

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Regular Meeting
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Tuesday, September 12, 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	
a. Donald Riesgraf (Owner, DBSR, LLC), is requesting a Special Use Permit in order to allow contractor’s establishment and light warehousing with outdoor storage per Section 609.3(a) of the Berryville Zoning Ordinance on the property located at 40 Cattleman’s Lane, identified as Tax Map Parcel number 14A3-((A))-26, zoned L-1 Industrial. SUP 02-17	1⇕
b. The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to remove references to the Town of Berryville Stormwater Management Ordinance and replacing them to reference the Commonwealth of Virginia Stormwater Management Program (VSMP) following the repeal of the Town’s Stormwater Management Ordinance. TA 01-17	2⇕
c. The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with regulations of the Commonwealth of Virginia. TA 02-17	3⇕
5. Citizens’ Forum	
6. Consent Agenda	4⇕
Motion	
Minutes of Regular Meeting – 8/8/17	
Minutes of Budget and Finance Committee – 8/24/17	
Minutes of Police and Security Committee – 8/24/17	
Minutes of Streets and Utilities Committee Meeting – 8/25/17	
Minutes of Personnel Committee Meeting – 9/6/17	

<u>Item</u>	<u>Attachment</u>
7. Report of Patricia Dickinson, Mayor	
8. Report of Harry Lee Arnold, Jr., Recorder	
9. Report of Christy Dunkle, Asst. Town Manager for Community Development Monthly Report	5
10. Report of Keith Dalton, Town Manager Designation of date and hours for Halloween activities	6↓
11. Report of Erecka Gibson – Chair, Budget and Finance Committee Report of Desiree Moreland, Treasurer	7
12. Report of Donna McDonald – Chair, Community Improvements Committee	
13. Report of David Tollett – Chair, Police and Security Committee Report of Neal White, Chief of Police	8
14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee Report of David Tyrrell, Public Utilities Director	9
Report of Rick Boor, Public Works Director	10
Water/Sewer User and Availability Fee Schedule	11
Pedestrian Crossing Signal – East Main Street mid-block between Church Street and Chalmers Court	12
Revised FY2018 Street Work Priorities / Public Works Bld.	13
15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee Appointment – Planning Commission	14↓
Appointments – NSVRC	15↓

Item

Attachment

16. Other

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 – Special Use Permit for Outdoor Storage

September 12, 2017

Donald Riesgraf (Owner, DBSR, LLC), is requesting a Special Use Permit in order to allow contractor's establishment and light warehousing with outdoor storage per Section 609.3(a) of the Berryville Zoning Ordinance on the property located at 40 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-26, zoned L-1 Industrial. SUP 02-17

Public hearing notices were published in the Winchester Star on Tuesday, August 29 and Tuesday, September 5, 2017. Adjacent property owners were notified via first class mail on August 29, 2017. Staff met with adjacent property owners which is described below.

The Berryville Planning Commission held a site visit prior to their July meeting and public hearing on the matter. One adjacent property owner attended the meeting. Planning Commissioners offered recommendations to the applicant concerning screening, plantings, and fencing. The Planning Commission recommended Town Council approve the request, directing staff to update the site plan identifying the location of the fence and providing lighting specifications.

Staff met with adjacent property owners on Friday, August 18, 2017 and discussed the Special Use Permit request. They have requested the following conditions be considered with the approval of the Special Use Permit:

1. A landscape buffer including a fence of 15 feet against the residentially zoned property to the east;
2. 8' chain link fence with slats inside of the tree border;
3. Buffer will include Leyland Cypress and a variety of hardy evergreens at a planted height of 6-8';
4. All lights shall be downcast inward and not be directed onto adjacent properties; and
5. Lights without surveillance cameras are timed to turn off at midnight.

Mayor Dickinson has noted a discrepancy in the Zoning Ordinance concerning the proposed buffer. Section 609.10(b) states that when a contiguous property zoned L-1 is located next to a district other than L-1, C-1, or C-2, a 30 foot landscape buffer strip shall be provided. Section 314.7(j)1 states that where non-residentially zoned land is developed adjacent to land zoned for residential or open space uses, or where residentially zoned land is adjacent to a railroad or limited access highway, a landscaped buffer strip a minimum of 10 feet wide shall be provided along the common property line. Additionally, this section states that the buffer shall include fencing and plant material. Staff is recommending that the latter be applied due to the nature of the

business (outdoor storage), discussions with the property owner and with adjacent property owners and site conditions.

Adjacent property owners, in an email dated August 24, 2017 stated the following: "We are fine with the following: a 15' buffer versus the "required" 30'; the 25' downward facing lights and an 8' foot galvanized chain link fence on three sides".

The following items are included with this report:

- Public hearing notice published in the Winchester Star on Tuesday, August 29, 2017 and Tuesday, September 5, 2017;
- Special Use Permit application;
- Site Plan;
- Landscape, fencing, and lighting plan;
- Lighting specifications;
- Vicinity Map;
- Section 10-50 of the Code of the Town of Berryville Parking and storage of travel trailers, boats, etc., in residential areas;
- Section 609 L-1 Industrial of the Berryville Zoning Ordinance;
- Section 314 Site Development Plans;
- Section 503 Special Use Permit of the Berryville Zoning Ordinance; and
- Zoning Map.

August 8, 2017 Staff Report

Mr. Riesgraf is requesting a Special Use Permit in order to allow outdoor storage with "contractor's establishment" and "light warehousing" uses in the L-1 Industrial Zoning District at the location referenced above. Sections 609.2(d) and 609.2(l) of the Berryville Zoning Ordinance allow for contractor storage and light warehousing, respectively. Outdoor storage for these two uses may be permitted with an approved Special Use Permit under Section 609.3(a). The owner's intention is to offer storage of recreational vehicles and contractor equipment on the site.

The Special Use Permit process allows for the ability to set conditions on specific uses and respective parcels which may include hours of operation, site requirements, and items deemed appropriate as recommended by the administrative body and approved by the governing body.

The Berryville Planning Commission held a site visit prior to their July meeting and public hearing on the matter. One adjacent property owner attended the meeting. Planning Commissioners offered recommendations to the applicant concerning screening, plantings, and fencing. The Planning Commission recommended Town Council approve the request, working with staff to submit specifications on the light poles and fixtures.

The applicant has identified a 15 foot landscape and fence buffer along the property lines shared with Friant Enterprises LP, LLP. Section 314.7(j.)1. requires a 10' foot buffer

and fence between non-residentially zoned properties and areas zoned residential. After discussing the buffer area with Planning Commission and the adjacent property owner, it was determined that two rows of Leyland cypress will be planted 10 feet on center.

Mr. Riesgraf will be installing an eight foot fence along the perimeter of the property. Section 303.5 allows up to 14 feet in height. Discussion at the site visit included the height of the light poles and the shielding of the fixtures. The applicant said that the height will be approximately 20 feet. Staff will work with the applicant to finalize specific lighting details which will be presented to Town Council prior to the public hearing.

Town Code Section 10-50 Parking and storage of travel trailers, boats, etc., in residential areas is included for review. This section regulates items related to recreational vehicles including licensure, storage, and parking.

Staff contacted Brian Lichty, Clarke County Fire, EMS, and Emergency Management Director, concerning requirements for RV storage as related to fuel and LP gas on the site. Mr. Lichty said that he did not find any specific requirements concerning this type of storage.

Site Information

The parcel purchased by Mr. Riesgraf is approximately 3.54 acres and is located at the end of Cattleman's Lane. Cattleman's Lane is a private road owned by Norfolk-Southern Railroad. A large building is located on the southern part of the parcel which is currently leased by Lloyd's Transfer. Another building located on the site will be dismantled and removed from the property. Approximately two acres of the parcel will be used for outdoor storage.

Adjacent Parcel Information

Ownership, zoning, and land uses on adjacent parcels are as follows:

- West: Norfolk Southern Railroad; L-1 Industrial Zoning; abandoned siding
- North: Friant Enterprises; BP Business Park Zoning; undeveloped, located in Annexation Area B
- East: Friant Enterprises; DR-2 Detached Residential Zoning; undeveloped, located in Annexation Area B
- South: Calliecorp, LLC; C-1 Commercial; hardware store, granite business, future retail/office complex is planned. Thomas Plumbing & Heating, Inc.; L-1 Industrial; equipment storage

Zoning Requirements

Section 609.11 regulates storage of goods, materials, fuel and refuse. Section 609.11(b) requires that all goods stored outside must be screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature. The proposed

area used for storage is not visible from any public rights-of-way. Contiguous properties are identified under Adjacent Parcel Information above.

Recommendation

Approve the Special Use Permit as presented. A motion follows this report.

PUBLISHED

082917

090517

WINCHESTER STAR

Special Notices 107 Special Notices 107

**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, September 12, 2017**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Donald Riesgraf (Owner, DBSR, LLC), is requesting a Special Use Permit in order to allow contractor's establishment and light warehousing with outdoor storage per Section 609.3(a) of the Berryville Zoning Ordinance on the property located at 40 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-26, zoned L-1 Industrial. SUP 02-17

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to remove references to the Town of Berryville Stormwater Management Ordinance and replacing them to reference the Commonwealth of Virginia Stormwater Management Program (VSMP) following the repeal of the Town's Stormwater Management Ordinance. TA 01-17

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with regulations of the Commonwealth of Virginia. TA 02-17

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 on these matters should appear at the appointed time and place.

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

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

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

SPECIAL USE PERMIT APPLICATION

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

To be completed by Applicant:

Date: 6/13/ _____, 2017

Applicant's Name: DONALD RIESGRAF

Applicant's Address: 12 CATTLEMANS LN Berryville VA 22611

Use Applied For: CONTRACTOR STORAGE / LT Warehouse/Up

At the following address: 40 CATTLEMANS LN

Special Conditions: 703/926 2779 KOR TEKLINE@VERISON.NET

Property Owner's Name: DBSR LLC

Property Owner's Address: 12 CATTLEMANS LN Berryville VA 22611

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

Signature: _____ Date: 6/13/17

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: _____ Date: 6/13/17

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: 609.3(A) Zone: L-1

Street Address: 40 CATTLEMANS LANE Tax Map #: 1403(A) 26

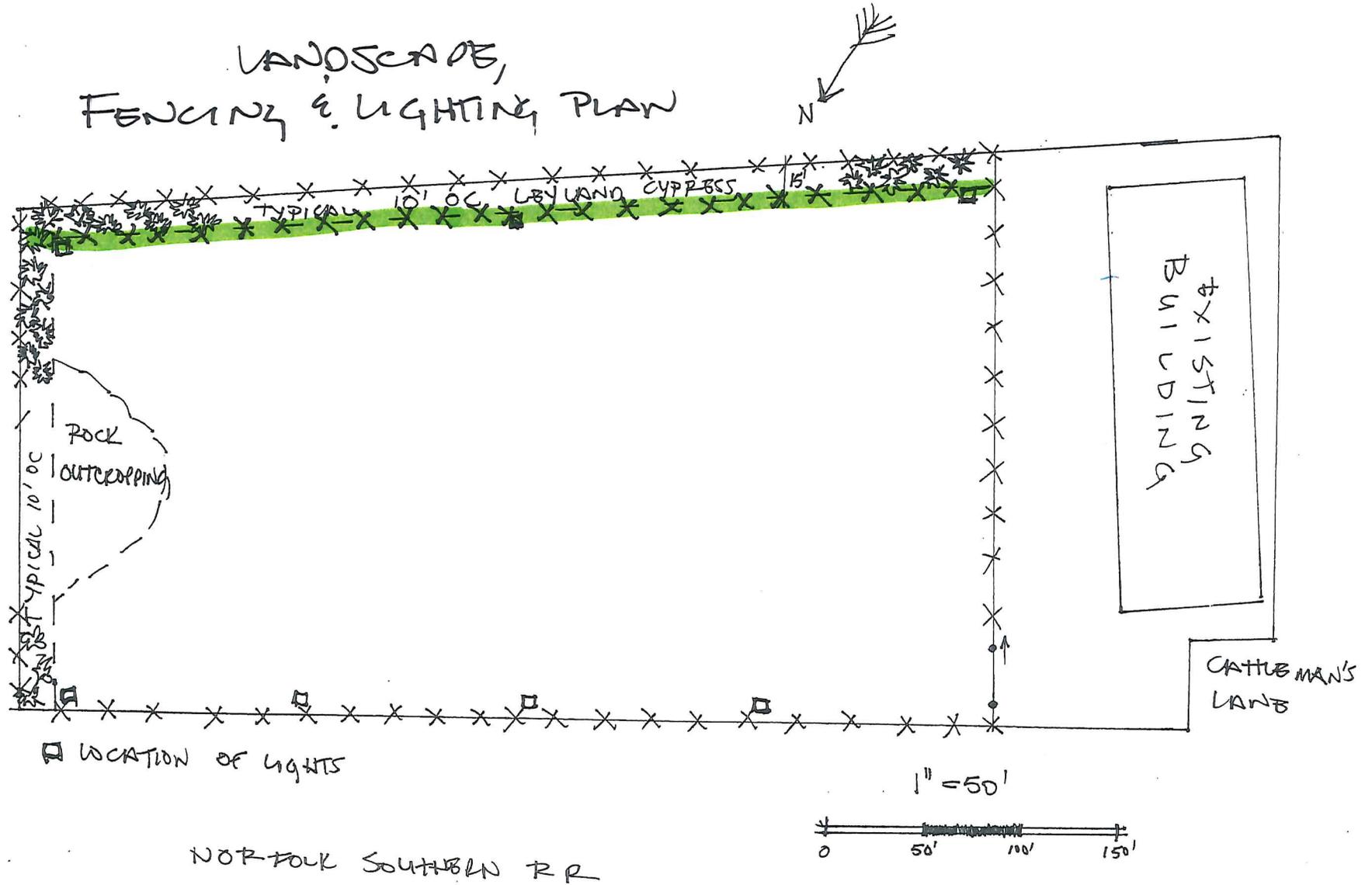
Special Use Permit Fee: \$2000 Paid: 6-19-17

Site Plan Fee: \$125 Paid: 6-19-17

Signature of Zoning Administrator: _____ Date: _____

PH PC 072517

LANDSCAPE, FENCING & LIGHTING PLAN



Changes to updated site plan:

- 8' chain link fence, no barb wire at top, with slats, located 15' off PL
- Variety of evergreen plantings, 10' on-center, two staggered rows, 6'-8' tall at installation

OSQ Series

OSQ™ LED Utility Flood Luminaire

Product Description

The OSQ™ Utility Flood Luminaire offers simple installation with a rugged die cast aluminum adjustable arm mount preset to 45° angle. Arm mounts to 2" (51mm) IP, 2.375" (60mm) O.D. tenon with choice of 8' 14/3 AWG cord exiting end of arm or side of arm. "B" Input power designators are a suitable upgrade for HID applications up to 250 Watt. "K" input power designators are suitable for HID applications up to 400 watt. The "T" input power designator is a suitable upgrade for HID applications up to 750 Watts, and the "U" input power designator is a suitable upgrade for HID applications up to 1000 Watts. OSQ Utility Flood Series is a perfect fit for a wide array of applications, helping improve the economic value for DoTs, municipalities, or Utilities.

Applications: Utility floodlighting

Performance Summary

NanoOptic® Precision Delivery Grid™ optic

Made in the U.S.A. of U.S. and imported parts

CRI: Minimum 70 CRI (4000K); 80 CRI (3000K)

CCT: 3000K (+/- 300K), 4000K (+/- 300K)

Limited Warranty*: 10 years on luminaire/10 years on Colorfast DeltaGuard® finish

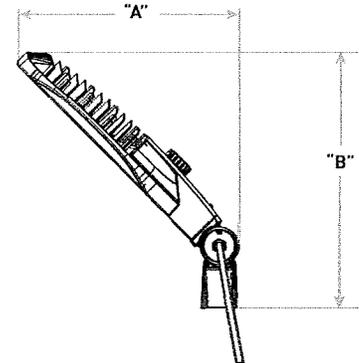
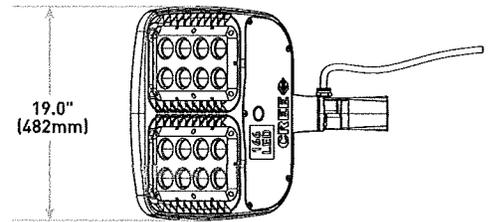
*See <http://lighting.cree.com/warranty> for warranty terms

Utility Highlights

Utility Label and NEMA® Photocell Receptacle

- External wattage label per ANSI C136.15
- 7-pin rotatable receptacle per ANSI C136.41
- Factory connected 0-10V dim leads
- Three conductor cord exits luminaire
- Photocell and shorting cap by others

UA Mount



Input Power Designator	Weight	DIM "A"	DIM "B"
B/K	27.6 lbs. [12.5kg]	18.0" [458mm]	21.2" [538mm]
T/U	29.6 lbs. [13.4kg]	19.6" [498mm]	22.8" [578mm]

Ordering Information

Example: OSQ-A-UA-60D-B-40K-UL-SV-N

OSQ	A	60D	UL	N				
Product	Version	Mounting	Optic	Input Power Designator	CCT	Voltage	Color Options	Utility Label/Receptacle
OSQ	A	UA 45° Utility Arm w/8' 14/3 AWG Cord Side Exit UB 45° Utility Arm w/8' 14/3 AWG Cord End Exit	60D 60° Flood	B 86W K 130W T 166W U 215W	30K 3000K 40K 4000K	UL Universal 120-277V	BZ Bronze SV Silver	N Utility Label and NEMA® Photocell Receptacle - External wattage label per ANSI C136.15 - 7-pin receptacle per ANSI C136.41 - Intended for downlight applications with maximum 45° tilt - Factory connected 0-10V dim leads - Three conductor cord exits luminaire - Photocell and shorting cap by others



Rev. Date: V4 03/22/2017



OSQ™ LED Utility Flood Luminaire

Product Specifications

CONSTRUCTION & MATERIALS

- Slim, low profile design minimizes wind load requirements
- Luminaire housing is rugged die cast aluminum with an integral, weathertight LED driver compartment and high performance heat sink
- Rugged die cast aluminum utility arm mount is preset to 45°, and mounts to 2" (51mm) IP, 2.375" (60mm) O.D. fenon
- Utility arm mount can be field adjusted in 2.5° increments. Maximum tilt 45°
- Includes 8' (2.4m) 14/3 AWG SEOW black cord exiting the side of the mounting arm through watertight fitting (UA mount) or the end of the mounting arm (UB mount)
- Comes standard with Utility Label per ANSI C136.15 and 7-pin NEMA® Photocell Receptacle per ANSI C136.41
- Exclusive Colorfast DeltaGuard® finish features an E-Coat epoxy primer with an ultra-durable powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. Bronze and silver are available
- **Weight:** See Weight Chart on pages 1 and 2

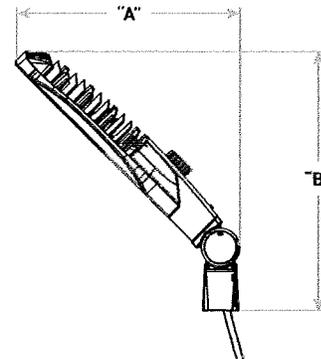
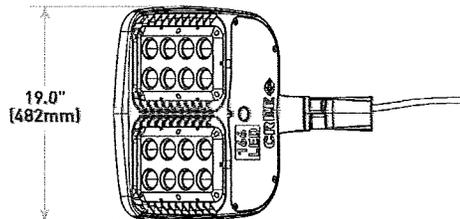
ELECTRICAL SYSTEM

- **Input Voltage:** 120-277V, 50/60Hz, Class 1 drivers
- **Power Factor:** > 0.9 at full load
- **Total Harmonic Distortion:** < 20% at full load
- Integral 10kV surge suppression protection standard
- When code dictates fusing, a slow blow fuse or type C/D breaker should be used to address inrush current
- **10V Source Current:** 0.15mA

REGULATORY & VOLUNTARY QUALIFICATIONS

- cULus Listed
- Suitable for wet locations
- Certified to ANSI C136.31-2001, 3G bridge and overpass vibration standards
- 10kV surge suppression protection tested in accordance with IEEE/ANSI C62.41.2
- Meets FCC Part 15, Subpart B, Class A standards for conducted and radiated emissions
- Luminaire and finish endurance tested to withstand 5,000 hours of elevated ambient salt fog conditions as defined in ASTM Standard B 117
- Meets Buy American requirements within ARRA
- DLC and DLC Premium qualified versions available. Some exceptions apply. Please refer to www.designlights.org/QPL for most current information
- RoHS compliant. Consult factory for additional details

UB Mount



Input Power Designator	Weight	DIM "A"	DIM "B"
B/K	27.6 lbs. (12.5kg)	18.0" (458mm)	21.2" (538mm)
T/U	29.6 lbs. (13.4kg)	19.6" (498mm)	22.8" (578mm)

Electrical Data*					
Input Power Designator	System Watts 120-277V	Total Current (A)			
		120V	208V	240V	277V
B	86	0.73	0.43	0.37	0.32
K	130	1.09	0.65	0.56	0.49
T	166	1.41	0.83	0.72	0.62
U	215	1.83	1.08	0.93	0.81

* Electrical data at 25°C (77°F). Actual wattage may differ by +/- 10% when operating between 120-277V +/-13%

Recommended OSQ Series Lumen Maintenance Factors (LMF) ¹					
Ambient	Initial LMF	25K hr Projected ² LMF	50K hr Calculated ² LMF	75K hr Calculated ² LMF	100K hr Calculated ² LMF
5°C (41°F)	1.05	1.00	0.96	0.92	0.88
10°C (50°F)	1.04	0.99	0.95	0.91	0.87
15°C (59°F)	1.02	0.98	0.94	0.90	0.87
20°C (68°F)	1.01	0.96	0.92	0.88	0.85
25°C (77°F)	1.00	0.95	0.91	0.88	0.84

¹Lumen maintenance values at 25°C (77°F) are calculated per TM-21 based on LM-80 data and in-situ luminaire testing

²In accordance with IESNA TM-21-11, Projected Values represent interpolated value based on time durations that are within six times (6X) the IESNA LM-80-08 total test duration (in hours) for the device under testing (DUT) i.e. the packaged LED chip

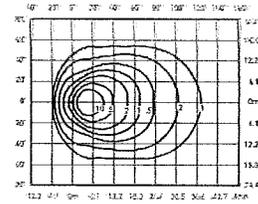
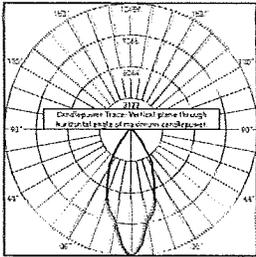
³In accordance with IESNA TM-21-11, Calculated Values represent time durations that exceed six times (6X) the IESNA LM-80-08 total test duration (in hours) for the device under testing (DUT) i.e. the packaged LED chip

OSQ™ LED Utility Flood Luminaire

Photometry

All published luminaire photometric testing performed to IESNA LM-79-08 standards by a NVLAP accredited laboratory. To obtain an IES file specific to your project consult: <http://lighting.cree.com/osq-series-utility>

60D



CESTL Test Report #: PL08100-001B
OSQ-A-60D-B-30K-UL
Initial Delivered Lumens: 10,079

OSQ-A-60D-T-40K-UL
Mounting Height: 25' (7.6m) A.F.C., 60° Tilt
Initial Delivered Lumens: 22,675
Initial FC at grade

60° Flood Distribution		
Input Power Designator	3000K	4000K
	Initial Delivered Lumens*	
B	9,914	11,478
K	14,595	16,897
T	19,586	22,675
U	22,502	26,051

* Initial delivered lumens at 25°C (77°F). Actual production yield may vary between -10 and +10% of initial delivered lumens

Luminaire EPA

Utility Arm Mount – B/K Input Power Designator Weight: 27.6 lbs. (12.5kg); T/U Input Power Designator Weight: 29.6 lbs. (13.4kg)						
	Single	2 @ 180°	2 @ 90°	3 @ 90°	3 @ 120°	4 @ 90°
Input Power Designator						
45° Tilt						
B/K	1.96	1.96	2.69	3.43	4.54	5.38
T/U	2.20	2.20	3.00	3.80	5.07	6.00

Note: For tilt angles other than 45°, refer to OSQ Series LED Area/Flood luminaire spec sheets

Overview

Imagine advanced lighting throughout your site. Improve the overall look of your site with the OSQ LED luminaire. <http://lighting.cree.com/> The series delivers up to 27,103 lumens and enables the replacement of HID fixtures up to 1000W. The result is better light with added architectural appeal for any general area lighting space: walkways, internal roadways, parking lots or even flood lighting applications. Further improve your site's illumination performance with our precise optical control that delivers light only to where you need it resulting in greater energy savings.

Specs & Variations

NAME	SERIES	MOUNTING	OPTIC	WATTAGE	CCT	VOLTAGE
OSQ: MEDIUM	SWIPE > A	NM No Mount - Must order OSQ-DA or OSQ-AA mount separately	ASYMMETRIC	B 86W K 130W	30K 3000K 40K 4000K 57K 5700K	UL 120- 277V UH 347- 480V
			2ME Type II Medium			
			3ME Type III Medium			
			4ME Type IV Medium			
			SYMMETRIC			
			5ME Type V Medium			
			5SH Type V Short			
			WSN Wide Sign			
			15D 15° Flood			
			25D 25° Flood			
			40D 40° Flood			
			60D 60° Flood			

OSQ: LARGE	A	MM No	ASYMMETRIC	T 166W	30K 3000K	UL 120-
	(http://lighting.cree.com/)	Mount -	2ME Type II	U 215W	40K 4000K	277V
		OSQ-DA or	Medium		57K 5700K	UH 347-
		OSQ-AA	3ME Type III			480V
		mount	Medium			
		separately	4ME Type IV			
			Medium			
			SYMMETRIC			
			5ME Type V			
			Medium			
		5SH Type V				
		Short				
		WSN Wide				
		Sign				
		15D 15° Flood				
		25D 25° Flood				
		40D 40° Flood				
		60D 60° Flood				

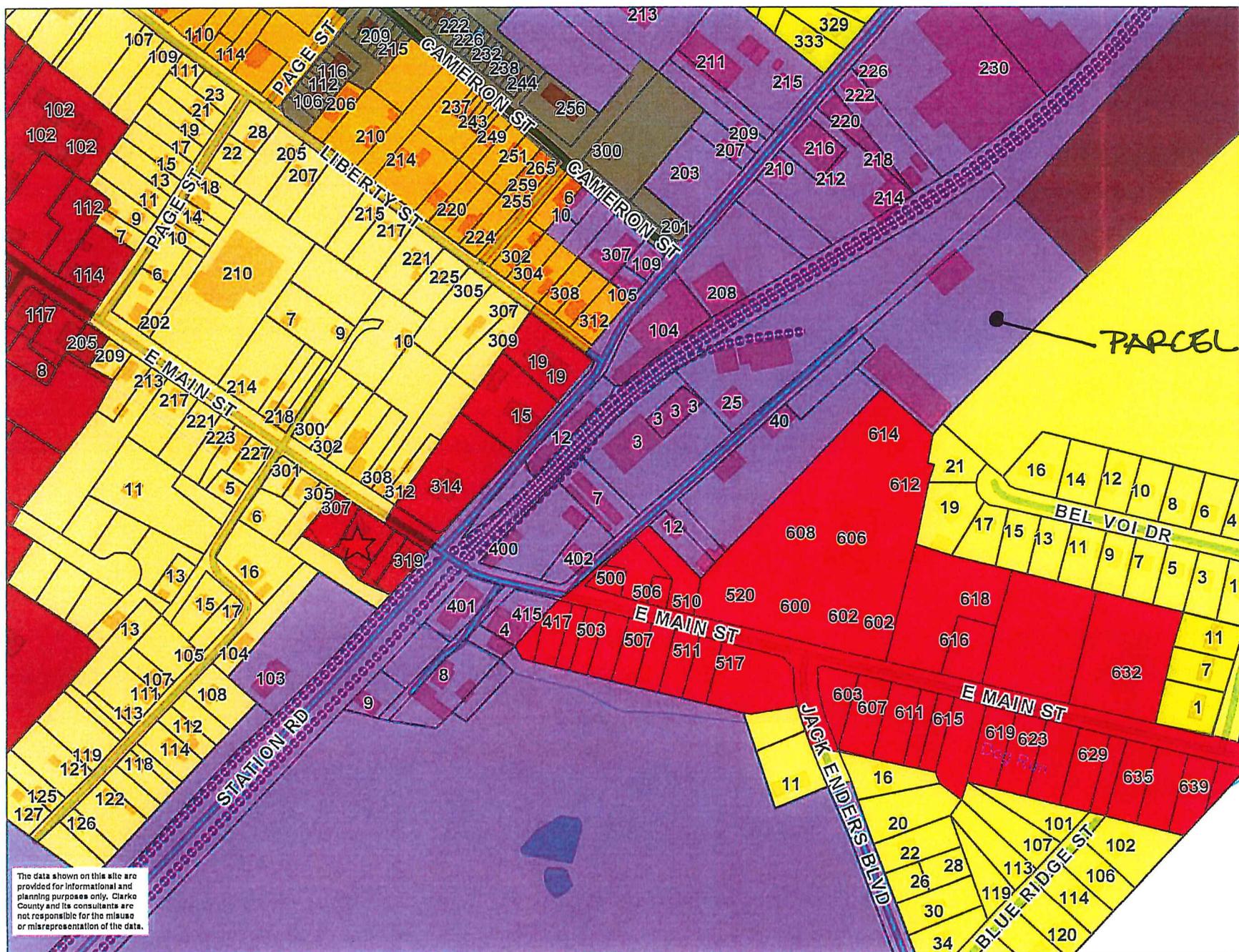
** Ordering information is for reference only. Some product configurations are not available. Please consult spec sheets for specific product availability and for further details.*

Interested?
Let's talk.

Talk to the Experts

Let us help you get started with our superior LED lighting products.

Call 866.924.3645 (tel:8669243645)



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

PARCEL

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

0 420 840 ft

Printed on 06/22/2017 at 10:17 AM

Clarke County MapsOnline

Sec. 10-50. - Parking and storage of travel trailers, boats etc., in residential areas.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

- (1) The vehicle has displayed all required licenses,
- (2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principle structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey in the vehicle,
- (3) The vehicle does not exceed thirty-two (32) feet in length or nine (9) feet in height, and
- (4) The vehicle is not inhabited while parked in said residentially zoned area.

Any violation of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed twenty-five dollars (\$25.00).

(Ord. of 6-10-97; Ord. of 2-14-12(2))

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

The L-1 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. The specific uses permitted within the L-1 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. Adaptive reuse is encouraged in the L-1 District. Outdoor storage and heavy industrial uses are discouraged but may be permitted by special use and environmental performance review. The L-1 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the L-1 District, but expansion of existing industrial uses shall conform to the provisions herein. **(08/16)**

609.2 PERMITTED USES (12/94)

- (a) Auction establishments (indoor only) **(5/95)**
- (b) Business and professional offices **(7/99)**
- (c) Business service, supply and delivery establishments
- (d) Contractor's establishments without outdoor storage
- (e) Establishments for the production, processing, assembly, manufacturing, compounding, cleaning, servicing, testing and repair of materials, goods or products which conform to applicable Federal, State and local environmental performance standards or other standards referenced by the Town as related to (a) air pollution; (b) fire and explosion hazards; (c) radiation hazards; (d) electromagnetic radiation and interference hazards; (e) liquid and solid wastes hazards; (f) noise and odor standards; and (g) vibration standards.
- (f) Existing or expansion of existing industrial uses in operation as of the date of adoption of this Ordinance which conform to the previous industrial zoning district requirements.
- (g) Farm supply establishments
- (h) Financial institutions
- (i) Indoor mini-storage facilities
- (j) Light manufacturing, fabrication, testing or repair establishments without outdoor storage
- (k) Light warehousing establishments, without outdoor storage
- (l) Light wholesale trade establishments, without outdoor storage
- (m) Printing and publishing establishments
- (n) Private training and vocational schools
- (o) Public utilities (sub-stations, pump stations, transmission/receiving facilities and lines for telecommunications and similar uses, storage tanks, etc.)
- (p) Sheet metal shops
- (q) Small animal veterinary hospitals, exclusive of boarding kennels
- (r) Vehicle and machinery service, and parts sales ("service" including but not limited to internal and external repair, body work, paint, car washes, etc.)
- (s) Welding shops

609.3 SPECIAL PERMIT USES

- (a) All above permitted uses requiring outdoor storage **(10/94)**
- (b) Day care centers **(12/94)**
- (c) Eating establishments including microbreweries, wineries, and distilleries **(05/95, 08/16)**
- (d) Heliports
- (e) Laundry and dry cleaning establishments
- (f) Lumber yards and building materials establishments
- (g) Motor freight terminals
- (h) Retail sales incidental to a manufacturing, production or related use, provided that:
 - a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and
 - b) the areas dedicated for retail uses must be indicated on an approved site plan.The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity. **(12/07)**
- (i) Scientific research, development, and training establishments
- (j) Service stations
- (k) Vehicle and machinery sales and rentals
- (l) Recreation, commercial indoor **(06/10)**
- (m) Retreat and conference centers **(08/16)**
- (n) Residential lofts and apartments **(08/16)**
- (o) Wholesale/retail food hubs **(08/16)**
- (p) Commercial kitchens **(08/16)**
- (q) Hotels, motels, and accommodations **(08/16)**

609.4 PROHIBITED USES

The specific uses which follow shall not be permitted in the L-1 District:

- (a) Asphalt mixing plants
- (b) Blast furnaces
- (c) Boiler works
- (d) Bulk storage of flammable materials
- (e) Coal, wood or wood distillation
- (f) Concrete mixing and batching products
- (g) Extraction or mining of rocks and minerals
- (h) Garbage incineration
- (i) Junk yards
- (j) Landfills
- (k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
- (l) Metal foundries and smelting
- (m) Petroleum, asphalt or related product refining
- (n) Rendering plants
- (o) Slaughterhouses
- (p) Stockyards
- (q) Tanning and curing of skins
- (r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

Section 609 Industrial (L-1) District

609.5 MAXIMUM LOT COVERAGE

(12/91) The maximum lot coverage—including buildings, streets, parking spaces, driveways, loading areas and all other impervious surfaces—shall not be greater than seventy-five percent (75%) of the area of an L-1 lot.

609.6 MINIMUM DISTRICT SIZE

The minimum district size shall be four (4) acres.

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

- (a) Minimum lot area: 30,000 square feet
- (b) Minimum lot width: 125 feet
- (c) The maximum building height shall be forty (40) feet, except in particular instances the Town Council may, upon recommendation from the Planning Commission or its agent, modify the maximum building height.
- (d) Minimum yard requirements
 - (1) Front yard: 50 feet
 - (2) Side yard: 25 feet (except where side yard abuts a public right-of-way the side yard shall be 50 feet)
(5/94)
 - (3) Rear yard: 50 feet **(5/94)**

609.8 OPEN SPACE

- (a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this District.
- (b) Twenty five percent (25%) of the site shall be landscaped open space. Landscaping may be limited to setback areas and unused portions.

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

- (a) No parking space shall be located closer than fifteen (15) feet from any common property line.
- (b) Where lot is contiguous to property located in any district other than the L-1, I, C-1 or C-2 District, no parking space shall be closer than 40 feet from such property line. **(5/94)**
- (c) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
- (d) Refer to Section 305 for additional off-street parking requirements.

609.10 SETBACK, BUFFERING AND LANDSCAPING

- (a) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. **(5/94)**
- (b) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. **(5/94)**

Section 609 Industrial (L-1) District

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

- (a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.
- (b) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous properties that are in land uses other than industrial in nature.
- (c) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the Town Council.
- (d) All refuse shall be contained in completely enclosed facilities and shall be screened.

609.12 STREET ENTRANCES

- (a) On a corner lot, no street entrance shall be located closer than 60-feet to the curb line extended from the intersecting street. This distance may be increased with respect to the types and turning radii of vehicles using the site.
- (b) No street entrance shall be located closer than 30 feet to a side or rear lot line, unless a common street entrance serves adjacent uses, and in no instance shall the distance between separate street entrances serving adjacent uses be less than 60 feet. The maximum width of such street entrances shall not exceed thirty feet (30').
- (c) A freestanding use shall have no more than two street entrances on any single right-of-way, and such street entrances shall have a minimum distance of 90 feet between them.

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

- (a) All uses shall be subject to final site plan approval.
- (b) Any L-1 District land use application which is not in strict compliance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.
- (c) Master site plans and preliminary plats for L-1 Districts shall include provisions for:
 - (1) adequate public facilities;
 - (2) development phasing;
 - (3) stormwater management facilities to address the ultimate development coverage within the district;
 - (4) lighting and signing; and
 - (5) other special features and land use considerations deemed necessary to serve the industrial district.
- (d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

Section 609 Industrial (L-1) District

609.14 ADDITIONAL REQUIREMENTS

- (a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.
- (b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

SECTION 314 – SITE DEVELOPMENT PLANS (1/93)

314 INTENT

The purpose of these requirements is to promote the orderly development of certain activities in the Town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of public health, safety, and welfare. The site plan shall be used to review a project's compatibility with its environment; to review the ability of proposed traffic circulation systems to provide for safe and convenient movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of the project's community facilities; and to review the location and adequacy of the provision for drainage and utilities.

314.1 WHEN REQUIRED

(a) The provisions of this Section shall apply to all buildings, structures, or uses as noted in the Ordinance. Districts and uses which require a site plan include, but are not necessarily limited to, the following:

<u>Districts</u>	<u>Uses</u>
I Limited Industrial	Shopping Centers
L-1 Industrial	Townhouses
C General Commercial	Apartments
C-1 Commercial	Condominiums (in A-R District
C-2 Commercial	Industrial
M-R Multi-family Residential	Retail
B Business	Offices
BC Business Commercial	
BI Business Industrial	
ITL Institutional	

(b) A site plan shall also be submitted when a change of use of an existing structure requires additional parking or other significant external improvements.

314.2 WAIVER OF REQUIREMENTS

(a) Any requirement of this Section may be waived by the Agent where the waiver is not inconsistent with the intent of this Section, and the applicant establishes that an undue hardship would result from a strict enforcement of this Section, or that the requirement is unreasonable.

(b) The Agent may waive the requirements for site plan review for additions to buildings, structures, and uses if, in his/her opinion, such addition does not substantially affect the intent of this Section.

314.3 ADMINISTRATION

The administration and enforcement of this Ordinance shall be vested in the Berryville Town Council.

(a) Administrative Bodies

Section 314 – Site Development Plans

1. The Town Council hereby designates the Berryville Area Development Authority (BADA) as the Administrative Body for property within Annexation Area “B”, as defined in the County/Town Agreement Defining Annexation Rights, which is the subject of the application and for which no final Certificate of Occupancy has been granted.
 2. In all other areas of Town, as well as for those plans involving property in Annexation Area “B” for which a final Certificate of Occupancy has previously been granted, the Town Council hereby designates the Berryville Planning Commission as the Administrative Body.
 3. The BADA and Planning Commission are delegated the power to administer this Section within their respective jurisdictions, reviewing and approving or disapproving site plans as appropriate. The Administrative Bodies may accept comments from the Town of Berryville, the County of Clarke, and other applicable public agencies when reviewing site plans.
- (b) Agent
The Planning Commission may act through the Berryville planning staff, and the BADA through the Berryville planning staff or the Clarke County planning staff (the “Agent”), to the extent the Administrative Bodies find it appropriate for the administration of this Section; provided that no agent may act for the Administrative Bodies in approving, conditionally approving, or disapproving any site plan. The Agent shall be responsible for the processing of site development plan applications, subject to the procedures provided herein.
- (c) Inspection
All government officers and employees responsible for the enforcement of this Section shall have the right to enter upon any property at all reasonable times during the period of construction for the purpose of making inspections for compliance with this Section. It shall be the responsibility of the developer to notify the Agent when each stage of the development is ready for inspection for compliance with the site plan as approved by the Administrative Body. The developer shall make one (1) set of the approved site plan available at the site at all times during construction.

314.4 PROCEDURES

- (a) Pre-Application Conference
All applicants shall first submit a sketch plan and request a pre-application conference with the Agent to discuss the basic site development scheme, basic ordinance requirements, and preliminary features of the proposed development as they relate to this Section.
- (b) Application
1. Application for approval of a site development plan shall be made by submitting an application form, fifteen (15) copies of the site plan, and the applicable fee, to the Agent.
 2. The Agent shall review the submitted materials to determine if the basic requirements of this Section have been met. If in conformance, the application shall be accepted for filing, and shall be forwarded to the Administrative Body.
 3. The Agent shall forward copies of the site plan to all applicable agencies and officials for written comments and recommendations. After receiving such

Section 314 – Site Development Plans

comments and recommendations, the Agent shall prepare a report for the Administrative Body.

4. The site plan and accompanying materials shall be available for public review in the Berryville town offices.
5. In addition to the fee set by the Town Council, the applicant shall also bear the costs of any professional services employed by the Administrative Body in reviewing the site plan.

(c) Action on Site Plan Application

1. Time Period – After receiving a complete application from the Agent, the Administrative Body shall consider the application at the next regular monthly meeting. Within one hundred (100) days of this first meeting, the Administrative Body shall act to approve, approve with conditions, or disapprove the site plan. Failure of the Administrative Body to act within this one hundred (100) – day period shall be deemed approval of the site plan unless an extension of the time period is agreed upon by the Administrative Body and the applicant.

(d) Public Notice and Hearings

Action on site plans not requiring an ordinance amendment is administrative and does not require public notice or hearings. However, the Administrative Body may provide public notice and hold public hearings on the site plan request, if it deems it desirable.

(e) Action by the Administrative Body

1. The Administrative Body shall approve the site plan if it finds that the plan meets the requirements of this Section; meets the intent of the Berryville Comprehensive Plan and/or its Berryville Area Plan component; and would promote the health, safety, and general welfare of the public.
2. The Administrative Body may condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be stated in writing by the Administrative Body.
3. The Administrative Body may disapprove a site plan, stating in writing the reasons for such disapproval.

(f) Appeals

Any applicant may appeal the decision of the Administrative Body by filing within thirty (30) days of the decision of the Administrative Body an appeal in writing to the Town Council of Berryville, Virginia.

(g) Site Plans Submitted with Special Use Permit Applications

Where a site plan is submitted with a Special Use Permit application as required in Section 503 of this Ordinance, the action of the Administrative Body shall be in the form of a recommendation to the Town Council. Town Council shall then consider the site plan in conjunction with the Special Use Permit request, as outlined in Section 503.

314.5 SPECIFICATIONS

Every site plan shall be prepared in accordance with the following specifications:

- (a) The scale shall be one (1) inch equals not more than fifty (50) feet.
- (b) All site plans shall be submitted on 24- by 36-inch sheets.

- (c) If the site plan is on more than one sheet, match lines shall clearly indicate where the sheets join.
- (d) Horizontal dimensions shall be in feet and decimals of feet to the nearest one-hundredth (1/100) of a foot.

314.6 CONTENTS

The site plan or any portion thereof involving engineering, urban planning, landscape architecture, architecture, or land surveying shall be prepared by qualified persons. Site plans shall be certified by seal and signature of an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall contain the following information, as applicable.

- (a) The proposed title of the project and the name of the engineer, architect, landscape architect, or surveyor; the name of the developer; and the name and address of the property owner.
- (b) A signature area for approvals by the chairman of the Administrative Body and the Agent.
- (c) Signature of the property owner.
- (d) North point, scale, and date.
- (e) Vicinity map at a scale of one (1) inch equals not more than two thousand (2,000) feet, showing the location of the project in relation to corporate limits, town streets, and other prominent features.
- (f) Existing zoning and zoning district boundaries for the property in question, and for immediately surrounding properties.
- (g) The present owner and use of all properties contiguous or directly across the street.
- (h) The boundaries of the property involved by bearings and distances, certified by a land surveyor licensed to practice in the Commonwealth of Virginia.
- (i) All existing property lines, existing streets, buildings, watercourses, waterways, lakes, and other existing physical features on or adjoining the property. Size and height of existing buildings on the property should be shown. Features on adjoining properties need only be shown in approximate scale and proportion.
- (j) Topography of the project area with contour intervals of two (2) feet or less.
- (k) Location and sizes of sanitary and storm sewers, gas lines, water lines, culverts, fire hydrants, and other above-ground or underground structures in or affecting the project, including existing and proposed facilities, and easements for these facilities.
- (l) The location, dimensions, name, and construction details (including typical sections) of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site. When proposed streets intersect with existing streets, both edges of existing pavement or curb and gutter must be indicated for a minimum of fifty (50) feet or the length of connections, whichever is greater.
- (m) The location of all off-street parking, loading spaces, and walkways, indicating the types of surfacing, size and angle of stalls, width of aisles, and a schedule showing the number of parking spaces.

Section 314 – Site Development Plans

- (n) The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- (o) The location of all proposed buildings and structures, primary and accessory; number of stories and height; proposed general use of each structure; and the number, size, and type of dwelling units, where applicable.
- (p) Provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan.
- (q) Provisions, plans, and schedules for the adequate control of erosion and sediment, in accordance with the Town of Berryville Erosion and Sediment Control Ordinance.
- (r) Proposed finished grading by contour, supplemented where necessary by spot elevations.
- (s) Floodplain studies as required by the Agent.
- (t) The location, size, height, materials used, orientation, and illumination of proposed signs.
- (u) The location, dimensions, and total area of proposed recreation, open space, and required amenities and improvements.
- (v) The location of all wooded areas on the site; the location of all other individual trees with a diameter of eight (8) inches or more, measured one (1) foot above the ground; and an indication of which trees are to be retained and which are to be removed.
- (w) A landscape plan (same scale as site plan), meeting the minimum landscape standards described below.
- (x) Development sequence for phased construction, if applicable.
- (y) Building restriction lines.
- (z) Distance to nearest school or school site.
- (aa) Elevation plans for all exterior facades of proposed structures, showing design features and indicating materials and colors to be used.
- (bb) Source of title of the owner of record, including deed book and page reference of the last instrument in the chain of title.
- (cc) Total site acreage of individual lots and street rights-of-way.
- (dd) Location and acreage to the nearest one-tenth (0.1) acre of Critical Environmental Areas, including the following: slopes between 15 and 25 percent; slopes greater than 25 percent; rock outcroppings; sinkholes; floodplains and floodplain soils; current drainage channels; bodies of water; stormwater management facilities; utilities; and other sensitive areas defined by the Agent. The Agent may require that a geotechnical report be submitted where warranted by soil or water conditions.
- (ee) Floor area ratio (FAR) and impervious surface coverage for all structures on the property.
- (ff) Maximum number of employees anticipated, if industrial, commercial, or office; net density of dwelling units, if residential.
- (gg) Anticipated daily and peak water demand and sewage flows for the site.

Section 314 – Site Development Plans

- (hh) Anticipated daily vehicle trips generated by the site development; capacity of existing and proposed streets; sight distances for all intersections; proposed improvements within existing street rights-of-way; further traffic studies as required by the Agent.
- (ii) A copy of all proposed homeowners' association by laws, and other covenants or maintenance documents where common ownership is anticipated.
- (jj) A copy of rezoning proffers, Special Use Permit conditions, or variances granted for the property shall be submitted with the site plan.
- (kk) Bond estimates for all required improvements.
- (ll) Any necessary notes required by the Agent to explain the purpose of specific items on the plan.
- (mm) Additional information as deemed necessary by the Administrative Body or the Agent.

314.7

IMPROVEMENTS AND MINIMUM STANDARDS

To further the intent of this Section and to protect public safety and general welfare, no site plan shall be approved until the Administrative Body is assured that improvements will be made which meet the following minimum standards:

- (a) Streets and Rights-of-Way
 1. Streets, driveways, access roads and rights-of-way shall be constructed and dedicated, and existing streets widened and improved as necessary, when the need for such streets and improvements is generated by the proposed development, or is indicated in the Berryville Comprehensive Plan and/or its Berryville Area Plan component.
 2. All street construction standards and geometric design standards shall be in accord with the standards of the Berryville Subdivision Ordinance, the Virginia Department of Transportation, or other standards provided by the Town of Berryville. However, the Authority or the Agent may modify standards for local, collector, and minor loop streets, provided that off-street parking sufficient to accommodate required parking ratios are provided to complement the street system, and approval of the modifications is obtained from the Virginia Department of Transportation, where applicable.
 3. All development must have direct access to public dedicated and State or Town-maintained roads. Sites or lots shall not have direct access to any arterial road, unless the physiography, shape, or size of the tract precludes other methods of access.
 4. Where traffic generated from an entire development exceeds 2,000 vehicle trips per day, such development shall provide connectors to existing public roads at two or more locations. Where only one connection is physically achievable, the connecting portion of the entrance road must be a four-lane divided road extending not less than two hundred fifty (250) feet into the development. No internal vehicular connection shall be permitted on this entrance section.
 5. Streets and rights-of-way shall permit access to adjoin properties in conformance with the Berryville Area Plan, Comprehensive Plan, and the satisfaction the Administrative Body or the Agent.

Section 314 – Site Development Plans

6. Travel ways designed for on-site two-way vehicular traffic circulation shall in no case have a pavement width of less than twenty (20) feet.
- (b) Cul-de-Sacs
Cul-de-sacs shall be designed and constructed in accordance with the street standards of the Berryville Subdivision Ordinance, or with other standards provided by the Town of Berryville. Cul-de-sacs may not be used as parking areas.
- (c) Parking
Parking bays shall be constructed to standards compatible with those of the adjoining public street, and shall be provided in a quantity according to the schedule set forth in the Berryville Zoning Ordinance. Off-street parking spaces shall be accessed via private travel ways, and not directly accessed from public rights-of-way.
- (d) Sidewalks, Paths, and Walkways
Sidewalks, paths, and/or walkways shall be provided to enable the public to walk safely and conveniently from one building to another on the site, to and from adjacent sites, and to and from sidewalks in the public right-of-way. The construction material to be used must meet the approval of the Administrative Body or the Agent.
- (e) Curb and Gutter
Curb and gutter (CG-6 or approved equivalent) shall be required on all new public streets. The Administrative Body may require curb and gutter on off-street parking areas, service drives, private streets, and around medians, where warranted by conditions. Upon recommendation from the Virginia Department of Transportation, the Administrative Body may waive the requirement for curb and gutter when in keeping with existing conditions on adjacent sites, and when safe travel and adequate stormwater management can be assured without curb and gutter.
- (f) Utilities and Utility Easements
All utilities necessary to serve the proposed development shall be installed by the developer, and shall be installed underground in accordance with the adopted facilities plans of the Town of Berryville; provided however, that:
1. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed aboveground, may continue to be so installed;
 2. Meters, connections, and similar equipment normally attached to outside walls may be so installed; and
 3. Dedications of right-of-way easements shall be made for all utilities and facilities that are intended to be publicly maintained. Easements shall be clearly defined for the purposes intended. Minimum easement widths shall be as specified by the Administrative Body, the Agent, or utility company.
- (g) Water and Sewer Systems
All water distribution and sewer collection systems shall be designed to accommodate normal and peak demand loads. All such systems shall be designed to meet or exceed the specifications of the Berryville Area Water and Sewerage Program. Regulations of the Virginia Department of Health and other state agencies shall also be met, as applicable.

Section 314 – Site Development Plans

(h) Stormwater Management

The stormwater runoff rate for a developed area shall be equal to or less than the runoff rate for the area prior to development. The policies and design criteria for meeting those goals are addressed in the Berryville Area Stormwater System Master Plan. Dedicated easements shall be provided for all facilities. As noted in the Master Plan, a pro-rata monetary contribution toward off-site drainage improvements may be substituted for on-site improvements, though only for those so designated in the Master Plan.

(i) Soil Suitability

The U.S. Department of Agriculture, Soil Conservation Service, shall be referred to for commenting on the suitability of soils for intended development, and on any special measures that are recommended for development on a certain soil classification. The applicant shall provide a generalized mapping of on-site soils and their engineering characteristics.

(j) Landscaping, Screening, Buffering

1. Where non-residentially zoned land is developed adjacent to land zoned for residential or open space uses, or where residentially zoned land is developed adjacent to a railroad or limited access highway, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along the common property line. The buffer shall include fencing and plant material. Fencing shall consist of a solid opaque wood fence or masonry wall six (6) feet in height. Plant material shall consist of deciduous trees, evergreen trees, and/or shrubs, in addition to ground cover, and shall be provided on at least one side of the fence.
2. All refuse containers shall be completely enclosed with a solid opaque wood fence or masonry wall at least six (6) feet high.
3. Mechanical equipment (including HVAC), energy conservation or collection equipment, or communications transmitting or receiving apparatus should be screened from public view.
4. Walls and fences used for screening should be composed of such traditional materials as brick, stone, or wood. Use of chain link, plastic, fiberglass, and plywood is discouraged.
5. For all uses, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along all public rights-of-way. The buffer shall include plant material consisting of deciduous trees, evergreen trees, and/or shrubs, in addition to living ground cover.
6. Where parking areas are adjacent to public rights-of-way, landscaping shall include shrubs and/or berms to screen parked automobiles.
7. New/replacement trees shall be spaced no farther apart than an average of fifty (50) feet, on center, and placed as close to the roadway as allowed in the Virginia Department of Transportation's Guidelines for Planting Along Virginia's Roadways.
8. Parking lots containing ten or more spaces shall be planted with at least one (1) deciduous tree per eight (8) spaces, meeting the following requirements:
 - (a) Such required trees shall be surrounded by not less than forty (40) square feet of permeable, unpaved area.

Section 314 – Site Development Plans

- (b) Other landscaping materials, including shrubs and groundcover, shall be included with the trees on parking islands.
- (c) Each parking island shall have at least one (1) tree.
- (d) Trees shall be at least ten (10) feet apart if on the same parking island.

9. Tree Specification:

- (a) Required street and parking island trees shall be major deciduous hardwood trees (maple, oak, linden, sycamore, etc.) meeting the following requirements:
 - (i) Cast moderate to dense shadow; be long-lived (60+ years); be tolerant of pollution; be tolerant of direct or reflected heat; require little maintenance; be physically hardy and insect/disease resistant; be able to survive two years with no irrigation after establishment; be of native origin.
 - (ii) All deciduous trees shall have a minimum trunk diameter of two-inch caliper measured at 4.5 feet from the ground when planted.
- (b) Any evergreen tree shall be a minimum of five (5) feet in height when planted.

10. The property owner shall be responsible for maintenance and replacement of such landscape material, as needed.

(k) Lighting

All outdoor lighting fixtures shall be shielded to prevent glare on adjacent properties or rights-of-way. No lighting fixtures shall exceed twenty-five (25) feet above the ground in height.

(l) Erosion and Sediment Control

An erosion and sediment control plan for the entire disturbed area of a development shall be prepared in accordance with the Berryville Erosion and Sediment Control Ordinance, and must receive the approval of the Lord Fairfax Soil & Water Conservations District Board.

(m) Miscellaneous Design Criteria

All other criteria and specifications shall be in accordance with Town standards, where provided. Where Town standards are not provided, the Administrative Body shall provide those standards or shall rule upon the standards proposed by the developer.

314.8 CONSTRUCTION AND BONDING

- (a) No site improvement activities may occur unless all of the following have been met:
 - 1. Approval of final site plan and erosion and sediment control plan.
 - 2. Approval of erosion and sediment control bond, and installation of erosion and sediment control measures.
 - 3. Posting of construction bond.
- (b) All improvements required by this Section shall be installed at the cost of the Developer, except where cost sharing or reimbursement agreements between the Town and the applicant are appropriate, the same to be recognized by formal written approval prior to site plan approval.

Section 314 – Site Development Plans

- (c) The approval of a site plan and/or the installation of improvements shall not obligate the Town to accept the improvements for maintenance, repair, or operation. Acceptance shall be subject to Town and/or State regulations, where applicable, and dependent on the satisfactory nature of the improvements.
- (d) The applicant is required to post a bond or other acceptable surety covering the construction and satisfactory completion of all required on-site and off-site improvements. Such bond shall be posted under the provisions of Berryville Area Plan Bonding Agreement.

314.9 REVISIONS

The Agent may administratively approve changes to an approved site plan which the Agent determines are minor revisions, complying with all provisions of the Section and having no additional adverse impact on public facilities or adjacent properties. Major revisions are permitted, provided that they are approved by the Administrative Body in the same manner as the original site plan.

314.10 TERMINATION AND EXTENSION

An approved site plan shall expire and become null and void if all approved development is not completed within five (5) years from the date of approval. The Administrative Body or the Agent may grant a one (1)-year extension upon written request.

314.11 BUILDING PERMITS

For all properties and uses subject to this Section, no building permit shall be issued to construct or alter any structure, or authorization granted to improve land, until a site plan has been approved.

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

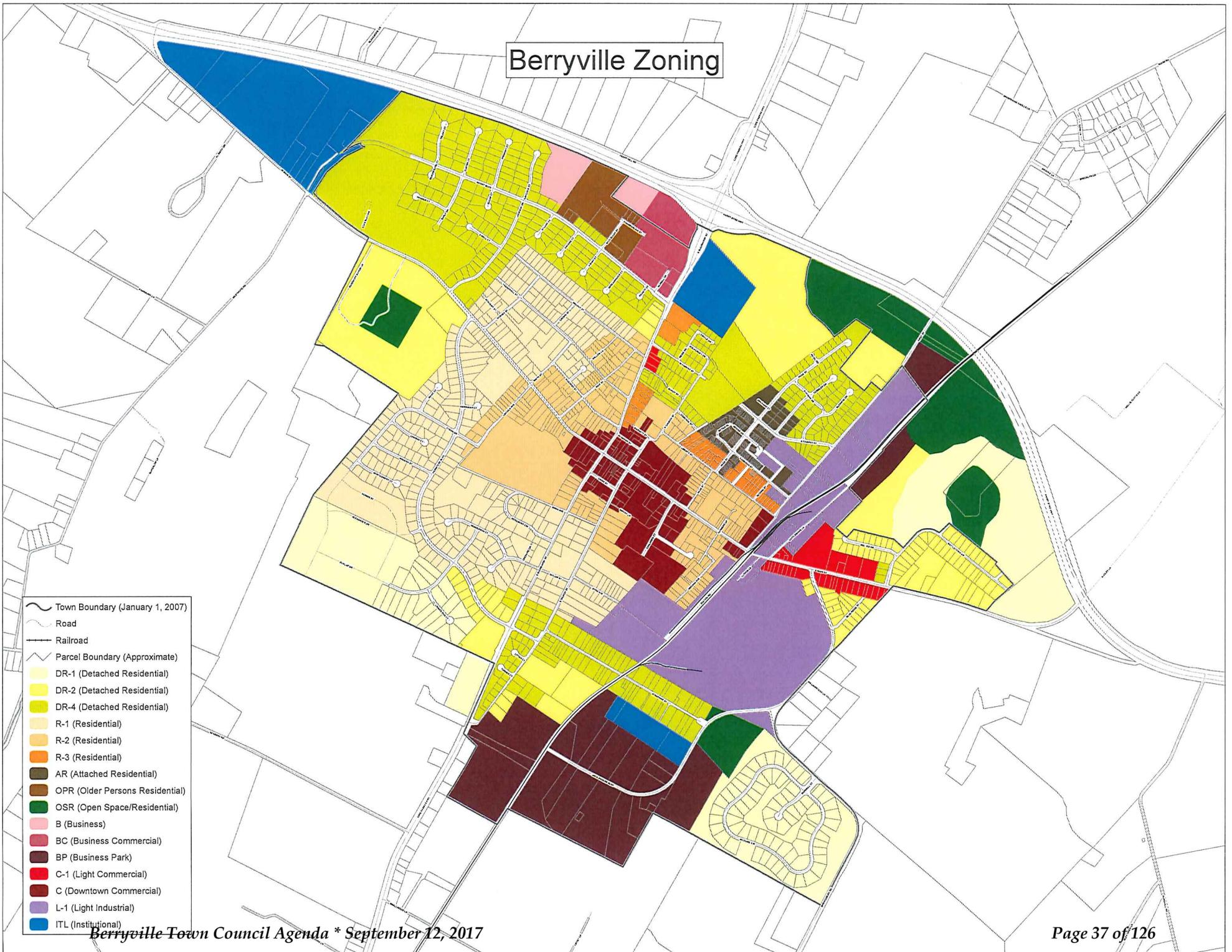
Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

- (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 Zoning



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

BERRYVILLE TOWN COUNCIL

MOTION TO APPROVE SUP 02-17

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville approve SUP 02-17 in order to operate a contractor's establishment and light warehousing with outdoor storage per Section 609.3(a) of the Berryville Zoning Ordinance on the property located at 40 Cattleman's Lane, identified as Tax Map Parcel number 14A3-((A))-26, zoned L-1 Industrial with the following conditions:

1. A landscape buffer including a fence of 15 feet against the residentially zoned property to the east;
2. 8' chain link fence with slats on the inside of the tree border;
3. Buffer will include Leyland Cypress and a variety of hardy evergreens at a starting height of 6-8';
4. All lights shall be downcast inward and not be directed onto adjacent properties;
5. Lights without surveillance cameras are timed to turn off at midnight; and
6. **[any other conditions determined to be appropriate at the meeting]**

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 2

BERRYVILLE TOWN COUNCIL

Public Hearing – Text Amendments to the Berryville Zoning Ordinance

September 12, 2017

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to remove references to the Town of Berryville Stormwater Management Ordinance and replacing them to reference the Commonwealth of Virginia Stormwater Management Program (VSMP) following the repeal of the Town’s Stormwater Management Ordinance. TA 01-17

Public hearing notices were published in the Winchester Star on Tuesday, August 29, 2017 and Tuesday, September 5, 2017. No comments were received in the Planning Department.

The Berryville Planning Commission recommended that Council approve the modifications as presented.

These changes are necessary as a result of the repeal of the Town of Berryville Stormwater Management Ordinance in April, 2017.

August 8, 2017 Staff Report

The Berryville Planning Commission held a public hearing on this matter at their July 25, 2017 meeting and recommended Council approve the amendments as presented.

Per the recommendation of the Berryville Planning Commission, Town Council repealed the Town of Berryville Stormwater Management Ordinance in April of this year identifying the Virginia Department of Environmental Quality as the sole regulatory authority for stormwater management in the Town of Berryville. The Town of Berryville, along with most localities in the Planning District including Clarke County, “opted out” of operating its own Virginia Stormwater Management Program (VSMP).

References to the now repealed stormwater ordinance have been modified in the following portions of the Berryville Zoning Ordinance (highlighted in red).

Recommendation

Approve as presented. An ordinance and motion follow this report.

SECTION 305 – MINIMUM OFF-STREET PARKING

305.1

(a) Parking spaces and access driveways

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, or at the institution or enlargement of any use, minimum off-street parking space with adequate provisions for entrance and exit. All parking spaces and access driveways shall be covered with an all-weather surface, unless as otherwise herein provided and shall be graded and drained to dispose of surface water. Stormwater shall be managed in accordance with ~~the Town of Berryville Stormwater Ordinance~~ **Virginia Stormwater Management Program regulations**. All commercial and industrial uses shall have a hard-surfaced or tar and chipped parking area(s) and access driveway(s) or Town-approved stabilized paver system. Please refer to Section 206 Floodplain Conservation Area for additional parking area requirements. (7/02)

(b) Parallel parking, dimensions for spaces and aisles (4/91)

Direction of Parking	Stall Width	Depth of Stalls	Aisle Width
One-way aisle (parking on one side)	9 feet	22 feet	12 feet
One-way aisle (parking on both sides)	9 feet	22 feet	15 feet
Two-way aisle (parking on both sides)	9 feet	22 feet	20 feet

(c) Angled parking, dimensions for spaces and aisles (4/91)

Parking Angle	Stall Width	Depth of Stalls Perpendicular to Aisle	One-way Aisle	Two-way Aisle
45 degrees	9 feet	19 feet	15.5 feet	18 feet
60 degrees	9 feet	20 feet	17 feet	19 feet
90 degrees	9 feet	18 feet	23 feet	23 feet

305.2

A driveway or parking space shall be at least three (3) feet from a property line and no parking space for multiple-family dwelling shall be less than ten (10) feet from a residential structure on the lot unless as otherwise herein provided for townhouses and apartments.

305.3

There shall be provided at the time of the erection of any principal building or structure or at the time that any principal building or structure is altered, enlarged, or increased in size, not less than the parking space in the amounts stated herein. Minimum off-street parking space required may be reduced when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change. Should a non-conforming structure or use be enlarged or extended, or should a use or structure be non-conforming because of parking requirements, additional parking need only be based on the requirements for the enlarged or expanded portion.

309.7 SCREENING

Screening shall be provided of sufficient height and density to screen the site from adjoining residential property whether in R-1, R-2, or R-3 districts. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

309.8 PARKING FACILITIES

- (a) Off-street parking shall be provided on the premises at the rate of two (2) spaces for each townhouse unit. Each space shall be a minimum of ten (10) feet by twenty (20) feet. Parking shall not be located in any yard area but shall be located in common parking areas only.
- (b) Required parking spaces shall be provided on the same lot as the group of buildings served.
- (c) Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line. Parking shall not be permitted in the entranceway.
- (d) Parking areas shall be set back at least fifteen (15) feet from the property line of the development.

309.9 DRAINAGE

- (a) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted and approved with the application for the permit.
- (b) All provisions of Town ordinance and **Virginia Stormwater Management Program** regulations regarding storm drainage shall be complied with.

309.10 LIGHTING

Street lighting shall be provided on all public roads and shall be approved by the Town Council.

309.11 STORAGE OF TRASH AND RUBBISH

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers.

309.12 SITE PLAN REVIEW AND APPROVAL

Site plans drawn in accordance with Section 314 shall be reviewed by the Planning Commission and approved or rejected by the Town Council.

309.13 FRONTAGE

Each townhouse and/or townhouse parking area access road shall front on a dedicated public street meeting Virginia Department of Transportation and Town standards.

310.8 SCREENING

Screening shall be provided of sufficient height and density to screen the site from adjoining residential properties. A planting plan specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit.

310.9 PARKING FACILITIES

- (a) Off-street parking, whether in a garage or on-lot, shall be provided on the premises at the rate of one (1) space for each apartment unit 1,000 square feet or less and two (2) spaces for each apartment unit greater than 1,000 square feet. **(02/14)**
- (b) Required parking spaces shall be provided on the same lot as the building served and shall be reviewed by the Planning Commission and approved by the Town Council.
- (c) All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
- (d) Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- (e) Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site but shall at no time exceed thirty (30) feet in width at the street line.

310.10 DRAINAGE

- (a) A storm run-off and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all run-off and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted and approved with the application for the permit.
- (b) All provisions of Town ordinance and **Virginia Stormwater Management Program** regulations regarding storm drainage shall be complied with.

310.11 LIGHTING

Street lighting shall be provided on all public roads and shall be approved by Town Council.

310.12 STORAGE OF TRASH AND RUBBISH

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers.

310.13 SITE PLAN REVIEW AND APPROVAL

Site Plan drawn in accordance with Section 314 shall be reviewed by the Planning Commission and approved or rejected by the Town Council.

310.14 OTHER REGULATIONS FOR ALL APARTMENT CONSTRUCTION

- (a) Each apartment structure and/or apartment parking area shall have access on a dedicated public street.

Section 314 – Site Development Plans

- (n) The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- (o) The location of all proposed buildings and structures, primary and accessory; number of stories and height; proposed general use of each structure; and the number, size, and type of dwelling units, where applicable.
- (p) Provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan **and Virginia Stormwater Management Program regulations**.
- (q) Provisions, plans, and schedules for the adequate control of erosion and sediment, in accordance with the Town of Berryville Erosion and Sediment Control Ordinance.
- (r) Proposed finished grading by contour, supplemented where necessary by spot elevations.
- (s) Floodplain studies as required by the Agent.
- (t) The location, size, height, materials used, orientation, and illumination of proposed signs.
- (u) The location, dimensions, and total area of proposed recreation, open space, and required amenities and improvements.
- (v) The location of all wooded areas on the site; the location of all other individual trees with a diameter of eight (8) inches or more, measured one (1) foot above the ground; and an indication of which trees are to be retained and which are to be removed.
- (w) A landscape plan (same scale as site plan), meeting the minimum landscape standards described below.
- (x) Development sequence for phased construction, if applicable.
- (y) Building restriction lines.
- (z) Distance to nearest school or school site.
- (aa) Elevation plans for all exterior facades of proposed structures, showing design features and indicating materials and colors to be used.
- (bb) Source of title of the owner of record, including deed book and page reference of the last instrument in the chain of title.
- (cc) Total site acreage of individual lots and street rights-of-way.
- (dd) Location and acreage to the nearest one-tenth (0.1) acre of Critical Environmental Areas, including the following: slopes between 15 and 25 percent; slopes greater than 25 percent; rock outcroppings; sinkholes; floodplains and floodplain soils; current drainage channels; bodies of water; stormwater management facilities; utilities; and other sensitive areas defined by the Agent. The Agent may require that a geotechnical report be submitted where warranted by soil or water conditions.
- (ee) Floor area ratio (FAR) and impervious surface coverage for all structures on the property.
- (ff) Maximum number of employees anticipated, if industrial, commercial, or office; net density of dwelling units, if residential.
- (gg) Anticipated daily and peak water demand and sewage flows for the site.

**AN ORDINANCE AMENDING THE
TOWN OF BERRYVILLE ZONING ORDINANCE**

BE IT ORDAINED, by the Council of the Town of Berryville, that the Town of Berryville Zoning Ordinance be modified as follows:

Section 305.1 A.: Stormwater shall be managed in accordance with ~~the Town of Berryville Stormwater Ordinance~~ **Virginia Stormwater Management Program regulations.**

Section 309.9(b): All provisions of Town ordinance and **Virginia Stormwater Management Program** regulations regarding storm drainage shall be complied with.

Section 310.10(b): All provisions of Town ordinance and **Virginia Stormwater Management Program** regulations regarding storm drainage shall be complied with.

Section 314.6(p): Provision for the adequate disposition of natural and storm water indicating the location, sizes, types, and grades of ditches, catch basins, detention ponds (showing 10-year and 100-year elevations), and pipes and connections to existing drainage systems. Plans shall be in accordance with the Berryville Stormwater System Master Plan **and Virginia Stormwater Management Program regulations.**

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL

**MOTION TO ADOPT AN ORDINANCE AMENDING THE BERRYVILLE ZONING ORDINANCE
REFERENCES TO STORMWATER MANAGEMENT REQUIREMENTS**

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending Sections 305, 310, and 314 of the Town of Berryville Zoning Ordinance modifying references to the Town's Stormwater Management Ordinance after its repeal in April, 2017.

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 3

BERRYVILLE TOWN COUNCIL

Public Hearing – Repeal and Readoption of Section 322 Erosion and Sediment Control of the Berryville Zoning Ordinance

August 8, 2017

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with regulations of the Commonwealth of Virginia. TA 02-17

Public hearing notices were published in the Winchester Star on Tuesday, August 29, 2017 and Tuesday, September 5, 2017. No comments were received in the Planning Department.

The Berryville Planning Commission recommended that Council approve the modifications as presented. These changes reflect updated language to the model ordinance from the Commonwealth of Virginia and include changes to code references, the addition of definitions, and identifying the Virginia Department of Environmental Quality as the regulatory agency overseeing E&S.

August 8, 2017 Staff Report

The Berryville Planning Commission held a public hearing on this matter at their July 25, 2017 meeting and recommended Council approve the amendments as presented.

The current Erosion and Sediment Control ordinance, under Section 322 of the Berryville Zoning Ordinance, was adopted in 2007. Changes at the state level have prompted an update of the previous ordinance.

Modifications to the existing ordinance include:

- Updated Code of Virginia references;*
- The identification of the Virginia Department of Environmental Quality as the regulatory agency in charge of E&S; and*
- The addition of several definitions.*

The draft ordinance has been forwarded to DEQ staff for review and comment.

Recommendation

Approve as presented. An ordinance and motion follow this report.

322 EROSION AND SEDIMENT CONTROL ORDINANCE (12/07; 00/17)

322.1 TITLE, PURPOSE, AND AUTHORITY

This ordinance shall be known as the “Erosion and Sediment Control Ordinance of the Town of Berryville”. The purpose of this chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the Town of Berryville by establishing requirements for the control of soil erosion, sediment deposition and non-agricultural runoff, and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, ~~Title 10.1, Chapter 5, Article 4 (§101.1-560 et seq.)~~ **Title 62.1, Chapter 3.1. Article 2.4**, known as the Virginia Erosion and Sediment Control Law.

322.2 DEFINITIONS

Agreement in lieu of a plan – a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant – any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board – The Virginia ~~Soil and Water Conservation Board~~ **State Water Control Board**.

Certified inspector – an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection, or (ii) is enrolled in the Board’s training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer – an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of a plan review, (ii) is enrolled in the Board’s training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article I (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 **or a professional soil scientist as defined in § 54.1-22** of the Code of Virginia.

Certified program administrator – an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board’s training program for program administration and successfully completes such program within one year after enrollment.

Clearing – any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Section 322 – Erosion and Sediment Control

Department – the ~~Department of Conservation and Recreation~~ **Department of Environmental Quality**.

Development – means a tract of land developed or to be developed as a single 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.

Director – means the director of the ~~Department of Conservation and Recreation~~ **Department of Environmental Quality**.

District or Soil and Water Conservation District – refers to the Lord Fairfax Soil and Water Conservation District.

Erosion and Sediment Control Plan or Plan – a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, and appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions and all information deemed necessary by the **VESCP** plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area – an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

Excavating – any digging, scooping or other methods of removing earth materials.

Filling – any depositing or stockpiling of earth materials.

Grading – any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing activity – any ~~land-change which~~ **man-made change to the land surface that** may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;

Section 322 – Erosion and Sediment Control

- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) ~~Surface or deep mining~~ **Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;**
- (6) ~~Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas~~ **Tilling, planting, or harvesting or agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or natural in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163;**
- (7) ~~Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (§10.1-604 et seq.) of Chapter 6 or the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163;~~ **Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;**
- (8) ~~Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company~~ **Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Va. Code §10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;**
- (9) Disturbed land areas of less than 10,000 square feet in size, **or less than 2,500 square feet in all areas of the jurisdiction designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;**
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, or the Marine Resources Commission or the United States Army Corps of

Section 322 – Erosion and Sediment Control

Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and

- (12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land Disturbing Permit or approval – a permit issued by the Town of Berryville for clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any ~~purpose set forth herein~~ **other land disturbing activity**.

~~Local erosion and sediment control program or local control program – an outline of the various methods employed by the Town of Berryville to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.~~

Natural channel design concepts – the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner – the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak Flow Rate – the maximum instantaneous flow from a given storm condition at a particular location.

Permit, state – an approval to conduct a land-disturbing activity issued by the Board in the form of a State stormwater individual permit or coverage issued under a State general permit.

Permittee – the person to whom the ~~permit authorizing~~ land-disturbing **activities approval** is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

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 any other legal entity~~ **governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity**.

Section 322 – Erosion and Sediment Control

Plan-approving authority, VESCP – the Zoning Administrator responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units or lands and for approving plans.

Program authority or VESCP Authority – the Town of Berryville which has adopted a soil erosion and sediment control program that has been approved by the Board.

Responsible Land Disturber or RLD – an individual ~~from the project or development team, who will be in charge of and holding a certificate issued by the department who is~~ responsible for carrying out ~~a the~~ land-disturbing activity ~~in accordance with the approved ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as a prerequisite for engaging in land disturbance.~~ covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

Runoff volume – the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence – a noncommercial dwelling that is occupied exclusively by one family.

~~**State Erosion and Sediment Control Program or State Program** – the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia, including regulations designed to minimize erosion and sedimentation.~~

State waters – all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

Town – the incorporated Town of Berryville.

Transporting – any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program or VESCP – a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-

disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

Water quality volume – the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

322.3

LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

~~A. Pursuant to § 10.1-562 of the Code of Virginia, the Town of Berryville hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channel waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the “Virginia Erosion and Sediment Control Regulation” and the Virginia Erosion and Sediment Control Handbook, as amended.~~

~~In addition, in accordance with § 10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts that are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.~~

~~In accordance with § 10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2 and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.~~

~~B. Before adopting or revising regulations, the Town of Berryville shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the Town of Berryville is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the Town of Berryville proposes or revises regulations that are more stringent than the state program.~~

~~C. Pursuant to § 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control~~

Section 322 – Erosion and Sediment Control

~~Program of the Town of Berryville shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.~~

~~D. The Town of Berryville hereby designates the Zoning Administrator as the plan-approving authority.~~

~~E. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Zoning Administrator.~~

Pursuant to § 62.1-44.15:44 of the Code of Virginia, the Town of Berryville hereby establishes a VESCP program and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources) and the *Virginia Erosion & Sediment Control Handbook*, third edition. In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-, 2-, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specific in § 62.1-44.15:28 of the Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.

B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of the Town of Berryville shall contain a certified program administrator, a certified plan reviewer, and a certified inspector (who may be the same person).

C. The Town of Berryville hereby designates the Zoning Administrator as the plan-approving authority.

D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Zoning Administrator.

322.4

SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS

- A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Zoning Administrator for the Town of Berryville an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the ~~plan-approving~~ **VESCP** authority. **No approval to begin land disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required.** Where land-disturbing activities involve lands under the jurisdiction of more than one ~~local control program~~ **VESCP**, an erosion and sediment control plan, at the option of the applicant, may be submitted to the ~~Board~~ **Department** for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an “agreement in lieu of a plan” may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.
- B. The standards contained within the “Virginia Erosion and Sediment Control Regulations”, the Virginia Erosion and Sediment Control Handbook as amended is to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between publications, the State regulations shall take precedence.
- C. The **VESCP** plan-approving authority shall review ~~conservation~~ **erosion and sediment control** plans submitted to it and grant written approval within ~~45~~ **60** days of the receipt of the plan if it determines that the plan meets the requirements of the **Erosion and Sediment Control Law and the** Board’s regulations, and if the person responsible for carrying out the plan certifies that s/he will properly perform the ~~conservation~~ measures included in the plan and will conform to the provisions of this ~~article~~ **ordinance**. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of ~~the responsible land disturber, an individual holding a certificate of competence~~, to the program authority, as provided by ~~§ 10.1-561~~ **§ 62.1-44.15:52** of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of ~~an individual holding a certificate of competence~~ **the responsible land disturber** prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.
- D. ~~The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved by the person authorized to proceed with the proposed activity. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be~~

- deemed approved and the person authorized to proceed with the proposed activity.
- E. **The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.**
- F. ~~An approved plan may be changed by the plan approving authority when~~ **The VESCP authority may require changes to an approved plan when:**
- (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.
- G. Variances: The **VESCP** plan approving authority may waive or modify any of the standards that are deemed to be **inappropriate or** too restrictive for site conditions by granting a variance. A variance may be granted under the following conditions:
- (1) At the time of plan submission, an applicant may request a variance to become part of the approved Erosion and Sediment Control Plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
 - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
 - (3) **The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.**
- H. In order to prevent further erosion, the Town of Berryville may require approval of a plan for any land identified in the local program as an erosion impact area.
- I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- J. **In accordance with the procedure set forth in § 62.1-44.15:55(E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland**

mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

- K. State agency projects are exempt from the provisions of this ordinance except as provided in the Code of Virginia ~~§10.1-564~~ § 62.1-44.15:56.

322.5

PERMITS; FEES; SECURITY FOR PERFORMANCE

- A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his/her application an approved erosion and sediment control plan, **and** certification that the plan will be followed, **and evidence of state permit coverage where it is required.**
- B. No person may engage in any land-disturbing activity until s/he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.
- C. An administrative fee of \$200.00 shall be paid to the Town of Berryville at the time of submission of the erosion and sediment control plan.
- D. No land-disturbing permit shall be issued until the applicant submits with his/her application an approved erosion and sediment control plan **or agreement in lieu of an approved erosion and sediment control plan** and certification that the plan will be followed.
- E. All applicants for permits shall provide to the Town of Berryville a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Zoning Administrator, to ensure that measures could be taken by the Town of Berryville at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of the applicant by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the Town of Berryville to take such conservation action, the Town of Berryville may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Zoning Administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpected or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

322.6

MONITORING, REPORTS, AND INSPECTIONS

A. **The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity.** The Town of Berryville may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. The Zoning Administrator shall periodically inspect the land-disturbing activity in accordance with Section ~~4VAC50-30-60~~ **9VAC25-840-60** of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the Zoning Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by ~~registered or certified mail~~ **mailing with confirmation of delivery** to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

C. Upon ~~determination of a violation of this ordinance~~ **issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56**, the Zoning Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Zoning Administrator may, ~~in conjunction with or subsequent to a notice to comply as specified in this ordinance~~, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approval plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the

enforcing authority or permit holder for appropriate relief to the Circuit Court of the County of Clarke. **The Town of Berryville shall serve such order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.**

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Zoning Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by ~~registered or certified mail~~ **mailing with confirmation of delivery** to the address specified in the permit application or the land records of the Town of Berryville.

The owner may appeal the issuance of an order to the Circuit Court of the County of Clarke.

Any person violating or failing, neglecting or refusing to obey an order issued by the Zoning Administrator may be compelled in a proceeding instituted in the Circuit Court of the County of Clarke to obey same to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Zoning Administrator from taking any other action authorized by this ordinance.

322.7 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

- A. Violators of this ordinance shall be guilty of a Class I misdemeanor.
- B. Any person who violates any provision ~~of this ordinance shall~~ **of Va. Code §§ 62.1-44.15:55. 62.1-44.15:56 shall**, upon a finding of the District Court of the County of Clarke be assessed a civil penalty. The civil penalty for any one violation shall **be not be less than \$100 nor more than \$1,000**, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ~~\$3,000~~ **\$10,000**, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. **Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of § 62.1-44.15:63.**

~~Note: The adoption of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of this section. Refer to Code of Virginia, Section 10.1-562 J.~~

- C. The Zoning Administrator or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of the

County of Clarke to enjoin a violation or a threatened violation of ~~this ordinance of Va. Code §§ 62.1-44.15:55, -44.15:56~~, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

- D. In addition to any criminal penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to the Town of Berryville in a civil action for damages.
- E. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the Town of Berryville. Any civil penalties assessed by a court shall be paid into the treasury of the Town of Berryville except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- F. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, **or order of the VESCP authority** the Town of Berryville may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection **B or E**.
- G. The Commonwealth's Attorney shall, upon request of the Town of Berryville ~~or the permit issuing authority~~, take legal action to enforce the provisions of this ordinance.
- H. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

322.8 APPEALS AND JUDICIAL REVIEW

~~A. Any applicant under the provision of this ordinance who is aggrieved by any action of the Town of Berryville or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by by the Town Council provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Town Council shall be heard at the next regularly scheduled Town Council public hearing provided that the Town Council and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Town Council shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Town Council may affirm, reverse or modify the action. The Town Council's decision shall be final, subject only to review by the Circuit Court of the County of Clarke.~~

Section 322 – Erosion and Sediment Control

- B. A.** Final decisions of the Town of Berryville under this ordinance shall be subject to review by the County of Clarke Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.

**AN ORDINANCE REPEALING AND READOPTING SECTION 322 EROSION AND SEDIMENT CONTROL
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE**

BE IT ORDAINED, by the Council of the Town of Berryville that the Town of Berryville Zoning Ordinance be modified by repealing and readopting Section 322 Erosion and Sediment Control as attached.

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL

**MOTION TO REPEAL AND READOPT SECTION 322 EROSION AND SEDIMENT CONTROL
OF THE BERRYVILLE ZONING ORDINANCE**

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance to repeal and readopt Section 322 Erosion and Sediment Control of the Town of Berryville Zoning Ordinance in order to conform to Commonwealth of Virginia model ordinance changes.

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 4

BERRYVILLE TOWN COUNCIL
MOTION TO APPROVE CONSENT AGENDA

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the consent agenda.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
August 8, 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; Chief Neal White, Berryville Police Dept.; Ann Phillips, Town Clerk
Other: Brian Lichty, Clarke County EMS Director
Press: Cathy Kuehner

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Council member Kitselman, seconded by Council member Gibson, the agenda was approved as presented unanimously.

4. Public Hearing

No public hearing was scheduled.

5. Citizens' Forum

The speakers were as follows:

Patty Maples, President of Berryville Main Street, provided an update on the organization's activities.

Bob Nunn, Town Resident, said a poll of his fellow citizens indicated that money is a big concern. He said that Berryville is small and must be careful spending what it has. He said the Council had recently cut the contribution to the fire department by \$35,000 and instead considered spending \$9000 to paint the word "Berryville" on a water tower that is only visible for a few seconds by motorists going east to west.

He asked the Council to gather some common sense and think about the best use of the money available. He asked that the Council keep the needs of the Town in mind, and not the whimsical desires of a few.

Dennis Couture, Town resident, said he loves the Town and just moved in to his home which is within 12' of U.S. Route 340. His observation is that there is a lot of speeding, adding that the Police Department is doing a good job with monitoring. He asked if anything is being done to address the problem as it is safety concern.

6. Consent Agenda

The consent agenda was unanimously approved on motion of Recorder Arnold, seconded by Council member Gibson.

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson said she attended a VML leadership academy on budgeting. She offered to share the program materials with anyone interested.

Mayor Dickinson said the State Legislature has started an initiative for 2018 to commemorate the 100th anniversary of the end of WWI, and the 75th anniversary of WWII. She said several organizations have expressed interest in commemorating the event. She proposed an ad hoc committee of up to seven members be formed to plan the events. Mr. Dalton said there is an opportunity to have the Profiles of Honor Tour mobile museum in town as part of the commemoration.

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 noted several action items.

Council member Gibson moved that the Council of the Town of Berryville approve the request to set the following bonds for the Connexion development located at 450 Mosby Boulevard and identified as Tax Map Parcel number 14A7-((1))-41 as follows: Public Improvements \$136,727.50, Erosion and Sediment Control \$56,768.75, for a total of \$193,496.25. Council member Kitselman seconded the motion which carried as follows:

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

After discussion of the site plan including lighting, and comments by Don Riesgraf, Owner, DBSR LLC, regarding his outdoor storage proposal, a public hearing was set by consensus for the September 12, 2017, meeting.

By consensus, a public hearing on text amendments to the Town Zoning Ordinance to remove references to the Town Stormwater Ordinance following the repeal of the Town's Stormwater Ordinance was set for September 12, 2017.

By consensus, a public hearing on text amendments to the Town Zoning Ordinance to repeal and readopt Section 322 to align with State regulations was set for September 12, 2017.

Ms. Dunkle reviewed the items in the Planning and Community Development staff report.

10. Report of Keith Dalton, Town Manager

Mr. Dalton noted the July 24 event at Rose Hill Park where the Democratic Caucus held a news conference and made an announcement. He said he was proud of how Berryville was represented on the national stage and thanked staff members, particularly Christy Dunkle and Chief Neal White, involved in assisting with the event. He added that Berryville is seen by others as a genuine part of small town America, and is a special place.

Mr. Dalton noted there were two outstanding issues related to the Water Tank Project. Mayor Dickinson said the painting of the word Berryville on the tank did not have to be addressed until the next budget year. Recorder Arnold said the topic has been before committees and Council several times and needs to be decided. Council member McDonald said she wanted to re-introduce her motion to add the word Berryville to the northwest water tank. She said painting the name on the tank will attract people to town and benefit the town. Council member Gibson said she had recently seen a television program featuring a Berryville business and the southeast water tank was included in the video. The Mayor asked if there were a second to the motion. There was no second.

The Council discussed funding the tanker task force during the period when the ground reservoir is down for painting. Mr. Dalton noted that the \$15,000 cost is based on the longest expected project duration, and that costs may be lower if the project is completed sooner. He also noted that it could be more if for some reason the tank work takes longer than expected. Council member Tollett inquired about fire protection during the project, and Mr. Dalton provided scenarios. **Recorder Arnold moved that the Council of the Town of Berryville authorize \$15,000 be spent out of the water contingency fund to pay Clarke County for the full time tanker driver during daytime weekday hours during the ground reservoir painting project. Council member Kitselman seconded the motion which carried as follows:**

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

Recorder Arnold noted the guarantee that if Tanker 1 is down, another tanker would be brought in and based at Enders Fire Company, which was confirmed by Brian Lichty, Clarke County EMS Director.

11. Report of Erecka Gibson - Chair, Budget and Finance Committee
Council member Gibson had no report.

12. Report of Donna McDonald - Chair, Community Improvements Committee
Council member McDonald had no report.

13. Report of David Tollett – Police and Security Committee
Chief White said that National Night Out, organized by Officer Shoremount, was a well-attended success. Recorder Arnold said that he heard from citizens that the band was a popular addition to the event.

14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee
Mayor Dickinson said Carl Maples had made a presentation to the Committee. She said it was the third time he had been before Council. The Mayor quoted letters written in 2014 and 2015 by Mr. Dalton in response to Mr. Maples. She said the question Mr. Maples wants answered is was the 1947 dedication of Wheeler Lane valid. She said she would like the question to be forwarded to Town Attorney Robert Mitchell, and added that if the answer is yes, has the dedication ever been vacated.

Council member Kitselman asked how much the Town has spent in attorneys' fees on this issue thus far. Mr. Dalton said that about \$1200 has been spent. Council member Kitselman inquired whether the attorneys have reviewed the matter and given the Town advice. Mr. Dalton said that the first letter

mentioned by the Mayor was reviewed by attorney Michelle Jones in the absence of Mr. Mitchell, and the second letter was reviewed by Mr. Mitchell. The Mayor said the issue is being revisited because the original question was not answered. Council member Kitselman asked what representation has been offered to the other party involved. Mayor Dickinson said that Mrs. Slattery was at the Committee meeting, and has requested to address the Committee at its September meeting. She said that Mrs. Slattery's attendance at the September meeting should not delay asking a simple question. Recorder Arnold said it may be better to wait and see if Mrs. Slattery has a question that should be posed to the attorney. Council member McDonald asked who owns the property. The Mayor said the explanation of the ownership took an hour to present at the Committee meeting. Council member Kitselman said this sounds like a legal matter between two property owners, and the Council does not need to put the Town in the middle of the issue which will be best resolved by the Court. Mayor Dickinson said the Town is in the middle of it with the question of a dedicated street. She said this is a very simple question and she thinks the Town has the responsibility to seek an answer from Mr. Mitchell. Council member Kitselman said that if the Town is allowing this property owner to ask a question of the Town attorney then it is only fair to wait until the next meeting and let the other property owner have a chance to ask a question. He said grouping the questions together is a more efficient use of the attorney. Mayor Dickinson said the question stands on its own, and if Mrs. Slattery has a question that can be addressed separately. Recorder Arnold said he had the opportunity to hear the presentation at the Committee and he does not see the urgency to contact the attorney before hearing from Mrs. Slattery. He asked whether Clarke County had reviewed the issue, and the Mayor said she had no idea. Mr. Dalton said that included in the Committee agenda packet was a letter written by Mr. Mitchell for the County on September 23, 2016, and he read the letter out loud at the request of Council member McDonald. He said the question at that time was whether the tax map accurately represented the situation. The Mayor said the letter did not answer the original question.

Council member McDonald asked who originally owned the property in question. Mayor Dickinson said she does not want to get down the rabbit hole of who owns it, but wants to know if it was dedicated. She said if it was dedicated in 1947, then ownership is different than if it were dedicated under the subdivision act of 1956. Recorder Arnold said the letter from Mr. Mitchell just read by Mr. Dalton mentioned the parcel being part of a tax map. He said if the area was a street accepted by Berryville, it would not be part of a tax map parcel, and wouldn't be taxed. Mayor Dickinson said tax maps have been wrong in the past. She said the question before the Council is whether the 1947 dedication of Wheeler Lane valid. She said it is a simple question and will not take very long for Mr. Mitchell to answer. Recorder Arnold said he was in favor of waiting to hear from Mrs. Slattery before consulting Mr. Mitchell. The Mayor said she thinks answering the question now could help Mrs. Slattery with her comments in September.

Council member Kitselman said he is in favor of waiting to hear from Mrs. Slattery and he thinks the Council should direct legal counsel to advise how not to put the Town in the middle of a court case. Recorder Arnold asked if the two property owners could work together to get the question answered. The Mayor responded that there is a civic responsibility to get the question answered, because if the dedication was valid, then the Town has a responsibility to see it as a dedicated paper street. Recorder Arnold asked if the answer is yes, then will the Town be maintaining the street. Mayor Dickinson said it is not about ownership and not about maintaining the street, it is about the dedication of the street in 1947. Council member Kitselman asked about all the past taxes paid by the property owner. The Mayor said she would not bring that into the equation. Council member Kitselman said that if the question is going to be asked, then the attorney should advise the Council how to keep the Town and its tax payers out of the middle of this situation. Council member Gibson asked if the other property owner had

comments at the Committee meeting. The Mayor said the other property owner sees this parcel as her driveway, has granted an easement, and pays taxes on the property. Mr. Dalton said the owner contends that it has always been part of her property since she purchased the lot and she has been taxed on it.

Council member Gibson said she was in favor of the question being asked since Mrs. Slattery's comments did not seem to pertain to the question being asked by Mr. Maples.

Council member Tollett said the issue had been going on for years and would be settled in court. He said he was in favor of letting Mr. Mitchell decide which way the Council should go on the issue. He added that the presentation at the Committee was long, and Mrs. Slattery indicated she would like to prepare before coming back to make her statements. Council member Tollett said that he was in favor of hearing from Mrs. Slattery, but he does not think the Council has any business at all in getting into the issue. The Mayor said asking the question and getting an answer would help Mrs. Slattery form her comments. Council member Kitselman asked if the Council was going to pay an attorney to give a statement that could endanger Mrs. Slattery's right to her property and not give her a chance to speak to it before the question is asked. He said there are other questions such as how does the Town of Berryville stay out of the middle of the issue. He concluded saying Mrs. Slattery should be given equal time before the attorney is consulted.

Council member McDonald agreed with Council member Kitselman and asked why the Town was involved in the first place if it is known whose property it is and that taxes are being paid. Council member Kitselman said that previous Councils have put the issue to rest. Mayor Dickinson said that previous Councils have skirted the issue. Recorder Arnold said that he took exception to the Mayor's remark, and asked that a motion on the matter be brought. The Mayor said that typically a motion was not needed to consult the attorney, only a consensus. Recorder Arnold said that if money will be spent with the attorney, a motion is needed. Council member Kitselman agreed. Recorder Arnold said he wished to wait until the other party was heard from. Council members Tollett and McDonald said they also wished to wait until Mrs. Slattery spoke to the Committee. Council member McDonald said that whoever pays the taxes owns the property. Mayor Dickinson said the consensus is to wait until Mrs. Slattery has had a chance to speak, and that if she chooses not to speak, the matter can be addressed at the next Council meeting. Mr. Dalton noted that the meeting Mrs. Slattery will attend is the September Committee meeting, meaning the Council could address the issue at its October meeting.

Recorder Arnold noted that noon is an awkward time for a Committee meeting with staff. He suggested the Committee may want to review their meeting time.

Mayor Dickinson said she had met with Tom Parker of the School Board regarding the crosswalk project at Lincoln and Main. She said she assured him that funding for a crossing guard at the intersection was reviewed annually.

Mayor Dickinson said it is time to put in requests for revenue sharing projects. She said she has had one recommendation for sidewalks on First Street and East Main Street, and is seeking other ideas.

The Mayor said the next agenda item was a request from Enders Fire Company for adjustment of the June water bill. She provided the history of the leak and the initial adjustment on the May bill, and said this would be an exception to the policy which allows one adjustment per 12 months. The Council and staff discussed the adjustment request. Council member Gibson suggested that the explanation for

adjustment require explicit reasons for the water being left on during the leak repair in order not to set a precedent for other similar facilities.

Council member Tollett moved that the Council of the Town of Berryville deny the requested adjustment to the June water/sewer bill for John H. Enders Fire Company, and approve the payment of \$487.60 to the John H. Enders Volunteer Fire Company water/sewer account from the General Fund Contingency. Council member Kitselman seconded the motion which carried as follows:

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

The Council and staff discussed the FY 18 Street Work Priorities. Council member Kitselman moved that the Council of the Town of Berryville approve the attached Street Work Priorities for FY 18.

Council member McDonald seconded the motion which carried as follows:

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

VDOT Funded Secondary System Maintenance / Street Work Priorities
FY 2018

<u>VDOT Reimbursement Limit</u>	\$ 513,000
<u>Work Items and Equipment Purchase</u>	
Patch/Repair trouble areas in streets	\$ 20,000
Sidewalk repair	\$ 15,000
Engineering	\$ 5,000
Equipment Purchase/Maintenance/Repair (purchase backhoe (53,040*), tractor (27,722* **), signs (5,000), and safety equipment (1,500). Maintenance (27,738)	\$ 115,000
Routine Street Maintenance (snow removal, tree trimming, drainage ditch cleaning, street cleaning, etc.)	\$ 100,000
<u>Subtotal</u>	\$ 255,000
<u>Funds available within Reimbursement (\$474,787 – 250,000)</u>	\$ 258,000
 <u>Specific Street Repair Work Priorities</u>	
<i>Summer and fall (2017) Paving</i>	
Jackson Drive	\$ 55,592*
Ewell Court	\$ 13,044*
Total Summer/Fall (2017)	\$ 68,636*
<i>Spring and summer (2018) Paving</i>	

Treadwell Street (from Smith Street to Crown Street)	\$ 7,500
Rice Street (from Walnut Street to Academy Street)	\$ 25,800
South Church Street (from Taylor Street to South Buckmarsh Street)	\$ 71,100
Rosemont Circle	\$ 37,000
Swan Avenue (from South Buckmarsh west to terminus)	\$ 47,964
Total Spring/Summer (2018)	\$ 141,400
<u>Remaining within Reimbursement</u>	\$ 0

* Actual Cost

** Purchase also included bush hog which cost \$3,240

Draft Submitted to Town Council 8/8/17

+ + + + + + + + + + + +

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee
Recorder Arnold said the next Committee meeting will be September 6 at 9:00 am.

16. Other
Mr. Dalton clarified the scheduled committee meetings. Council member McDonald requested that Mr. Dalton send out an update on the Livery Stable RFP.

17. Adjourn
There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 9:19 p.m.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk

BERRYVILLE TOWN COUNCIL
Budget & Finance Committee
Thursday, August 24, 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; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk

Press: None

1. Call to Order

Chair Gibson called the continued meeting to order at 10:39a.m.

2. Discussion – Work Plan Internal Audit of Cash Disbursements and Procurement

Mr. Dalton provided an update on the work plan. The Committee and staff began discussing the draft Procurement Policy Manual update and suggested revisions. The Committee and staff discussed the Summary of Tasks Assigned to Administrative Staff and Police Department Administrative Assistant.

3. Discussion – RFC Engagement Letter

Ms. Dickinson noted two typographical errors needing correction. She inquired about how the current Town auditor, Robinson Farmer Cox, reviewed internal controls. Ms. Moreland explained the processes used by RFC.

4. Discussion – APA Information

The Committee and staff discussed the state's new initiative to develop an early warning system to identify localities in distress. It was agreed that initial scores generated by the Auditor of Public Accounts show that Berryville has a very good number.

5. Adjourn

There being no further business, the meeting was adjourned at 12:01 pm.

MINUTES
BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Berryville-Clarke County Government Center
Regular Meeting
August 24, 2017
9:00 a.m.

Committee members: Present- Dave Tollett, Chair; Pat Dickinson

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk

Press: None

1. Call to Order

The meeting was called to order at 9:00 a.m. by Committee Chair Tollett.

2. Approval of Agenda

The agenda was approved with two additions.

3. Department Update

Chief White provided an update on current department activities.

4. Discussion – Berryville Code Chapter 10, Article 2

The Committee and staff discussed the draft revision of Chapter 10. Chair Tollett suggested adding text addressing the posting on private property of signs mimicking official Town or VDOT signs. Mr. Dalton said that he and the Chief are reviewing VDOT's rules and will consult with attorney Bob Mitchell on the matter.

Ms. Dickinson said she is uncomfortable with section 10-14.1 outlawing personal assistive mobility devices. Mr. Dalton and Chief White said they would review the language.

Ms. Dickinson discussed the language regarding the proximity of crosswalks and parking spaces. Chief White said he would add language to specify the exception of designated parking places.

The Committee and staff discussed the pros and cons of the current vehicle license tax and the associated decal. Chair Tollett asked Ms. Moreland for her opinion. Ms. Moreland said that the decals no longer serve a valuable purpose, adding that if the decal is eliminated there may be a loss in income of about \$10,000 per year. She said the loss would result from the Town not being able to pick up mid-year vehicle additions. Various options including raising the personal property tax rate were discussed. The Committee decided to recommend eliminating the initial decal purchase, but retaining the \$25.00 fee per vehicle which is included in the personal property tax bills.

5. Discussion – Berryville Code Chapter 4 – Laying Hens

The Committee and staff discussed the issue. Chair Tollett stated that a permit requirement must be part of the code to allow enforcement of the code stipulations, and requested a draft be available for review at the next Committee meeting.

6. Discussion – Speeding Concerns on South Buckmarsh and East Main

The Committee and staff discussed speeding concerns on South Buckmarsh and East Main Streets. Chief White provided information on signage options that could be used to address speeding. The Committee decided to consider these options at the next meeting. Ms. Dickinson inquired about camera enforcement options and Chief White said he would research the matter.

7. Discussion – Police Department Career Development

Chief White provided a draft proposal for a training and retention incentive program for the department.

8. Other

Mr. Dalton said there had been no action on the revision of Chapter 8 – Garbage and Refuse since the last meeting because other projects have taken precedence. He offered to develop a schedule for continuing work on the chapter.

Chair Tollett said that the next meeting will be September 28.

9. Adjourn

There being no further business, the meeting was adjourned at 10:30 a.m.

BERRYVILLE TOWN COUNCIL
Streets and Utilities Committee
Friday, August 25, 2017
Berryville-Clarke County Government Center
9:00 a.m.

MINUTES

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; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk;

Press: Cathy Kuehner, Winchester Star

Others: Harry Lee Arnold, Jr.; Alton Echols

1. Call to Order

Chair Dickinson called the meeting to order at 9:00 a.m.

2. Approval of Agenda

The agenda was approved as presented.

3. Project Updates

Staff provided updates on various projects including the water tank painting project; a new water project on North Buckmarsh; the crosswalks at Main/Hermitage, Main/Lincoln, Buckmarsh/Swan, and Main/Washington Square; the Livery Stable analysis; and the Public Works Pole Barn.

The Committee and staff discussed a proposed alteration of budgeting in the FY 18 Street Work Priorities. Mr. Dalton explained the rationale for the proposed changes. The Committee agreed to present the proposed Street Work Priorities to the Council at the September meeting.

Mr. Dalton noted the memo from Christy Dunkle, Planner, which provided an update on the Swan Avenue Walking Path and the Mario's parking lot projects.

The Committee agreed that the crosswalk at Washington Square be added to the September Town Council agenda.

4. Discussion – Water/Sewer User and Availability Fee Study

The Committee and staff discussed the scope of work for the study. Mr. Dalton said he would incorporate the suggestions. The Committee asked that the scope of services be added to the September Town Council agenda.

5. Adjourn

There being no further business, the committee adjourned at 9:44 a.m.

BERRYVILLE TOWN COUNCIL PERSONNEL COMMITTEE
Berryville-Clarke County Government Center
MINUTES
September 6, 2017

A meeting of the Berryville Town Council Personnel Committee was held on Wednesday, September 6, 2017 at 9:00am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Harry Lee Arnold, Jr., Chair; Erecka Gibson; Patricia Dickinson

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Debbie Zimmerman

Chair Arnold called the meeting to order at 9:00am.

Discussion Planning Commission: Term of one member to expire 11/12/17

Chair Arnold asked Ms. Zimmerman to join the Committee and describe her service on the Planning Commission. Ms. Zimmerman said that she has been on the Planning Commission for about four years and has completed the Planning Commissioner Training certification course through Virginia Tech in Richmond in 2016. She said she also is a member of both the Planning Commission's Comprehensive Plan Update Committee and the Senior Facilities Committee. There being no further discussion, Ms. Zimmerman left the meeting at 9:05am.

Ms. Dickinson moved to recommend that Town Council reappoint Ms. Zimmerman to a four year term, seconded by Ms. Gibson, the motion passed by voice vote.

Discussion Northern Shenandoah Valley Regional Commission Term of Representative and alternate to expire 9/12/17

Chair Arnold asked for input on Ms. Dickinson remaining as the board member of the Northern Shenandoah Valley Regional Commission (NSVRC) and Ms. Dunkle as alternate. Ms. Dickinson said that the by-laws require that an elected official be appointed as the board representative. She said that she would be fine with another elected official being appointed to the board. The committee discussed the time commitment for the appointment. There being no further discussion, Ms. Gibson moved to recommend that Council appoint Ms. Dickinson to the board of the NSVRC with Ms. Dunkle remaining the alternate, seconded by Ms. Dickinson, the motion passed by voice vote.

Other

Ms. Dickinson said that she had requested the review of the Employee Handbook be added to the agenda. She said the document had not been reviewed since 2014 or 2015. She said she was not aware of anything wrong with the Handbook but that it is a good idea to take a look. Chair Arnold

said he was not opposed to reviewing the document adding that staff was currently unable to take on additional work. Ms. Gibson asked whether a specific issue had occurred to prompt such a review. She added that if there were a specific concern, she would be happy to review the issue. She said that every time a committee meets, staff is burdened with additional work. She said that if staff had recommendations for modifications then she would be amenable to review the proposed changes. Chair Arnold said that he would rely on Mr. Dalton to make the recommendations because it is difficult to know what issues there may be on a daily basis. Ms. Dickinson said that general practice in business to review such documents is worth the time and effort, adding that this committee should definitely take responsibility for its content. Chair Arnold said he would ask Mr. Dalton if he was aware of any concerns. He added that when staff is pulled in another direction, current projects do not get completed. Ms. Gibson said that if the committee believes changes need to occur then staff should be consulted, but doing so would pull staff away from other tasks. Ms. Dickinson reiterated that she had not seen any changes to the Employee Handbook since 2014 and said the committee should be aware that it is this committee's responsibility to review the document with elected official oversight. Ms. Gibson added that if something is obviously not correct, then the committee could address the item. Chair Arnold said he would discuss the matter with Mr. Dalton. Ms. Gibson said that everything involves staff and they can only be split so many ways.

Adjourn

There being no further business, Ms. Dickinson made a motion to adjourn the meeting, seconded by Ms. Gibson, the motion passed by voice vote at 9:15 am.

Attachment 5

Planning and Community Development

Action Items

Public Hearing – Special Use Permit

Public Hearing – Text Amendments to the Berryville Zoning Ordinance

Public Hearing – Repeal and Readopt Section 322 of the Berryville Zoning Ordinance

September 12, 2017

Planning Commission

The Planning Commission did not hold an August meeting. Their next meeting is scheduled for Tuesday, September 26, 2017 at 7:30pm.

Berryville Area Development Authority

The BADA held a called meeting on Wednesday, August 9, 2017 and approved the site plan with the condition that staff finalize details and easement plats are recorded. Their next meeting is scheduled for Wednesday, September 27, 2017 at 7:00pm.

Architectural Review Board

The Architectural Review Board held a meeting on Wednesday, September 6, 2017. While they did not have any reviews, they met to discuss updating the national and local historic districts in the Town of Berryville with Maral Kalbian, Architectural Historian. Their next meeting is scheduled for Wednesday, October 4 at 12:30pm.

Board of Zoning Appeals

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

Attachment 6

12 September 2017
Discussion

Designation of date and hours for Halloween activities

§13-38 of the Berryville Code permits the Town Council to establish the date and hours during which “trick or treating” will be permitted within the Town of Berryville.

The attached motion designates Tuesday, October 31, 2017 between the hours of 6:00 p.m. and 8:30 p.m. as the time during which “trick or treating” will be permitted in Town this Halloween.

BERRYVILLE TOWN COUNCIL
MOTION TO ESTABLISH TRICK OR TREAT HOURS

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville establish Trick or Treat Hours as 6:00 – 8:30 pm on Tuesday, October 31, 2017.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 7

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: MONTHLY REPORTS
DATE: 9/7/2017
CC: KEITH DALTON, TOWN MANAGER

A/P Check Listing

Checks issued in August 2017.

Bank of America/P-Card Statement

July 2017 P-Card Purchases that were paid on August 25, 2017.

A/P Check Listing

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

Date From - 8/1/2017 Date To - 8/31/2017

Town of Berryville
09/07/2017 10:24 AM

Page: 1 of 3

| Check Number | Bank | Vendor | Date | Amount |
|--------------|------|--|------------|--------------------|
| 4291 | 1 | Winchester Electric Service, Inc. | 08/09/2017 | <u>\$1,225.00</u> |
| 4292 | 1 | HD SUPPLY WATERWORKS, LTD | 08/09/2017 | <u>\$7,345.35</u> |
| 4293 | 1 | Jno. S. Solenberger & Co., Inc | 08/09/2017 | <u>\$117.96</u> |
| 4294 | 1 | WL Construction | 08/09/2017 | <u>\$956.98</u> |
| 4295 | 1 | WL Construction | 08/09/2017 | <u>\$82,634.00</u> |
| 4296 | 1 | Douglas A. Shaffer | 08/09/2017 | <u>\$155.00</u> |
| 4297 | 1 | Gwen Malone | 08/09/2017 | <u>\$40.00</u> |
| 4298 | 1 | Ann W. Phillips | 08/09/2017 | <u>\$46.01</u> |
| 4299 | 1 | Debra Zimmerman | 08/09/2017 | <u>\$80.00</u> |
| 4300 | 1 | Rappahannock Electric Cooperative | 08/09/2017 | <u>\$4,439.60</u> |
| 4301 | 1 | Kim S. Kemp | 08/09/2017 | <u>\$80.00</u> |
| 4302 | 1 | VUPS | 08/09/2017 | <u>\$76.65</u> |
| 4303 | 1 | Sheryl Reid | 08/09/2017 | <u>\$80.00</u> |
| 4304 | 1 | Dale A. Barton | 08/09/2017 | <u>\$80.00</u> |
| 4305 | 1 | PENNONI ASSOCIATES INC | 08/09/2017 | <u>\$630.00</u> |
| 4306 | 1 | Michelle K. Marino | 08/09/2017 | <u>\$80.00</u> |
| 4307 | 1 | William Steinmetz | 08/09/2017 | <u>\$80.00</u> |
| 4308 | 1 | Hall, Monahan, Engle, Mahan & Mitchell | 08/09/2017 | <u>\$865.00</u> |
| 4309 | 1 | Treasurer of Frederick County | 08/09/2017 | <u>\$4,337.28</u> |
| 4310 | 1 | The Winchester Star | 08/09/2017 | <u>\$486.20</u> |
| 4311 | 1 | Herbert L. Beskin, Trustee | 08/09/2017 | <u>\$115.00</u> |
| 4312 | 1 | Krishan Mathur | 08/09/2017 | <u>\$80.00</u> |
| 4313 | 1 | Bureau for Child Support Enforcement | 08/09/2017 | <u>\$875.00</u> |
| 4314 | 1 | Anderson's Nursery | 08/09/2017 | <u>\$1,375.00</u> |
| 4315 | 1 | Winchester Equipment Co | 08/09/2017 | <u>\$3,240.00</u> |
| 4316 | 1 | Patricia Dickinson | 08/09/2017 | <u>\$140.17</u> |
| 4317 | 1 | Keith Dalton | 08/09/2017 | <u>\$50.00</u> |
| 4318 | 1 | VIRGINIA DEPT OF HEALTH/WATERWORK TECH ASST FUND | 08/09/2017 | <u>\$4,867.50</u> |
| 4319 | 1 | OCC Health Service Winchester | 08/09/2017 | <u>\$46.00</u> |

A/P Check Listing

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

Date From - 8/1/2017 Date To - 8/31/2017

Town of Berryville
09/07/2017 10:24 AM

Page: 2 of 3

| Check Number | Bank | Vendor | Date | Amount |
|--------------|------|--|------------|--------------------|
| 4320 | 1 | Northern Shenandoah Valley Regional Commission | 08/09/2017 | <u>\$3,139.00</u> |
| 4321 | 1 | CASSANDRA ELLEN KIRK | 08/09/2017 | <u>\$174.20</u> |
| 4322 | 1 | BROCK WESLEY PENNINGTON | 08/09/2017 | <u>\$168.26</u> |
| 4323 | 1 | KATHY DENISE ARMSTRONG | 08/09/2017 | <u>\$123.40</u> |
| 4324 | 1 | ROBERT MICHAEL MUELLER | 08/09/2017 | <u>\$123.40</u> |
| 4325 | 1 | JORDAN CHANDLER OVERTON | 08/09/2017 | <u>\$123.40</u> |
| 4326 | 1 | JIM BARB REALTY | 08/09/2017 | <u>\$50.80</u> |
| 4327 | 1 | ANDREW LAUREN QUILLING | 08/09/2017 | <u>\$225.00</u> |
| 4328 | 1 | Rappahannock Electric Cooperative | 08/21/2017 | <u>\$5,138.61</u> |
| 4329 | 1 | TOWN OF BERRYVILLE | 08/21/2017 | <u>\$487.60</u> |
| 4330 | 1 | PENNONI ASSOCIATES INC | 08/21/2017 | <u>\$4,653.75</u> |
| 4331 | 1 | Lincoln Financial Group | 08/21/2017 | <u>\$1,118.92</u> |
| 4332 | 1 | MID ATLANTIC CRANE AND EQUIPMENT | 08/21/2017 | <u>\$1,800.00</u> |
| 4333 | 1 | Michelle M. Jones | 08/21/2017 | <u>\$1,505.00</u> |
| 4334 | 1 | Deere & Company | 08/21/2017 | <u>\$52,203.93</u> |
| 4335 | 1 | Bureau for Child Support Enforcement | 08/21/2017 | <u>\$875.00</u> |
| 4336 | 1 | Christy Dunkle | 08/21/2017 | <u>\$12.84</u> |
| 4337 | 1 | Berryville Main Street | 08/21/2017 | <u>\$9,000.00</u> |
| 4338 | 1 | Matthew Bass | 08/21/2017 | <u>\$40.00</u> |
| 4339 | 1 | Virginia Municipal League | 08/21/2017 | <u>\$75.00</u> |
| 4340 | 1 | Virasec, LLC | 08/21/2017 | <u>\$1,626.18</u> |
| 4341 | 1 | Nationwide Retirement Solutions | 08/21/2017 | <u>\$705.00</u> |
| 4342 | 1 | USPS | 08/25/2017 | <u>\$750.62</u> |
| 4343 | 1 | RIDDLEBERGER BROTHERS | 08/25/2017 | <u>\$2,639.81</u> |
| 4344 | 1 | CIVICPLUS | 08/25/2017 | <u>\$2,344.13</u> |
| 4345 | 1 | Rappahannock Electric Cooperative | 08/25/2017 | <u>\$9,156.34</u> |
| 4346 | 1 | KORMAN SIGNS | 08/25/2017 | <u>\$4,011.65</u> |
| 4347 | 1 | Minnesota Life Insurance Co. | 08/25/2017 | <u>\$140.52</u> |
| 4348 | 1 | Dennis Sales, Inc. | 08/25/2017 | <u>\$885.00</u> |
| 4349 | 1 | WILSON'S ASPHALT | 08/25/2017 | <u>\$4,206.00</u> |

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZION BAPTIST CHURCH
Date From - 8/1/2017 Date To - 8/31/2017

Town of Berryville
09/07/2017 10:24 AM

Page: 3 of 3

| Check Number | Bank | Vendor | Date | Amount |
|--------------|-------------------|---------------------------------|------------|---------------------|
| 4350 | 1 | Treasurer of Virginia | 08/25/2017 | <u>\$100.00</u> |
| 4351 | 1 | Nationwide Retirement Solutions | 08/25/2017 | <u>\$705.00</u> |
| 4352 | 1 | SARAH RENEE GONZALEZ | 08/25/2017 | <u>\$72.60</u> |
| 62 | Checks Totaling - | | | <u>\$223,004.66</u> |

Totals By Fund

| | Checks | Voids | Total |
|---------|--------------|-------|--------------|
| 100 | \$151,930.66 | | \$151,930.66 |
| 501 | \$22,503.65 | | \$22,503.65 |
| 502 | \$48,570.35 | | \$48,570.35 |
| Totals: | \$223,004.66 | | \$223,004.66 |

Purchasing Card

BERRYVILLE TOWN OF
DESIRÉE MORELAND
XXXX-XXXX-XXXX
July 01, 2017 - July 31, 2017

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 07/31/17
Payment Due Date 08/25/17
Days in Billing Cycle 31
Credit Limit \$500,000
Cash Limit \$0
Total Payment Due \$60,287.02 | Previous Balance \$60,633.14
Payments -\$60,633.14
Credits -\$45.20
Cash \$0.00
Purchases \$60,332.22
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 \$60,287.02 |

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 08/25/17.

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 | 11,513.71 | 11,513.71 |
| BRISTOL, TIM
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 32.50 | 32.50 |

6063314 6028702 6028702 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

**N0019294

Account Number: XXXX-XXXX-XXXX
July 01, 2017 - July 31, 2017

Total Payment Due **\$60,287.02**
Payment Due Date **08/25/17**

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



Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.

Service for the hearing impaired (TTY/TDD): Contact our service for the hearing-impaired at 1.800.222.7365.

Telephone monitoring: For the purposes of monitoring and improving the quality of service, Bank's supervisory personnel may listen to and/or record telephone calls between Bank employees and any person acting on Company's behalf.

Disclosure: We may furnish to your employer information concerning your use of your account. To read more about our information disclosure, please visit www.bankofamerica.com/corporatecarddisclosure or call the customer service number listed on your statement to request a copy.

In case of errors or questions about your bill: Errors or questions about your bill must be received in writing no later than 60 days after we sent you the first statement on which the error or problem appeared. Please mail this information to BANKCARD CENTER, PO BOX 982238, EL PASO, TX 79998-2238. Your letter must include the following information:

- The company name, cardholder name and account number in question.
- The dollar amount of the suspected error.
- A written description of the error and why you believe there is an error. If you need more information, describe the item you are unsure about.



| | | |
|-------------------|--|--|
| Customer Service: | For questions regarding transactions, general assistance, and reporting lost and stolen cards, call: | |
| | <u>Within the U.S.</u> | <u>Outside the U.S.</u> |
| | 1.888.449.2273 | 1.509.353.6656
(collect calls accepted) |

Thank you for your business.

Please write your change of address here:

| | |
|------------|----------------|
| Street | |
| City | |
| State | Zip |
| () | () |
| Home Phone | Business Phone |

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.



BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 XXXX-XXXX-XXXX-
 July 01, 2017 - July 31, 2017
 Page 3 of 6

Cardholder Activity Summary

| Account Number
Credit Limit | Credits | Cash | Purchases and
Other Debits | Total Activity |
|---|---------|------|-------------------------------|----------------|
| BUSSERT, ERNIE
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 183.34 | 183.34 |
| DORSEY, DANIEL
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 214.93 | 214.93 |
| DUNKLE, CHRISTY
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 61.56 | 61.56 |
| ELLIOTT, RALPH
XXXX-XXXX-XXXX-
5,000 | 0.00 | 0.00 | 632.70 | 632.70 |
| FERREBEE, DARRELL
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 130.19 | 130.19 |
| FIDDLER, HEATHER
XXXX-XXXX-XXXX-
15,000 | 0.00 | 0.00 | 4,412.45 | 4,412.45 |
| LICKEY, PATRICK
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 479.21 | 479.21 |
| MCCORMICK, HARRY
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 98.00 | 98.00 |
| MORELAND, DESIREE
XXXX-XXXX-XXXX-
50,000 | 0.00 | 0.00 | 29,002.28 | 29,002.28 |
| PHILLIPS, ANN W
XXXX-XXXX-XXXX-
15,000 | 0.00 | 0.00 | 386.53 | 386.53 |
| REYNOLDS, CHARLES
XXXX-XXXX-XXXX-
500 | 0.00 | 0.00 | 221.78 | 221.78 |
| STOVER, KEITH
XXXX-XXXX-XXXX-
1,000 | 45.20 | 0.00 | 468.77 | 423.57 |
| TYRRELL, DAVE
XXXX-XXXX-XXXX-
15,000 | 0.00 | 0.00 | 12,486.98 | 12,486.98 |
| WHITE, NEAL
XXXX-XXXX-XXXX-
15,000 | 0.00 | 0.00 | 7.29 | 7.29 |

Transactions

| Posting Date | Transaction Date | Description | Reference Number | MCC | Charge | Credit |
|--|------------------|--|-------------------------|------|----------|-----------------------|
| BERRYVILLE TOWN OF | | | | | | Total Activity |
| Account Number: XXXX-XXXX-XXXX-7237 | | | | | | -\$60,633.14 |
| 07/25 | 07/25 | AUTO PAYMENT DEDUCTION | | 0071 | | 60,633.14 |
| BOOR, RICK | | | | | | Total Activity |
| Account Number: XXXX-XXXX-XXXX-1273 | | | | | | 11,513.71 |
| 07/03 | 06/30 | HD SUPPLY WATERWORKS 514 3042636986 WV | 24792627181206122800143 | 5039 | 3,373.18 | |
| 07/07 | 07/06 | JOINER MICRO LABORATORIE 540-347-7212 VA | 24435657188200389500093 | 7399 | 165.00 | |
| 07/10 | 07/07 | JOINER MICRO LABORATORIE 540-347-7212 VA | 24435657189200389600025 | 7399 | 55.00 | |
| 07/13 | 07/12 | CONSTRUCTION MATERIALS G WINCHESTER VA | 24210737194207510400286 | 1711 | 235.00 | |
| 07/14 | 07/13 | JOINER MICRO LABORATORIE 540-347-7212 VA | 24435657195200389000061 | 7399 | 110.00 | |
| 07/19 | 07/17 | STUART M PERRY #2 BERRYVILLE VA | 24073147199900010900036 | 1771 | 4,676.32 | |
| 07/19 | 07/17 | A SIGN PLACE/PERSONALIZE WINCHESTER VA | 24223697199030029443548 | 5099 | 854.40 | |
| 07/19 | 07/17 | johnny blue, inc. 540-665-0968 VA | 24828247199030033639522 | 7394 | 82.00 | |
| 07/20 | 07/19 | JRE WINCHESTER 540-667-9777 VA | 24431067201207119200034 | 5085 | 889.02 | |
| 07/21 | 07/19 | GRIFFITH ENERGY SERVIC 410-956-3000 MD | 24258027201017026731805 | 5983 | 1,069.59 | |
| 07/25 | 07/24 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977206091409000180 | 5251 | 4.20 | |
| BRISTOL, TIM | | | | | | Total Activity |
| Account Number: XXXX-XXXX-XXXX-1644 | | | | | | 32.50 |
| 07/17 | 07/13 | FESTIVAL DRY CLEANERS BERRYVILLE VA | 24603167195030047962188 | 7216 | | 32.50 |



18392120 - 019294 - 0002 - 0009 - 2

Transactions

Posting Transaction

| Date | Date | Description | Reference Number | MCC | Charge | Credit |
|------|------|-------------|------------------|-----|--------|--------|
|------|------|-------------|------------------|-----|--------|--------|

| | | | | | | |
|-------|-------|--|-------------------------|------|-------|--|
| 07/24 | 07/21 | NORVAC LOCK TECHNOLOGY I WINCHESTER VA | 24733097202400562000115 | 7399 | 27.50 | |
|-------|-------|--|-------------------------|------|-------|--|

BUSSERT, ERNIE
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|---------------------------------------|-------------------------|------|--------|--|
| 07/13 | 07/12 | TRACTOR-SUPPLY-CO #0697 WINCHESTER VA | 24445007194000780295766 | 5599 | 151.24 | |
| 07/13 | 07/12 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977194091407000293 | 5251 | 3.71 | |
| 07/24 | 07/21 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977203091403000551 | 5251 | 28.39 | |

Total Activity 183.34

DORSEY, DANIEL
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|--|-------------------------|------|--------|--|
| 07/03 | 06/30 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977182091403000127 | 5251 | 6.36 | |
| 07/11 | 07/10 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977192091403000042 | 5251 | 3.79 | |
| 07/12 | 07/10 | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897192256600583080 | 5533 | 16.00 | |
| 07/18 | 07/17 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977199091405000043 | 5251 | 1.37 | |
| 07/19 | 07/18 | HARBOR FREIGHT TOOLS 595 WINCHESTER VA | 24231687200400021363226 | 5251 | 119.96 | |
| 07/24 | 07/20 | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897202319600553160 | 5533 | 67.45 | |

Total Activity 214.93

DUNKLE, CHRISTY
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|----------------------------------|-------------------------|------|-------|--|
| 07/28 | 07/27 | EBERT REPRODUCTION WINCHESTER VA | 24224437209101007788051 | 5999 | 61.56 | |
|-------|-------|----------------------------------|-------------------------|------|-------|--|

Total Activity 61.56

ELLIOTT, RALPH
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|--|-------------------------|------|--------|--|
| 07/03 | 06/29 | DOLLAR-GENERAL #0394 BERRYVILLE VA | 24445007181100244914088 | 5331 | 11.85 | |
| 07/06 | 07/05 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977187091403000023 | 5251 | 13.71 | |
| 07/07 | 07/06 | LOWES #00656* WINCHESTER VA | 24692167187100443635878 | 5200 | 104.84 | |
| 07/10 | 07/08 | WAL-MART #3344 WINCHESTER VA | 24226387190091002947479 | 5411 | 96.54 | |
| 07/20 | 07/19 | WAL-MART #3344 WINCHESTER VA | 24226387200360650840874 | 5411 | 10.40 | |
| 07/20 | 07/19 | CONSTRUCTION MATERIALS G WINCHESTER VA | 24210737201207510900062 | 1711 | 64.70 | |
| 07/26 | 07/25 | LOWES #02724* WINCHESTER VA | 24692167206100615584356 | 5200 | 107.34 | |
| 07/27 | 07/26 | LOWES #02724* WINCHESTER VA | 24692167207100274252666 | 5200 | 95.35 | |
| 07/27 | 07/26 | HELENA CHEM CO 34202 WINCHESTER VA | 24755427208132087590850 | 5169 | 117.10 | |
| 07/28 | 07/27 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977209091405000363 | 5251 | 5.66 | |
| 07/31 | 07/28 | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897211369600498808 | 5533 | 5.21 | |

Total Activity 632.70

FERREBEE, DARRELL
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|--|-------------------------|------|-------|--|
| 07/17 | 07/14 | EXXONMOBIL 47851688 BERRYVILLE VA | 24164057196837008194707 | 5541 | 2.62 | |
| 07/19 | 07/18 | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977200091407000162 | 5251 | 14.69 | |
| 07/24 | 07/20 | ANDERSON'S NURSERY BERRYVILLE VA | 24061067202016027173621 | 5261 | 70.00 | |
| 07/24 | 07/20 | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897202319600553186 | 5533 | 24.20 | |
| 07/27 | 07/26 | FISHER AUTO PARTS 009 BERRYVILLE VA | 24431067208200824700136 | 5533 | 6.08 | |
| 07/28 | 07/26 | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897208356600423360 | 5533 | 4.04 | |
| 07/31 | 07/28 | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897211369600498873 | 5533 | 8.56 | |

Total Activity 130.19

FIDDLER, HEATHER
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|--------------------------------------|-------------------------|------|----------|--|
| 07/03 | 06/23 | CARMEUSE LIME & STONE 412-9955500 MI | 24258027183018011574913 | 5039 | 4,116.74 | |
| 07/04 | 07/03 | Amazon web services aws.amazon.coWA | 24692167184100625425067 | 7399 | 0.61 | |
| 07/10 | 07/07 | USPS PO 5107560300 BERRYVILLE VA | 24445007189000813489227 | 9402 | 24.85 | |
| 07/21 | 07/20 | USPS PO 5107560300 BERRYVILLE VA | 24445007202000911886723 | 9402 | 245.00 | |
| 07/31 | 07/28 | USPS PO 5107560300 BERRYVILLE VA | 24445007210000976643530 | 9402 | 25.25 | |

Total Activity 4,412.45

LICKEY, PATRICK
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|--|-------------------------|------|--------|--|
| 07/12 | 07/10 | WINCHESTER BUILDING SUPP 540-667-2301 VA | 24323007192754087949785 | 1771 | 479.21 | |
|-------|-------|--|-------------------------|------|--------|--|

Total Activity 479.21

MCCORMICK, HARRY
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|-----------------------|-------------------------|------|-------|--|
| 07/11 | 07/10 | ABC-NV 913-8954600 KS | 24270747191900011403309 | 8999 | 98.00 | |
|-------|-------|-----------------------|-------------------------|------|-------|--|

Total Activity 98.00

MORELAND, DESIREE
Account Number: XXXX-XXXX-XXXX-

| | | | | | | |
|-------|-------|---|-------------------------|------|-----------|--|
| 07/03 | 07/01 | COMCAST 800-COMCAST MD | 24692167182100884682483 | 4899 | 75.69 | |
| 07/12 | 07/10 | TelRite Corporation COVINGTON GA | 24393497192003567015552 | 4814 | 9.93 | |
| 07/14 | 07/13 | WINCHESTER STAR CIR 540-6673200 VA | 24755427194281941553178 | 5192 | 1,072.50 | |
| 07/17 | 07/14 | RIDDLEBERGER BROTHERS 540-434-1731 VA | 24638187197017030480471 | 1711 | 3,979.42 | |
| 07/19 | 07/18 | REPUBLIC SERVICES TRASH 866-576-5548 AZ | 24431057199083760364220 | 4900 | 19,567.54 | |
| 07/19 | 07/18 | REPUBLIC SERVICES TRASH 866-576-5548 AZ | 24431057199083753364948 | 4900 | 125.00 | |
| 07/19 | 07/18 | REPUBLIC SERVICES TRASH 866-576-5548 AZ | 24431057199083758365932 | 4900 | 2,118.73 | |
| 07/19 | 07/19 | COMCAST 800-COMCAST MD | 24692167200100581069701 | 4899 | 75.69 | |
| 07/19 | 07/18 | VA DMV ONLINE BILLING PAY804-3670595 VA | 24755427200122007529342 | 9399 | 600.00 | |
| 07/20 | 07/19 | VZWRLLS*MY VZ VB P 800-922-0204 FL | 24692167200100659211367 | 4814 | 709.70 | |
| 07/20 | 07/19 | VERIZON*ONETIMEPAYMENT 800-VERIZON FL | 24692167200100786009395 | 4899 | 343.24 | |
| 07/20 | 07/19 | VERIZON*ONETIMEPAYMENT 800-VERIZON FL | 24692167200100786009403 | 4899 | 149.52 | |
| 07/20 | 07/19 | VERIZON*ONETIMEPAYMENT 800-VERIZON FL | 24692167200100786009411 | 4899 | 175.92 | |



Transactions

| Posting Transaction | Date | Date | Description | Reference Number | MCC | Charge | Credit | Total Activity |
|--|-------|------|--|-------------------------|------|----------|--------|------------------|
| PHILLIPS, ANN W | | | | | | | | 386.53 |
| Account Number: XXXX-XXXX-XXXX- | | | | | | | | |
| 07/06 | 07/05 | | IN *TRUESHRED 888-7508783 VA | 24692167186100871858001 | 7399 | 49.00 | | |
| 07/17 | 07/14 | | STAPLS7179653353000001 877-8267755 NJ | 24164077195105137939908 | 5111 | 181.00 | | |
| 07/28 | 07/27 | | STAPLS7180395940000001 877-8267755 NJ | 24164077208105268838072 | 5111 | 90.45 | | |
| 07/28 | 07/27 | | STAPLS7180396863000001 877-8267755 NJ | 24164077208105268849210 | 5111 | 48.89 | | |
| 07/31 | 07/28 | | STAPLS7180396863001001 877-8267755 NJ | 24164077209105279401430 | 5111 | 17.19 | | |
| REYNOLDS, CHARLES | | | | | | | | 221.78 |
| Account Number: XXXX-XXXX-XXXX- | | | | | | | | |
| 07/12 | 07/11 | | EASTERN SUPPLY INC WINCHESTER VA | 24828247192030032706873 | 5085 | 204.62 | | |
| 07/17 | 07/14 | | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977196091400000074 | 5251 | 17.16 | | |
| STOVER, KEITH | | | | | | | | 423.57 |
| Account Number: XXXX-XXXX-XXXX- | | | | | | | | |
| 07/25 | 07/24 | | SHADE EQUIPMENT CO-WINCHEWINCHESTER VA | 24412907205027011766056 | 5599 | 31.90 | | |
| 07/26 | 07/24 | | WINCHESTER EQUIPMENT WINCHESTER VA | 24073147206900014100105 | 5599 | 278.20 | | |
| 07/26 | 07/25 | | FISHER AUTO PARTS 009 BERRYVILLE VA | 24431067207200824600048 | 5533 | 45.20 | | |
| 07/26 | 07/25 | | FISHER AUTO PARTS 009 BERRYVILLE VA | 74431067207200824600126 | 5533 | | 45.20 | |
| 07/28 | 07/27 | | CARQUEST 1217 WINCHESTER VA | 24431057208838000006553 | 5533 | 57.98 | | |
| 07/31 | 07/28 | | BIG DADDY AUTOMOTIVE LLC BERRYVILLE VA | 24247607209200164072621 | 7538 | 16.00 | | |
| 07/31 | 07/28 | | FISHER AUTO PARTS 009 BERRYVILLE VA | 24431067210200824900112 | 5533 | 39.49 | | |
| TYRRELL, DAVE | | | | | | | | 12,486.98 |
| Account Number: XXXX-XXXX-XXXX- | | | | | | | | |
| 07/03 | 06/30 | | CUMMINS ATLANTIC #17 540-931-9114 VA | 24445007182600189809085 | 5046 | 307.57 | | |
| 07/05 | 07/03 | | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897185213500510241 | 5533 | 82.99 | | |
| 07/05 | 07/05 | | AWWA.ORG 303-347-6197 CO | 24692167186100391520867 | 8398 | 330.00 | | |
| 07/06 | 07/05 | | USA BLUE BOOK 800-548-1234 IL | 24326847186636000064731 | 5085 | 224.01 | | |
| 07/06 | 07/05 | | BERRYVILLE TRUE VALUE BERRYVILLE VA | 24801977187091403000197 | 5251 | 50.42 | | |
| 07/07 | 07/06 | | COYNE CHEMICAL 215-785-3000 PA | 24224437188101030436293 | 5169 | 306.00 | | |
| 07/07 | 07/05 | | MCMaster-CARR 630-834-9600 IL | 24789307187225400054080 | 5085 | 92.85 | | |
| 07/10 | 07/06 | | RIDDLEBERGER BROTHERS 540-434-1731 VA | 24638187188017027404816 | 1711 | 471.00 | | |
| 07/10 | 07/07 | | HARBOR FREIGHT TOOLS 595 WINCHESTER VA | 24231687189400021340294 | 5251 | 174.99 | | |
| 07/11 | 07/03 | | COYNE CHEMICAL 215-785-3000 PA | 24224437192101029271440 | 5169 | 1,282.15 | | |
| 07/11 | 07/10 | | COYNE CHEMICAL 215-785-3000 PA | 24224437192101029271499 | 5169 | 653.04 | | |
| 07/11 | 07/03 | | COYNE CHEMICAL 215-785-3000 PA | 24224437192101029271457 | 5169 | 653.04 | | |
| 07/12 | 07/10 | | TIRE WORLD WHOLESALE 301-6989200 MD | 24639237192900010500136 | 5532 | 475.92 | | |
| 07/12 | 07/03 | | COYNE CHEMICAL 215-785-3000 PA | 24224437193101029025936 | 5169 | 394.79 | | |
| 07/12 | 07/11 | | JOINER MICRO LABORATORIE 540-347-7212 VA | 24435657193200389800025 | 7399 | 2,305.00 | | |
| 07/13 | 07/12 | | USA BLUE BOOK 800-548-1234 IL | 24326847193636000069426 | 5085 | 717.21 | | |
| 07/13 | 07/12 | | USPS PO 5107560300 BERRYVILLE VA | 24445007194000780225557 | 9402 | 6.59 | | |
| 07/14 | 07/13 | | IN *CONSOLIDATED ELECTRIC540-6625994 VA | 24692167194100118498595 | 1731 | 120.00 | | |
| 07/14 | 07/13 | | SMITH AND LOVELESS INC 913-888-5201 KS | 24412957194606000117898 | 4900 | 401.04 | | |
| 07/14 | 07/12 | | MCMaster-CARR 630-834-9600 IL | 24789307194269200049503 | 5085 | 114.31 | | |
| 07/17 | 07/16 | | AMAZON MKTPLACE PMTS AMZN.COM/BILLWA | 24692167197100599061927 | 5942 | 263.40 | | |
| 07/20 | 07/19 | | IN *CONSOLIDATED ELECTRIC540-6625994 VA | 24692167200100997987496 | 1731 | 360.00 | | |
| 07/21 | 07/19 | | BERRYVILLE AUTO PARTS INCBERRYVILLE VA | 24767897201313500624925 | 5533 | 14.56 | | |
| 07/21 | 07/20 | | PAYPAL *ELECOK 402-935-7733 CA | 24492157201894431180195 | 5732 | 339.00 | | |
| 07/24 | 07/20 | | HACH COMPANY 9706631377 CO | 24801997202018013757600 | 5085 | 916.77 | | |
| 07/25 | 07/24 | | BEL-ART PRODUCTS 973-6940500 NJ | 24275397205900016836951 | 5085 | 224.05 | | |
| 07/27 | 07/26 | | IN *MARYLAND BIOCHEMICAL 410-7349100 MD | 24692167207100356205525 | 5169 | 184.89 | | |
| 07/27 | 07/25 | | HACH COMPANY 9706631377 CO | 24801997207018010346329 | 5085 | 1,021.39 | | |
| WHITE, NEAL | | | | | | | | 7.29 |
| Account Number: XXXX-XXXX-XXXX- | | | | | | | | |
| 07/24 | 07/21 | | USPS PO 5107560300 BERRYVILLE VA | 24445007203000966793609 | 9402 | 7.29 | | |

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.



BERRYVILLE TOWN OF
DESIRÉE MORELAND
XXXX-XXXX-XXXX-
July 01, 2017 - July 31, 2017
Page 6 of 6



18392120 - 019294 - 0003 - 0003 - 2

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: 09/06/2017

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 09/12/2017

Monthly Activity Report

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

Police and Security Committee

The Police and Security Committee met on August 24, 2017. The minutes from this meeting are included in the consent agenda. The committee will meet again on September 29, 2017 at 09:00 am in the A/B meeting room of the government center.



Berryville Police Department

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W. Neal White – Chief of Police

Police and Security Report

Month: August
Year: 2017

| | Year To Date
2017 | August
2017 | July
2017 |
|--|----------------------|----------------|--------------|
|--|----------------------|----------------|--------------|

Complaints Answered

| | | | |
|-----------------------------------|-------------|------------|------------|
| 911 Hang Up: | 29 | 1 | 5 |
| Alarms: | 87 | 10 | 14 |
| Animal Complaint: | 78 | 6 | 12 |
| Assault and Battery: | 5 | 0 | 1 |
| Assist County: | 23 | 3 | 6 |
| Auto Larceny: | 1 | 1 | 0 |
| Burglary: | 6 | 1 | 0 |
| Civil Complaints: | 47 | 6 | 9 |
| Disturbance (Non Violent): | 19 | 1 | 2 |
| Domestic Disturbance: | 20 | 0 | 4 |
| Drunk In Public: | 6 | 1 | 1 |
| Forgery & Uttering: | 0 | 0 | 0 |
| Fraud: | 27 | 1 | 2 |
| Grand Larceny: | 9 | 4 | 1 |
| Harassment/Intimidation: | 18 | 3 | 1 |
| Homicide: | 0 | 0 | 0 |
| Juvenile Related: | 28 | 8 | 2 |
| Noise: | 32 | 4 | 3 |
| Petty Larceny: | 16 | 1 | 4 |
| Public Service: | 24 | 1 | 5 |
| Rape: | 0 | 0 | 0 |
| Robbery: | 0 | 0 | 0 |
| Runaway: | 1 | 0 | 1 |
| Shoplifting: | 1 | 0 | 0 |
| Suspicious Activity: | 137 | 20 | 24 |
| Trespassing: | 4 | 0 | 0 |
| Vandalism: | 21 | 0 | 5 |
| Welfare Check: | 95 | 17 | 5 |
| Miscellaneous Complaints: | 271 | 31 | 40 |
| Total Complaints Answered: | 1005 | 120 | 147 |



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W. Neal White – Chief of Police

Police and Security Report (Continued)

| | Year To Date
2017 | August
2017 | July
2017 |
|--|----------------------|----------------|--------------|
| <u>Traffic</u> | | | |
| Accidents Investigated: | 46 | 5 | 7 |
| Assist Motorist: | 29 | 0 | 3 |
| Child Safety Seat Install: | 19 | 0 | 1 |
| Funeral Escort: | 29 | 3 | 3 |
| Hit & Run: | 6 | 1 | 0 |
| Parking Tickets: | 126 | 24 | 6 |
| Traffic Warnings: | 239 | 53 | 31 |
| <u>Traffic Summons Issued</u> | | | |
| Defective Equipment: | 1 | 0 | 0 |
| Driving Suspended: | 4 | 2 | 0 |
| Expired Inspection: | 26 | 2 | 1 |
| Expired Registration: | 4 | 1 | 0 |
| Fail to Obey Highway Sign: | 67 | 10 | 6 |
| Fail to Obey Traffic Signals: | 4 | 0 | 0 |
| Fail to Stop/Lights & Siren: | 0 | 0 | 0 |
| Fail to Yield Right of Way: | 3 | 1 | 0 |
| Hit and Run: | 0 | 0 | 0 |
| No Liability Insurance: | 0 | 0 | 0 |
| No Operator's License: | 9 | 1 | 2 |
| No Seat Belt: | 1 | 0 | 0 |
| Reckless Driving: | 12 | 2 | 2 |
| Speeding: | 209 | 36 | 41 |
| Miscellaneous Summons: | 20 | 1 | 6 |
| Total Traffic Summons Issued: | 360 | 56 | 58 |
| <u>Found Open at Businesses in Town</u> | | | |
| Doors: | 20 | 3 | 5 |
| Windows: | 0 | 0 | 0 |
| Garage Doors: | 0 | 0 | 0 |



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W. Neal White – Chief of Police

Police and Security Report (Continued)

| | Year To Date | August | July |
|--|--------------|----------|----------|
| | 2017 | 2017 | 2017 |
| <u>Criminal Arrests Made</u> | | | |
| Abduction: | 1 | 0 | 0 |
| Arson: | 0 | 0 | 0 |
| Assault and Battery: | 4 | 0 | 1 |
| Assault and Battery on Police Officer: | 0 | 0 | 0 |
| Auto Larceny: | 0 | 0 | 0 |
| Breaking and Entering: | 0 | 0 | 0 |
| Capias: | 2 | 1 | 0 |
| Disorderly Conduct: | 0 | 0 | 0 |
| Driving While Intoxicated: | 4 | 0 | 0 |
| Drunk In Public: | 5 | 0 | 1 |
| Fail to Obey Police Officer: | 0 | 0 | 0 |
| Fail to Pay Parking Ticket: | 9 | 0 | 2 |
| Forgery: | 0 | 0 | 0 |
| Fraud: | 1 | 0 | 1 |
| Grand Larceny: | 2 | 2 | 0 |
| Homicide: | 0 | 0 | 0 |
| Illegal Drugs/Paraphernalia: | 7 | 0 | 0 |
| Petty Larceny: | 0 | 0 | 0 |
| Possess Alcohol Underage: | 0 | 0 | 0 |
| Protective Order Violations: | 2 | 0 | 0 |
| Rape: | 0 | 0 | 0 |
| Resisting Arrest: | 0 | 0 | 0 |
| Robbery: | 0 | 0 | 0 |
| Shoplifting: | 1 | 0 | 0 |
| Trespassing: | 0 | 0 | 0 |
| Vandalism: | 1 | 0 | 0 |
| Weapons Violation: | 0 | 0 | 0 |
| Miscellaneous Criminal Arrests: | 21 | 2 | 4 |
| Juvenile Arrest Total: | | | |
| Total Criminal Arrests: | 60 | 5 | 9 |

PD FORM 039

Attachment 9

Memo

To: Town Council
From: David Tyrrell
Date: September 6, 2017
Re: August 2017 Operations Report

The water treatment plant is in compliance for August 2017 with its monthly parameters. We sent a total of 10.467 MG water to the system with a daily average production of 0.403 MGD and a daily max of 0.612 MG. We have run some additional hours this month to ensure tanks are full before storms hit. We have had several periods where the plant has been shut down for maintenance.

Lead and Copper sampling was completed in August. Results should be forthcoming in the next few weeks.

We have flushed all of the cul-de-sacs in the Hermitage subdivision. We will continue to flush other areas in the coming weeks as staffing and schedule permits and will keep you informed of the progress each month.

Utility Service is currently working on the permitting process with VDH for the water tank mixing and painting project. We are awaiting final permits before scheduling the work.

We have emptied and cleaned the presedimentation basins and both water treatment trains this month. We have also had the solids removed from the backwash lagoons for this year.

Drought Conditions: Water levels in the Shenandoah River have been running just below the historical averages for most of August. Ground water levels continue to be low and are still of concern. There are no concerns for the Town water supply at this time.

The wastewater plant is in compliance with its discharge permit for August per data received to date. We have treated a total of 9.56 MG with a daily average of 0.31 MGD and a daily max of 0.50 MG.

Work has finally been completed on Permeate pump #1 and it was returned to service on September 5th. We waited until this day to not have continued weekend alarms should a problem occur.

The VFD for internal recycle pump #1 continues to be a problem. It continues to fail on an over temp alarm. We have replaced the VFD with a spare but are unable to communicate with it through the control PLC and it too continues to trip on an overload alarm. We are running this pump in hand for now. Sherwood Logan is scheduled onsite today for repairs.

One of the gas detectors in the headworks building has been showing a slight reading. We have been unable to clear the reading which we know is false and also will be having Sherwood Logan techs take a look at this problem.

Parts to repair the out of service drum screen have arrived and we will be getting the screen back into service ASAP.

We have made operational changes to the sludge holding tanks and are only running on one tank. Additionally we are working to lower the dissolved oxygen levels in the tanks by reprogramming the VFD's hoping to keep the system from creating acid conditions in the holding tanks and further damaging the piping systems. These changes will also reduce the electrical usage slightly.

The digital control unit for one of the DO units in basin #1 has been having issue responding to operator input and failing. New units have been ordered, one to replace the existing controller and one to replace our depleted stock.

We are improving our maintenance work order system. We are streamlining the process and making each work order more concise and informative.

Attached for review is the DMR data report for the wastewater plant with data received to date, a copy of the report for the membrane performance from GE, and the water plant page 1 operations report for VDH.

FLOWS AND CHEMICAL DOSAGES

August 2017

No. Connections Served: 1660
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 | 0.511 | | 0.463 | 15.3 | 46 | 10.7 | 4 | 0.9 | | | 3.3 | 0.77 | 0.084 | 0.020 | 19 | 4.4 | | | 17.8 | 4.2 | | |
| 2 | 0.53 | | 0.485 | 15.8 | 51 | 11.5 | 3 | 0.6 | | | 6.8 | 1.54 | 0.084 | 0.019 | 19.3 | 4.4 | | | 18.4 | 4.2 | | |
| 3 | 0.527 | | 0.474 | 15.5 | 46 | 10.4 | 4 | 0.9 | | | 6.8 | 1.54 | 0.080 | 0.018 | 19.0 | 4.3 | | | 18.1 | 4.1 | | |
| 4 | 0.49 | | 0.442 | 14.3 | 46 | 11.2 | 4 | 0.9 | | | 6.7 | 1.64 | 0.076 | 0.019 | 17.4 | 4.3 | | | 16.6 | 4.1 | | |
| 5 | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | | | |
| 7 | 0.5085 | | 0.461 | 15.0 | 51 | 12.0 | 3 | 0.6 | | | 6.8 | 1.60 | 0.082 | 0.019 | 6.6 | 1.5 | | | 17.5 | 4.1 | | |
| 8 | 0.402 | | 0.367 | 12.0 | 35 | 10.6 | 3 | 1.0 | | | 3.5 | 1.05 | 0.066 | 0.020 | 5.2 | 1.6 | | | 14.0 | 4.2 | | |
| 9 | 0.0997 | | 0.085 | 2.5 | 15 | 18.3 | 0 | 0.5 | | | 3.6 | 4.29 | 0.013 | 0.016 | 0.0 | 0.0 | | | 2.9 | 3.5 | | |
| 10 | 0.4163 | | 0.366 | 12.5 | 35 | 10.2 | 3 | 0.9 | | | 3.2 | 0.92 | 0.071 | 0.020 | 5.5 | 1.6 | | | 14.6 | 4.2 | | |
| 11 | 0.669 | | 0.612 | 20.0 | 66 | 11.8 | 6 | 1.1 | | | 7.0 | 1.25 | 0.110 | 0.020 | 8.7 | 1.6 | | | 23.3 | 4.2 | | |
| 12 | 0.1848 | | 0.165 | 5.5 | 10 | 6.6 | 1 | 0.5 | | | 3.3 | 2.12 | 0.031 | 0.020 | 0.0 | 0.0 | | | 6.4 | 4.2 | | |
| 13 | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 0.481 | | 0.430 | 13.8 | 76 | 19.0 | 4 | 0.9 | | | 6.7 | 1.67 | 0.070 | 0.017 | 6.0 | 1.5 | | | 16.0 | 4.0 | | |
| 15 | 0.525 | | 0.482 | 15.7 | 51 | 11.6 | 4 | 0.9 | | | 6.8 | 1.55 | 0.090 | 0.021 | 6.9 | 1.6 | | | 18.3 | 4.2 | | |
| 16 | 0.534 | | 0.484 | 15.8 | 46 | 10.2 | 4 | 0.9 | | | 3.7 | 0.83 | 0.090 | 0.020 | 6.9 | 1.5 | | | 18.4 | 4.1 | | |
| 17 | 0.528 | | 0.482 | 15.6 | 41 | 9.2 | 4 | 0.9 | | | 6.8 | 1.54 | 0.090 | 0.020 | 6.8 | 1.5 | | | 18.2 | 4.1 | | |
| 18 | 0.5478 | | 0.442 | 15.0 | 46 | 10.0 | 1 | 0.2 | | | 6.7 | 1.47 | 0.082 | 0.018 | 6.6 | 1.4 | | | 17.5 | 3.8 | | |
| 19 | | | | | | | | | | | | | | | | | | | | | | |
| 20 | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 0.49 | | 0.445 | 14.5 | 46 | 11.2 | 4 | 0.9 | | | 6.7 | 1.65 | 0.040 | 0.010 | 6.3 | 1.6 | | | 16.9 | 4.1 | | |
| 22 | 0.515 | | 0.468 | 15.0 | 46 | 10.6 | 2 | 0.5 | | | 6.8 | 1.58 | 0.060 | 0.014 | 6.6 | 1.5 | | | 17.5 | 4.1 | | |
| 23 | 0.526 | | 0.472 | 15.5 | 51 | 11.6 | 5 | 1.1 | | | 6.8 | 1.54 | 0.041 | 0.009 | 6.8 | 1.5 | | | 18.1 | 4.1 | | |
| 24 | 0.207 | | 0.166 | 6.7 | 30 | 17.6 | 2 | 1.2 | | | 3.3 | 1.93 | 0.021 | 0.012 | 2.9 | 1.7 | | | 7.8 | 4.5 | | |
| 25 | 0.507 | | 0.463 | 15.0 | 51 | 12.0 | 3 | 0.7 | | | 7.1 | 1.68 | 0.039 | 0.009 | 6.6 | 1.6 | | | 14.4 | 3.4 | | |
| 26 | 0.244 | | 0.220 | 7.0 | 20 | 10.0 | 1 | 0.4 | | | 0.2 | 0.12 | 0.019 | 0.009 | 3.1 | 1.5 | | | 8.2 | 4.0 | | |
| 27 | 0.131 | | 0.119 | 4.0 | 10 | 9.2 | 1 | 1.1 | | | 3.2 | 2.92 | 0.030 | 0.027 | 1.8 | 1.6 | | | 4.7 | 4.3 | | |
| 28 | 0.498 | | 0.449 | 14.8 | 41 | 9.8 | 4 | 0.9 | | | 3.6 | 0.87 | 0.067 | 0.016 | 6.5 | 1.6 | | | 17.2 | 4.1 | | |
| 29 | 0.466 | | 0.422 | 13.8 | 46 | 11.7 | 4 | 0.9 | | | 6.7 | 1.72 | 0.072 | 0.019 | 6.0 | 1.5 | | | 16.0 | 4.1 | | |
| 30 | 0.521 | | 0.472 | 15.5 | 35 | 8.2 | 4 | 0.9 | | | 6.3 | 1.46 | 0.078 | 0.018 | 5.8 | 1.3 | | | 17.4 | 4.0 | | |
| 31 | 0.599 | | 0.531 | 17.0 | 76 | 15.2 | 4 | 0.9 | | | 6.8 | 1.36 | 0.093 | 0.019 | 6.3 | 1.3 | | | 19.1 | 3.8 | | |
| Total | 11.658 | 0.000 | 10.467 | 342.8 | 1110 | 300.2 | 81 | 21.3 | 0.0 | 0.00 | 139.1 | 40.6 | 1.68 | 0.449 | 192 | 47.8 | 0.0 | 0.00 | 395.4 | 105.76 | 0.0 | 0.00 |
| Maximum | 0.669 | 0.000 | 0.612 | 20.0 | 76 | 19.0 | 6 | 1.2 | 0.0 | 0.00 | 7.1 | 4.3 | 0.11 | 0.027 | 19 | 4.4 | 0.0 | 0.00 | 23.3 | 4.53 | 0.0 | 0.00 |
| Minimum | 0.100 | 0.000 | 0.085 | 2.5 | 10 | 6.6 | 0 | 0.2 | 0.0 | 0.00 | 0.2 | 0.1 | 0.01 | 0.009 | 0 | 0.0 | 0.0 | 0.00 | 2.9 | 3.40 | 0.0 | 0.00 |
| Average | 0.448 | 0.000 | 0.403 | 13.2 | 43 | 11.5 | 3 | 0.8 | ##### | ##### | 5.4 | 1.6 | 0.06 | 0.017 | 7 | 1.8 | ##### | #DIV/0! | 15.2 | 4.07 | ##### | ##### |

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) _____

PRINTED NAME David A Tyrrell

TITLE: OPERATOR CLASSIFICATION Class 1
DPOR CERTIFICATION NO. 1955002813

Berryville Town Council Agenda * September 12, 2017

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

Shenandoah River - Entire Month

Berryville STP Monthly DMR Data

August 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 |
|-----------|----------------------|--------------|-------------------|------------------|------------------|-----------------|-----------------|------------------------------|-----------------------------|--------------------------|-----------------|-----------------|---------------------|
| 8/1/2017 | 0.50 | 7.5 | 23.2 | 0.00 | 0.00 | | | 8.1 | 7.6 | 0.84 | 2.64 | 4.96 | 3.48 |
| 8/2/2017 | 0.43 | 7.6 | 24.1 | 1.00 | 1.62 | | | 7.7 | 7.0 | | | | |
| 8/3/2017 | 0.40 | 7.6 | 24.2 | 0.00 | 0.00 | | | 7.9 | 7.1 | 1.19 | 1.73 | 2.63 | 2.92 |
| 8/4/2017 | 0.36 | 7.5 | 24.5 | | | | | 8.0 | 7.6 | | | | |
| 8/5/2017 | 0.33 | 7.5 | 24.7 | | | | | 7.8 | 8.0 | | | | |
| 8/6/2017 | 0.31 | 7.3 | 23.8 | | | | | 7.7 | 7.3 | | | | |
| 8/7/2017 | 0.38 | 7.7 | 24.3 | | | | | 7.1 | 7.6 | | | | |
| 8/8/2017 | 0.35 | 7.6 | 24.2 | 2.00 | 2.63 | 0.00 | 0.00 | 8.2 | 8.6 | 1.37 | 1.90 | 2.50 | 3.27 |
| 8/9/2017 | 0.31 | 7.7 | 23.8 | 1.00 | 1.17 | | | 7.5 | 7.7 | | | | |
| 8/10/2017 | 0.33 | 7.6 | 24.3 | 0.00 | 0.00 | | | 8.3 | 8.2 | 1.52 | 1.02 | 1.26 | 2.54 |
| 8/11/2017 | 0.33 | 7.6 | 24.5 | | | | | | 8.3 | | | | |
| 8/12/2017 | 0.31 | 7.7 | 24.0 | | | | | 8.2 | 7.6 | | | | |
| 8/13/2017 | 0.30 | 7.6 | 24.5 | | | | | 7.9 | 7.1 | | | | |
| 8/14/2017 | 0.31 | 7.7 | 24.8 | | | | | 8.1 | 7.8 | | | | |
| 8/15/2017 | 0.31 | 7.6 | 24.3 | 3.00 | 3.54 | | | 7.6 | 7.8 | 1.60 | 0.73 | 0.86 | 2.33 |
| 8/16/2017 | 0.27 | 7.7 | 24.1 | 4.00 | 4.10 | | | 7.6 | 7.7 | | | | |
| 8/17/2017 | 0.26 | 7.5 | 24.5 | 5.00 | 4.98 | | | 7.2 | 7.9 | 2.12 | 0.36 | 0.36 | 2.48 |
| 8/18/2017 | 0.27 | 7.4 | 25.4 | | | | | 7.3 | 7.2 | | | | |
| 8/19/2017 | 0.26 | 7.4 | 24.9 | | | | | 7.5 | 7.2 | | | | |
| 8/20/2017 | 0.25 | 7.4 | 24.6 | | | | | 6.6 | 6.2 | | | | |
| 8/21/2017 | 0.29 | 7.3 | 25.7 | | | | | 7.8 | 7.0 | | | | |
| 8/22/2017 | 0.30 | 7.4 | 25.3 | | | | | 7.4 | 7.3 | | | | |
| 8/23/2017 | 0.27 | 7.4 | 24.8 | 2.00 | 2.04 | | | 8.0 | 7.4 | | | | |
| 8/24/2017 | 0.25 | 7.3 | 25.8 | | | | | 7.7 | 7.2 | | | | |
| 8/25/2017 | 0.24 | 7.6 | 25.0 | | | | | 9.9 | 8.3 | | | | |
| 8/26/2017 | 0.25 | 7.6 | 24.9 | | | | | 8.0 | 8.0 | | | | |
| 8/27/2017 | 0.25 | 7.3 | 25.1 | | | | | 8.2 | 8.2 | | | | |
| 8/28/2017 | 0.27 | 7.6 | 24.5 | | | | | 8.1 | 7.4 | | | | |
| 8/29/2017 | 0.33 | 7.8 | 24.5 | | | | | 7.2 | 7.0 | | | | |
| 8/30/2017 | 0.27 | 7.4 | 24.1 | | | | | 8.1 | 6.6 | | | | |
| 8/31/2017 | 0.26 | 7.4 | 24.1 | | | | | 7.2 | 6.9 | | | | |
| Minimum | 0.24 | 7.3 | 23.2 | 0.00 | 0.00 | 0.00 | 0.00 | 6.6 | 6.2 | 0.84 | 0.36 | 0.36 | 2.33 |
| Maximum | 0.50 | 7.8 | 25.8 | 5.00 | 4.98 | 0.00 | 0.00 | 9.9 | 8.6 | 2.12 | 2.64 | 4.96 | 3.48 |
| Total | 9.56 | 233.3 | 760.5 | 18.00 | 20.09 | 0.00 | 0.00 | 233.9 | 232.8 | 8.64 | 8.38 | 12.57 | 17.02 |
| Average | 0.31 | 7.5 | 24.5 | 1.80 | 2.01 | 0.00 | 0.00 | 7.8 | 7.5 | 1.44 | 1.40 | 2.09 | 2.84 |
| Geo Mean | 0.30 | 7.5 | 24.5 | 1.73 | 1.94 | 1.00 | 1.00 | 7.8 | 7.5 | 1.39 | 1.2 | 1.53 | 2.81 |

Berryville STP Monthly DMR Data

August 2017

| Date | Eff Total N
KG/D | Eff Total P
mg/l | Eff Total P
KG/D | E-Coli
No/100ml |
|-----------|---------------------|---------------------|---------------------|--------------------|
| 8/1/2017 | 6.54 | 0.55 | 1.03 | 1 |
| 8/2/2017 | | | | |
| 8/3/2017 | 4.44 | 0.42 | 0.64 | |
| 8/4/2017 | | | | |
| 8/5/2017 | | | | |
| 8/6/2017 | | | | |
| 8/7/2017 | | | | |
| 8/8/2017 | 4.31 | 0.30 | 0.40 | 1 |
| 8/9/2017 | | | | |
| 8/10/2017 | 3.15 | 0.47 | 0.58 | |
| 8/11/2017 | | | | |
| 8/12/2017 | | | | |
| 8/13/2017 | | | | |
| 8/14/2017 | | | | |
| 8/15/2017 | 2.76 | 0.09 | 0.11 | 1 |
| 8/16/2017 | | | | |
| 8/17/2017 | 2.47 | 0.09 | 0.09 | |
| 8/18/2017 | | | | |
| 8/19/2017 | | | | |
| 8/20/2017 | | | | |
| 8/21/2017 | | | | |
| 8/22/2017 | | | | |
| 8/23/2017 | | | | 1 |
| 8/24/2017 | | | | |
| 8/25/2017 | | | | |
| 8/26/2017 | | | | |
| 8/27/2017 | | | | |
| 8/28/2017 | | | | |
| 8/29/2017 | | | | |
| 8/30/2017 | | | | |
| 8/31/2017 | | | | |
| Minimum | 2.47 | 0.09 | 0.09 | 1 |
| Maximum | 6.54 | 0.55 | 1.03 | 1 |
| Total | 23.67 | 1.92 | 2.85 | 4 |
| Average | 3.95 | 0.32 | 0.47 | 1 |
| Geo Mean | 3.73 | 0.25 | 0.34 | 1 |



Berryville WWTP Monthly Membrane Operation Report

August 2017

UF 1 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|-----|
| FluxBeforeBP | | -- | -- | 0 | -- |
| PermeateTurbidityAfterBP | | -- | -- | 0 | -- |
| TCPermeabilityBeforeBP | | -- | -- | 0 | -- |
| TMPBeforeBP | | -- | -- | 0 | -- |
| TotalPermeateFlowDaily | | 100 % | 0.0 | 32 | 0.0 |

UF 2 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|----------|
| FluxBeforeBP | ● | 99 % | 1.89 | 1318 | 7.091 |
| PermeateTurbidityAfterBP | ● | 100 % | 0.15 | 1318 | 0.209 |
| TCPermeabilityBeforeBP | ● | 100 % | 8.15 | 1318 | 30.419 |
| TMPBeforeBP | ● | 100 % | 0.11 | 1318 | 0.208 |
| TotalPermeateFlowDaily | | 100 % | 31398.68 | 32 | 116320.5 |

UF 3 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|------------|
| FluxBeforeBP | ● | 99 % | 1.93 | 1337 | 6.855 |
| PermeateTurbidityAfterBP | ● | 100 % | 0.0 | 1337 | 0.0 |
| TCPermeabilityBeforeBP | ● | 100 % | 3.3 | 1337 | 31.382 |
| TMPBeforeBP | ● | 100 % | 0.06 | 1337 | 0.212 |
| TotalPermeateFlowDaily | | 100 % | 27313.65 | 32 | 113377.156 |

UF 4 KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|--------------------------|--------|-------|----------|--------|---------|
| FluxBeforeBP | ● | 99 % | 1.95 | 1339 | 6.793 |
| PermeateTurbidityAfterBP | ● | 100 % | 0.06 | 1339 | 0.056 |
| TCPermeabilityBeforeBP | ● | 99 % | 8.26 | 1339 | 27.535 |
| TMPBeforeBP | ● | 100 % | 0.12 | 1339 | 0.221 |
| TotalPermeateFlowDaily | | 100 % | 31829.84 | 32 | 11786.0 |

UF Plant KPI Summary

| Parameter | Health | %In | Std. Dev | Points | Avg |
|------------------------|--------|-------|----------|--------|------------|
| PermeateTemperature | | 100 % | 1.55 | 2976 | 71.025 |
| TotalPermeateFlowDaily | | 100 % | 82011.07 | 32 | 341483.656 |

UF 1 KPI Summary

| Parameter | LL | LCL | UCL | HH | Aug |
|--------------------------|----|-----|-------|------|-----|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | -- |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | -- |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | -- |
| TMPBeforeBP | -- | -- | 7 | 8 | -- |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 0.0 |

UF 2 KPI Summary

| Parameter | LL | LCL | UCL | HH | Aug |
|--------------------------|----|-----|-------|------|------------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 7.091 |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.209 |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | 30.419 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.208 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 113041.032 |

UF 3 KPI Summary

| Parameter | LL | LCL | UCL | HH | Aug |
|--------------------------|----|-----|-------|------|------------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 6.855 |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.0 |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | 31.382 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.212 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 110824.161 |

UF 4 KPI Summary

| Parameter | LL | LCL | UCL | HH | Aug |
|--------------------------|----|-----|-------|------|------------|
| FluxBeforeBP | -- | -- | 12.23 | 16.3 | 6.793 |
| PermeateTurbidityAfterBP | 0 | -- | 0.9 | 1 | 0.056 |
| TCPermeabilityBeforeBP | 4 | 6 | -- | -- | 27.535 |
| TMPBeforeBP | -- | -- | 7 | 8 | 0.221 |
| TotalPermeateFlowDaily | -- | -- | -- | -- | 107780.226 |

UF Plant KPI Summary

| Parameter | LL | LCL | UCL | HH | Aug |
|------------------------|----|-----|---------|---------|------------|
| PermeateTemperature | -- | -- | 100 | 110 | 71.025 |
| TotalPermeateFlowDaily | -- | -- | 1100000 | 2100000 | 331645.419 |

Attachment 10

Report of the Department of Public Works September 5, 2017

Water

We experienced one water break last month. An inch and half galvanized line that supplies water to 101 East Main Street and 8A & 8B Chalmers Court broke. This line has given us problems in the past and we are currently developing a plan to install a new line and move the meters from their current locations to an area closer to the property line.

We will be commencing a lateral replacement on South Buckmarsh Street within the next couple of weeks. We then will return to Treadwell Street to begin phase two of our water improvement project.

Sewer

We had several sewer related issues last month including two blockages.

General Information

The development of Berryville Glen is winding down. I generated a pre-paving punch list and the developer is in the process of removing and replacing damaged sidewalks and curb & gutter. They informed me they have Stuart Perry Asphalt on schedule to pave mid-September.

Attachment 11

12 September 2017
Discussion

Water/Sewer User and Availability Fee Schedule

At the August Town Council meeting staff provided the Council with a rough draft of the scope of services for a Water/Sewer User and Availability Fee analysis (Draft scope of services (8/1/17)). The Streets and Utilities Committee expressed interest in studying the scope and the matter was placed on their next agenda.

The Streets and Utilities Committee met on 25 August and reviewed the draft scope of services. The Committee reviewed the matter and provided revisions to be included in the scope. The Committee determined that it should revisit this matter with the Town Council at its September meeting.

Attachment:

Draft Scope of Services for Water and Sewer Rate Study (8/1/17 language in black and 8/25/17 comments from the Streets and Utilities Committee in red)

Draft Scope of Services for Water and Sewer Rate Study
8/1/17 Staff draft submitted to Town Council 8/8/17
8/25/17 Changes per Streets and Utilities Committee

Scope of Services

The Town wants to ensure that the costs of providing water and sewer services are covered appropriately through user fees, availability fees, and other related fees and charges, referred to collectively as Rate Schedule. The following objectives are to be met by the proposed study and the resulting Rate Schedule:

1. Identify current and future needs for water and sewer fund revenues in order to meet projected operational and capital costs over a five-year, 5, 10, and 20 year planning periods.
2. Develop a recommended Fixed Flat Fee Rate Schedule that will generate adequate revenues and reflect the true cost of providing water and sewer services. Rate Schedule should be easy to administer and easily understood by the Town and its customers.
Recommended The rate structures shall consider and make provisions for the following factors:
 - Current and future cost of providing water and sewer services in accordance with established and anticipated standards and regulations
 - Projected demands of growth within the service area
 - Age, condition, and projected replacement time/cost of the water and sewer infrastructure, including treatment plants, water storage and pumping facilities, water distribution improvements, and wastewater collection improvements
 - Results of a complete asset inventory of water and wastewater system components
 - Results of assessment of the condition of water and wastewater system components
 - Results of a risk of failure assessment of water and wastewater system components
 - Funding requirements for all current or planned debt obligations (including bond covenants) and all long-term commitments or liabilities
 - Funding necessary reserves
 - Effects of current and anticipated water and sewer regulations
 - Consistency with the laws of the Commonwealth of Virginia and with industry practice for water and sewer rate development within the Commonwealth of Virginia, including evaluation of rate structures such as flat and tiered rates
 - Other factors identified
3. Provide an easy to use rate model in Excel (~~XXX 2011~~ Version or newer) that can be readily adjusted by the Town to take into account alternative scenarios or changes in conditions that arise after the study. Such alternate scenarios will include altering the rate structure to decreasing or increasing block rates.
4. Evaluate the benefits of changes to billing frequency.
5. Present recommended Rate Schedule and supporting documentation to Streets and Utilities Committee
6. Present recommended Rate Schedule and supporting documentation to Town Council and provide guidance and support to the Town Council during a public hearing.

Deliverables

- Complete asset inventory of water and wastewater system components
- Assessment of the condition of water and wastewater system components
- Risk of failure assessment of water and wastewater system components
- Anticipated project needs within 5, 10, and 20 year planning periods.
- Fixed Flat Fee Rate Schedule
- Preventive Maintenance and Replacement Schedule

Attachment 12

Pedestrian Crossing Signal – East Main Street mid-block between Church Street and Chalmers Court

The Town is working closely with VDOT and Clarke County Public Schools on a project to install pedestrian crossing signals at several locations in Town.

At its meeting on 25 August, the Streets and Utilities Committee discussed installing such signals at the crosswalk located on East Main Street mid-block between Church Street and Chalmers Court. Upon review of the matter, the Committee determined that it would forward a recommendation to the Town Council that pedestrian signals be installed at the location in question.

The budget for each of the other crosswalks was \$6,500. To be safe, it would be wise to add some additional funds to the budget for these signals, if approved, because this installation will have to occur in sidewalk. It would be best to budget \$6,800 for this crossing.

Once the Town Council has made a determination in this matter (whether to complete this project and its funding source), all of the crossing equipment will be ordered.

BERRYVILLE TOWN COUNCIL

MOTION TO PROCEED WITH CROSSING SIGNAL ON EAST MAIN STREET

Date: June 13, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville authorize the Town Manager to sign the contract and any other related documents in order to purchase and install a pedestrian crossing signal at the crosswalk on East Main Street mid-block between Church Street and Chalmers Court with funding to be from the General Fund contingency.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 13

12 September 2017
Discussion

Revised FY2018 Street Work Priorities / Public Works Bld.

The FY2018 Street Work priorities will likely have to be amended because of the Public Works Building project.

Once the Town Council has made a determination regarding how it will proceed on the project, a revised Priority list will be submitted for review and approval.

Attachment:
Approved FY2018 Street Work Priorities

VDOT Funded Secondary System Maintenance / Street Work Priorities
FY 2018

| | |
|--|------------|
| <u>VDOT Reimbursement Limit</u> | \$ 513,000 |
|
 | |
| <u>Work Items and Equipment Purchase</u> | |
| Patch/Repair trouble areas in streets | \$ 20,000 |
| Sidewalk repair | \$ 15,000 |
| Engineering | \$ 5,000 |
| Equipment Purchase/Maintenance/Repair
(purchase backhoe (53,040*), tractor (27,722* **), signs (5,000),
and safety equipment (1,500). Maintenance (27,738) | \$ 115,000 |
| Routine Street Maintenance (snow removal, tree trimming,
drainage ditch cleaning, street cleaning, etc.) | \$ 100,000 |
|
 | |
| <u>Subtotal</u> | \$ 255,000 |
|
 | |
| <u>Funds available within Reimbursement</u> | \$ 258,000 |
|
 | |
| <u>Specific Street Repair Work Priorities</u> | |
|
 | |
| <i>Summer and fall (2017) Paving</i> | |
| Jackson Drive | \$ 55,592* |
| Ewell Court | \$ 13,044* |
|
 | |
| Total Summer/Fall (2017) | \$ 68,636* |
|
 | |
| <i>Spring and summer (2018) Paving</i> | |
| Treadwell Street (from Smith Street to Crown Street) | \$ 7,500 |
| Rice Street (from Walnut Street to Academy Street) | \$ 25,800 |
| South Church Street (from Taylor Street to South Buckmarsh Street) | \$ 71,100 |
| Rosemont Circle | \$ 37,000 |
| Swan Avenue (from South Buckmarsh west to terminus) | \$ 47,964 |
|
 | |
| Total Spring/Summer (2018) | \$ 141,400 |
|
 | |
| <u>Remaining within Reimbursement</u> | \$ 0 |

* Actual Cost

** Purchase also included bush hog which cost \$3,240

Approved by Town Council 8/8/17

Attachment 14

12 September 2017
Discussion

Appointment – Planning Commission

Debbie Zimmerman's term on the Planning Commission will expire on 12 November 2017. Mrs. Zimmerman has expressed interest in being re-appointed.

The Personnel Committee reviewed this matter and recommends the re-appointment of Debbie Zimmerman for a four-year term on the Planning Commission. Such term would commence on 13 November 2017 and end on 12 November 2021.

Please find attached a motion reflecting the Personnel Committee's recommendation.

BERRYVILLE TOWN COUNCIL
MOTION TO RE-APPOINT DEBBIE ZIMMERMAN
TO THE BERRYVILLE PLANNING COMMISSION

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville re-appoint Debbie Zimmerman to the Berryville Planning Commission for a four year term beginning November 13, 2017 and ending November 12, 2021.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 15

12 September 2017
Discussion

Appointments - NSVRC

In accordance with the Charter of the Northern Shenandoah Valley Regional Commission, the Town of Berryville must have one representative on the NSVRC's Board. The Town must appoint an elected official as the Town's representative on the Board. The Town must also appoint an alternate who can act on behalf of the Town if the representative is unable to attend NSVRC Board meetings.

The Personnel Committee met and discussed the appointments in question. The Committee recommends that Mayor Dickinson be re-appointed to the NSVRC for a term of one year and that Christy Dunkle be appointed as the Town's alternate for a term of one year. Such terms would commence on 13 September 2017 and end on 12 September 2018.

Please find attached a motion reflecting the Personnel Committee's recommendation.

BERRYVILLE TOWN COUNCIL
MOTION TO APPOINT PATRICIA DICKINSON AND CHRISTINA DUNKLE
TO THE NORTHERN SHENANDOAH VALLEY REGIONAL COMMISSION

Date: September 12, 2017

Motion By:

Second By:

I move that the Council of the Town of Berryville appoint Mayor Patricia Dickinson as representative and Christina Dunkle as alternate to the Northern Shenandoah Valley Regional Commission for a one-year term to begin September 13, 2017, and end September 12, 2018.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder