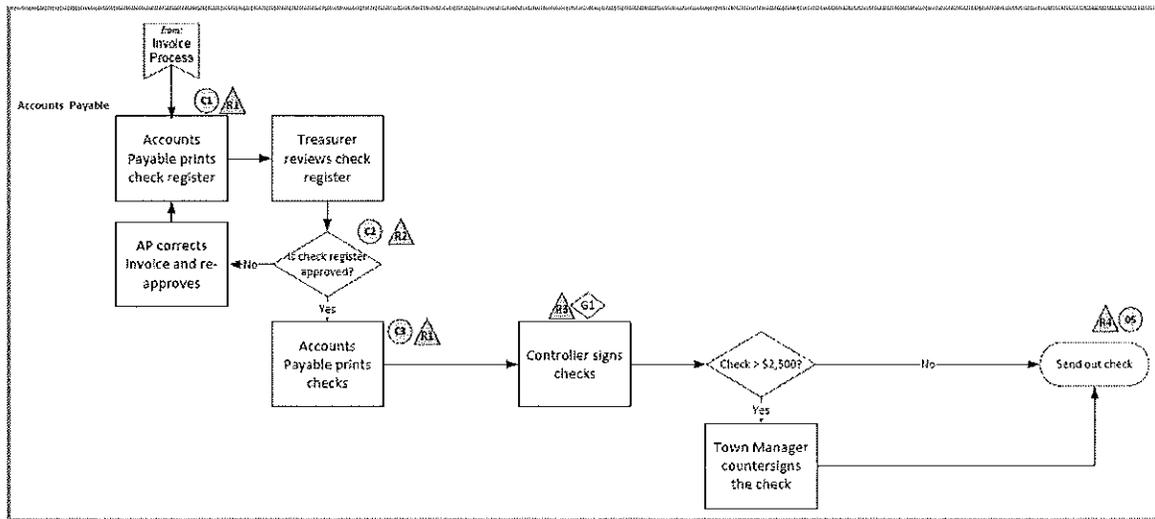
II. Key Personnel Involved in the Process

- A. Desiree A. Moreland, Assistant Town Manager/Treasurer
- B.

III. Related IT Systems/Applications

IV. Mapping and Narrative

Cash Disbursement



Accounts Payable prints the check register. The Treasurer reviews the register and signs off with their initials. If the register does not pass review, the check is voided and sent back to Accounts Payable for corrections and then the check register is reprinted. If the register passes the review, the checks are signed by the Treasurer. If the amount is greater than \$2,500, checks are countersigned by the Town Manager.

TOWN OF BERRYVILLE, VIRGINIA

ISSUES AND RECOMMENDATIONS

The following table provides a summary of the issues identified during our procedures. We have assigned a relative risk rating to each issued identified. The definitions of the risk ratings are provided below. This is the evaluation of the severity of the concern and potential impact. Items are rated as High, Moderate, or Low.

- *High Risk Items* are considered to be of immediate concern and could cause significant issues if not addressed in a timely manner.
- *Moderate Risk Items* may also cause operational issues and do not require immediate attention, but should be addressed as soon as possible.
- *Low Risk Items* could escalate into operational issues, but can be addressed through the normal course of conducting business.

Procurement Process		
Ratings	Issues	Recommendations

Cash Disbursements Process		
Ratings	Issues	Recommendations

Attachment 7

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: MONTHLY REPORTS
DATE: 4/7/2017
CC: KEITH DALTON, TOWN MANAGER

A/P Check Listing

Checks issued in March 2017.

Bank of America/P-Card Statement

February 2017 P-Card Purchases that were paid on March 25, 2017.

At the April 11, 2017 meeting we need to:

- **Set Real Estate, Personal Property and Machinery & Tools tax rates for 2017**
First half real estate tax bills will be due June 5, 2017. The Commissioner of Revenue will run the 2017 Real Estate tax book after the Board of Supervisor's set the county tax rates at their April 18th meeting. Once we receive the assessment file it is sent to our software company so the data can be converted and imported into our billing module. This conversion takes between 10 and 20 working days. Virginia Code requires that tax bills be mailed no later than 14 days prior to the due date (May 22).
- **Set PPTRA rate for 2017**
- **Set a Public Hearing for May 9, 2017 for the FY17-18 Budget**

A/P Check Listing

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

Date From - 3/1/2017 Date To - 3/31/2017

Town of Berryville
04/05/2017 09:49 AM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
4055	1	Rappahannock Electric Cooperative	03/02/2017	\$17,506.23
4056	1	The Winchester Star	03/02/2017	\$479.16
4057	1	Minnesota Life Insurance Co,	03/02/2017	\$140.16
4058	1	VMCA	03/02/2017	\$275.00
4059	1	Nationwide Retirement Solutions	03/02/2017	\$680.00
4060	1	Douglas A. Shaffer	03/15/2017	\$190.00
4061	1	Gwen Malone	03/15/2017	\$40.00
4062	1	Debra Zimmerman	03/15/2017	\$40.00
4063	1	Treasurer of Virginia, Sec of the Commonwealth	03/15/2017	\$45.00
4064	1	Kim S. Kemp	03/15/2017	\$40.00
4065	1	Sheryl Reid	03/15/2017	\$40.00
4066	1	Dale A. Barton	03/15/2017	\$40.00
4067	1	Lincoln Financial Group	03/15/2017	\$708.65
4068	1	Michelle K. Marino	03/15/2017	\$40.00
4069	1	Merritt's Sanitation	03/15/2017	\$320.00
4070	1	Michelle M. Jones	03/15/2017	\$1,732.50
4071	1	William Steinmetz	03/15/2017	\$40.00
4072	1	Hall, Monahan, Engle, Mahan & Mitchell	03/15/2017	\$1,567.50
4073	1	Rappahannock Regional Criminal Justice Academy	03/15/2017	\$409.73
4074	1	Treasurer of Frederick County	03/15/2017	\$2,780.40
4075	1	Herbert L. Beskin, Trustee	03/15/2017	\$106.00
4076	1	Bureau for Child Support Enforcement	03/15/2017	\$875.00
4077	1	Hach Chemical Company	03/15/2017	\$2,697.00
4078	1	Keith Dalton	03/15/2017	\$100.00
4079	1	Nationwide Retirement Solutions	03/15/2017	\$680.00
4080	1	ENTERPRISE FM TRUST 1661	03/15/2017	\$82.72
4081	1	CLAUDIO GERARDO AVALOS	03/15/2017	\$148.80
4082	1	JAMES HAROLD BAKER	03/15/2017	\$72.60
4083	1	DAVID O RAMSBURG JR	03/15/2017	\$14.60
4084	1	Jno. S. Solenberger & Co., Inc	03/23/2017	\$89.03

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH
Date From - 3/1/2017 Date To - 3/31/2017

Town of Berryville
04/05/2017 09:49 AM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
4085	1	USPS	03/23/2017	\$745.64
4086	1	CLARKE COUNTY GENERAL DISTRICT COURT	03/23/2017	\$240.00
4087	1	Rappahannock Electric Cooperative	03/23/2017	\$6,348.65
4088	1	VUPS	03/23/2017	\$45.15
4089	1	Minnesota Life Insurance Co.	03/23/2017	\$140.16
4090	1	Bureau for Child Support Enforcement	03/23/2017	\$875.00
4091	1	Virasec, LLC	03/23/2017	\$1,692.14
4092	1	Nationwide Retirement Solutions	03/23/2017	\$680.00
4093	1	STEPHEN KENNEDY	03/23/2017	\$123.40
4094	1	ROBERT CHARNLEY	03/23/2017	\$23.80
4095	1	ERA OAK CREST REALTY	03/23/2017	\$205.00
41	Checks Totalling -			\$43,099.02

Totals By Fund

	Checks	Voids	Total
100	\$17,587.91		\$17,587.91
501	\$6,590.17		\$6,590.17
502	\$18,920.94		\$18,920.94
Totals:	\$43,099.02		\$43,099.02



BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 XXXX-XXXX-XXXX-
 February 01, 2017 - February 28, 2017

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 02/28/17 Payment Due Date 03/25/17 Days in Billing Cycle 28 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$56,748.54	Previous Balance \$63,197.61 Payments -\$63,197.61 Credits -\$1,306.08 Cash \$0.00 Purchases \$58,054.62 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 \$56,748.54

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 03/24/17.

Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK XXXX-XXXX-XXXX- 15,000	0.00	0.00	6,730.10	6,730.10
BOOTH, KEVIN XXXX-XXXX-XXXX- 1,000	0.00	0.00	127.92	127.92

6319761 5674854 5674854 4715291201837237



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



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

**N0025256

Account Number: XXXX-XXXX-XXXX-
 February 01, 2017 - February 28, 2017

Total Payment Due \$56,748.54
Payment Due Date 03/25/17

Enter payment amount

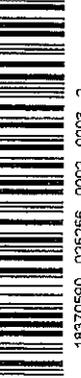
\$

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

⑆5499900⑆ 11:0005⑆ 201837237⑆

Cardholder Activity Summary				
<i>Account Number</i>	<i>Credits</i>	<i>Cash</i>	<i>Purchases and Other Debits</i>	<i>Total Activity</i>
BRISTOL, TIM XXXX-XXXX-XXXX- 500	0.00	0.00	30.00	30.00
BUSSERT, ERNIE XXXX-XXXX-XXXX- 500	0.00	0.00	476.45	476.45
CAPPO, JEFF XXXX-XXXX-XXXX- 15,000	0.00	0.00	10,792.76	10,792.76
DUNKLE, CHRISTY XXXX-XXXX-XXXX- 500	0.00	0.00	77.42	77.42
ELLIOTT, RALPH XXXX-XXXX-XXXX- 5,000	0.00	0.00	937.51	937.51
FERREBEE, DARRELL XXXX-XXXX-XXXX- 500	0.00	0.00	101.95	101.95
FIDDLER, HEATHER XXXX-XXXX-XXXX- 15,000	0.00	0.00	343.19	343.19
LICKEY, PATRICK XXXX-XXXX-XXXX- 500	0.00	0.00	134.85	134.85
LILLY, STEPHEN XXXX-XXXX-XXXX- 500	0.00	0.00	16.62	16.62
LINK, BRIAN XXXX-XXXX-XXXX- 1,000	0.00	0.00	391.72	391.72
MCCORMICK, HARRY XXXX-XXXX-XXXX- 500	0.00	0.00	6.36	6.36
MORELAND, DESIREE XXXX-XXXX-XXXX- 50,000	0.00	0.00	22,402.43	22,402.43



18370590 - 025256 - 0002 - 0003 - 2

Transactions

Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
02/07	02/06	HD SUPPLY WATERWORKS 514 3042636986 WV	24792627037206122900089	5039	4,805.19	
02/09	02/08	VA DMV BERRYVILLE LICENSEBERRYVILLE VA	24755427040120402464861	9399	5.00	
02/22	02/21	JAMAR TECHNOLOGIES INC 215-3612244 PA	24512397053482200039110	5046	818.11	
02/27	02/24	PMSI 703-723-2899 VA	24632697056500532252286	7342	74.00	
02/28	02/27	FROGALE LUMBER SUPPLY WINCHESTER VA	24801977059006000088689	5211	945.80	
BOOTH, KEVIN						Total Activity
Account Number: XXXX-XXXX-XXXX-						127.92
02/16	02/15	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231687047400031002027	5251	31.96	
02/20	02/17	FISHER AUTO PARTS 009 BERRYVILLE VA	24431067049200824300229	5533	95.96	
BRISTOL, TIM						Total Activity
Account Number: XXXX-XXXX-XXXX-						30.00
02/17	02/14	FESTIVAL DRY CLEANERS BERRYVILLE VA	24707807047980002850529	7216	30.00	
BUSSERT, ERNIE						Total Activity
Account Number: XXXX-XXXX-XXXX-						476.45
02/08	02/07	VA DPOR 804-3678597 VA	24755427038170383395356	9399	80.00	
02/10	02/09	DR WANLESS AND ASSOCIATES336-538-2262 NC	24247607040300428957527	8299	344.00	
02/10	02/09	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231687041400010648523	5251	31.97	
02/10	02/09	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977041091402000079	5251	20.48	
CAPPO, JEFF						Total Activity
Account Number: XXXX-XXXX-XXXX-						10,792.76
02/01	01/31	COYNE CHEMICAL 215-785-3000 PA	24224437032101030344495	5169	478.94	
02/01	01/31	VA DPOR 804-3678597 VA	24755427031170312882422	9399	80.00	
02/03	02/02	USA BLUE BOOK 800-548-1234 IL	24326847033636000067101	5085	259.03	
02/07	02/06	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435657037206649500016	5251	224.00	
02/08	02/07	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435657038206649600013	5251	564.00	
02/08	02/07	JOINER MICRO LABORATORIE 540-347-7212 VA	24435657039200389600043	7399	2,205.00	
02/08	02/07	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977039091408000077	5251	49.94	
02/09	02/07	RIDDLEBERGER BROTHERS 540-434-1731 VA	24638187039701299002041	1711	1,134.00	
02/09	02/07	TENCARVA MACHINERY CO 336-6651435 NC	24707807039080080397905	5085	418.69	
02/09	02/08	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435657039206649900016	5251	695.34	
02/10	02/09	THE BODY WORKS OF BERRYVIBERRYVILLE VA	24388957040980000366375	7531	947.63	
02/13	02/10	USA BLUE BOOK 800-548-1234 IL	24326847041636000070931	5085	122.01	
02/13	02/10	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231687042400030990136	5251	7.38	
02/15	02/14	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977046091402000074	5251	12.73	
02/16	02/15	USA BLUE BOOK 800-548-1234 IL	24326847046636000066645	5085	146.78	
02/17	02/15	AERZEN USA CORPORATION 610-3800244 PA	24073147047900017544922	5085	1,555.07	
02/17	02/16	CUMMINS ATLANTIC #9 CLOVERDALE VA	24445007048600204594617	5046	1,578.62	
02/22	02/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977053091405000105	5251	116.44	
02/23	02/22	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977054091407000060	5251	4.90	
02/27	02/24	EMMART OIL CO 540-743-3835 VA	24427337056710006594574	5983	192.26	
DUNKLE, CHRISTY						Total Activity
Account Number: XXXX-XXXX-XXXX-						77.42
02/17	02/16	SAKAE THAI SUSHI BAR FREDERICKSBURVA	24431067048207521701006	5812	12.73	
02/20	02/16	WINGATE BY WYNDHAM FREDERICKSBURVA	24013397048002430927884	3722	64.69	
Arrival: 02/15/17						
ELLIOTT, RALPH						Total Activity
Account Number: XXXX-XXXX-XXXX-						937.51
02/06	02/03	KORMAN SIGNS INC 999-9999999 VA	240731470336900013000146	5099	196.96	
02/16	02/15	THE BLOSSMAN COMPANIES INOCEAN SPRINGSMS	24247607046300450609099	5983	345.60	
02/24	02/23	JNO. S SOLENBERGER AND C WINCHESTER VA	24138297055400009487797	5251	69.99	
02/27	02/24	SIGNET SCREEN PRINTING & 540-6659651 VA	24073147057900019200090	7333	108.76	
02/28	02/27	LOWES #02724* WINCHESTER VA	24692167058000803505362	5200	216.20	
FERREBEE, DARRELL						Total Activity
Account Number: XXXX-XXXX-XXXX-						101.95
02/02	02/01	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977033091406000307	5251	1.95	
02/08	02/06	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767897038299200604839	5533	36.00	
02/20	02/17	VA DMV WINCHESTER CSC WINCHESTER VA	24755427049120492344628	9399	64.00	
FIDDLER, HEATHER						Total Activity
Account Number: XXXX-XXXX-XXXX-						343.19
02/01	01/31	USPS PO 5107560300 BERRYVILLE VA	24445007032000691653976	9402	23.80	
02/03	02/03	Amazon web services aws.amazon.coWA	24692167034000551588643	7399	0.57	
02/07	02/06	USPS PO 5107560300 BERRYVILLE VA	24445007038000665421354	9402	1.82	
02/14	02/13	USPS PO 5107560300 BERRYVILLE VA	24445007045000817547560	9402	27.00	
02/17	02/16	SECRETARY OF THE COMMONWE804-2253759 VA	24755427048120484047750	9399	45.00	
02/22	02/21	USPS PO 5107560300 BERRYVILLE VA	24445007053000749011742	9402	245.00	
LICKEY, PATRICK						Total Activity
Account Number: XXXX-XXXX-XXXX-						134.85
02/02	02/01	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977033091406000240	5251	5.85	

Transactions						
Date	Date	Description	Reference Number	MCC	Charge	Credit
Posting Transaction						
02/24	02/23	ALTMED MEDICAL CTR- FR FRONT ROYAL VA	24493987054286693400105	8011	85.00	
02/27	02/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977056091400000123	5251	44.00	
LILLY, STEPHEN						Total Activity
Account Number: XXXX-XXXX-XXXX-						16.62
02/01	01/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977032091404000144	5251	16.62	
LINK, BRIAN						Total Activity
Account Number: XXXX-XXXX-XXXX-						391.72
02/03	02/02	FISHER AUTO PARTS 009 BERRYVILLE VA	24431067034200824000099	5533	16.33	
02/13	02/10	JNO. S SOLENBERGER AND C WINCHESTER VA	24138297042400009424432	5251	17.64	
02/16	02/15	JNO. S SOLENBERGER AND C WINCHESTER VA	24138297047400009451737	5251	194.18	
02/17	02/16	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977048091406000219	5251	46.99	
02/20	02/17	FISHER AUTO PARTS 009 BERRYVILLE VA	24431067049200824300054	5533	116.58	
MCCORMICK, HARRY						Total Activity
Account Number: XXXX-XXXX-XXXX-						6.36
02/22	02/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977053091405000360	5251	6.36	
MORELAND, DESIREE						Total Activity
Account Number: XXXX-XXXX-XXXX-						22,402.43
02/14	02/10	TelRite Corporation COVINGTON GA	24393497044003295505320	4814	9.05	
02/15	02/14	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431057045083706046507	4900	19,567.54	
02/15	02/14	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431057045083701302525	4900	130.00	
02/15	02/14	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431057045083753307349	4900	1,901.28	
02/15	02/15	COMCAST OF WINCHESTER 800-COMCAST VA	24692167046000455895280	4899	74.90	
02/15	02/14	VA DMV ONLINE BILLING PAY804-3670595 VA	24755427046120466975921	9399	40.00	
02/16	02/15	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692167046000684103407	4899	172.44	
02/16	02/15	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692167046000684103415	4899	132.29	
02/16	02/15	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692167046000684103423	4899	374.93	
PHILLIPS, ANN W						Total Activity
Account Number: XXXX-XXXX-XXXX-						71.51
02/06	02/03	STAPLS7170628441000001 877-8267755 NJ	24164077034105021853160	5111	26.15	
02/06	02/03	STAPLS7170628441000002 877-8267755 NJ	24164077034105971853160	5111	9.98	
02/16	02/15	STAPLS7171280219000001 877-8267755 NJ	24164077046105142814493	5111	35.38	
REYNOLDS, CHARLES						Total Activity
Account Number: XXXX-XXXX-XXXX-						38.74
02/03	02/02	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977034091408000262	5251	31.10	
02/20	02/17	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767897050366700624543	5533	7.64	
SHOREMOUNT, JOSEPH E						Total Activity
Account Number: XXXX-XXXX-XXXX-						81.95
02/02	01/31	PIZZA HUT 000-0000000 VA	24164077032096380356931	5812	17.18	
02/02	02/01	NINJA HIBACHI GLEN ALLEN VA	24247607032300463615048	5812	15.30	
02/02	02/01	ARBYS 1841 RICHMOND VA	24431067033286788800179	5814	9.82	
02/06	02/02	BUFFALO WILD WINGS RICHMOND VA	24692167034000657485637	5814	18.89	
02/06	02/02	SILVER DINER GLEN ALLEN VA	24055237034207288700332	5812	12.90	
02/06	02/04	BURGER KING #8212 FREDERICKSBURVA	24186167035200099401109	5814	7.86	
STOVER, KEITH						Total Activity
Account Number: XXXX-XXXX-XXXX-						290.86
02/01	01/31	LOWES #02724* WINCHESTER VA	24692167031000974787114	5200	130.88	
02/01	01/31	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231687032400030971955	5251	70.72	
02/02	02/01	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412907032980005623825	5599	70.90	
02/07	02/06	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412907037980005623853	5599	9.26	
02/15	02/14	TELTRONIC-WINCHESTER 3014688500 VA	24323007045091568000013	5065	9.10	
TYRRELL, DAVE						Total Activity
Account Number: XXXX-XXXX-XXXX-						12,606.48
02/01	01/24	COYNE CHEMICAL 215-785-3000 PA	24224437032101030344370	5169	668.52	
02/01	01/31	USA BLUE BOOK 800-548-1234 IL	24326847031636000078324	5085	821.71	
02/03	02/01	EXXONMOBIL 48197024 BERRYVILLE VA	24164057033378018185754	5542	31.25	
02/03	02/02	TRICK TRUCKS & CAR'S WINCHESTER VA	24228997033980029169346	5533	1,601.00	
02/03	02/02	VA DMV BERRYVILLE LICENSEBERRYVILLE VA	24755427034120342006374	9399	5.00	
02/06	02/03	VA DPOR 804-3678597 VA	24755427034260342453745	9399	80.00	
02/06	02/03	USA BLUE BOOK 800-548-1234 IL	24326847034636000070559	5085	607.45	
02/07	02/06	VALLEY HOME CARE WINCHESTER VA	24755427037160373302299	5047	45.00	
02/10	02/08	EXXONMOBIL 48197024 BERRYVILLE VA	24164057040378019959794	5542	25.00	
02/10	02/09	COYNE CHEMICAL 215-785-3000 PA	24224437041101029395101	5169	2,013.54	
02/13	02/12	AWWA.ORG 303-347-6197 CO	24692167043000705286929	8398	67.50	
02/14	02/13	USA BLUE BOOK 800-548-1234 IL	24326847044636000067637	5085	133.14	
02/14	02/14	WAREHOUSE LIGHTING COM L 414-525-9027 WI	24493987045200025200341	5719	124.73	
02/14	02/13	CLARKE CO HEALTH DEPT 540-9551033 VA	24755427044150449289506	8099	90.98	
02/15	02/14	COYNE CHEMICAL 215-785-3000 PA	24224437046101033292877	5169	1,306.08	
02/15	02/14	COYNE CHEMICAL 215-785-3000 PA	74224437046101033292898	5169		
						1,306.08



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Transactions

Posting Transaction							
Date	Date	Description	Reference Number	MCC	Charge	Credit	
02/16	02/15	AMAZON MKTPLACE PMTS AMZN.COM/BILLWA	24692167046000781731142	5942	22.29		
02/20	02/17	EXXONMOBIL 48197024 BERRYVILLE VA	24164057049378021207555	5542	28.50		
02/20	02/18	VA DEPARTMENT OF STATE PO804-6742000 VA	24755427050120503586346	9399	15.00		
02/23	02/22	AMAZON.COM AMZN.COM/BILL AMZN.COM/BILLWA	24431067054083759534539	5942	50.46		
02/27	02/24	COYNE CHEMICAL 215-785-3000 PA	24224437056101037035170	5169	1,365.40		
02/27	02/14	COYNE CHEMICAL 215-785-3000 PA	24224437056101037035097	5169	1,808.35		
02/27	02/24	COYNE CHEMICAL 215-785-3000 PA	24224437056101037035196	5169	642.52		
02/27	02/24	USA BLUE BOOK 800-548-1234 IL	24326847055636000073839	5085	632.65		
02/27	02/24	MCMaster-CARR 630-834-9600 IL	24789307057408100050916	5085	174.57		
02/27	02/24	SIGNET SCREEN PRINTING & 540-6659651 VA	24073147057900019200116	7333	99.92		
02/28	02/27	IN *CONSOLIDATED ELECTRIC540-6625994 VA	24692167058000867273683	1731	1,452.00		
WHITE, NEAL						Total Activity	1,089.72
Account Number: XXXX-XXXX-XXXX							

02/01	01/31	DIY AWARDS 800-810-1216 CT	24492157031894210983914	5947	158.96		
02/02	02/01	CHIEF SUPPLY 888-588-8569 NC	24492157032894245351037	5199	279.77		
02/06	02/04	HOMEWOOD SUITES BY HILTONGLEN ALLEN VA Arrival: 01/31/17	24073147036900016041071	3751	309.30		
02/06	02/03	SAFE KIDS WORLDWIDE 202-6620600 DC	24388947036630129763039	8398	50.00		
02/22	02/21	HILTON HOTEL SHORT PUMP RICHMOND VA Arrival: 02/19/17	24073147052900012566567	3504	103.10		
02/23	02/22	HILTON HOTEL SHORT PUMP RICHMOND VA Arrival: 02/20/17	24073147053900012667455	3504	147.29		
02/23	02/22	VISTAPR*VistaPrint.com 866-8936743 MA	24692167053000706303076	2741	31.99		
02/28	02/27	USPS PO 5107560300 BERRYVILLE VA	24445007059000724921018	9402	9.31		

Finance Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

	Annual Percentage Rate	Balance Subject to Interest Rate	Finance Charges by Transaction Type
PURCHASES	0.00%	\$0.00	\$0.00
CASH	0.00%	\$0.00	\$0.00

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.

TOWN COUNCIL
MOTION FOR APPROVAL: ORDINANCE SETTING TAX LEVIES FOR TAX
YEAR 2017

Date: April 11, 2017

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Ordinance setting the tax levies for tax year 2017 amending the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2017

Date: April 11, 2017

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2017 there is hereby levied:

(1) A tax of \$.19 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;

(2) A tax rate of \$1.25 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;

(3) A tax rate of \$1.30 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____ Date: April 11, 2017
Patricia Dickinson, Mayor

ATTEST: _____ Date: April 11, 2017
Harry Lee Arnold, Jr., Recorder

TOWN COUNCIL
MOTION FOR APPROVAL: RESOLUTION TO PROVIDE FOR THE
IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL
PROPERTY TAX RELIEF ACT OF 1998 FOR THE TAX YEAR 2017

Date: April 11, 2017

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2017.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Town of Berryville

**Resolution
To Provide for the Implementation of the 2004-2005
Changes to the Personal Property Tax Relief Act of 1998
For the Tax Year 2017**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 505) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act (“the 2005 Appropriations Act”); and

WHEREAS, the legislative enactments require the Town to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the Town of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2017, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at less than \$1,000 will be eligible of 100 percentage of tax relief set by the Town Council during its annual budget deliberations.
2. Personal use vehicles valued between \$1,001 and \$20,000 will be eligible for 70 percentage of tax relief set by the Town Council during its annual budget deliberations.
3. Personal use vehicles valued at \$20,001 or more will be eligible for 70 percentage of tax relief on the first \$20,000 of assessed value set by the Town Council during its annual budget deliberations.
4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal property tax relief under PPTRA.

PASSED THIS 11th DAY OF APRIL 2017.

Patricia Dickinson, Mayor

ATTEST:

Harry L. Arnold, Jr., Recorder

Attachment 8



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: 04/05/2017

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 04/11/2017

Monthly Activity Report

The activity report for the month of March 2017 is attached to this memo.

Police and Security Committee

The Police and Security Committee is scheduled to meet on April 27, 2017 at 9:00 am in the A/B meeting room.



Berryville Police Department

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W. Neal White – Chief of Police

Police and Security Report

	Year To Date	March	February
Month: March	2017	2017	2017
Year: 2017			
<u>Complaints Answered</u>			
911 Hang Up:	13	3	5
Alarms:	27	12	8
Animal Complaint:	19	6	7
Assault and Battery:	1	0	0
Assist County:	4	3	0
Auto Larceny:	0	0	0
Burglary:	1	1	0
Civil Complaints:	15	5	5
Disturbance (Non Violent):	3	0	2
Domestic Disturbance:	8	5	3
Drunk In Public:	1	0	1
Forgery & Uttering:	0	0	0
Fraud:	15	4	5
Grand Larceny:	2	1	0
Harassment/Intimidation:	5	2	2
Homicide:	0	0	0
Juvenile Related:	6	1	3
Noise:	9	4	3
Petty Larceny:	5	1	3
Public Service:	10	1	2
Rape:	0	0	0
Robbery:	0	0	0
Runaway:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	36	9	16
Trespassing:	1	0	1
Vandalism:	8	6	1
Welfare Check:	34	8	15
Miscellaneous Complaints:	83	32	27
Total Complaints Answered:	306	104	109



Berryville Police Department

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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2017	March 2017	February 2017
<u>Traffic</u>			
Accidents Investigated:	16	3	10
Assist Motorist:	16	2	4
Child Safety Seat Install:	2	0	1
Funeral Escort:	12	4	3
Hit & Run:	4	1	2
Parking Tickets:	51	8	16
Traffic Warnings:	70	14	34
<u>Traffic Summons Issued</u>			
Defective Equipment:	1	0	1
Driving Suspended:	1	0	1
Expired Inspection:	14	5	8
Expired Registration:	2	0	1
Fail to Obey Highway Sign:	26	4	10
Fail to Obey Traffic Signals:	1	0	1
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	1
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	2	0	1
No Seat Belt:	0	0	0
Reckless Driving:	3	0	0
Speeding:	48	7	23
Miscellaneous Summons:	6	0	3
Total Traffic Summons Issued:	106	16	50
<u>Found Open at Businesses in Town</u>			
Doors:	10	1	5
Windows:	0	0	0
Garage Doors:	0	0	0



Berryville Police Department

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

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	March	February
	2017	2017	2017
<u>Criminal Arrests Made</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assult and Battery:	0	0	0
Assult and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	1	0	0
Disorderly Conduct:	0	0	0
Driving While Intoxicated:	1	1	0
Drunk In Public:	1	0	1
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	0	0	0
Fraud:	0	0	0
Grand Larceny:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	4	0	4
Petty Larceny:	0	0	0
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	2	1	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	0	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	0	0	0
Juvenile Arrest Total:			
Total Criminal Arrests:	9	2	5

Attachment 9

BERRYVILLE TOWN COUNCIL
Streets and Utilities Committee
Tuesday, March 28, 2017
Berryville-Clarke County Government Center
12:00 p.m.

MINUTES

Roll:

Town Council:

Present: Patricia Dickinson, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Dave Tyrell, Director of Public Utilities; Ann Phillips, Town Clerk

Press: Cathy Kuehner, Winchester Star

1. **Call to Order**

Chair Dickinson called the meeting to order at 12:00 p.m.

2. **Discussion – Emergency Snow Route Designation**

Mr. Dalton outlined the Emergency Snow Route designation that was passed in 2015. He noted that staff recommends changing the designation for Hermitage Blvd. from the entire length to Hermitage Blvd. from South Buckmarsh to Main Street (eliminating the portion of Hermitage Blvd. from South Buckmarsh to Church Street).

The Committee and staff discussed the snow removal process and Snow Emergency Routes. Mr. Dalton proposed that one side of Ritter Place be designated as a Snow Emergency Route to assist with the difficult snow removal conditions on the street. Mr. Tollett questioned the definition of Snow Emergency Route and cautioned about the overuse of signs causing them to lose their effectiveness. It was agreed that Mr. Dalton will review the definition, and that if it is appropriate for Ritter Place, the residents will be invited to comment on the proposed designation for their street. Mr. Dalton said that the Battletown Homeowners Association could be helpful in notifying residents to invite comment about the proposed designation.

3. **Discussion - East Main Street**

Mr. Dalton provided an overview of the funding options listed by VDOT representatives at the recent Town Council meeting (Smart Scale, Revenue Sharing, and TAP funds).

Mr. Dalton reviewed two possible projects for East Main Street: from Jack Enders Blvd. west to the railroad tracks, and from Jack Enders Blvd. eastward to the Town line.

Chair Dickinson said that improving this area needs to be a priority and said that studying the area is a start. Mr. Dalton said the process could begin in-house, noting that the necessary engineer's study will need to be funded.

Mr. Dalton said this may be a good opportunity to talk with Clarke County to address the walking path from Jack Enders Blvd. to Josephine Street to aid connectivity with the Berryville Glen development.

The Committee and staff discussed specific improvements that could be made on East Main Street. Mr. Dalton noted that when the issue was discussed at a public hearing in 1998, there were many negative comments from business owners on the street.

Chair Dickinson noted that having a park and ride area on the street would help the Town obtain funding. She said the project needs to be on the Town's priority list so that VDOT knows it should be on their priority list.

4. Discussion - FY 17 Street Work Priorities

Mr. Dalton reviewed the updated list of priorities for FY 17 which he had sent to the Council via email.

5. Other

The Committee discussed an appeal from James Garland for a water/sewer adjustment and decided to recommend to the Council that no adjustment be made.

6. Adjourn

There being no further business, the committee adjourned at 1:53 p.m.

Attachment 10

Memo

To: Town Council
From: David Tyrrell
Date: April 5, 2016
Re: March 2017 2017 Operations Report

The water treatment plant is in compliance for March 2017 with its monthly parameters. We sent a total of 9.411 MG water to the system with a daily average production of 0.362 MGD and a daily max of 0.503 MG.

Operations of the plant have been no issue with the exception of a minor problem controlling turbidities immediately after the snow storm. The issue was most likely road salt in the river. The problem cleared within a few days and turbidities leaving the plant were always compliant.

New lighting has been installed in the WTP to replace the troublesome mercury vapor units. Four LED units have replaced the last five mercury vapor fixtures. It is amazing what a difference the lighting makes to see the process working and for about ¼ the electrical cost.

Drought Conditions: Water levels in the Shenandoah River continue to run well below historical averages for the month of March. DEQ has issued a drought watch for our area stating that river and stream levels are well below historical averages and that ground water levels are extremely low. Recommendations to utilities include a review of drought response ordinances. A copy of the DEQ notice and the Town of Berryville Drought Response Plan are attached for your review.

The wastewater plant is in compliance with its discharge permit for March per data received to date. We have treated a total of 8.20 MG with a daily average of 0.26 MGD and a daily max of 0.40 MG.

The exhaust fan in the headworks building screenings room has failed. A replacement motor is on order. Ventilation is being provided by the air supply fan.

The water pipe supplying rotating drum screen #2 with wash water blew apart on Sunday March 26. We isolated the unit until repairs could be made. As part of the

repair process multiple other issues were found and repaired. This unit was returned to service.

Sludge press #2 has been giving us intermittent operational issues which we believe to be related to air pressure control to one of the channel restrictor arms. Trouble shooting continues as the issue shows itself.

Sodium Hypochlorite recovery cleans has been performed on membrane trains 1, 2, and 3 with train 4 scheduled for this week.

Attached for review is the DEQ Drought Watch statement and the Town Drought Response Plan, DMR data report for the wastewater plant, a copy of the report for the membrane performance from GE, and the water plant page 1 operations report for VDH.

Virginia issues drought watch advisory for northern areas of state

FOR IMMEDIATE RELEASE

March 22, 2017

Contact: Bill Hayden
(804) 698-4447
william.hayden@deq.virginia.gov

RICHMOND, VA. -- In response to existing conditions and to increase public awareness of the potential for a significant drought event, the Virginia Department of Environmental Quality has issued a "drought watch" advisory for the Northern Piedmont and Northern Virginia "drought evaluation regions."

The affected localities and public water suppliers in the Northern Piedmont region include Culpeper, Greene, Louisa, Madison, Orange, Rappahannock, Spotsylvania and Stafford counties, and the city of Fredericksburg.

The Northern Virginia region includes Arlington, Fairfax, Fauquier, Loudoun and Prince William counties, and the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. In the Northern Virginia region, the drought watch advisory applies to public or private groundwater supplies or private surface water supplies in Fauquier, Prince William and Loudoun counties. Water systems using the Potomac River or Occoquan Reservoir are not affected at this time.

A drought watch advisory is intended to increase awareness of conditions that are likely to precede a significant drought event and to facilitate preparation for a drought. This advisory is being issued because drought watch indicators in the state's Drought Assessment and Response Plan have been met. According to the Virginia Drought Monitoring Task Force, an interagency group representing state and federal agencies, the primary factors contributing to the declaration of the drought watch advisory are:

- Precipitation deficits since October 1, 2016, are 6 to 12 inches in much of the area.
- Stream flows are lower than 75 percent to 95 percent of recorded March flows, indicating a moderate to severe hydrologic drought -- a period of below-average water content in streams, aquifers, lakes and soils.
- Groundwater levels are lower than 75 percent to 95 percent of previously recorded March levels. New record low water levels for March have been recorded in two long-term observation wells in Fauquier and Orange counties.
- The abnormally dry conditions experienced during much of November through February produced below-normal groundwater recharge that may negatively affect water availability during the summer months.

Localities in the Shenandoah, Middle James, Roanoke and Northern Coastal Plain drought evaluation regions also are advised to remain vigilant. Conditions in those areas are also near drought watch status, and drought conditions could develop into the spring and summer. Localities in these regions include:

- Augusta, Clarke, Frederick, Page, Rockingham, Shenandoah and Warren counties, and the cities of Harrisonburg, Staunton, Waynesboro and Winchester in the Shenandoah region.
- Albemarle, Amelia, Amherst, Appomattox, Buckingham, Chesterfield, Cumberland, Fluvanna, Goochland, Hanover, Henrico, Nelson, Powhatan and Prince Edward counties, and the cities of

Charlottesville, Colonial Heights, Hopewell, Lynchburg, Petersburg and Richmond in the Middle James region,

-- Bedford, Campbell, Charlotte, Franklin, Halifax, Henry, Mecklenburg, Patrick, Pittsylvania and Roanoke counties, and the cities of Danville, Martinsville, Roanoke and Salem in the Roanoke River region.

-- Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond and Westmoreland counties in the Northern Coastal Plain region.

While public and private water supplies are in good shape at this time, conditions could deteriorate as the spring and summer seasons develop. DEQ is notifying all local governments, public water works and private-sector water users in the affected areas, and is requesting that they prepare for the onset of a drought event by developing or reviewing existing water conservation and drought response plans. Virginia is encouraging localities, public and private water suppliers, and self-supplied water users in the affected localities to voluntarily take these steps to help protect current water supplies:

- Minimize nonessential water use.
- Review existing or develop new local water conservation and drought contingency plans and take conservation actions consistent with those plans.
- Include water conservation information on local websites and distribute water conservation information as broadly as possible.
- Continue monitoring the condition of public waterworks and self-supplied water systems in partnership with the Virginia Department of Health.
- Impose water use restrictions when consistent with local water supply conditions.
- Aggressively pursue leak detection and repair programs.

The next stage after a drought watch would be a "drought warning," which would be issued if conditions warrant. Drought warning responses are required when the onset of a significant drought event is imminent. Water conservation and contingency plans that already are in place or have been prepared during a drought watch stage would begin to be implemented. In accordance with the Commonwealth's Drought Assessment and Response Plan, water conservation activities at the drought watch stage would generally be voluntary. This does not preclude localities issuing mandatory restrictions if appropriate. Statewide information on the current drought status is available on the DEQ website at www.deq.virginia.gov.

Sec. 17-25. - Drought response ordinance.

- (a) *Drought supply situations.* The Town of Berryville acknowledges that there may be situations where the water supply to the town's water system is reduced by a variety of factors. In recognition of this, the town intends to apply educational, and ultimately enforcement actions, to achieve water conservation measures of varying degrees. This plan should enable appropriate water usage by appropriate water users at reduced consumption levels during these periods as declared by the town council.
- (b) *Drought water supply response plan.* The town council adopts by reference the current version of the Northern Shenandoah Valley Regional Commission (NSVRC) Drought Response Plan. The adoption of this plan, or a substitution plan authorized by the town council, is pursuant to, and authorized by, applicable sections of the Virginia Code (as required by 9VAC 25-780-120; and as authorized by § 15.2-923(ii) of the Code of Virginia - Local Water-Saving Ordinances, and § 15.2-924 - Water Supply Emergency Ordinances).
- (c) *Construction site stabilization during drought conditions.* To stabilize construction sites during drought conditions, strict adherence to the Erosion and Sediment Control (ESC) Minimum Standards and the Virginia ESC Handbook, along with frequent site inspection, must be applied. The Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3 recommends the following construction site stabilization methods during drought conditions:
- (1) Preserve established vegetation on construction sites.
 - (2) Establish new vegetation to stabilize construction sites while conserving water.
 - (3) Stabilize construction sites using nonvegetative methods.
 - (4) Research other water conservation resources as identified on the bulletin.
- (d) *Decisions/declarations and data sources.*
- (1) The town council reserves the right to interpret local water system data, and have sole control over the declaration of a drought/low water supply watch, warning, or emergency. Likewise, the town council reserves the right to reduce, rescind, or eliminate any such declaration. The mayor and town manager may make the following declarations in accordance with provisions of this section.
WATCH—When a ten-percent reduction or more in available water supply is observed. Under a watch declaration, the following voluntary measures are sought:
 - a. Voluntary water conservation.
 - i.

Residents/businesses are asked to review their water usage and be aware of and limit high water use including but not limited to overwatering lawns, washing sidewalks and driveways.

- ii. Residents/businesses are asked to only water on even or odd days based on their address. If their address is an even number, water on even numbered days, if their address is an odd number, water on odd numbered days.

WARNING— When a reduction or more in available water supply is observed. Under a warning declaration, the following voluntary measures are sought:

- a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage and be aware of and limit high water use.
- b. Mandatory water restrictions.
 - i. Residents shall only water on even or odd days based on their address as specified above.
 - ii. Where possible, non-vegetative erosion and sediment control methods shall be employed as identified in the Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3. Drought bond is in an amount designated by the community development director.
 - iii. No car washing or outdoor washing. Commercial carwashes utilizing public water will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
 - iv. No washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.
 - v. No operation of any outdoor fountain or other structure making a similar use of water.
 - vi. No filling of swimming and/or wading pools.
 - vii. No use of water from fire hydrants for any purpose other than fire suppression or other public emergency.

EMERGENCY— When a twenty-percent reduction or more in available water supply is observed. Under an emergency declaration the following are mandatory restrictions

- a. Mandatory water restrictions.
 - i. Public/businesses are required to conserve. Penalties/sanctions are enforceable pursuant to town ordinance for failure to comply with restrictions as listed.
 - ii. Public notification will be posted of "Mandatory water restrictions in effect."
 - iii. All mandatory restrictions listed under the warning level shall be enforced.
 - iv. High water uses (those consistently using more than one thousand (1,000) gal/day) shall have prepared curtailment plans demonstrating how they shall respond to emergency situations and shall implement such.
 - v. No car washing or outdoor washing. Commercial carwashes will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
 - vi. No lawn watering. Use of gray water permitted for plants, shrubs and gardens in accordance with Virginia Department of Health and Virginia Department of Environmental Quality standards. Definitions of gray water:
 - Relatively clean waste water, such as from kitchen, bathroom (not the toilet), and laundry cycles. This water can be reused or recycled with little or no treatment for landscape irrigation and other nonpotable uses.
 - Waste water discharged from residential lavatories, bathtubs, showers, clothes washers, and laundry trays.
 - vii. No "topping off" of swimming pools.

- (2) The town council shall choose their local data sources, establish their local trigger points for the varying declarations, and evaluate various information sources prior to enabling or rescinding any noted declaration.
- (3) Should the NSVRC drought response plan become unsuitable to the Town of Berryville, the council reserves the right to substitute its own drought/low water supply response plan (as approved by the commonwealth) in lieu of subsection (b).
- (4) Should the water usage reduction measures implemented by the town, either voluntary or mandatory, prove inadequate, the town council shall have the authority to impose additional measures to achieve the water usage reduction goals.

(e) *Enforcement.*

(1) Violations of this section shall constitute an offense as outlined herein. The Berryville Police Department shall be charged with enforcing this section.

(2) During a watch declaration:

a. Verbal reminder for any noted issues.

(3) During a warning declaration enforcement for mandatory restrictions:

a.	First offense	Verbal warning
b.	Second offense	Written warning notice
c.	Third offense	Disconnection of service and initiation of legal action

(4) During an emergency declaration enforcement for mandatory restrictions:

a.	First offense	Written warning notice
b.	Second offense	Disconnection of service
c.	Third offense	Disconnection of service and initiation of legal action

(5) Reconnect fees shall apply to any customer whose service was disconnected under in violation of the emergency declaration.

(6) Flagrant and/or repeat offenders of any declaration may, by decision of the town manager, initiate legal action of this provision.

- (f) *Enforcement actions.* Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by the mayor and town manager pursuant thereto, shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each act or each day's continuation of the violation shall be considered a separate offense. In addition to the foregoing, the town manager may suspend water service to any person continuing to violate the provisions of this section or the regulations promulgated hereunder. If such water service is terminated, the person shall pay a reconnection fee as established by town council before service will be restored.
- (g) *Appeal process.*
- (1) If a customer wishes to appeal any decision by the town manager, they may present their case before the town council.
 - (2) If a customer wishes to appeal any decision by the town council, they may present their case before the circuit court.
- (h) *Notification.*
- (1) The mayor and town manager, upon rendering a decision pursuant to this chapter, may make such decision known to the public by a variety of media sources such as newspaper, local television access channel, written notices, and/or telephone contacts.

(Ord. of 4-10-12)

FLOWS AND CHEMICAL DOSAGES

March 2017

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	0.455		0.404	13.0	35	9.4	3	0.7			3.2	0.84	0.070	0.018	1	0.2			12.5	3.3		
2	0.459		0.424	13.5	36	9.3	2	0.6			3.5	0.91	0.070	0.018	0.8	0.2			12.9	3.4		
3	0.473		0.428	13.5	36	9.0	3	0.7			6.6	1.67	0.070	0.018	1.2	0.3			13.0	3.3		
4	0.179		0.167	5.3	10	6.8	1	0.5			0.2	0.11	0.026	0.017	0.5	0.3			5.0	3.4		
5	0.206		0.185	5.8	15	8.9	1	0.5			3.3	1.92	0.030	0.017	0.5	0.3			5.5	3.2		
6	0.45		0.414	13.5	35	9.5	3	0.7			3.5	0.94	0.070	0.019	1.2	0.3			12.9	3.4		
7	0.433		0.388	12.3	25	7.0	2	0.6			6.8	1.88	0.060	0.017	1.1	0.3			11.7	3.2		
8	0.408		0.388	12.0	30	8.9	2	0.5			9.3	2.73	0.062	0.018	1.3	0.4			11.5	3.4		
9	0.273		0.235	7.5	20	8.9	2	0.7			10.1	4.44	0.031	0.014	0.5	0.2			7.2	3.2		
10	0.143		0.119	4.0	15	12.8	1	0.7			0.1	0.11	0.031	0.026	0.2	0.2			3.8	3.2		
11																						
12	0.224		0.209	6.5	15	8.1	1	0.6			3.3	1.77	0.053	0.028	0.8	0.4			6.2	3.3		
13	0.558		0.503	16.5	41	8.7	3	0.7			6.7	1.45	0.043	0.009	2.0	0.4			15.8	3.4		
14	0.324		0.292	9.5	25	9.4	2	0.7			3.4	1.26	0.051	0.019	1.7	0.6			9.1	3.4		
15	0.477		0.443	14.0	35	8.9	3	0.7			3.6	0.90	0.072	0.018	1.7	0.4			13.4	3.4		
16	0.429		0.386	12.5	30	8.5	2	0.7			6.6	1.84	0.065	0.018	1.5	0.4			12.0	3.3		
17	0.427		0.394	12.3	35	10.0	3	0.7			3.5	0.98	0.063	0.018	1.5	0.4			11.7	3.3		
18																						
19																						
20	0.483		0.440	14.3	35	8.8	2	0.5			3.5	0.87	0.074	0.018	1.8	0.4			13.7	3.4		
21	0.431		0.379	12.5	30	8.5	2	0.7			6.6	1.84	0.062	0.017	1.5	0.4			12.0	3.3		
22	0.4455		0.406	13.3	41	10.9	3	0.8			3.5	0.95	0.066	0.018	1.6	0.4			12.7	3.4		
23	0.4223		0.389	12.5	30	8.6	3	0.8			3.5	0.99	0.057	0.016	1.5	0.4			12.0	3.4		
24	0.4287		0.387	12.5	25	7.1	2	0.6			6.6	1.84	0.062	0.017	1.5	0.4			12.0	3.4		
25																						
26																						
27	0.523		0.480	14.5	35	8.1	3	0.7			3.6	0.83	0.039	0.009	1.8	0.4			13.9	3.2		
28	0.419		0.385	12.5	35	10.2	2	0.6			6.6	1.88	0.024	0.007	1.5	0.4			12.0	3.4		
29	0.476		0.431	13.3	35	8.9	3	0.7			3.6	0.90	0.035	0.009	1.6	0.4			12.8	3.2		
30	0.427		0.393	11.8	25	7.1	2	0.6			3.5	0.98	0.031	0.009	1.5	0.4			11.3	3.2		
31	0.37		0.342	10.5	30	9.9	2	0.8			6.8	2.22	0.025	0.008	1.3	0.4			10.1	3.3		
Total	10.344	0.000	9.411	299.1	766	232.1	57	17.1	0.0	0.00	121.6	37.1	1.34	0.421	33	9.8	0.0	0.00	286.6	86.22	0.0	0.00
Maximum	0.558	0.000	0.503	16.5	41	12.8	3	0.8	0.0	0.00	10.1	4.4	0.07	0.028	2	0.6	0.0	0.00	15.8	3.44	0.0	0.00
Minimum	0.143	0.000	0.119	4.0	10	6.8	1	0.5	0.0	0.00	0.1	0.1	0.02	0.007	0	0.2	0.0	0.00	3.8	3.16	0.0	0.00
Average	0.398	0.000	0.362	11.5	29	8.9	2	0.7	#####	#####	4.7	1.4	0.05	0.016	1	0.4	#####	#DIV/0!	11.0	3.32	#####	#####

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

March 2017

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
3/1/2017	0.22	7.7	16.2	0.00	0.00			9.7	9.0				
3/2/2017	0.27	7.4	15.6	0.00	0.00			10.1	9.0	1.14	1.18	1.21	2.32
3/3/2017	0.29	7.5	16.2					10.0	9.4				
3/4/2017	0.31	7.5	13.8					9.9	9.6				
3/5/2017	0.31	7.9	13.2					9.7	9.7				
3/6/2017	0.27	7.6	14.0					10.1	9.4				
3/7/2017	0.22	7.5	15.1	0.00	0.00	0.00	0.00	10.1	9.5	1.34	1.29	1.08	2.63
3/8/2017	0.22	7.5	15.6	0.00	0.00			10.0	9.2				
3/9/2017	0.22	7.4	15.5	3.00	2.52			10.2	9.2	1.56	1.27	1.07	2.83
3/10/2017	0.21	7.6	15.9					9.9	9.0				
3/11/2017	0.23	7.2	16.2					10.3	9.5				
3/12/2017	0.23	7.4	14.6					10.2	9.7				
3/13/2017	0.27	7.5	12.7					10.1	9.5				
3/14/2017	0.29	7.6	12.7	2.00	2.21			10.7	9.5				
3/15/2017	0.04	7.6	12.2	4.00	0.61			11.1	10.2	0.88	0.95	0.14	1.83
3/16/2017	0.30	7.6	12.0	4.00	4.54			11.1	10.4	3.70	0.93	1.06	4.63
3/17/2017	0.30	7.5	12.4					12.1	11.2				
3/18/2017	0.27	7.5	13.3					8.6	9.6				
3/19/2017	0.25	7.6	13.6					8.8	9.0				
3/20/2017	0.28	7.4	14.2					9.8	9.0				
3/21/2017	0.35	7.4	14.9	0.00	0.00			10.8	9.4	0.91	0.95	1.24	1.86
3/22/2017	0.27	7.3	15.6	2.00	2.01			11.7	11.2				
3/23/2017	0.30	7.5	14.1	0.00	0.00			11.4	10.1				
3/24/2017	0.20	7.5	15.0					11.0	9.7				
3/25/2017	0.24	7.4	15.3					11.0	9.2				
3/26/2017	0.26	7.4	15.4					11.2	10.4				
3/27/2017	0.34	7.5	15.8					10.7	9.5				
3/28/2017	0.24	7.5	16.2	0.00	0.00			9.2	9.1	0.84	0.65	0.58	1.49
3/29/2017	0.35	7.4	16.6					9.7	9.1				
3/30/2017	0.25	7.5	16.5					10.3	9.8				
3/31/2017	0.40	7.4	17.2					9.8	9.2				
Minimum	0.04	7.2	12.0	0.00	0.00	0.00	0.00	8.6	9.0	0.84	0.65	0.14	1.49
Maximum	0.40	7.9	17.2	4.00	4.54	0.00	0.00	12.1	11.2	3.70	1.29	1.24	4.63
Total	8.20	232.3	457.6	15.00	11.88	0.00	0.00	319.3	297.3	10.37	7.22	6.38	17.59
Average	0.26	7.5	14.8	1.25	0.99	0.00	0.00	10.3	9.6	1.48	1.03	0.91	2.51
Geo Mean	0.25	7.5	14.7	1.55	1.33	1.00	1.00	10.3	9.6	1.29	1.0	0.76	2.36

Berryville STP Monthly DMR Data

March 2017

Date	Eff Total N KG/D	Eff Total P mg/l	Eff Total P KG/D	E-Coli No/100ml
3/1/2017				
3/2/2017	2.37	0.01	0.01	
3/3/2017				
3/4/2017				
3/5/2017				
3/6/2017				
3/7/2017	2.21	0.08	0.07	1
3/8/2017				
3/9/2017	2.38	0.08	0.07	
3/10/2017				
3/11/2017				
3/12/2017				
3/13/2017				
3/14/2017				
3/15/2017	0.28	0.09	0.01	1
3/16/2017	5.27	0.09	0.10	
3/17/2017				
3/18/2017				
3/19/2017				
3/20/2017				
3/21/2017	2.43	0.17	0.22	1
3/22/2017				
3/23/2017				
3/24/2017				
3/25/2017				
3/26/2017				
3/27/2017				
3/28/2017	1.34	0.24	0.22	1
3/29/2017				
3/30/2017				
3/31/2017				
Minimum	0.28	0.01	0.01	1
Maximum	5.27	0.24	0.22	1
Total	16.28	0.76	0.70	4
Average	2.33	0.11	0.10	1
Geo Mean	1.79	0.08	0.06	1



Berryville WWTP Monthly Membrane Operation Report

March 1 - March 31 2017

UF 1 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP	●	99 %	1.76	735	7.151
PermeateTurbidityAfterBP	●	100 %	0.11	748	0.098
TCPermeabilityBeforeBP	●	100 %	6.78	709	33.773
TMPBeforeBP	●	100 %	0.1	748	0.303
TotalPermeateFlowDaily		100 %	19839.57	31	71652.387

UF 2 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP	●	100 %	1.67	712	7.147
PermeateTurbidityAfterBP	●	100 %	0.3	720	0.132
TCPermeabilityBeforeBP	●	100 %	7.7	678	28.119
TMPBeforeBP	●	100 %	0.14	720	0.364
TotalPermeateFlowDaily		100 %	21481.79	31	71936.806

UF 3 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP	●	100 %	1.78	738	7.019
PermeateTurbidityAfterBP	●	100 %	0.05	753	0.09
TCPermeabilityBeforeBP	●	100 %	3.59	738	30.439
TMPBeforeBP	●	100 %	0.08	753	0.33
TotalPermeateFlowDaily		100 %	21106.15	31	70724.0

UF 4 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP	●	100 %	1.76	766	6.961
PermeateTurbidityAfterBP	●	100 %	0.03	779	0.099
TCPermeabilityBeforeBP	●	100 %	7.97	719	29.514
TMPBeforeBP	●	100 %	0.13	779	0.321
TotalPermeateFlowDaily		100 %	20092.07	31	74294.742

UF Plant KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
PermeateTemperature		100 %	2.93	2972	44.794
TotalPermeateFlowDaily		100 %	50120.85	31	288607.935

UF 1 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	7.151
PermeateTurbidityAfterBP	0	--	0.9	1	0.098
TCPermeabilityBeforeBP	4	6	--	--	33.773
TMPBeforeBP	--	--	7	8	0.303
TotalPermeateFlowDaily	--	--	--	--	72160.9

UF 2 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	7.147
PermeateTurbidityAfterBP	0	--	0.9	1	0.132
TCPermeabilityBeforeBP	4	6	--	--	28.119
TMPBeforeBP	--	--	7	8	0.364
TotalPermeateFlowDaily	--	--	--	--	71681.933

UF 3 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	7.019
PermeateTurbidityAfterBP	0	--	0.9	1	0.09
TCPermeabilityBeforeBP	4	6	--	--	30.439
TMPBeforeBP	--	--	7	8	0.33
TotalPermeateFlowDaily	--	--	--	--	70884.033

UF 4 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	6.961
PermeateTurbidityAfterBP	0	--	0.9	1	0.099
TCPermeabilityBeforeBP	4	6	--	--	29.514
TMPBeforeBP	--	--	7	8	0.321
TotalPermeateFlowDaily	--	--	--	--	74559.167

UF Plant KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
PermeateTemperature	32	--	100	110	44.794
TotalPermeateFlowDaily	--	--	1100000	2100000	289286.033

Attachment 11

Report of the Department of Public Works

April 5, 2017

During the past several months we have been experiencing issues with our computer in the camera trailer. Virasec determined it was time for the computer to be replaced. They installed a new computer and upgraded our POSM software. Our camera trailer is now up and running and we are busy conducting video inspections of several sections of our sewer collection system. I have received the price quotes for the Sewer Rehab for Barnett Street and Bel Voi Drive. We have two different contractors doing these projects. I have been in touch with them and we are on their schedule to have the work done next month.

We had our first significant winter storm last month. All our snow removal equipment functioned well. We are in the process now of doing our summer storage maintenance program and returning VDOT'S equipment.

We have begun our mowing season. Public Works mowed the park this week and will be doing our annual cleaning and weed eating of the Smithy Cottage and the Government Center.

There were no water breaks during the past month. The planned water main upgrade on Treadwell Street from Willow Lane to Smith Street is on schedule to start the first week of May. I anticipate this project to be completed by mid-June.

I plan to have our request for bids for our 2017 paving contracts out next week and open bids by the end of the month. These projects will be completed this FY.

Attachment 12

This matter was discussed briefly at the March meeting. It was agreed that the matter would be discussed by the Streets and Utilities Committee.

The Streets and Utilities Committee discussed the matter at its March meeting. The committee determined that since the account in question had been adjusted 11 months prior the incident being reviewed, that the denial was appropriate. It further determined that a waiver of the 12 month elapsed time between adjustments requirement would not be appropriate.

Please find attached the following:

- Letter from customer w/ attachments (5 pages)
- Letter to customer from Desi Moreland (1 page)
- Town of Berryville Water and Sewer Billing Adjustment Policy (3 pages)

The Town Council is asked to make a determination on the appeal.

RECEIVED

FEB 28 2017

Town of Berryville, VA

Mr. Keith Dalton,

24 Feb 2017

Per your instructions regarding my 23 Feb. 2017 request for more information about the Sewage Usage Reimbursement - Appeals Process, I am providing the following for further consideration.

During the Jan. 2017 Water meter reading at 121 Academy St., your Meter Readers determined that water was flowing through the meter and left a notice on the front door to that effect. A check of both apartments soon after found no internal anomalies (running toilets, faucets etc. in either Downstairs (vacant) or Upstairs' (tenant at work) – apartments. Plumbers were called and discovered the backyard water hydrant had been vandalized (bent over and broken underground) and was flowing up from the base of the hydrant resulting in over 33000 gals of water spillage into the back yard. I filed a claim with the Town Mgr. for reimbursement of excess sewage service and was denied.

To wit:

During the snow storm of Jan 2016, I experienced severe flooding and damage to the downstairs apartment due to pipes in the laundry room freezing and bursting - resulting in a water loss of over 67000 gals. Because I had been totally snowed in at my residence, I was unable to respond when my tenant notified me that she had no water or electricity and that water was running out of the basement. I immediately called 911 to have the water shut off and was told by the operator I would have to contact a plumber. After several hours of trying to obtain any plumber who could respond, the upstairs tenant hysterically called 911 again and was able to convince them of the water/fire hazard and they dispatched a team to shut the water off within minutes. I subsequently filed a claim for sewage use reimbursement and was approved.

By what I can gather from your letter and very limited information on the Town website, current Policy only allows one adjustment to sewer usage fees per 12 month period – regardless of the cause – and:

1. The Town Manager - for reasons unclear to me, has no authority to make case by case distinctions to determine the validity and relative merit of a claim.
2. The Appeals process for such matters is relatively vague and non-specific as to the form and process.

Given that these two events are:

1. Totally Unrelated
2. Separated sufficiently in time i.e. 11+ months, (more if the dates of the events versus dates of the claims are considered)
3. Attributable to both an "Act of God"(The first) and the Vandalism (The second)
4. Clear examples of gross quantities of Water that never cycled back into the sewage disposal system and consequently did not incur the costs of disposal for which I have been charged.
5. Now precluded from future occurrence due to preventive plumbing fixes.
6. Not resulting from wilful neglect or abuse of process.

For these reasons, I request that you either reconsider your denial – if possible, or submit this letter to the proper Appeals Authorities in the Water Dept. or the Town Council.

Sincerely

James Garland





Hydrament
121 Acad. St

#2

30ft behind house

~~XXXXXXXXXX~~
James Beland

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

February 14, 2017

Mr. James Garland
PO Box 209
Berryville, VA 22611

Dear Mr. Garland:

Mr. Dalton, the Town Manager, has reviewed your request for an adjustment to the utility bill at 121 Academy Court for the January 2017 billing cycle. Our records indicate that you recently received an adjustment on this account for the February 2016 billing cycle.

The Town's Water and Sewer Billing Adjustment Policy allows for only one bill adjustment for an account in any given twelve month period.

Should you desire, this decision may be appealed to the Town Council. This appeal must be made in writing within ten days of the date of the decision on the adjustment. If the appeal is based on the belief that the Town erred in making its decision on the bill adjustment request, then the appeal request must specify the finding of fact or policy application the requester believes was made in error.

The Town Council will review all adjustment appeals and will provide written notice of their decision.

While an adjustment request and/or appeal is being processed, the customer is responsible for payment of the entire amount due within the normal payment period or the customer may enter into a payment agreement with the Town. If the customer neither makes full payment during the normal payment period nor enters into a payment plan with the Town, then the customer is subject to all applicable collection activities and termination of service.

If you have any further questions please do not hesitate to call me at 540-955-1099.

Sincerely,

Desiree A. Moreland
Assistant Town Manager/Treasurer

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

TOWN OF BERRYVILLE
Water and Sewer Billing Adjustment Policy

Purpose:

This policy applies to the adjustment of unusually high water and sewer bills resulting from water leaks or other circumstances resulting in abnormally high water usage. This policy enumerates the authority of the Town Manager, or designee, to grant adjustment of unusually high water and sewer bills upon request of the person or entity responsible for a water account.

Background:

Where properties are connected to the Town of Berryville's water and sewer systems, the customer is responsible for: 1) the proper provision, monitoring, operation, maintenance, repair, and replacement of all water lines and components of the system from the customer's side of the water meter and 2) the proper provision, monitoring, operation, maintenance, repair, and replacement of all sewer lines and components of the system from where it intersects the Town's main.

Procedure:

All requests for bill adjustment must be made within ten days of the billing date utilizing the Town of Berryville Water and Sewer Billing Adjustment Request Form. The customer must also provide a plumber's certification and, when the abnormal usage is greater than three-times the account's average usage, a letter from the property owner's insurance company verifying that a claim has been made in this matter and providing what portion of the water/sewer bill will be paid by the insurance company.

The Town Manager, or designee, will review the request and provide written notice of his/her decision. Most decisions will be rendered within ten days of receipt of the adjustment request.

Only one bill adjustment may be made for any account in any given twelve month period.

Review Criteria:

The Town Manager, or designee, will review adjustment requests in accordance with the following criteria:

- For leaks occurring in the service line between the water meter and the building the meter serves, the Town may approve adjustment to the sewer usage if it is found that the leaking water did not enter the sewer system. Such adjustment

may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak. The Town may approve adjustment to the water usage if it finds that the leak was repaired in a timely fashion after discovery. Such adjustment may not exceed one-half of the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.

- For leaks or unintended usage from exterior hose connections, the Town may approve adjustment to the sewer usage if it finds that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.
- For abnormal water usage attributable to usage in or by faucets, pipes, water heaters, furnaces or other interior plumbing facilities within the building the water meter serves, the Town may adjust the sewer usage if it finds that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.
- The Town will not approve adjustments for abnormal water usage attributable to filling of pools or watering of lawns or landscaping.
- The Town will not approve adjustments for abnormal water usage which has not or cannot be sufficiently explained.

When reviewing adjustment requests the Town will take into account, among other factors, whether any of the usage resulted from another party's negligence. Where negligence is found the Town may determine that no adjustment is warranted. As a part of request reviews the Town will also consider the insurance claim determination as a part of establishing an adjustment amount.

Meter Testing:

Customers may at any time request that their water meter be tested for accuracy. If a customer wants to have the water meter that serves their account to be tested, then they must contact the Town Business Office and request the test. At the time of the request the customer must pay a meter testing fee as established by the Town Council. The fee in question will be refunded if it is found that the meter in question does not meet American Water Works Association standards for accuracy. Further, if it is found that

the meter does not meet American Water Works Association standards for accuracy then the Town will review the account for possible adjustment.

Appeals:

If the customer requesting the bill adjustment believes that the Town has erred in making the adjustment decision or has not made a determination on an adjustment request in a timely manner, then he/she may appeal the matter to the Town Council. This appeal must be made in writing within ten days of the date of the decision on the adjustment or within thirty days of the original request if the appeal is based on the Town's failure to render a decision on the review request. If the appeal is based on the belief that the Town erred in making its decision on the bill adjustment request, then the appeal request must specify the finding of fact or policy application the requester believes was made in error.

Adjustment determinations made because a meter has been found to be inaccurate (after testing) may be appealed to the Town Council if the customer believes that the adjustment is not sufficient.

The Town Council will review all adjustment appeals and will provide written notice of their decision to the customer.

Customer Responsible for Payment during Review:

While an adjustment request and/or appeal is being processed, the customer is responsible for payment of the entire amount due within the normal payment period or the customer may enter into a payment agreement with the Town. If the customer neither makes full payment during the normal payment period nor enters into a payment plan with the Town, then the customer is subject to all applicable collection activities and termination of service.

Burden of Proof:

The implicit burden of proof in the adjustment request pursuant to these policies rests with the customer, not the Town of Berryville. Failure to comply with the requirements of this policy will result in the denial of the adjustment request.

Effective Date:

March 12, 2015

Attachment 13

Proposed amendment to the Schedule of Water and Sewer Fees and Charges

April 11, 2017

This matter was discussed at the March 2017 meeting.

The Council addressed such proposals as bonding the full amount of the current fees but allowing the developer to avail himself of the fees established after the rate study is completed, adjusting the multi-family fee to 80% of the single-family fee, and moving forward with a water and sewer fee study. The Council agreed to move forward with a fee study in FY18, capping the cost at \$20,000.

Since the meeting Mr. Arnold contacted staff and asked 1) for information regarding the current availability fees (find attached email dated 3 April 17 and attachments) and 2) for this matter to be placed on the agenda again.

March 14, 2017

This matter was discussed at the February 28, 2017 Streets and Utilities Committee meeting. It was also discussed at the March 6, 2017 Town Council Work Session. At the work session, Earl Sutherland of Pennoni provided an overview on available fee evaluation.

February 14, 2014

The proposed amendment of the Schedule of Water and Sewer Fees and Charges was discussed at the December 13, 2016 and January 10, 2017 regular Town Council meetings as well as the January 3, 2017 and January 24, 2017 Streets and Utilities Committee meetings.

At the January Town Council meeting, the Council directed the Town Manager to consult with the Town's engineer regarding the structure of the Availability Fee Schedule. He was to speak with the engineer in order to gain insight into why the availability fees for multi-family units are structured as they are in the Town's fees schedule.

During the January 24, 2017 Streets and Utilities Committee meeting, Mayor Dickinson expressed concern that an engineer was being consulted on this matter. The Town Manager stated that he believed he was acting in accordance with the wishes of the Town Council and that the discussion in question is limited. Mayor Dickinson stated that this is a matter of philosophy not engineering. She noted that no multi-family development had been built in Berryville since the late 1990's and that fees affect what can be developed. Mr. Tollett stated that during his research he found an approach that should be considered during this discussion. He provided a copy of the Loudoun Water Fee Schedule. He noted that this structure provides for a focused examination of the usage expected for a particular use and that the fee is based on that examination. Further, Loudoun Water has the authority to review the fee that has been applied to a property and make adjustments (i.e. bill) as needed.

Earl Sutherland, P.E of Pennoni (engineering firm) informed staff that the basic principle behind the structure that Berryville has (you have also reviewed Fairfax Water's ordinance that is structured similarly) is that multi-family units consume approximately 80% of the water consumed by single family units. He noted that the Fredrick County Sanitary Authority has just adopted a new policy concerning availability fees for multi-family dwelling unit projects. Prior to the change, fees were based solely on meter (master) size. The amended fee schedule provides for a fee based on 80% of the fee for a single-

family unit multiplied by the number of units in the project. He noted that, in his opinion, the structure using the 80% calculation is a much more equitable way to charge for utility availability and service.

Please find attached fees schedules from the following localities/authorities: *(Please note this section is from a previous report and these items are not attached as listed)*

- Loudoun Water
- Frederick County Sanitary Authority
- Fairfax County Water Authority
- Town of Luray
- Town of Purcellville
- Shenandoah County
- Town of Front Royal
- Town of Lovettsville

These fee schedules are just a sampling of the many fees structures that exist. As you will see, some jurisdictions address multi-family availability fees by charging for each unit at a reduced rate while others apply a meter size approach. Loudoun's approach, which is quite different than the others included in the packet, is more nuanced and complex. With regard to Berryville's current fee schedule, it clear that the multiplier should have been applied to both the water and sewer fees instead of just the water fee.

With regard to Ms. Gibson's question regarding the affect that reducing availability fees would have on the water fund, staff is not in a position to provide an in-depth analysis of the matter. What can be said is that the Town will need to spend over \$1.5 M in water fund capital improvements over the next several years. While some of the work can be paid for by fund reserves, availability fees will be critical to funding the required work. It is safe to say that if availability fees are not collected in sufficient amounts to cover a significant portion of these costs, user fees will have to be increased. Detailed analysis of the matter would require agreement on many assumptions.

Report from 1/24/17 Streets and Utilities Committee Meeting

This matter has come to the fore because of the proposed development of the 120 unit Robert Regan House.

Mayor Dickinson has highlighted her concern about two aspects of the Town's Availability Fees as currently constituted. Mayor Dickinson has pointed out that Section III.A.2.b of the Town of Berryville Schedule of Water and Sewer Fees and Charges (6/24/15) may contain a topographical error. Staff agrees that there is an error in that section and that the unit charge should be the same as the Multi-Family unit charge in Section 3.1. Accordingly, the per unit charge in Section 3.2.b should be \$4,725.

Mayor Dickinson has also expressed concerns about the schedule as it relates to availability fees for Multi-Family uses. Specifically, Section III.A.2.b provides that the water availability fee for multi-family units will be based on the higher of either the amount derived from multiplying the number of units by the per unit charge or the or the amount based on the meter size (Section III.A.2).

As currently constituted (but amended for the typo), the availability fee charge for the Regan House would be:

Water	\$567,000 (120 x 4,725)
Sewer	\$182,000
Total	\$749,000

The Streets and Utilities Committee discussed this matter on 3 January. The Committee directed staff to draft an amended schedule eliminating the per unit fee. Please find attached a draft amended schedule for discussion. If the schedule is amended in this manner the total availability fee charge for the Regan House would be:

Water	\$ 42,000
Sewer	\$182,000
Total	\$ 224,000

The difference between the two approaches is \$525,000 or \$4,375 per unit.

Please find attached: *(Please note this section is from a previous report and these items are not attached as listed)*

- draft amended Town of Berryville Schedule of Water and Sewer Fees and Charges
- correspondence from Alton Echols on this matter
- current City of Fairfax fee schedule (model on which the Town's schedule was written)

Keith Dalton

From: Keith Dalton
Sent: Monday, April 03, 2017 1:56 PM
To: Jay Arnold (Council)
Cc: Desi Moreland; Christy Dunkle; Ann Phillips; Keith Dalton
Subject: Availability Fees
Attachments: 20170403135234283.pdf

Jay:

I have attached the availability fees as requested.

I have also taken the liberty of providing a synopsis of some of the options that have been floated regarding Regan House.

Take care,

Keith

Bcc: TC

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

V 540.955.1099
F 540.955.4524

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

Effective June 24, 2015

I. USER FEES

A. WATER

\$8.40 per 1,000 gallons of usage
\$5.00 per month minimum charge

B. SEWER

\$ 17.00 per 1,000 gallons of usage
\$ 15.00 per month minimum charge

II. DEPOSITS AND ADMINISTRATIVE FEES

A. DEPOSITS

Residential: \$ 225

Business/Commercial (excluding Restaurants and Laundries): \$ 860

Restaurant: \$ 785

Laundry: \$2,450

B. ADMINISTRATIVE FEES

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$40

Returned Check/ACH Fee \$25

III. AVAILABILITY FEES

A. WATER

1.	<u>Type of Premises</u>	<u>Charge</u>
	Residential:	
	Single Family Residential individual 5/8" meter	\$ 5,250 + meter charge
	Town House, Duplex individual 5/8" meter	\$5,250 per unit + meter charge
	Multi-Family	\$4,725 per unit + meter charge

2. Commercial, Industrial, Institutional, & Single Family greater than 5/8" meter:

Water Meter Size (Inches)	Demand Ratio	Radio Read	
		Avail. Fee	Meter Cost
5/8	1.0	\$ 5,250	Meter cost + 30% admin. fee
3/4	1.5	7,825	Meter cost + 30% admin. fee
1.0	2.5	13,125	Meter cost + 30% admin. fee
1.5	4.375	22,970	Meter cost + 30% admin. fee
2.0	8.0	42,000	Meter cost + 30% admin. fee
3.0	16.0	84,000	Meter cost + 30% admin. fee
4.0	25.0	131,250	Meter cost + 30% admin. fee
6.0	50.0	262,500	Meter cost + 30% admin. fee

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1

Notes:

- (a) Multi-family residences are defined as any master metered group of apartment, town house, condominium or other residential units with each unit containing separate kitchen facilities.
- (b) In cases where a master meter is serving multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of (a) an amount derived by multiplying the unit charge of \$5,250 for multi-family residence times the total number of residential and commercial units to be served by a single meter, or (b) an amount based on the meter size as specified above.

B. SEWER

Water Meter Size (Inches)	Demand Ratio	Avail. Fee
5/8	1.0	\$ 22,750
3/4	1.5	34,125
1.0	2.5	56,875
1.5	4.375	99,535
2.0	8.0	182,000
3.0	16.0	364,000
4.0	25.0	568,750
6.0	50.0	1,137,500

Greater than 6", Demand Ratio (AWWA M22) multiplied by fee for Demand Ratio 1

IV. LATERAL or CONNECTION FEES

A. WATER

Meter Size (Inches)	By Others	By Town
5/8	* (b)	cost + 10% (\$500 min.) & b
3/4	* (b)	cost + 10% (\$500 min.) & b
1.0	* (b)	cost + 10% (\$500 min.) & b
1.5	* (b)	(c) & (b)
2.0	* (b)	(c) & (b)
3.0	* (a) & (b)	(a) & (b)
4.0	* (a) & (b)	(a) & (b)
6.0	* (a) & (b)	(a) & (b)
Greater than 6"	* (a) & (b)	(a) & (b)

B. SEWER

Lateral Size (Inches)	By Others	By Town
4	*	cost + 10% (\$500 min.)
Greater than 4"	*	N/A (d)

Notes:

- (a) = Town of Berryville to furnish and install wet taps to existing mains at cost plus 10%. Contractor to furnish and install lines and vaults.
 - (b) = Town of Berryville to install meters.
 - (c) = Town of Berryville to provide 2" service line to property line with 2" ball valve at cost plus 10%. Contractor to furnish and install meter vault and meter setter.
 - (d) = Installed by contractor if larger than 4" required.
- * = Inspection fee applies, see Section V.

V. INSPECTIONS

A. Sanitary Sewer Camera Service & Storm Sewer Camera Service

Mains and Laterals Over 4-Inches in Diameter:

Mobilization Fee	\$250
Camera Fee	\$2.50 per linear foot

4-Inch Laterals:

Laterals Under 50-Feet in Length	\$100
Laterals 50-Feet in Length or Greater	\$100 plus \$2.50 per linear foot

B. Inspections

Approved Inspector or Town Staff.....	\$ 50 per hour
Licensed Professional Engineer	cost

Notes:

Cleaning lines will be required prior to camera use and is the responsibility of the applicant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit\$500
-------------------------------------	--------

VII. WATER METER TESTING

5/8" meter\$ 100
All other meters\$ 100 + cost

Notes: Fee is refunded if meter is found to be over registering

VIII. UNAUTHORIZED USE OF SERVICE

For unapproved water withdrawals from fire hydrants or any other part of the Town Water System, or when a customer willfully takes steps to reactivate service after service has been disconnected by the town on account of nonpayment of any charge owed to the town and the town is required to take some action to again discontinue service, such as removing the meter; etc., a charge for unauthorized use of service in the amount of two hundred and fifty dollars (\$250) shall be paid. This charge shall be in addition to any other charge for water and sewer utility services owed to the town, as well as any other legal remedies which the town may be able to pursue for unauthorized use of service.

Just for ref

Availability Fee Information

5/8" meter (Demand Ration 1)

Water: 5,250

Sewer: 22,750

Total: 28,000

RH ↓

2" meter (Demand Ration 8.0)

Water: 42,000

Sewer: 182,000

Total: 224,000

As currently constituted*, the availability fees for the 120 unit Regan House would be:

Water: 567,000 (120 x 4,725)

Sewer: 182,000

Total: 749,000

Please note that the per unit charge (4,725 is 90% of 5,250)

If the water availability fee was changed to 80% of the single-family detached and attached rate then the availability fees for the 120 unit Reagan House would be?

Water: 504,000 (120 x 4,200)

Sewer: 182,000

Total: 686,000

Please note that the per unit charge (4,200 is 80% of 5,250)

* I have mentioned before the need to amend the fee schedule to address a typo. This does need to be cleaned up but I certainly am comfortable applying the 4,725 per unit fee as enumerated in III.A.1 even though that number did not make it into III.A.2.b.

Attachment 14

April 11, 2017

This matter was discussed at length at the March meeting. Ms. Gibson expressed concern regarding consistency within the policy regarding how the Town Manager would process requests and how the Mayor/Recorder would process requests. Staff was instructed to review the draft policy and make suggestions to address the concerns expressed at the meeting.

Please find attached:

- Ver. 1 – This is the original policy written by the Town Manager and reviewed by legal counsel.
- Ver. 2 – This is the version in which staff incorporated Mr. Arnold’s suggestions regarding who would seek legal advice/opinion regarding the employment of the Town Manager.
- Ver. 3 – This is the version in which staff incorporated Mr. Arnold’s suggestions regarding who would seek legal advice/opinion regarding the employment of the Town Manager and Ms. Gibson’s suggestions regarding consistency.
- Motion

March 14, 2017

This matter was discussed briefly at the February meeting. Councilman Kitselman stated that he would like the Town Council to review the matter in more detail at the March Town Council meeting.

February 14, 2017

This matter was discussed at the November 8, 2016 Town Council meeting and then again at the December 13, 2016 meeting.

During the discussions, Town Council members addressed such matters as cost control and the sharing of legal advice with all members of the governing body. The Council directed the Town Manger to draft a policy for the Town Council to review. Please find attached a policy that was drafted by the Town Manager and reviewed by the Town’s legal counsel.

BERRYVILLE TOWN COUNCIL

MOTION TO ADOPT POLICY CONCERNING LEGAL ADVICE / OPINIONS

Date: APRIL 11, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached policy concerning legal advice and opinions.

VOTE:

Aye:

Nay: None

Absent: None

ATTEST:

Harry Lee Arnold, Jr., Recorder

VER 1

**Town of Berryville Policy
Legal Advice/Opinion**

Purpose

The Town Council utilizes attorneys, as needed, to provide legal support to the Town. The Town Council establishes this policy to provide cost control measures and to ensure that any advice/opinion received from legal counsel is accessible to all members of the Council.

Policy

- I. Except as provided in Section II of this Policy, below, the Town Manager will work closely with legal counsel and will seek advice/opinion in a manner consistent with the following:
 - A. The Town Manager is authorized to seek and receive legal advice/opinion as the Town Manager deems necessary to provide timely legal advice to the Town Council and staff as they conduct their duties. The Town Manager will utilize the Town's legal counsel in a cost-effective manner and in accordance with this Policy.
 - B. Any individual member of Town Council may seek legal advice/opinion by either:
 - a. Requesting that the Town Manager seek advice/opinion. The Town Manager may either:
 - i. Seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy, or
 - ii. Request that the Town Council determine whether it will direct him/her to seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy.or
 - b. Requesting that the Town Council direct the Town Manager to seek and receive an opinion and that the Town Manager provide information on the advice/opinion to the Town Council in accordance with this policy.
 - C. Upon receipt of advice/opinion requested by the Town Council, or member thereof, the Town Manager will provide the Town Council with a synopsis of the advice/opinion. The synopsis will be provided in a manner the Town Manager determines to be in the best interests of the Town. The Town Manager will also make any written advice/opinion available for review by Town Council members. The Town Council member may read and review the advice/opinion with the Town Manager but the advice/opinion may not be copied and shall not leave the Town Manager's possession.
- II. Any Town Council member who determines that legal advice/opinion should be sought regarding the employment status or discipline of the Town Manager shall forward his or her concerns and specifics of the advice/opinion request to the Chair of the Personnel Committee. The Chair of the Personnel Committee may either request and receive legal advice/opinion directly from counsel, or deny the request. If the request is approved and the advice/opinion is sought, then the advice/opinion will be shared with the Town Council in a duly constituted Closed Session. If the request is denied, then the Town Council member in question may request that the matter be discussed in a duly constituted Closed Session.
- III. The Town Council may at any time, at its own discretion, determine what legal advice/opinion may be made a public document; provided that, such a determination is not inconsistent with law. Otherwise, legal opinions will remain exempt from disclosure as allowed by law.

Approved:

V 2 2

Town of Berryville Policy Legal Advice/Opinion

Purpose

The Town Council utilizes attorneys, as needed, to provide legal support to the Town. The Town Council establishes this policy to provide cost control measures and to ensure that any advice/opinion received from legal counsel is accessible to all members of the Council.

Policy

- I. Except as provided in Section II of this Policy, below, the Town Manager will work closely with legal counsel and will seek advice/opinion in a manner consistent with the following:
 - A. The Town Manager is authorized to seek and receive legal advice/opinion as the Town Manager deems necessary to provide timely legal advice to the Town Council and staff as they conduct their duties. The Town Manager will utilize the Town's legal counsel in a cost-effective manner and in accordance with this Policy.
 - B. Any individual member of Town Council may seek legal advice/opinion by either:
 - a. Requesting that the Town Manager seek advice/opinion. The Town Manager may either:
 - i. Seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy, or
 - ii. Request that the Town Council determine whether it will direct him/her to seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy.or
 - b. Requesting that the Town Council direct the Town Manager to seek and receive an opinion and that the Town Manager provide information on the advice/opinion to the Town Council in accordance with this policy.
 - C. Upon receipt of advice/opinion requested by the Town Council, or member thereof, the Town Manager will provide the Town Council with a synopsis of the advice/opinion. The synopsis will be provided in a manner the Town Manager determines to be in the best interests of the Town. The Town Manager will also make any written advice/opinion available for review by Town Council members. The Town Council member may read and review the advice/opinion with the Town Manager but the advice/opinion may not be copied and shall not leave the Town Manager's possession.
- II. Any Town Council member who determines that legal advice/opinion should be sought regarding the employment status or discipline of the Town Manager shall forward his or her concerns and specifics of the advice/opinion request to the ~~Chair of the Personnel Committee~~ **Mayor and Recorder**. ~~The Chair of the Personnel Committee~~ **The Mayor or Recorder** may either request and receive legal advice/opinion directly from counsel, or deny the request. If the request is approved and the advice/opinion is sought, then the advice/opinion will be shared with the Town Council in a duly constituted Closed Session. If the request is denied, then the Town Council member in question may request that the matter be discussed in a duly constituted Closed Session.
- III. The Town Council may at any time, at its own discretion, determine what legal advice/opinion may be made a public document; provided that, such a determination is not inconsistent with law. Otherwise, legal opinions will remain exempt from disclosure as allowed by law.

VER 3

Town of Berryville Policy Legal Advice/Opinion

Purpose

The Town Council utilizes attorneys, as needed, to provide legal support to the Town. The Town Council establishes this policy to provide cost control measures and to ensure that any advice/opinion received from legal counsel is accessible to all members of the Council.

Policy

- I. Except as provided in Section II of this Policy, below, the Town Manager will work closely with legal counsel and will seek advice/opinion in a manner consistent with the following:
 - A. The Town Manager is authorized to seek and receive legal advice/opinion as the Town Manager deems necessary to provide timely legal advice to the Town Council and staff as they conduct their duties. The Town Manager will utilize the Town's legal counsel in a cost-effective manner and in accordance with this Policy.
 - B. Any individual member of Town Council may seek legal advice/opinion by either:
 - a. Requesting that the Town Manager seek advice/opinion. The Town Manager may either:
 - i. Seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy, or
 - ii. Request that the Town Council determine whether it will direct him/her to seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy.or
 - b. Requesting that the Town Council direct the Town Manager to seek and receive an opinion and that the Town Manager provide information on the advice/opinion to the Town Council in accordance with this policy.
 - C. Upon receipt of advice/opinion requested by the Town Council, or member thereof, the Town Manager will provide the Town Council with a synopsis of the advice/opinion. The synopsis will be provided in a manner the Town Manager determines to be in the best interests of the Town. The Town Manager will also make any written advice/opinion available for review by Town Council members. The Town Council member may read and review the advice/opinion with the Town Manager but the advice/opinion may not be copied and shall not leave the Town Manager's possession.
- II. Any Town Council member who determines that legal advice/opinion should be sought regarding the employment status or discipline of the Town Manager **must request that the Mayor and Recorder seek the advice/opinion.**
 - A. **Upon receiving such a request, either the Mayor or Recorder may either:**
 - a. **Seek and receive the advice /opinion and provide information on the advice/opinion to the Town Council in accordance with this policy,**
or
 - b. **Request that the Town Council determine whether it will direct the Mayor or Recorder to seek and receive the advice/opinion and provide information on the advice/opinion to the Town Council in accordance with this policy.**
or
 - B. **Within 30 days of the receipt of advice/opinion requested by the Town Council, or member thereof, the Mayor or Recorder will** shall forward his or her concerns and

specifics of the advice/opinion request to the Chair of the Personnel Committee ~~Mayor and Recorder~~. The Chair of the Personnel Committee ~~The Mayor or Recorder~~ may either request and receive legal advice/opinion directly from counsel, or deny the request. If the request is approved and the advice/opinion is sought, then the advice/opinion will be shared the opinion with the Town Council in a duly constituted Closed Session. If the request is denied, then the Town Council member in question may request that the matter be discussed in a duly constituted Closed Session.

- III.** The Town Council may at any time, at its own discretion, determine what legal advice/opinion may be made a public document; provided that, such a determination is not inconsistent with law. Otherwise, legal opinions will remain exempt from disclosure as allowed by law.

Attachment 15

Proposed Amendment to Berryville Code Section 2-19

April 11, 2017

This matter was discussed at length at the March 2017 meeting. Many concerns were expressed about the proposed code language and staff was instructed to simplify the proposed amendment.

Please find attached:

- Revised Section 2-19
- Motion

March 14, 2017

This matter was discussed briefly at the February 2017 meeting. Councilman Kitselman stated that he would like the Town Council to review the matter in more detail at the March Town Council meeting.

February 14, 2017

At previous Town Council meetings Mr. Kitselman has expressed concern about the appointment of standing committees of the Town Council. He has requested that this matter be placed on this month's Town Council agenda.

Standing Committees of the Town Council as of 1/17 (Chair listed first)

Budget & Finance	Erecka Gibson, Pat Dickinson
Community Improvements	Donna McDonald, Allen Kitselman
Personnel	Jay Arnold, Pat Dickinson, Erecka Gibson
Police & Security	David Tollett, Pat Dickinson
Streets & Utilities	Pat Dickinson, David Tollett

Staff has completed a draft amendment to serve as a starting point for discussions.

If the Town Council determines that it wishes the move forward with an amendment, then staff requests guidance regarding the language of the revised Section 2-19. Further, if the amendment is to move forward, then it would be reviewed by legal counsel prior to being placed on the agenda for a vote.

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT AN ORDINANCE AMENDING
SECTION 2-19 OF THE BERRYVILLE CODE

Date: April 11, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 2, Section 19 of the Berryville Code regarding Standing Committees.

VOTE:

Aye:

Nay:

Absent:

Attest: _____
Harry Lee Arnold, Jr., Recorder

AN ORDINANCE AMENDING SECTION 2-19 OF THE BERRYVILLE CODE

BE IT ORDAINED, by the Council of the Town of Berryville, that Chapter 2, Section 19 of the Berryville Code regarding Standing Committees shall be amended as follows (**in bold**):

Sec 2-19. Standing Committees

- a) There shall be such standing committees of the Council as are provided by the Council. Members of such committees shall be appointed by the mayor.
- b) The Council may amend committee appointments.**
- c) Such committees shall have such powers and duties as are prescribed by Council, not inconsistent with the Charter.

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Nay:

Absent:

DRAFT

Sec 2-19. Standing Committees

- a) There shall be such standing committees of the Council as are provided by the Council. Members of such committees shall be appointed by the mayor.
- b) **The Council may amend committee appointments.**
- c) Such committees shall have such powers and duties as are prescribed by Council, not inconsistent with the Charter.

Draft

Submitted to Town Council