

**BERRYVILLE TOWN COUNCIL  
MEETING AGENDA  
Regular Meeting  
Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
Main Meeting Room  
Tuesday, March 13, 2018  
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. The Berryville Planning Commission is sponsoring a text amendment relating to “craft beverage manufacturing” establishing a definition in Article I Definitions of the Berryville Zoning Ordinance in accordance with the Code of Virginia § 4.1-206 and 208, as amended, establishing production amounts; accessory uses (e.g., food service, tasting rooms, retail sales); parking ratios; and storage requirements. TA 01-18	1↓
b. The Berryville Planning Commission is sponsoring a text amendment to Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) allowing “craft beverage manufacturing” as a use by Special Permit in the C-1 Commercial Zoning District. TA 02-18	2↓
c. The Berryville Planning Commission is sponsoring a text amendment to Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) allowing “craft beverage manufacturing” as a use by right in the L-1 Industrial Zoning District. TA 03-18	3↓
5. Citizens’ Forum	
6. Consent Agenda	4↓
Motion	
Minutes of Work session – 03/05/18	
Minutes of Regular Meeting – 02/13/18	
Minutes of Budget & Finance Committee Meeting 02/27/18	
Minutes of Streets & Utilities Committee Meeting 02/27/18	

<b><u>Item</u></b>	<b><u>Attachment</u></b>
<b>7. Report of Patricia Dickinson, Mayor</b>	
Town Council Goals and Objectives for Fiscal Year 2019	5↓
Appointment to the Tree Board	6
<b>8. Report of Harry Lee Arnold, Jr., Recorder</b>	
<b>9. Report of Christy Dunkle, Asst. Town Manager for Community Development</b>	
Monthly Report	7
<b>10. Report of Keith Dalton, Town Manager</b>	
Refuse and recyclables collection Battletown Subdivision	8
Temporary cul-de-sac McNeil Dr.	9↑
<b>11. Report of Erecka Gibson – Chair, Budget and Finance Committee</b>	
Report of Desiree Moreland, Treasurer	10
<b>12. Report of Donna McDonald – Chair, Community Improvements Committee</b>	
<b>13. Report of David Tollett – Chair, Police and Security Committee</b>	
Report of Neal White, Chief of Police	11
<b>14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee</b>	
Report of David Tyrrell, Public Utilities Director	12
Report of Rick Boor, Public Works Director	13

**Item**

**Attachment**

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

**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**

**Overview of Public Hearings – Text Amendments Relating to Craft Beverage Manufacturing**

**March 13, 2018**

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Public hearing notices were published in the Winchester Star on Tuesday, February 27, 2018 and Tuesday, March 6, 2018. No comments were received in the Planning Office.

**February 13, 2018 Staff Report**

*The Berryville Planning Commission initiated text amendments to Articles I and VI related to “craft beverage manufacturing.” They held public hearings at their January meeting and are recommending that Council adopt the draft ordinances as presented by adoption of the following resolution:*

***A RESOLUTION: Amendments to Article I, Definitions and Article VI, Sections 607 and 609 of the Berryville Zoning Ordinance establishing a definition for “craft beverage manufacturing” as a use by Special Permit and in the C-1 Commercial and a use by right in the L-1 Industrial zoning district.***

***WHEREAS, the craft beverage industry has shown significant growth nationally and locally; and***

***WHEREAS, the craft beverage industry has been identified as an important component to the tourism industry in the Commonwealth; and***

***WHEREAS, increased interest in this type of business in Berryville has occurred in the past year; and***

***WHEREAS, Berryville residents and visitors would benefit from this use through an increased tax base and visitor attraction; and***

***WHEREAS, the Planning Commission of the Town of Berryville supports the craft beverage manufacturing use in the C-1 Commercial zoning district as a use by Special Permit and in the L-1 Industrial zoning district as a use by right; and***

***NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Berryville, Virginia hereby initiates text amendments to establish a definition for “craft beverage manufacturing” and allowing this use in the C-1 Commercial and L-1 Industrial zoning districts.***

***Passed this 23rd day of January 2018.***

### **General Information**

*Several property owners, potential and current business owners, and developers have contacted staff to discuss “craft beverage manufacturing” in the Town of Berryville. The craft beverage industry, which includes various types of small-scale producers, has seen considerable growth in recent years in Virginia and nationwide. While craft breweries and wineries are currently the most prevalent type of producers in the region, craft cider and mead producers, and distilleries are also considered with these amendments.*

*The Virginia Department of Alcoholic Beverage Control (ABC) issues various licenses to alcohol production facilities based on the type and production level of the respective establishment. The ABC licenses that are most relevant to these amendments are “brewery,” “winery,” and “distillery” licenses. Please note that “farm breweries” and “farm wineries” are licensed separately as production facilities operating on agriculturally zoned property and not the subject of these amendments. There are currently three wineries in the County and one cidery that manufactures in the Town of Berryville.*

*A number of surrounding jurisdictions, including Loudoun and Prince William counties and the Town of Herndon, define craft beverage production facilities as a specific use in their zoning ordinance. Current zoning provisions in Berryville allow craft beverage manufacturing in the L-1 zoning district under Section 609.2(e) which allows for the “production, processing, assembly, manufacturing...of materials, goods or products which conform to applicable Federal, State and local environmental performance standards.” While this section provides for production of craft beverages, it does not allow for tasting rooms, food service, or any other accessory uses that are currently components of many craft beverage production facilities.*

*Section 609.2(e) of the Berryville Zoning Ordinance allows microbreweries, wineries, and cideries in conjunction with restaurant uses with an approved Special Use Permit in the L-1 Industrial District.*

*Impacts to the Town’s water and sanitary sewer systems for manufacturing uses are vetted at the time of Site Plan review. Water needs for certain uses are reviewed by Utility and Planning staff and consulting engineers. Sanitary sewer usage is closely monitored by Utility staff and also reviewed during the Site Plan process. The Town requires that a Material Safety Data Sheet (MSDS) be completed and approved to track items that may enter the collection system and adversely affect the plant. Pre-treatment of wastewater may be required by the Town.*

### **Proposed Amendments**

#### **Definition**

*After discussion at their November meeting, Planning Commissioners recommend the creation of a definition for “craft beverage manufacturing.” Commissioners reviewed an initial draft presented by staff and recommended increased production amounts and an*

increase to the floor area that may be used for a tasting area. These figures are reflected in the draft definition.

### **Production**

The maximum production figures identified are based on levels of ABC licensure. Beer production is measured in barrels while wine, cider, mead, and distilled spirits are measured by gallon. There are 31.5 US gallons per barrel. The lowest ABC brewery license allows up to 500 barrels of beer production annually, however Planning Commissioners recognized that this is a very limited level of production. Ordinances reviewed in the development of this definition range from 5,000 to 15,000 barrels of beer and 5,000 to 36,000 gallons of distilled spirits per calendar year.

### **Tasting Rooms**

Tasting rooms are an essential component to these types of establishments. Tasting rooms would feature only those products produced on-site. While off-street parking may dictate the size of the tasting room, there should be a discussion at the meeting concerning maximum floor area for this use. Ordinances reviewed by staff identified from 30% to 49% gross floor area. Numbers proposed in the draft definition were discussed by the Planning Commission and modified accordingly.

### **Retail**

Associated retail items are also a component of a craft beverage manufacturing facility. These items may include glassware, branded clothing, or other licensed apparel. As retail uses are currently permitted in the C-1 zoning district, the referenced retail in the definition would apply to the L-1 Industrial district only.

### **Parking**

For parking in the L-1 Zoning District, Planning Commissioners recommend that the square footage allotted to the specific use shall apply per Section 305 of the Berryville Zoning Ordinance. The manufacturing component would require one space for each employee on the maximum work shift plus space to accommodate all trucks and other vehicles used in connection therewith per Section 305.19. The area identified for a tasting room would reflect the requirement for eating establishments under Section 305.17 which requires one space per 100 square feet of floor area.

### **Outdoor Storage**

Outdoor storage is currently addressed in the C-1 and L-1 zoning districts. The C-1 district, regulated under Section 607 of the Berryville Zoning Ordinance, addresses Storage of Materials and Refuse under item 607.10. As production waste from these facilities often produces odors and attract vermin, Planning Commissioners recommend that all materials used in the production process be stored in an enclosed structure. Non-production outdoor storage shall be identified on a Site Plan and shall be screened from public view per existing zoning requirements.

### **Proposed Definition Article I**

The following definition has been recommended by the Planning Commission to be established in Article I Definitions of the Berryville Zoning Ordinance:

**Craft beverage manufacturing:** A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 10,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 49% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.

### **Proposed C-1 Zoning Amendment**

The purpose and intent of Section 607 C-1 Commercial District is to provide selected locations in the Town for light commercial activities that do not adversely impact adjoining residential neighborhoods. C-1 zoning is currently applied on East Main Street east Cattleman's Lane and the 300 block of North Buckmarsh Street. While a number of residential structures are located in these areas, there are also a number of properties that would be appropriate for this type of use. East Main Street is included in Town Code Section 16-9 Tourism Zone Incentives as identified on the Community Business Tourism Zone Map.

Proposed language in Section 607.3 in red:

- 607.3** SPECIAL PERMIT USES  
(12/00)
- (a) Broadcast studios
  - (b) Business services and supply establishments
  - (c) Car wash
  - (d) Commercial recreational establishments
  - (e) Drive-in banking facilities **(10/94)**
  - (f) Fast-food restaurants
  - (g) Hardware stores
  - (h) Laundromats
  - (i) Movie theaters
  - (j) Plant nurseries

- (k) Public billiard parlors and pool rooms, bowling alleys, dance halls, health spas and clubs
- (l) Public utilities and related easements, except municipal utilities
- (m) Quick-service stores with unlimited hours of operation
- (n) Residential apartments, as a secondary use to principal structure
- (o) Retail stores over 5,000 square feet for each free-standing business or for each business in a shopping center, not to exceed a maximum of 15,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
- (p) Repair service establishments, without outdoor service and/or outdoor storage
- (q) Service stations (without outdoor storage)
- (r) Single-family detached dwellings **(9/96)**
- (s) Schools, public or private
- (t) Three-story buildings
- (u) Veterinary hospitals
- (v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation **(12/11)**
- (w) Craft beverage manufacturing (00/18)**

#### **Proposed L-1 Zoning Amendment**

The purpose and intent of Section 609 L-1 Industrial District is to provide locations within the Town 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. L-1 zoning is currently applied on East Main Street, First Street, and Station Road adjacent to the railroad tracks and Cattleman's Lane. This area is included in Town Code Section 16-9 Tourism Zone Incentives as identified on the Community Business Tourism Zone Map.

Proposed language in Section 609.2 in red:

#### **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*
- (t) *Craft beverage manufacturing (00/18)***

### ***Economic Impacts of the Craft Beverage Industry***

#### *Craft Beer*

*(SOURCE: BrewersAssociation.org)*

- *52% annual growth in volume among Virginia craft breweries;*
- *Virginia was 15<sup>th</sup> in the nation in 2016 for the number of active breweries (164), expected to nearly double within three to five years;*
- *Virginia was 21<sup>st</sup> in the nation in per capita beer production;*
- *2012 Senate bill 604 allowed retail beer sales on site at breweries, changing the industry in Virginia;*
- *Virginia Tourism Corporation estimated craft brewing impacted the economy by \$623 million in 2013 (\$21.2 million total) employing 8,163 people; and*
- *Expansion of regional brewers from other parts of the country (e.g., Devil's Backbone, New Belgium, Green Flash) to Virginia.*

#### *Other Impacts*

- *Creation of the Shenandoah Spirits Trail, a tourism initiative highlighting craft beverage manufacturers and associated uses in the valley;*
- *One cidery in Virginia in 2007 up to 19 in 2017 (SOURCE: Washington Post); and*
- *Significant use of local apples (Virginia ranked sixth in the nation in apple production with approximately 200 million pounds worth approximately \$35 million per year) in the production of cider.*

WINCHESTER STAR

2.27.18

3.6.18

**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, March 13, 2018**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

The Berryville Planning Commission is sponsoring a text amendment relating to "craft beverage manufacturing" establishing a definition in Article I Definitions of the Berryville Zoning Ordinance in accordance with the Code of Virginia § 4.1-206 and 208, as amended, establishing production amounts; accessory uses (e.g., food service, tasting rooms, retail sales); parking ratios; and storage requirements. TA 01-18.

The Berryville Planning Commission is sponsoring a text amendment to Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) allowing "craft beverage manufacturing" as a use by Special Permit in the C-1 Commercial Zoning District. TA 02-18

The Berryville Planning Commission is sponsoring a text amendment to Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) allowing "craft beverage manufacturing" as a use by right in the L-1 Industrial Zoning District. TA 03-18

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

**BERRYVILLE TOWN COUNCIL**

**Public Hearing – Craft Beverage Manufacturing Definition**

**March 13, 2018**

**The Berryville Planning Commission is sponsoring a text amendment relating to “craft beverage manufacturing” establishing a definition in Article I Definitions of the Berryville Zoning Ordinance in accordance with the Code of Virginia § 4.1-206 and 208, as amended, establishing production amounts; accessory uses (e.g., food service, tasting rooms, retail sales); parking ratios; and storage requirements. TA 01-18**

The Berryville Planning Commission held a public hearing on this matter at their January 23, 2018 meeting. One resident who spoke in favor of all of the related text amendments. Modifications were made to the initial draft text amendment after Planning Commission discussion at the November meeting (highlighted below). They recommend approval of the amendment below:

**Craft beverage manufacturing:** A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 10,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 49% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.

The following items are included in this packet:

- Code of Virginia § 4.1-206 and 208 as referenced in the proposed draft establishing the “craft beverage manufacturing” definition in Article I of the Berryville Zoning Ordinance;
- Berryville Zoning Map;
- Ordinance and motion to adopt the text amendment as recommended by Planning Commission.

**Recommendation**

Approve as presented.

Code of Virginia

Title 4.1. Alcoholic Beverage Control Act

Chapter 2. Administration of Licenses

§ 4.1-206. Alcoholic beverage licenses.

A. The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging

is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

15. Commercial lifestyle center license, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the

licensed premises to ensure compliance with the applicable provisions of this title and Board regulations.

B. Any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, c. 866; 1996, cc. 584, 596; 1998, c. 489; 1999, c. 325; 2005, c. 911; 2006, cc. 737, 826; 2007, c. 101; 2008, c. 198; 2013, c. 476; 2014, c. 510; 2015, cc. 348, 393, 412, 502, 503, 695; 2016, c. 644; 2017, cc. 157, 492.

Code of Virginia

Title 4.1. Alcoholic Beverage Control Act

Chapter 2. Administration of Licenses

## § 4.1-208. Beer licenses.

A. The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public

demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers or in single original metal cans, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers or in single original metal cans, to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

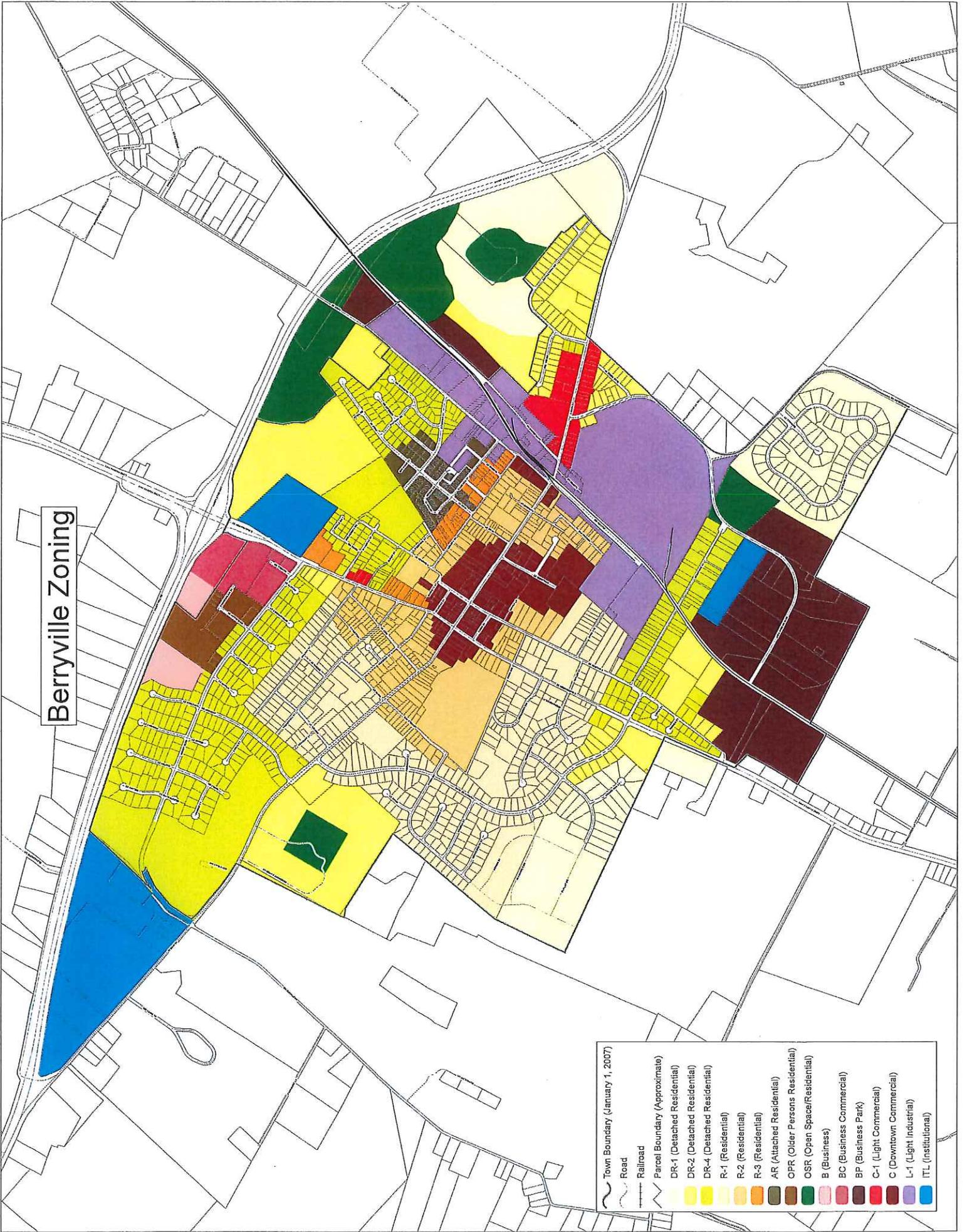
9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

B. Any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Board in accordance with this title and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or

limited brewery use shall be allowed to continue such use as provided in § 15.2-2307, notwithstanding (a) the provisions of this section or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of this title and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

Code 1950, § 4-25; 1952, c. 535; 1956, c. 520; 1962, c. 532; 1964, c. 210; 1970, cc. 627, 723; 1972, c. 679; 1973, c. 343; 1974, c. 267; 1975, c. 408; 1976, cc. 134, 447, 496, 703; 1977, c. 439; 1978, c. 190; 1979, c. 258; 1980, cc. 526, 528; 1981, cc. 410, 412; 1982, c. 66; 1984, c. 200; 1987, c. 365; 1988, c. 893; 1989, c. 42; 1990, c. 707; 1991, c. 628; 1992, cc. 215, 350; 1993, cc. 828, 866; 1994, c. 585; 1995, cc. 497, 518, 544, 570; 1996, cc. 443, 604; 1997, cc. 489, 646, 662; 2000, c. 1047; 2003, cc. 329, 1029, 1030; 2006, c. 845; 2007, cc. 813, 870, 932; 2012, c. 619; 2014, c. 365; 2015, c. 412; 2016, cc. 671, 710; 2017, cc. 76, 153.

# Berryville Zoning



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

**AN ORDINANCE AMENDING  
ARTICLE I, DEFINITIONS, OF THE  
TOWN OF BERRYVILLE ZONING ORDINANCE**

BE IT ORDAINED, by the Council of the Town of Berryville, that Article I, Definitions, of the Town of Berryville Zoning Ordinance shall be amended as follows:

**ARTICLE I – DEFINITIONS**

**Craft beverage manufacturing:** A facility, licensed in accordance with §4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 10,000 barrels of beer, or 10,000 gallons of distilled spirits, wine, cider, or mead annually. Accessory uses shall include tasting rooms at which the consumption of beer or distilled spirits manufactured on-site occurs, accessory food sales occur, and beer and/or distilled spirits manufactured on-site are sold. Tasting rooms shall not exceed 49% of the gross floor area. Retail sales permitted as an accessory use in the L-1 Industrial Zoning District shall be limited to 10% of the gross floor area of the establishment. Parking shall be provided in accordance with the requirements for manufacturing as set forth in Section 305.19 and 305.17 of the Berryville Zoning Ordinance based on square footage of manufacturing and eating establishment use, respectively. Storage of materials used in the production process shall only be permitted within a completely enclosed structure. All other outdoor storage shall be identified on an approved Site Plan and be completely screened from public view.

SIGNED: \_\_\_\_\_  
Patricia Dickinson, Mayor

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

**BERRYVILLE TOWN COUNCIL  
MOTION TO ADOPT A TEXT AMENDMENT TO  
ARTICLE I DEFINITIONS OF THE BERRYVILLE ZONING ORDINANCE**

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending Article I Definitions of the Berryville Zoning Ordinance in order to establish a definition for "craft beverage manufacturing."

VOTE:

Aye:

Nay:

Absent:

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

# Attachment 2

**BERRYVILLE TOWN COUNCIL**

**Public Hearing – Text Amendment to Section 607.3 C-1 Commercial**

**March 13, 2018**

**The Berryville Planning Commission is sponsoring a text amendment to Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) allowing “craft beverage manufacturing” as a use by Special Permit in the C-1 Commercial Zoning District. TA 02-18**

Public hearing notices were published in the Winchester Star on Tuesday, February 27 and Tuesday, March 6, 2018. No comments were received in the Planning Office.

This text amendment would allow craft beverage manufacturing as a use by Special Permit in the C-1 Commercial Zoning District. The intent of the district is to provide light commercial activities and local retail uses that do not adversely impact adjoining residential neighborhoods. C-1 zoning is applied to most parcels east of Cattleman’s Lane and on the east side of the 300 block of North Buckmarsh Street.

A Special Use Permit would be required for the “craft beverage manufacturing” use in this zoning district which would enable Town Council to set conditions on the approval.

The following items are included after this report:

- Modified Section 607 of the Berryville Zoning Ordinance;
- Section 503 Special Use Permit from the Berryville Zoning Ordinance;
- Ordinance and motion.

**Recommendation**

Approve as recommended by Planning Commission.

**SECTION 607 - C-1 COMMERCIAL DISTRICT**

**607.1 PURPOSE AND INTENT**

The C-1 Commercial District is established to provide selected locations in the Town of Berryville for light commercial activities that do not adversely impact adjoining residential neighborhoods. The C-1 District is intended to accommodate local retail uses at locations compatible with the Berryville Area Master Plan.

**607.2 PERMITTED USES**

- (12/00)
- (a) Assembly of high-tech components and/or systems (not including manufacturing)
  - (b) Restaurants, exclusive of fast-food restaurants
  - (c) Newspaper office buildings, including printing and publishing facilities incidental to such uses
  - (d) Quick-service stores with limited hours of operation (6:00 a.m. – 10 p.m.).
  - (e) Civic and public benefit organizations
  - (f) Churches and other places of worship
  - (g) Government and other public buildings (including libraries, post offices, police stations, fire stations, and rescue squads)
  - (h) Financial institutions without drive-in facilities
  - (i) Hospitals, nursing, convalescent, or rest homes, in accordance with Section 311
  - (j) Funeral homes
  - (k) Furniture repair
  - (l) Business and professional offices
  - (m) Personal services (including music services, barber and beauty shops, tailor shops)
  - (n) Printing shops
  - (o) Retail stores with a maximum gross floor area of 5,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
  - (p) Day care centers **(10/94)**
  - (q) Auction House **(11/02)**

**607.3 SPECIAL PERMIT USES**

- (12/00)
- (a) Broadcast studios
  - (b) Business services and supply establishments
  - (c) Car wash
  - (d) Commercial recreational establishments
  - (e) Drive-in banking facilities **(10/94)**
  - (f) Fast-food restaurants
  - (g) Hardware stores
  - (h) Laundromats
  - (i) Movie theaters
  - (j) Plant nurseries
  - (k) Public billiard parlors and pool rooms, bowling alleys, dance halls, health spas and clubs
  - (l) Public utilities and related easements, except municipal utilities
  - (m) Quick-service stores with unlimited hours of operation

**Section 607 Commercial (C-1) District**

- (n) Residential apartments, as a secondary use to principal structure
- (o) Retail stores over 5,000 square feet for each free-standing business or for each business in a shopping center, not to exceed a maximum of 15,000 square feet for each free-standing business or for each business in a shopping center. **(07/05)**
- (p) Repair service establishments, without outdoor service and/or outdoor storage
- (q) Service stations (without outdoor storage)
- (r) Single-family detached dwellings **(9/96)**
- (s) Schools, public or private
- (t) Three-story buildings
- (u) Veterinary hospitals
- (v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation **(12/11)**
- (w) Craft beverage manufacturing (00/18)**

**607.4 MAXIMUM FLOOR AREA RATIO**

The maximum floor area ration (FAR)—based on the net developable area of a lot—shall not exceed 0.25.

**607.5 MINIMUM DISTRICT SIZE**

Minimum district size: 1 acre

**607.6 LOT SIZE REQUIREMENTS AND BULK REGULATIONS**

- (a) Minimum lot area: 10,000 square feet
- (b) Minimum lot width: 100 feet
- (c) Maximum building height: 40 feet
- (d) Minimum yard requirements
  - (1) Front yard: 30 feet
  - (2) Side yard: 10 feet
  - (3) Rear yard: 30 feet

**607.7 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) Fifteen percent (15%) of the site shall be landscaped open space.

**607.8 PARKING AREA REGULATIONS FOR THE C-1 COMMERCIAL DISTRICT**

- (a) All parking areas shall be located at least ten (10) feet from any property line except that parking areas may adjoin each other across common C-1 district property lines. Parking areas must be located at least thirty (30) feet from properties in contiguous residential districts.
- (b) All parking areas shall consist of off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
- (c) Refer to Section 305 for additional off-street parking requirements.

**Section 607 Commercial (C-1) District**

**607.9 LANDSCAPING, BUFFERING AND SETBACK ADJACENT TO RESIDENTIAL AREAS**

- (a) Where a lot is contiguous to a property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines (5/94).
- (b) A landscaped buffer strip of fifteen (15) feet in width shall be provided, with landscape materials and placement subject to final plan approval. This buffer strip may be reduced to ten (10) feet with suitable fencing, but in such cases fence design shall be subject to final plan approval.

**607.10 STORAGE OF MATERIALS 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) 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 other stipulations required by special use permit by the Town Council.
- (c) All refuse shall be contained in completely enclosed facilities and shall be screened.

**607.11 STREET ENTRANCES**

- (a) On a corner lot, no street entrance shall be located closer than sixty (60) feet to the curb line extended from the intersecting street.
- (b) (DELETED 4/98)
- (c) A freestanding use shall have no more than two street entrances on any single right-of-way.

**607.12 GENERAL REQUIREMENTS**

- (a) All uses shall be subject to final site plan approval.
- (b) Refer to Section 306 for off-street loading requirements.
- (c) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (d) Refer to specific Overlay Zoning Districts, where applicable.

**AN ORDINANCE AMENDING  
ARTICLE VI, SECTION 607 C-1 COMMERCIAL, OF THE  
TOWN OF BERRYVILLE ZONING ORDINANCE**

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Definitions, of the Town of Berryville Zoning Ordinance shall be amended as follows:

**SECTION 607 C-1 COMMERCIAL DISTRICT**

**607.3 SPECIAL PERMIT USES**

(w) Craft beverage manufacturing (03/18)

SIGNED: \_\_\_\_\_  
Patricia Dickinson, Mayor

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

**BERRYVILLE TOWN COUNCIL  
MOTION TO ADOPT A TEXT AMENDMENT TO  
ARTICLE VI, SECTION 607, C-1 COMMERCIAL, OF THE BERRYVILLE ZONING ORDINANCE**

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending Article VI, Section 607 of the Berryville Zoning Ordinance, establishing Section 607.3(w) "craft beverage manufacturing" as a use by Special Permit in the C-1 Commercial Zoning District.

VOTE:

Aye:

Nay:

Absent:

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

# Attachment 3

**BERRYVILLE TOWN COUNCIL**

**Public Hearing – Text Amendment to Section 609.2 L-1 Industrial**

**March 13, 2018**

**The Berryville Planning Commission is sponsoring a text amendment to Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) allowing “craft beverage manufacturing” as a use by right in the L-1 Industrial Zoning District. TA 03-18**

Public hearing notices were published in the Winchester Star on Tuesday, February 27 and Tuesday, March 6, 2018. No comments were received in the Planning Office.

The proposed text amendment would establish Section 609.2(t) enabling craft beverage manufacturing as a use by right in the L-1 Industrial Zoning District. The intent of the L-1 district is to provide locations within the Town for a broad range of general light-industrial uses. The Zoning Ordinance also encourages adaptive reuse which is in alignment with craft beverage manufacturing facilities.

A modified Section 609 and ordinance and motion follow this report.

**Recommendation**

Approve as recommended by Planning Commission.

**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
- (t) Craft beverage manufacturing (00/18)**

**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

**Section 609 Industrial (L-1) District**

- (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

**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,

## Section 609 Industrial (L-1) District

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)

### **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.

**AN ORDINANCE AMENDING  
ARTICLE VI, SECTION 609 L-1 INDUSTRIAL, OF THE  
TOWN OF BERRYVILLE ZONING ORDINANCE**

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Definitions, of the Town of Berryville Zoning Ordinance shall be amended as follows:

**SECTION 609 L-1 INDUSTRIAL DISTRICT**

**609.2 PERMITTED USES (12/94)**

(t) Craft beverage manufacturing (03/18)

SIGNED: \_\_\_\_\_  
Patricia Dickinson, Mayor

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

**BERRYVILLE TOWN COUNCIL  
MOTION TO ADOPT A TEXT AMENDMENT TO  
ARTICLE VI, SECTION 609, L-1 INDUSTRIAL, OF THE BERRYVILLE ZONING ORDINANCE**

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached ordinance amending Article VI, Section 609 of the Berryville Zoning Ordinance, establishing Section 609.2(t) "craft beverage manufacturing" as a use by right in the L-1 Industrial Zoning District.

VOTE:

Aye:

Nay:

Absent:

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

# Attachment 4

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Work Session**  
**March 5, 2018**  
**3 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; Mia L. Jackson, Town Clerk

**Press:** Cathy Kuehner, Winchester Star

1. Call to Order

Mayor Dickinson called the meeting to order at 3:00 p.m.

2. Approval of Agenda

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

3. Discussion – Repeal and re-adoption of Chapter 8 of the Berryville Code

Mr. Dalton reviewed with Council the staff report related to the repeal and re-adoption of Chapter 8 – Garbage and Refuse of the Berryville Code. Mr. Dalton reviewed the draft of Chapter 8 and asked that Council review the concepts of the code and that those concepts are acceptable and comprehensive. He said that once Council is satisfied that the draft contains the required approach, the Town attorney will review the document and a final version will be submitted to the Police and Security Committee for review and recommendation and then sent to Council for final approval.

Mr. Dalton noted one of the changes within the draft authorizes the Town Manager to require accumulations of trash to be removed after proper notice. He noted that the current ordinance requires the Town Council to take action to have such properties cleaned up.

Council discussed possible revisions to the code including uses, frequency of pick up, number of toters per home and business, number of recycling bins and how requests for additional bins would be handled. Council also discussed how changes would impact commercial businesses and their refuse and recyclable disposal.

Mayor Dickinson said the price per toter is \$8.59 and \$3.03 for recycle containers. She said that an option may be to begin charging for additional toters however recyclable bins would be unlimited to encourage recycling.

Recorder Arnold ask that staff look in to re-negotiating the contract price for emptying the dumpster at the two dumpster sites that the Town pays for.

Mr. Dalton said that the revised code language will need to be a discussed with the service provider to ensure what is adopted is consistent with the parameters of the contract.

Mayor Dickinson said that the committee will continue to look at the code from all aspects.

4. Other

Council member Kitselman said that he would like to have a discussion regarding direction given to staff regarding the ability to have confidential conversations. He said he has a concern with the expectation that staff is not able to have confidential conversations specifically when dealing with potential businesses that are looking to come to the area. Mr. Kitselman said that it is worthwhile to be clear on direction given to staff.

Mayor Dickinson said that she felt that the issue is different if staff provides information as evidence to support a decision in a public forum. She said that opens the information up for questions.

Council member Kitselman said that we cannot micromanage staff and to do so is a clear misunderstanding of the role of a Council member and its boundaries.

Council member McDonald said that it could cause a firestorm with citizens and businesses if staff does not have the ability to have confidential conversations.

Mr. Dalton said that he would like to understand the expectation of Council and if the expectation is staff may not have confidential conversations then staff would honor that. He said that he and his staff will do what Council directs him to do.

Recorder Arnold said that staff does forward planning and they at times have confidential conversations. He said he is comfortable with staff continuing to have those conversations.

Council member Gibson said that she wanted to support staff when they are asked to hold something in confidence and to not blame them when they do not share when they are asked to hold something in confidence.

Council member Tollett said that the greater issue is the micromanagement of staff and the fact that it breeds dissension and conflict within the Council and staff. Mr. Tollett said that we are operating as though we do not trust staff and that Council should trust their staff. He said that Council is not getting anything done for the Town and that is sad for the Town. Mr. Tollett said that Council needs to quit inserting themselves into every decision as that is not Council's role.

Mayor Dickinson said that she sees the role as asking questions and verifying information.

5. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 4:55pm.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**February 13, 2018**  
**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; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Chief Neal White, Berryville Police Department; Mia L. Jackson, Town Clerk

**Press:** Cathy Kuehner, Winchester Star

1. Call to Order

Mayor Dickinson called the meeting to order at 7:33 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

Mr. Dalton noted the amendments to the agenda to include the addition of the Personnel Committee Meeting Minutes of 02/12/2018 to the consent agenda and an addition to the Personnel Committee Report agenda item of recommendations to reappoint and appoint members to the Board of Zoning Appeals, Planning Commission and Architectural Review Board.

**On motion of Council member Tollett, seconded by Recorder Arnold, the agenda was unanimously approved as amended.**

4. Public Hearings/Input Session

Mia Jackson, Town Clerk, read the notice of public hearing as follows:

**LEASE OF PUBLIC PROPERTY TO DOWNTOWN BERRYVILLE, INC., dba BERRYVILLE MAIN STREET. The Town of Berryville proposes to lease to Downtown Berryville, Inc. for a term of 6 years, a portion of the first and second floor together with a 70' by 25.33' parking area, a property owned by the Town and addressed as 23 East Main Street, Berryville, Virginia.**

The public hearing speakers were as follows:

Elizabeth Ryan, Executive Director of Berryville Main Street, addressed Council regarding Berryville Main Street and the terms of the lease renewal. Ms. Ryan said that Berryville Main Street would like to see the renewal terms of the lease be \$500 a month with a 3 year term and at the end of that three year term an option to renew.

Diane Harrison, Town resident, addressed Council regarding Berryville Main Street and in support of the \$500 a month rent. Ms. Harrison said that the Town and Berryville Main Street have begun to have a better relationship over the last few years and asked that the rent remain low because of the importance of Berryville Main Street and its relationship with the Town.

Pam Hummel, owner of Needles and Pins, addressed Council in support of Berryville Main Street. Ms. Hummel noted the multiple ways that Berryville Main Street has supported her and her new business.

Brandon Belland, owner of Cordial Coffee, addressed Council in support of Berryville Main Street and its importance to the Town of Berryville. Mr. Belland noted the overall support that he has received from Berryville Main Street both before and after the opening of his business.

Christina Kraybill, owner of My Neighbor and Me, addressed Council in support of Berryville Main Street and keeping their rent at \$500.00 a month. Ms. Kraybill noted the importance of profitability and sustainability of local retailers and she strongly advocates keeping the rent for Berryville Main Street at \$500.00 a month.

Nathan Stalvey, on behalf of Berryville Main Street Board of Directors, addressed Council in support of keeping the rent at \$500.00 a month. Mr. Stalvey noted the importance of Berryville Main Street in helping businesses to thrive and grow and in helping to keep the business community together. Mr. Stalvey said that increasing the rent may prevent Berryville Main Street and its programs from continuing to grow and provide assistance to area businesses.

The public hearing was closed.

Mia Jackson, Town Clerk, read the notice of public hearing as follows:

**LEASE OF PUBLIC PROPERTY TO THE BARNS OF ROSE HILL, INC. The Town of Berryville proposes to lease to The Barns of Rose Hill, Inc. for a term of 6 years, a property owned by the Town and addressed as 36 Smithy Lane, Berryville, Virginia, together with an area surrounding the building and also together with non-exclusive access from Smithy Lane.**

The public hearing speakers were as follows:

Diana Kincannon, Board chairman of The Barns of Rose Hill, on the subject of the renewal of the lease for 36 Smithy Lane. Ms. Kincannon thanked Council and the Town Manager for the care that was taken in preparing the lease. Ms. Kincannon said that they would like to propose 2% escalation instead of 3% in the leasing agreement.

Michael Hobert, a representative from the Board for The Barns of Rose Hill, addressed Council expressing his gratitude to Council for their support of the Barns.

The public hearing was closed.

Mia Jackson, Town Clerk, read the notice of public hearing as follows:

**AGREEMENT TO USE PUBLIC PROPERTY - CLARKE COUNTY FARMERS MARKET ASSOCIATION, a non-profit 501-(c)-6 organization. The Town of Berryville proposes to allow the Clarke County Farmers Market Association to utilize a property addressed as 100 South Church Street, owned by the Town, and also identified as Clarke County Tax Map Parcel 14A5-((A))-73.**

The public hearing speakers were as follows:

Lilian Ledford, Clarke County Farmers Market representative, addressed Council in support of the Farmers Market. Ms. Ledford thanked the Town Council and the community for their support and helping to make the Farmers Market viable over the last 22 years.

Brandon Belland, owner of Cordial Coffee, addressed Council in support of the Farmers Market.

The public hearing was closed.

Mia Jackson, Town Clerk, read the notice of public hearing as follows:

**PUBLIC INPUT SESSION ON PROPOSAL OF BATTLETOWN HOMEOWNERS ASSOCIATION, requesting approval to construct six (6) refuse and recycling collection sites within the development and eliminate curbside collection.**

Council member McDonald recused herself from the discussion of this matter as she has previously.

The public hearing speakers were as follows:

Dale Coumes, Battletown HOA representative, addressed Council in favor of the trash container proposal. Ms. Coumes stated that the HOA feels that the proposal will help clean up the neighborhood and make parking lots safer for residents and vehicles. She reviewed with Council some of the challenges that are currently happening within the community regarding trash. Ms. Coumes stated that the proposal is to have the dumpsters serviced twice a week by the Town on Monday and Friday's.

Allen Grim, property manager for Battletown subdivision with Coventry Group, addressed Council in support of the HOA's proposal for dumpsters.

Therese Chahtahy, resident of Battletown subdivision, addressed Council against the trash proposal. Ms. Charity stated that her concerns are rodents and safety. Ms. Charity also stated that she is concerned about residents not being able to get to the dumpsters during inclement weather.

Terry Stuart, resident of Battletown subdivision, addressed Council regarding the proposal of dumpsters within the Battletown subdivision. Mr. Stuart said that he is against the trash proposal. Mr. Stuart noted

his concerns regarding rodents and wear and tear on the parking lot. Mr. Stuart would like for owners to see the cost of the proposal and for the owners to have the ability to vote on the proposal.

Helen Robinson, resident of Battletown subdivision, addressed Council against the trash proposal. Ms. Robinson stated her concerns are in regards to rodents and trash being outside of the dumpsters.

Ainea Kutai, resident of Battletown subdivision, addressed Council against the trash proposal. Mr. Kutai stated his concerns are in regards to rodents, overall safety of the residents around the dumpster site specifically at night, and residents who are not able to get to the dumpsters.

The public input session was closed.

Council member McDonald rejoined the meeting.

5. Citizens' Forum

Mayor Dickinson acknowledged the following speakers during the Citizens' Forum:

Dennis Couture, town resident, addressed Council regarding the speeding and traffic issues on South Buckmarsh. Mr. Couture expressed appreciation to VDOT for replacement of the traffic monitor and stated that it does have an impact on traffic. Mr. Couture thanked Chief White and the police department for placing equipment to register volume and speed of vehicles. He stated that overall the speed limit is still not being obeyed.

Mary Gillison, Town resident, addressed Council concerning truck traffic on Josephine Street. Ms. Gillison is requesting that traffic be restricted to residential, residential delivery, and utility trucks on Josephine Street. Ms. Gillison presented Council with a petition signed by some of the residents that live on Josephine Street.

Stan Kerns, Town resident, addressed Council concerning safety issues that exist on East Main Street from the railroad tracks to Battletown Drive. Mr. Kerns said he would like Council to immediately address this issue by installation of signage alerting motorists they are exceeding 25mph speed limit and by assigning a high priority to finding a solution that will eliminate or reduce the danger to pedestrians.

Alton Echols, Town resident, addressed Council concerning traffic issues within the Town.

Marcella Roberts, Town resident, addressed Council regarding truck traffic on Josephine Street. Ms. Roberts stated that the trucks use her lawn at times to turn around.

6. Consent Agenda

**The Consent Agenda was approved on motion of Council member Kitselman, seconded by Council member Tollett. The items on the Consent Agenda were:**

**Minutes of Work Session – 01/08/2018**

**Minutes of Regular Meeting – 01/09/2018**

**Minutes of Community Improvements Committee Meeting – 01/22/2018**

**Minutes of Budget & Finance Committee Meeting – 01/23/2018**

**Minutes of Police & Security Committee Meeting – 01/25/2018**

**Minutes of Streets & Utilities Committee Meeting – 01/23/2018**

## Minutes of Personnel Committee Meeting – 02/12/2018

### 7. Report of Patricia Dickinson, Mayor

Mayor Dickinson noted the current version of the Council's goals and objectives are in this month's agenda packet. Mayor Dickinson stated that there are updated cost estimates however there are some goals and objectives with no cost estimates. She asked Council if there are any goals or objectives that they would like removed.

Council member McDonald stated that she would like to remove the last objective under goal 1 regarding economic development with the primary focus on First Street. She said that she feels that Town staff would be overburdened with the amount of fore sight and planning that objective would entail.

Recorder Arnold, stated that he would like for Council to consider and take note of any economic development opportunity that may present itself to the Town not only specific to First Street.

Council member Gibson said that she would like to see the Town commit to three goals for FY19 taking in to consideration staff time, funding and resources available to accomplish the goals identified.

Council member Tollett said that he would like to keep each goal and prioritize the list.

Mr. Dalton said that staff has been working on the goals and objectives list and that staff will continue to work on the list and update budget numbers where applicable. He said there are some projects on the list that the budget number will not be available because of the nature and scope of the goal. Mr. Dalton said that he will present the goals and objectives list with revisions to budget numbers at the next Town Council work session in March for further discussion.

Mayor Dickinson noted that based on the expressed thoughts and concerns from both staff and Council, there will not be any action at this time regarding the motion for approval of Town Council's goals and objectives.

### 8. Report of Harry Lee Arnold, Jr., Recorder

No Report

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

Ms. Dunkle reviewed her staff report regarding two action items.

Ms. Dunkle asked that Council consider setting a Public Hearing associated with three text amendments related to craft beverage manufacturing. Council agreed to set a public hearing in March for the text amendments related to craft beverage manufacturing.

Ms. Dunkle reviewed with Council the Virginia Commission for the Arts Creative Communities Partnership Grant (formerly Local Government Challenge Grant). Ms. Dunkle noted that the grant offering is up to \$4500 and in the past 100% of these funds have been given to Berryville Main Street and the organization would like to again partner with the Town in 2018.

**On motion of Recorder Arnold, the Council of the Town of Berryville, authorizes the Town Manager to sign and submit the application for the Virginia Commission for the Arts Creative Communities Partnership Grant identifying Berryville Main Street as the recipient. Matching grant funds shall be appropriated from the Town’s annual contribution to Berryville Main Street. Council member Kitselman seconded the motion which carried as follows:**

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

10. Report of Keith Dalton, Town Manager

Mr. Dalton reviewed the terms of the lease for 23 East Main Street identifying possible updates after the public hearing.

**On motion of Recorder Arnold, the Council of the Town of Berryville, approved the lease agreement for 23 East Main Street, Berryville, VA 22611 authorizing the Town Manager to finalize details of the lease and further authorizing the Town Manager to execute the lease on behalf of the Town Council based on a three (3) year term and 2% escalation clause. Council member Kitselman seconded the motion which carried as follows:**

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

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Mr. Dalton reviewed the terms of the lease for 36 Smithy Lane identifying possible updates that were discussed during the Public Hearing on the matter.

**On motion of Recorder Arnold, the Council of the Town of Berryville, approved the lease agreement for 36 Smithy Lane, Berryville, VA 22611 authorizing the Town Manager to finalize details of the lease and further authorizing the Town Manager to execute the lease on behalf of the Town Council based on a five (5) year term and 2% escalation clause. Council member Kitselman seconded the motion which carried as follows:**

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

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Mr. Dalton reviewed the terms of the agreement between the Town of Berryville and the Clarke County Farmers Market.

**On motion of Recorder Arnold, the Council of the Town of Berryville, approve the agreement between the Town of Berryville and the Clarke County Farmers Market authorizing the Town Manager to finalize the details of the agreement and further authorizing the Town Manager to execute the agreement on behalf of the Town Council. Council member McDonald seconded the motion which carried as follows:**

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

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Council member McDonald recused herself from the discussion of this matter as she has previously.

Mr. Dalton reviewed the proposal from the Battletown Homeowners Association for the construction of six (6) dumpster sites within their subdivision at their cost. Mr. Dalton noted that the Council's decision in front of them is the approval of the siting of the six (6) dumpsters and to suspend curbside collection for all of the units located within the subdivision after installation and servicing the dumpsters twice a week. He asked that the dumpster locations be reviewed by the Town Planner.

Recorder Arnold stated that his concern after hearing the public input regarding the proposal is that the residents are not understanding the proposal fully and that he would like to see more education and awareness provided by the homeowners' association to the residents.

Council member Gibson stated that she has received some concerns both via email and in person, none of which have been in favor of the proposal. She noted that the concerns are elimination of parking spaces and the cleanliness of the dumpster site.

Mayor Dickinson noted that Council's roll would be to give the approval to the home owners' association to implement the proposal if they so choose. She noted that Council is not making a decision on whether they should or should not execute the proposal.

HOA representative, Dale Coumes provided some additional details to Council regarding the proposal and how the board feels it will affect the residents. Ms. Coumes noted that they currently have a new property manager, Coventry Group, and that the property manager has worked hard to make the residents aware of the coming potential changes.

**On motion of Council member Tollett, the Council of the Town of Berryville, direct staff to further evaluate the details of the Battletown Homeowners' Association's refuse and recyclables collection proposal and develop a plan for its implementation and that said proposal will be submitted to the Council on 13 March 2018. Council member Arnold seconded the motion which carried as follows:**

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

Council member McDonald rejoined the meeting.

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Mr. Dalton addressed truck traffic on Josephine Street and how the Town is addressing the concerns of the residents. He said that there is not a truck restriction on Josephine Street. He said that he and Chief White have spoken to Berryville Graphics' shipping department regarding the truck traffic on Josephine Street and Berryville Graphics has agreed to make changes to their signage redirecting trucks out of their place of business as well as providing a letter to their drivers regarding exiting the property differently. Mr. Dalton said that it is important to note that the trucks on Josephine Street would not be considered through trucks because their destination is Berryville Graphics. Mr. Dalton has also spoken with Rappahannock Electric Cooperative regarding service drops and they were able to confirm that since 2010, no service drops have been torn down by trucks. He said that Rappahannock Electric will be raising a few of the service drops to the highest extent that they allow.

Council member Tollett asked what the downside of restricting truck traffic on Josephine Street would be and if the Town would be able to get a count on the number of trucks that utilize Josephine Street to access Berryville Graphics.

Chief White stated that he will get those numbers for Council by the next Council meeting.

Mr. Dalton noted that Berryville Graphics is a business in the Town of Berryville that accesses Josephine Street.

Council member Kitselman stated that the answer to this problem is extending Jack Enders Boulevard.

Mr. Dalton concluded his report by noting that staff is continuing discussions with VDOT regarding SmartScale specifically in regards to traffic on Main Street and Buckmarsh Street.

11. Report of Erecka Gibson – Chair, Budget and Finance Committee

Council member Gibson stated that the next meeting is a Budget work session for the committee on February 27, 2018.

Council member Gibson made a statement regarding the Procurement Policy that is on the agenda for approval. Council member Gibson noted that the Procurement Policy has been discussed since July of 2017 and it is time to move on from the discussion. She said that she is fine with the Procurement Policy including the small purchase thresholds as presented to Council. Council member Gibson stated that the focus of the next budget committee meeting should be budget and she noted that she didn't want to continue to hash out the points where the mayor and she are not in consensus.

Mayor Dickinson said that she would like to come to a consensus on the points where there is not agreement. Mayor Dickinson noted that she had additional questions regarding the policy. Mayor Dickinson noted several changes in the policy most importantly the change to thresholds for small purchases. She said that a \$10,000 threshold for small purchases is too high due to the amount of risk that accompanies the higher number. She said that purchases of \$5,000 or more should require competitive bids.

Council member McDonald said that she was fine with the policy as written and presented including the small purchase thresholds.

Council member Kitselman stated that he did not have any issues with the thresholds where they stand at \$10,000.

Mayor Dickinson noted that the number of purchases that would fall in to this category have been two over the last 18 months and she stated that it is not a large number and the risk is greater than the return to make sure the Town is getting the best price for the money.

Council member Gibson stated that she is fine with the policy moving forward that includes the small purchase threshold limits. Council member Gibson also stated that she is aware that there is not consent between her and Mayor Dickinson regarding items within the policy however it is time to move the policy to full Council as they are not able to agree. She said there are rules within the policy that allow the staff to make decisions regarding small purchases and how to approach those purchases if they feel a fee is questionable or unfair. She said that within the policy the rules allow staff to seek competitive bids for small purchases if they feel a fee is questionable or unfair. Council member Gibson said that she trusts staff to make those decisions.

Council member Kitselman, Arnold, McDonald, and Tollet said that they supported staff and said they trust staff to make appropriate decisions.

Council member Arnold stated that he is okay with the small purchase threshold being \$10,000.

Council member Tollett stated that he is okay with the small purchase threshold being \$10,000.

**On motion of Council member Tollett, the Council of the Town of Berryville, moves to approve the attached Procurement Policy with the correction to page 5, 1A, Bullet 1 an invoice will constitute a quote. Council member Kitselman seconded the motion which carried as follows:**

**Aye: McDonald, Kitselman, Gibson, Tollett, Arnold**

**Nay: None**

**Abstain: Dickinson**

12. Report of Donna McDonald – Chair, Community Improvements Committee

Council member McDonald noted that they met in January and continue to focus on improvements that can be made in Rose Hill playground and the stabilization of the Livery Stable.

Council member McDonald said that there will not be a meeting in February.

13. Report of David Tollett – Chair, Police and Security Committee

Council member Tollett said there will not be a Police and Security Committee in February.

Council member Tollett stated that they met January 25.

Council member Tollett reviewed with Council the monthly police report. He said that there has been an increase in Group A crimes over the past year. Council member Tollett said the committee is looking at revisiting the frozen staff position for a new officer and that would be discussed at the next committee meeting in March.

Council member Tollett stated that the next Town Code up for review is Chapter 11 Special Collection and Dumpsters and the committee will be finalizing Chapter 8 in March. Council member Tollett noted that they will be starting on Chapter 20 in April.

Chief White said there is a discussion regarding different times that are defined in the Town code and prohibiting certain types of noise. The committee is looking at this issue and will make a recommendation at the next Council meeting to have a uniform designation within the code.

Council member Gibson noted that she received an email regarding the noise ordinance and playing musical instruments. She said she will forward that email to staff.

Council member Tollett noted that they will review the email regarding musical instruments along with the noise ordinance at the committee meeting in March.

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

No report.

Council member Arnold asked about the speed limit sign discussion in relationship to safety and security that is being discussed during the Streets and Utilities Committee meeting and Police and Security Committee meeting. Recorder Arnold said he would like the entire council to discuss the safety issues and the speed limit signage prior to a proposal being brought before full Council from the Streets and Utilities committee.

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

Recorder Arnold stated that the Personnel Committee met on February 12 to meet with two re appointees and to interview three candidates that submitted talent bank forms to be considered for an open position on the Architectural Review Board.

**On motion of Recorder Arnold, the Council of the Town of Berryville, recommends to the Clarke County Circuit Court the re-appointment of Dr. Dandridge B. Allen to the Town of Berryville Board of Zoning Appeals for a five year term ending March 9, 2023. Council member Gibson seconded the motion which carried as follows:**

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

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**On motion of Council member Arnold, the Council of the Town of Berryville, re-appoint Michelle Marino to the Town of Berryville Planning Commission for a four year term to begin April 9, 2018 and end on April 8, 2022. Council member Gibson seconded the motion which carried as follows:**

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

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On motion of Council member Arnold, the Council of the Town of Berryville, appoint Satkuna Mathur to fill the unexpired term of Rachel Worsley on the Town of Berryville Architectural Review Board for a term to begin on February 13, 2018 and end on August 14, 2019. Council member Gibson seconded the motion which carried as follows:

**Aye: McDonald, Kitselman, Gibson, Tollett, Arnold**

**Nay: None**

**Abstain: Dickinson**

16. Other

Mr. Dalton confirmed the Committee meeting schedule as follows:

Community Improvements: No Meeting

Budget and Finance: February 27, 2018 @ 10:30 a.m.

Police and Security: No Meeting

Streets and Utilities: February 27, 2018 @ 12:00 p.m.

Personnel: No Meeting

17. Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Gibson, the meeting was adjourned at 10:40 p.m.

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Harry Lee Arnold, Jr., Recorder

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Mia L. Jackson, Town Clerk

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**BUDGET & FINANCE COMMITTEE**  
**Berryville-Clarke County Government Center**  
**Tuesday, February 27, 2018**  
**10:30 a.m.**

**Town Council:** Present: Erecka Gibson, Chair; Patricia Dickinson

**Staff:** Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Mia L. Jackson, Town Clerk

**Press:** Cathy Kuehner

**Others:** Diane Harrison, Jay Arnold

1. Call to Order  
Chair Gibson called the continued meeting to order at 10:30 a.m.
2. Approval of Agenda  
The agenda was approved as presented.
3. Discussion – FY 2019 Budget  
The committee and staff discussed the proposed budget with Ms. Moreland reviewing the changes.

Mr. Dalton reviewed the highlights of the proposed budget and reviewed the revised CIP structure. Mr. Dalton noted that John Rixey Moore Playground improvements and the purchase of a suite of budgeting software for the finance department were not included in the budget.

Mr. Dalton said the budget work session has been scheduled for March 13. He said that last year John H. Enders Volunteer Fire Company, Berryville Main Street, and Clarke County come to the meeting to present a proposal regarding funding from the Town. Mr. Dalton asked if the committee would like them to be present at the Budget Work Session or submit a proposal in writing for review.

Chair Gibson and Ms. Dickinson noted that these organizations could submit a written proposal for discussion during the budget work session.

Mr. Dalton noted that while not included in the budget at this point, the Town Council should consider funding a transportation study for Annexation Area C. He noted that the cost of the study would be shared with Clarke County.

Chair Gibson reviewed her questions pertaining to the budget worksheets.

Chair Gibson suggested that the parks and recreation contribution that the Town has funded in the past and is in this years proposed budget could possibly be redirected to

Rose Hill Park. Chair Gibson noted that she would like this item discussed with full Council.

Ms. Dickinson reviewed her questions regarding the budget including the total value of Full Time Employee's; the necessity of unfreezing the police officer position; status of the job descriptions as it relates to determining total compensation of Town employees; new patrol vehicles for the police department; body camera replacement; and police AV equipment.

Ms. Dickinson said she would like for staff to provide Council with the total cost for adding an additional person to the police department and include any other ancillary cost specific to that position including health insurance benefits.

Ms. Dickinson said she would like an updated schematic to be presented regarding the current fleet of patrol vehicles including year of vehicle and mileage.

Ms. Dickinson said she would like a report on the body cameras that the police department is currently using and a justification.

Ms. Dickinson stated she had a question regarding the line item having to do with telecommunications under Town Manager. She stated that the Town provides the Town Manager with a cell phone and there is a line item to receive a stipend towards the cell phone bill as well.

Ms. Moreland stated that the Town does not provide the Town Manager with a cell phone. Ms. Moreland said the Town provides a stipend towards the Town Manager's bill.

Chair Gibson said that she would not recommend providing the Town Manager with a cell phone and that the stipend was reasonable.

Ms. Dickinson asked if the Town manager's phone subject to FOIA.

Ms. Dickinson said that she had questions regarding the mileage line item under Town Manager. She stated that the Town provides the Town Manager with a vehicle and it is unclear as to why he would then need to be reimbursed for mileage.

Ms. Moreland stated that the Town does not provide a vehicle for the Town Manager.

Mr. Dalton reviewed items concerning the new public works building and the budgeted improvements that include showers, locker rooms, and sleeping space/quarters. He said that this project would come close to depleting the Public Works site improvement reserve. He asked that he saw two other projects for the site in the future. He noted that additional salt storage may be needed and additional parking may be needed.

Chair Gibson asked about wayfinding signs being in the budget and the matching grant from Berryville Main Street.

Mr. Dalton said that currently there are no funds budgeted for way finding signs.

Mr. Dalton discussed a master plan Rose Hill Park. Mr. Dalton noted that he would like to have staff do a utility locate within the park to get an idea of where utilities are located and have those areas marked. He said that once utilities are located they would be included on the base survey with that information in hand, the Community Improvements Committee and the Town Planner would work to develop a plan for future improvements to the park. He noted that the committee would need to engage the community regarding its vision for the park.

Mr. Dalton reviewed future sewer upgrades from Church Street to the railroad tracks on Main Street and using trenchless technology. He added that there may be areas where open cuts will be required.

Ms. Dickinson noted that such work could be disruptive to the downtown area.

4. Other

6. Adjourn

There being no further business, the meeting was adjourned at 11:53 a.m.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**STREETS AND UTILITIES COMMITTEE**  
**Berryville-Clarke County Government Center**  
**Tuesday, February 27, 2018**  
**12:00 p.m.**

**Town Council:** Present: Patricia Dickinson, Chair; David Tollett

**Staff:** Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Neal White, Berryville Police Department; Mia L. Jackson, Town Clerk

**Press:** None

**Others:** Diane Harrison, Stan Kerns,

1. **Call to Order**

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

2. **Approval of Agenda**

The agenda was approved as presented.

3. **Discussion – Truck Traffic**

Mr. Dalton provided updates on truck traffic specific to three areas of Town; E. Main Street near Battletown Drive, South Buckmarsh Street, and Josephine Street. Mr. Dalton explained that each of these locations have varying reported items of concern including, speed, lighting, lack of pedestrian and bike facilities, truck traffic, safety, and utility drops.

Mr. Dalton discussed with the committee the inclusion of speed signs in the proposed budget with possible locations for the signs to be determined. Mr. Dalton noted the potential locations would be on East Main South bound and South Buckmarsh North bound.

Mr. Dalton said that Rappahannock Electric Cooperative began providing service in the area in 2010 and they have no record of any service drops on Josephine Street being torn down by trucks.

Chair Dickinson asked whether the building entrance on Josephine Street could be closed.

Chair Dickinson stated that she would like to see the committee develop an implementation strategy regarding the traffic issues that consists of three phases; an immediate phase, a middle phase, and a long term strategy.

Mr. Dalton stated that Berryville Graphics has an approved entrance on Josephine Street and that the elimination of that entrance would limit the facility to only one ingress/egress. He noted that they are actively working with the Town to address the concerns of the citizens in redirecting truck traffic by changing their internal signage and

sending letters to their drivers. Mr. Dalton said that another possible solution is that if Jack Enders Blvd. is extended Berryville Graphics may be willing to look in to using the Josephine Street entrance for emergency purposes.

Mr. Dalton stated that a key component of implementing any type of strategy would be to conduct a traffic study.

Chief White said he could potentially conduct a traffic study however he would need to know the parameters of the study.

Mr. Dalton noted that staff is continuing to work with VDOT to initiate projects for East Main Street and South Buckmarsh in order to address citizen concerns.

The committee discussed the potential use of rumble strips on East Main Street as well as what visual differences could be made to encourage drivers to reduce their speed.

Chair Dickinson stated that she would like for staff to develop a strategy document that explores recommendations and solutions. She said that she has spoken to Inland Port and they would be willing to help explore options. Chair Dickinson said that she would like to explore options from a budget perspective and be able to get something in to this year's budget. Chair Dickinson noted she would like to see funds allocated specifically for traffic projects on Buckmarsh and East Main Street.

4. Discussion – Project Updates

Mr. Dalton reviewed with the committee project updates including staffing of the public works and public utilities departments during planned work on the Ground Reservoir and on the Treadwell Street hydrant project that will be completed on February 28.

5. Discussion – Future Utility Projects

Mr. Dalton reviewed with the Committee future utility projects. Mr. Dalton noted the memo included in the packet concerning future water projects. Mr. Dalton said that the recommendation from staff is that Council consider borrowing funds to complete these water projects.

Mr. Tollett asked what the priority projects are at this time.

Mr. Dalton said the priority projects are, the Rockcroft Subdivision water project, replacement of the water main on Bel Voi Drive, and improving fire protection on Josephine Street.

6. Adjourn

There being no further business, the committee adjourned at 1:16 p.m.

# Attachment 5

*13 March 2018*

On 13 February the Town Council discussed this matter at its regular meeting.

Staff edited the attached Goals and Objectives for the Town of Berryville Fiscal Year 2019 in response to the comments/information received.

Staff has also provided a revised motion for approval with its recommendations. The motion contains all of the goals and objective as discussed so the member making the motion may remove any goals and objects as they choose.

*13 February 2018*

On 9 January the Town Council discussed this matter at its regular meeting.

Staff edited the attached Goals and Objectives for the Town of Berryville Fiscal Year 2019 in response to comments/information received.

Staff has also provided a revised motion for approval with its recommendations.

*9 January 2018*

On 8 January the Town Council held a work session to discuss progress on the Town Council Goals and Objectives for Fiscal Year 2018. The Council also discussed development of the goals for Fiscal Year 2019. These Goals and Objectives will assist staff and Town Council as the Fiscal Year 2019 budget process progresses.

Mayor Dickinson wants summarize yesterday's discussion for the public's benefit and provide an opportunity for Town Council members to comment further if they choose. Mayor Dickinson would also like to establish a schedule for adoption of the Goals and Objectives for Fiscal Year 2019 that works within the budget calendar.

**Goals and Objectives for the Town of Berryville Fiscal Year 2019**  
**3/13/18 Version**

**Goal 1: Improve Berryville's commercial climate and attract businesses that fulfill the economic development goals of the Town.**

Objective: Attract a hotel to Berryville within the next eighteen months. Complete work in FY20.

Cost: \$12,000

Funding Source: General Fund

Objective: Work cooperatively with Clarke County to amend the annexation agreement in order to create Annexation Area C and provide for expansion of the community's business tax base. Complete work in FY20.

Cost: \$60,000 (\$25,000 of cost for ½ of Transportation Study ( step))

Funding Source: General Fund

Objective: In cooperation with Clarke County create an economic development strategy for the Town.

Cost: \$10,000

Funding Source: General Fund

Objective: Update the national and local historic districts within the Town.

Cost: \$20,000

Funding Source: General Fund

**Goal 2: Improve and update facilities in Rose Hill Park**

Objective: Create a master plan for Rose Hill Park and the adjoining John Rixey Moore Parking Lot property. Complete Work in FY19.

Cost: \$3,000

Objective: Replace and/or rehabilitate equipment in John Rixey Moore Playground. Complete work in FY20.

Cost: \$50,000

Funding Source: General Fund

Objective: Renovate walking path connecting the Rose Hill Park gazebo to Main Street. Complete work in FY20.

Cost: \$25,000

Funding Source: General Fund

**Goal 3: Ensure that the Town's water and sewer fees, including availability and user fees, are calculated in a manner that will fund operations and capital improvement needs, while being fair and reasonable.**

Objective: Procure the services of a consulting engineer to complete a water and sewer fee analysis and adopt revised fees. This is to be completed in FY19.

Cost: \$40,000

Funding Source: Water Fund 50% and Sewer Fund 50% (\$20,000 from FY18 and \$20,000 from FY19)

**Goal 4: Ensure that the Town's salary structure is competitive.**

Objective: Complete an in house compensation study and revised classification system. This will be completed in FY19.

Cost: No out of pocket cost

Funding Source: General, Water, and Sewer Funds

Objective: Fund, to the fullest extent possible, needed compensation adjustments identified in the compensation study. This is to be completed by FY21.

Cost: TBD (results of compensation study will provide cost)

Funding Source: General, Water, and Sewer Funds

**Goal 5: Promote public confidence in the Berryville Police Department and promote professionalism within the department**

Objective: Obtain Virginia Law Enforcement Professional Standards Commission Accreditation. To be completed in FY20.

Cost: \$7,000

Funding source: General Fund

**Goal 6: Develop plans that ensure tangible and intangible assets are maintained, accounted for, and maximized to their full potential.**

Objective: Complete an asset inventory for non-enterprise fund assets. To be completed in FY20.

Cost: \$10,000

Funding Source: General Fund

**Goal 7: Work in partnership with the Virginia Department of Transportation to Improve public safety and quality of life through improvements to Buckmarsh Street (U.S. Route 340) and Main Street (VA Route 7 Business).**

Objective: Set a strategy for improvements to East Main Street east of the N&S Railroad crossing that would improve the safety of residents, pedestrians, bicyclists, and drivers.

Cost: TBD

Funding Source: TBD

Objective: Set a strategy for improvements to South Buckmarsh that would improve the safety of residents, pedestrians, bicyclists, and drivers by calming traffic.

Cost: TBD

Funding Source: TBD

Distributed to Town Council on 3/13/18

## BERRYVILLE TOWN COUNCIL

### MOTION TO APPROVE GOALS AND OBJECTIVES FOR FISCAL YEAR 2019

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the following goals and objectives for Fiscal Year 2019:

**Goal 1: Improve Berryville's commercial climate and attract businesses that fulfill the economic development goals of the Town.**

Objective: Attract a hotel to Berryville within the next eighteen months. Complete work in FY20.

Cost: \$12,000

Funding Source: General Fund

Objective: Work cooperatively with Clarke County to amend the annexation agreement in order to create Annexation Area C and provide for expansion of the community's business tax base. Complete work in FY20.

Cost: \$60,000 (\$25,000 of cost for ½ of Transportation Study ( step))

Funding Source: General Fund

Objective: In cooperation with Clarke County create an economic development strategy for the Town.

Cost: \$10,000

Funding Source: General Fund

Objective: Update the national and local historic districts within the Town.

Cost: \$20,000

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**Goal 2: Improve and update facilities in Rose Hill Park**

Objective: Create a master plan for Rose Hill Park and the adjoining John Rixey Moore Parking Lot property. Complete Work in FY19.

Cost: \$3,000

Objective: Replace and/or rehabilitate equipment in John Rixey Moore Playground. Complete work in FY20.

Cost: \$50,000

Funding Source: General Fund

Objective: Renovate walking path connecting the Rose Hill Park gazebo to Main Street. Complete work in FY20.

Cost: \$25,000

Funding Source: General Fund

**Goal 3: Ensure that the Town's water and sewer fees, including availability and user fees, are calculated in a manner that will fund operations and capital improvement needs, while being fair and reasonable.**

Objective: Procure the services of a consulting engineer to complete a water and sewer fee analysis and adopt revised fees. This is to be completed in FY19.

Cost: \$40,000

Funding Source: Water Fund 50% and Sewer Fund 50% (\$20,000 from FY18 and \$20,000 from FY19)

**Goal 4: Ensure that the Town's salary structure is competitive.**

Objective: Complete an in house compensation study and revised classification system. This will be completed in FY19.

Cost: No out of pocket cost

Funding Source: General, Water, and Sewer Funds

Objective: Fund, to the fullest extent possible, needed compensation adjustments identified in the compensation study. This is to be completed by FY21.

Cost: TBD (results of compensation study will provide cost)

Funding Source: General, Water, and Sewer Funds

**Goal 5: Promote public confidence in the Berryville Police Department and promote professionalism within the department**

Objective: Obtain Virginia Law Enforcement Professional Standards Commission Accreditation. To be completed in FY20.

Cost: \$7,000

Funding source: General Fund

**Goal 6: Develop plans that ensure tangible and intangible assets are maintained, accounted for, and maximized to their full potential.**

Objective: Complete an asset inventory for non-enterprise fund assets. To be completed in FY20.

Cost: \$10,000

Funding Source: General Fund

**Goal 7: Work in partnership with the Virginia Department of Transportation to Improve public safety and quality of life through improvements to Buckmarsh Street (U.S. Route 340) and Main Street (VA Route 7 Business).**

Objective: Set a strategy for improvements to East Main Street east of the N&S Railroad crossing that would improve the safety of residents, pedestrians, bicyclists, and drivers.

Cost: TBD

Funding Source: TBD

Objective: Set a strategy for improvements to South Buckmarsh that would improve the safety of residents, pedestrians, bicyclists, and drivers by calming traffic.

Cost: TBD

Funding Source: TBD

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

# Attachment 6

13 March 8, 2018  
Discussion

Appointment to Tree Board

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The Tree Board, which held its organizational meeting on 7 June 2017, provides support to the Town Council on matters relating to landscaping on public properties within the Town.

Julie Abrera, who was appointed to a four-year term on the Board on 5/9/17, has resigned. Mayor Dickinson wishes to make an appointment to fill Ms. Abrera's unexpired term.

Mayor Dickinson intends to appoint Howard Morrison to fill the term in question. Mr. Morrison is an employee of Shenandoah National Park where he serves as a Backcountry Supervisor.

# Attachment 7

# Planning and Community Development

## ***Action Items***

Public Hearings – Text Amendments Related to Craft Beverage Manufacturing

Set Public Hearings – Rosemont Manor Site Plan and Expansion of Special Use Permit

Adoption of Resolution – Modifications to Existing VDOT Resolution

## **March 13, 2018**

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### **Planning Commission**

The February Planning Commission meeting was held on Tuesday, February 27, 2018 at 7:30pm. They set public hearings for a Site Plan for Rosemont Manor in order to construct an events venue. They also set a public hearing to take comment on expanding the Special Use Permit for a country inn use approved in 2009. The applicant has requested that Council set a public hearing for their April meeting. Full reports on these matters are included in this packet. Their next meeting is scheduled for Tuesday, March 27, 2018 at 7:30pm.

### **Berryville Area Development Authority**

The BADA did not hold a February meeting. Their next meeting is scheduled for Wednesday, March 28, 2018 at 7:00pm.

### **Architectural Review Board**

The Architectural Review Board held a meeting on Wednesday, March 7, 2018 and reviewed the following items:

#### **Sign Review**

**Jose Alvarado (Owner, Los Wingeez)** is requesting a Certificate of Appropriateness for a portable freestanding sign, lighting, and outdoor seating for his restaurant located at 24 West Main Street, identified as Tax Map Parcel number 14A2-((A))-58, zoned C General Commercial. *Approved as presented.*

#### **Architectural Review**

**The Bank of Clarke County (John Hudson, Agent)** is requesting a Certificate of Appropriateness for additional awnings to match a previously approved installation at the property located at 2 East Main Street, identified as Tax Map Parcel number 14A2-((A))-70, zoned C General Commercial. *Approved as presented.*

**Sign Review**

**Timothy Johnson (Owner, The Law Offices of Timothy R. Johnson, PLC) is requesting a Certificate of Appropriateness for a projecting sign at his business located at 20-B East Main Street, identified as Tax Map Parcel number 14A2-((A))-72, zoned C General Commercial. *Approved as presented.***

**Sign Review**

**Pamela Hummel (Owner, Pins & Needles Fiber Art) is requesting a Certificate of Appropriateness for a projecting sign at her business located at 23 East Main Street, identified as Tax Map Parcel number 14A5-((A))-77, zoned C General Commercial. *Approved as presented.***

Their next meeting is scheduled for Wednesday, April 4, 2018 at 7:00pm.

**Board of Zoning Appeals**

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

## **BERRYVILLE TOWN COUNCIL**

### **Set Public Hearing – Rosemont Manor Site Plan**

**March 13, 2018**

**Genda Land Holding, LLC (John Lewis, Painter Lewis, PLC, Agent) is requesting Site Plan approval for an event venue to include two structures located at Rosemont Manor, identified as Tax Map Parcel number 14-A-10 zoned Open Space Residential (OSR) and DR-2 Detached Residential 2, in the Town of Berryville. SP 01-18**

Mr. Genda would like to construct and operate an event venue consisting of two structures located on the southwest corner of the Rosemont Manor property identified above. Mr. Genda was previously approved for a rezoning (2017) to accommodate additional Open Space Residential (OSR) zoning which allows the “country inn” use by Special Permit. In order to add to this use, an enlargement of the use of a previously-approved Special Use Permit (SUP) must be approved by Town Council per Section 503.1(c) of the Berryville Zoning Ordinance (please see following staff report). This Site Plan will be under consideration with the SUP expansion request.

Currently the site includes the manor house which offers accommodation, office, dining area, and kitchen facilities; the carriage house which is an event venue; a building that features a dressing room and a meeting area; and several cottages that are offered as accommodation.

As previously referenced, two buildings are proposed with this request. The barn is 5,200 square feet with a patio (under roof) toward the west. The entrance is on the east side of the building. The height of the building at the peak is 33'-7<sup>1</sup>/<sub>4</sub>" which conforms to Section 601.6(a) of the Berryville Zoning Ordinance.

Building elevation drawings have been submitted for the barn but not the second building plan. Staff has requested elevations of the second building from the owner. Staff has also requested additional information concerning parking (e.g., layout, square footage, and distances to specific venues); landscape and lighting plans; and additional land disturbance information concerning utility installation.

### **Zoning Information**

Zoning applied to adjacent property includes:

- AOC (County) to the west and south (Westwood Farm; Jones and Stutzman)
- R-1 Residential to the east (Tyson Drive and Isaac Court)
- DR-4 Detached Residential to the north (Clarke County High School and Battlefield Estates subdivision)

Staff has distributed the Site Plan to the following departments and agencies for review and comment:

- Berryville Public Works
- Pennoni Engineering (Town's consulting engineer)
- Clarke County Building Department
- Clarke County Emergency Services
- VDOT (the access to and from the property are located on Business 7, West Main Street, which VDOT maintains)

The following items are included with this staff report:

- Land Development Application;
- Vicinity Map;
- Site Development Plan;
- Building elevations; and
- Section 601 Open Space Residential from the Berryville Zoning Ordinance.

Planning Commission has set a public hearing on the matter for their March 27, 2018 meeting. The applicant has requested that Town Council set a public hearing for the April meeting. It is anticipated that Planning Commission will make a recommendation to Town Council in time for the April 10, 2018 meeting.

**Recommendation**

Set a public hearing for the April 10, 2018 Town Council meeting.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner GENDA LAND HOLDING LLC

Owner's Address 16 ROSEMONT MANOR LANE BERRYVILLE VA 22611

Phone 540-514-5010

Agent (Contact Person) JOHN LEWIS

Agent's Address 817 CEDAR CREEK CIRADE #120 WINCHESTER VA 22601

Phone 540-662-5792

**Check Appropriate Request:**

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

RECEIVED  
FEB 03  
Town of Berryville, VA

**Complete As Applicable:**

Nature of Request/Proposal: ROSEMONT MANOR EVENT VENUE

Tax Map & Parcel Number(s): 14A-10

Size of Project Site: 0.72 ACRES 2 WAG

Proposed # of Lots: \_\_\_\_\_ Existing Zoning DR-#1, OSR

555 \$4000 PAID 2.5.18

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

Signature: [Signature] Date: 1-22-18

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

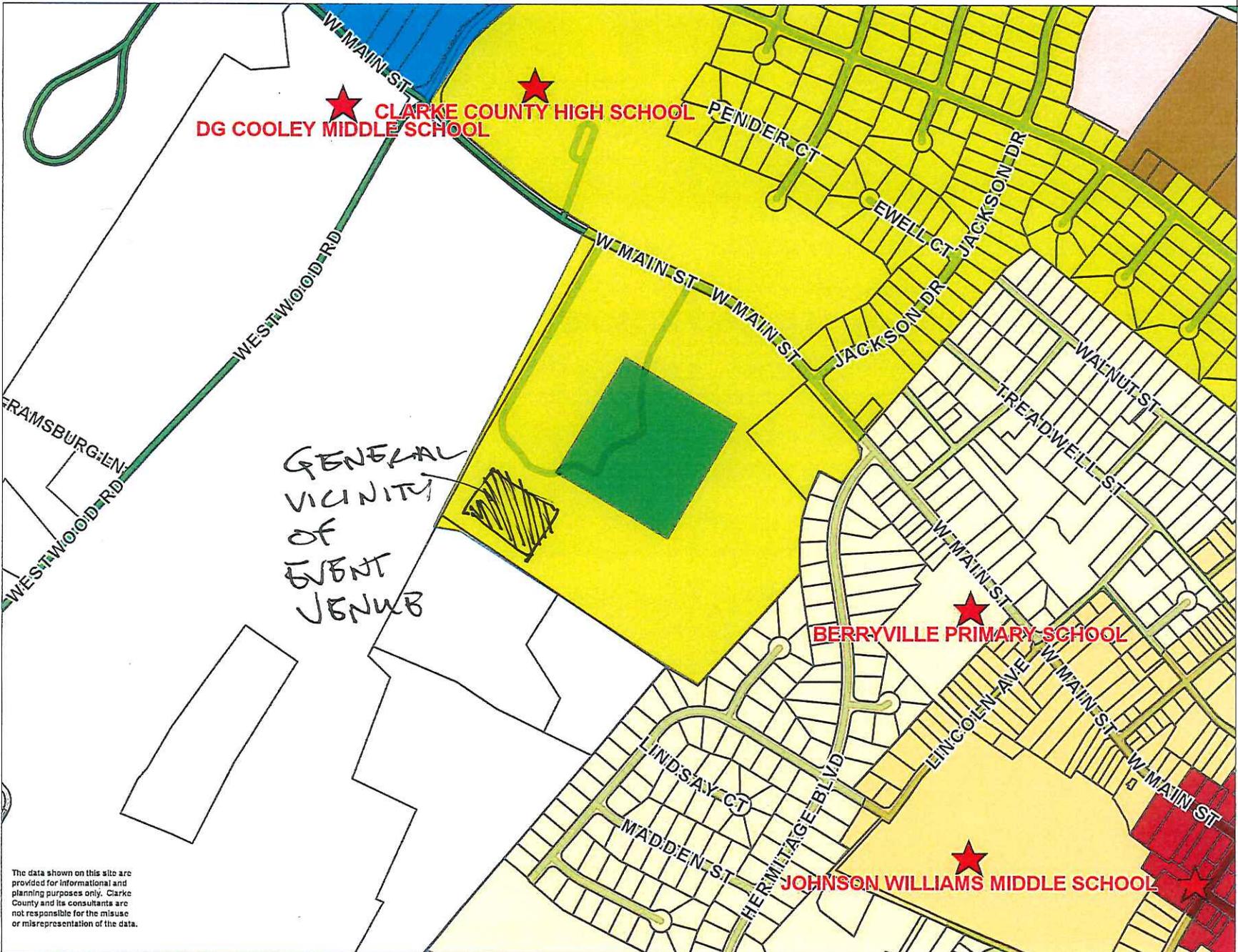
Signature: [Signature] Date: Feb 5, 2018

**OFFICE USE ONLY**

Public Hearing Required? Y Dates Advertised PC: 3.13.18

Adjoining Property Owners Notified? PC: 3.9.18

Action Taken: \_\_\_\_\_



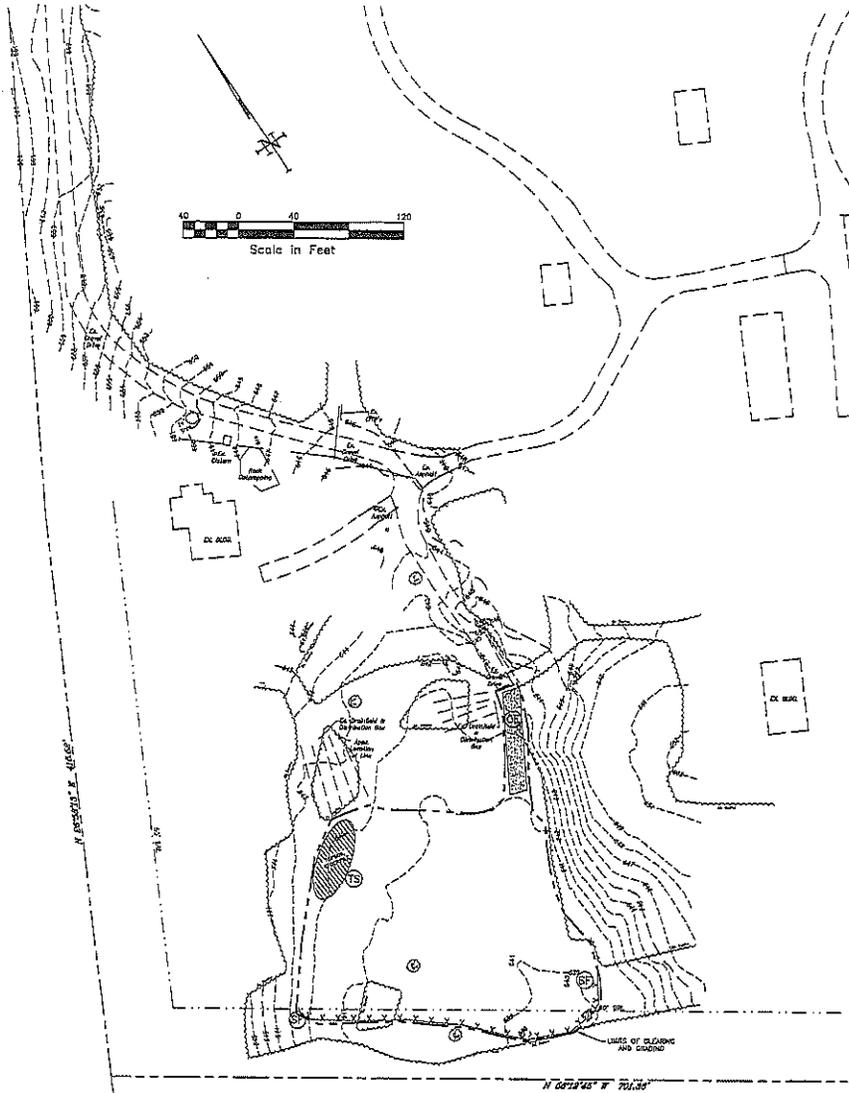
- Public
- Points of Interest
- Parcels
- Berryville Zoning
  - Detached Res-1 (DR-1)
  - Detached Res-2 (DR-2)
  - Detached Res-4 (DR-4)
  - Residential-1 (R-1)
  - Residential-2 (R-2)
  - Residential-3 (R-3)
  - Attached Res (AR)
  - Older Persons Res (OP)
  - Open Space Res (OSF)
  - Business (B)
  - 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

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.

0 840 1680 ft

Printed on 02/21/2018 at 01:25 PM





**Construction Notes:**

- The project consists of the construction of 2 buildings, utilities, access, and vehicle maneuvering area.
- All work and materials must conform to the current standards of Berryville, Virginia, the regulations of the Americans with Disabilities Act, where applicable, and all applicable codes.
- The CONTRACTOR shall be responsible for determining the exact location of all utilities before commencing work and for any damage which occurs by the failure to locate and preserve these utilities. If the CONTRACTOR cannot determine utility lines other than those shown on these plans, the CONTRACTOR shall immediately notify the engineer and take the necessary and proper steps to protect the facility and ensure the consequences of service. Call "MISS UTILITY" @ 811 two days prior to any excavation.
- All existing utilities have been shown based upon the best available information. However, there may be existing utilities which are not shown and about its location. Therefore, it will be the responsibility of the Contractor to verify the location of all existing utilities prior to construction. Any discrepancies between these plans and the actual field conditions shall be reported immediately to the Engineer, the owner, and the appropriate utility company.
- All proposed utilities shall be installed underground.
- It shall be the responsibility of the Contractor to obtain all permits necessary for construction prior to the commencement of work. All approved sets of construction documents shall be present on the site at all times.
- Topographic information was derived from a topographic survey performed by Painter-Lewis, P.L.C. A field survey determined the topographic information which has been based on U.S.C. and G.S. before and a certain distance of one (1) foot has been established for this project. Contact Painter-Lewis, P.L.C. at 540-562-5792 to establish vertical control for project construction.
- No soils report was prepared for this project.
- All road designations indicate face of curb, edge of pavement, or edge of stone pavement, where applicable.
- The Contractor shall coordinate the relocation of and the connection to the existing utilities with the appropriate utility company, where applicable.
- The Contractor is to furnish all materials, labor, and equipment to complete the work as shown and intended on these plans.
- The CONTRACTOR shall show approved construction drawings prior to the start of construction. At least one copy of approved plans and notices shall be kept on-site at all times and available for inspection as needed.
- Blasting is not permitted.
- The CONTRACTOR shall obtain permission from adjoining property owners prior to conducting any off-site construction activities.
- All property corner markers disturbed or otherwise obscured by construction are to be replaced and verified by a certified land surveyor at the CONTRACTOR'S expense.

**Erosion and Sediment Control:**

- All Erosion and Sediment Control measures shall be installed prior to any land disturbing activities. All work shall be done in accordance with the current standards of the Commonwealth of Virginia Erosion and Sediment Control Handbook.
- All work shall be confined to the designated limits of clearing and grading and the property boundaries.
- The Contractor shall be responsible for the installation and maintenance of all Erosion and Sediment Control measures. All measures shall be inspected daily and after each significant rainfall by the site superintendent or his representative. Any damaged structures shall be repaired or replaced by the end of that work day.
- Upon completion of construction, all permanent erosion and sediment control measures shall be installed. After stabilization, the temporary Erosion Control devices shall be removed, as approved by the local inspection authority. All vegetative cover shall be checked regularly and any damaged areas shall be repaired, replanted, replanted, and mulched, as needed.
- The Contractor shall provide adequate means of clearing tracks and other construction equipment prior to entering the public R-2-1A. If necessary, a front rock shall be used as part of the Construction Erosion to help in the control of material mud generated as part of the development of this site. If it is determined that this is not sufficient, then a wash rack shall be installed, as needed. It is the responsibility of the Contractor to maintain clean streets and to stay out of all times.

**Paving and Concrete:**

- The proposed road drive aisles and parking areas shall receive the minimum pavement sections, as detailed on the plans. All points of connection with the existing pavement sections shall be graded as required to provide a smooth transition between the pavement sections.
- Pavement materials designations refer to VDOT standards. All work shall be done in accordance with standard practices.

**Excavation and Grading:**

- Test pits shall be excavated to determine the depths and locations of all of the existing utilities. If utilities exist, then the existing utilities shall be lowered or moved to promote the stabilization of the proposed development.
- All deleterious materials, denuded earth, and cleared and grubbed materials shall be removed and properly disposed of at the disposal of the owner.
- All topsoil or vegetable cover shall be excavated to its full depth and stockpiled on-site, if applicable. In the areas so directed by the Owner's representative for future finish grading.
- All borrow fill material, if necessary, shall be obtained by the Contractor and approved by a Certified Geo-Technical Engineer. All fill material shall be placed in lifts of 4" or less and shall be compacted to 92% of ASTM 0-200 Maximum Dry Density, or as directed by the Geotechnical Engineer.
- All landscaped islands, slopes, and lawn areas shall receive a minimum of 4" topsoil obtained off-site or from the topsoil stockpile on site. The topsoil shall be graded and raked, prior to application of permanent vegetative cover.
- All disturbed lawn areas shall be stabilized by the establishment of permanent turf grass installed in accordance with generally accepted practices.

**PHASE 1 SITE PLAN OF CONSTRUCTION:**

- Install construction entrances.
- Install all fences along the downstream perimeter of work areas.
- Strip, stockpile and stabilize topsoil in location shown on the Site Erosion and Sediment Control Plan. Apply temporary seeding.
- Perform rough grading for access and building pads. Apply temporary seeding.

**EROSION & SEDIMENT CONTROL MEASURES**

3.01 TEMPORARY EROSION PREVENTION	3.02 Silt Fence	3.03 Temporary Seeding

REVISION	DATE	BY

EXISTING CONDITIONS  
PHASE 1 E&S PLAN  
CONSTRUCTION NOTES

ROSEMONT MANOR  
SITE DEVELOPMENT PLAN  
TOWN OF BERRYVILLE  
CLARKE COUNTY, VIRGINIA

PAINTER-LEWIS, P.L.C.  
617 Cedar Creek Circle, Suite 120  
Berryville, VA 22611  
Telephone (540) 842-2792  
Facsimile (540) 842-2793  
Email: [office@painter-lewis.com](mailto:office@painter-lewis.com)



DATE: 1/22/10  
SHEET: 2/6

DESIGNED BY: JLD  
CHECKED BY: JLD  
DATE: 1/22/10  
SHEET: 2/6













ISSUE

FOR REVIEW

PROJECT

EVENT BARN

PROJECT NO.

17055

DRAWN BY

P.S.C.

HISTORIC ROSEMONT MAONR

16 ROSEMONT MANOR LN.  
BERRYVILLE, VA 22811

OURBRY VIEW CONSTRUCTION, LLC

*Building on Promises. Kept*



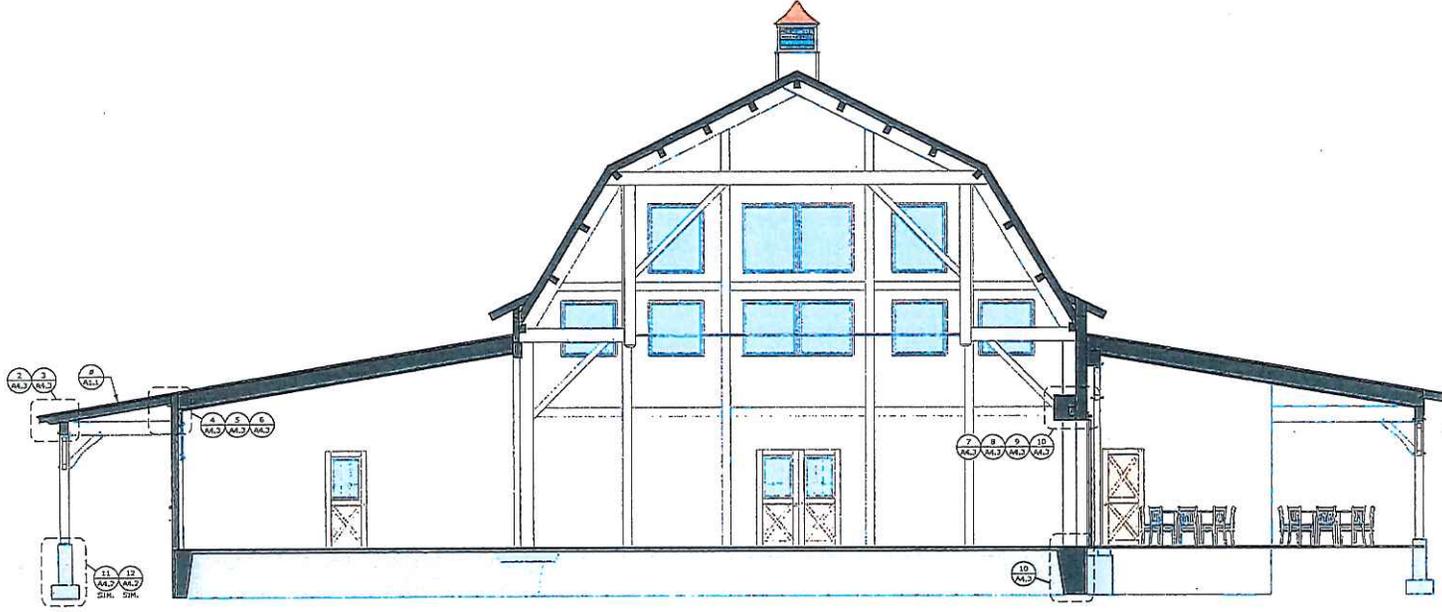
685 HARTMAN STATION RD.  
LANCASTER, PA 17601  
(717) 283-4870

ENGEL ARCHITECTS

1854 LINCOLN HIGHWAY EAST  
LANCASTER, PA 17602  
(717) 392-8021

PROJECT # \_\_\_\_\_ REV. BY \_\_\_\_\_

1/24

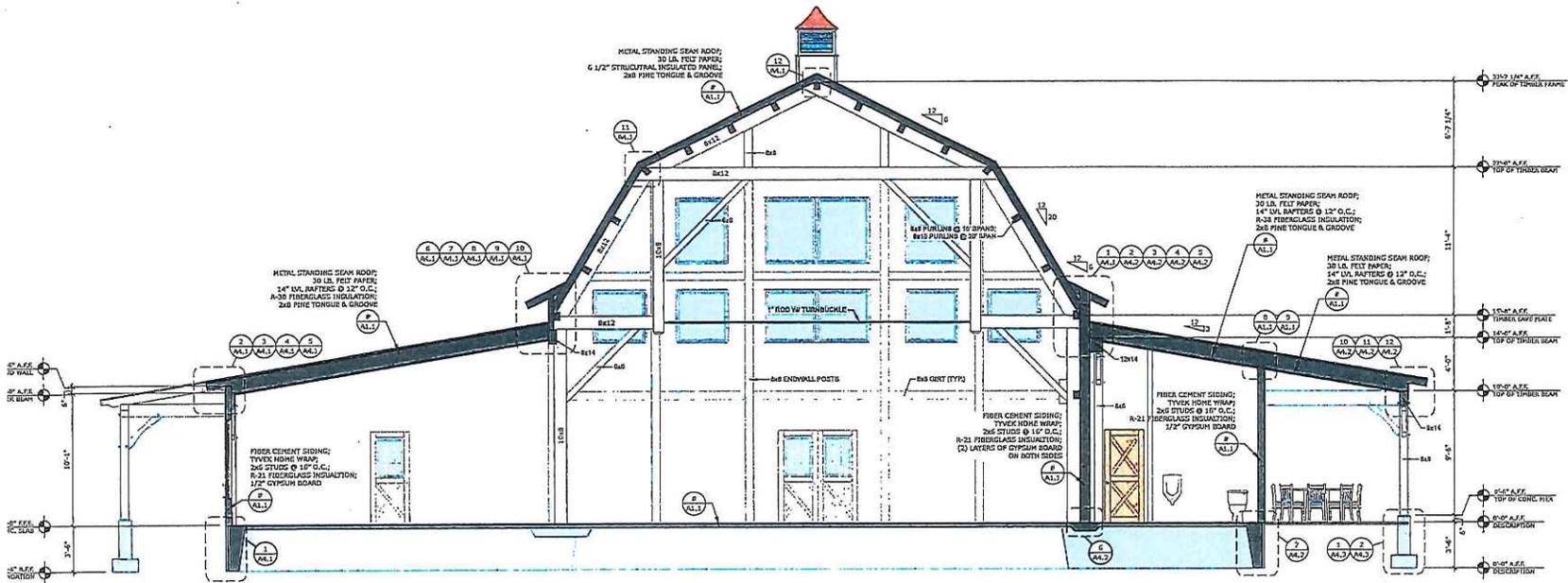


ISSUE	PROJECT	ENGINEER	ARCHITECT
FOR REVIEW	EVENT BARN	QUERRYVIEW CONSTRUCTION, LLC	ENGEL ARCHITECTS
	PROJECT NO.	<i>Building on Frontiers &amp; Keys</i>	1854 LINCOLN HIGHWAY EAST
	17830	695 HARTMAN STATION RD.	LANCASTER, PA, 17602
	DRAWN BY	LANCASTER, PA 17601	(717) 392-9021
	P.S.C.	(717) 283 4670	PROJECT # _____ REV. BY _____

**HISTORIC ROSEMONT MAONR**  
 16 ROSEMONT MANOR LN.  
 BERRYVILLE, VA 22811

**QVC**  
 QUERRYVIEW CONSTRUCTION, LLC  
*Building on Frontiers & Keys*  
 695 HARTMAN STATION RD.  
 LANCASTER, PA 17601  
 (717) 283 4670

**ENGEL ARCHITECTS**  
 1854 LINCOLN HIGHWAY EAST  
 LANCASTER, PA, 17602  
 (717) 392-9021  
 PROJECT # \_\_\_\_\_ REV. BY \_\_\_\_\_



# FLOOR PLAN  
SCALE: 1/8" = 1'-0"

ENGEL ARCHITECTS  
1854 LINCOLN HIGHWAY EAST  
LANCASTER, PA 17602  
(717) 392-8021  
PROJECT # \_\_\_\_\_ REV. BY \_\_\_\_\_

QUARRYVIEW CONSTRUCTION, LLC  
Building on Premier & Kpt  
**QVC**  
695 HARTMAN STATION RD.  
LANCASTER, PA 17601  
(717) 283 4870

HISTORIC ROSEMONT MAONR  
16 ROSEMONT MANOR LN.  
BERRYVILLE, VA 22811

PROJECT	EVENT BARN
PROJECT NO.	1708
DRAWN BY	P.S.C.
ISSUE	FOR REVIEW



**Section 601 Open Space Residential (OSR) District**

**ARTICLE VI – ADDITIONAL DISTRICTS (2/90)**

**SECTION 600 - GENERAL PROVISIONS**

**600.1 APPLICATION**

The additional zoning districts described in Article VI shall apply to designated property within the Berryville Town Limits.

**600.2 INCONSISTENCIES BETWEEN ARTICLE VI AND THE REMAINING PARTS OF THIS ORDINANCE**

All other parts of the Berryville Zoning Ordinance which are inconsistent with the provisions of Article VI shall be invalid as they relate to any districts within Article VI.

**(4/92) SECTION 601 - OPEN SPACE RESIDENTIAL**

**601.1 PURPOSE AND INTENT**

The Open Space Residential (OSR) District is created to preserve and protect two sensitive areas in the Town of Berryville and within the precincts of the Berryville Area Plan: (1) existing residential properties and estates which have cultural and/or historical value, and (2) property with critical environmental features, including 100-year floodplains, sinkholes, slopes in excess of fifteen (15) percent, and rock outcrops. The maximum density of one residence per ten (10.0) net developable acres establishes this district as one with a low-density residential character. This district shall have the intent of preserving valued residences, promoting open space, and protecting existing vegetation and sensitive environmental areas within the district boundaries.

**601.2 PERMITTED USES**

- (a) Single family detached dwellings.
- (b) Accessory uses to include detached carports and garages, tool sheds, children's playhouses, swimming pools, doghouses and Temporary Family Health Care Structures as established in Section 323. **(11/10)**
- (c) Municipal utilities.

**601.3 SPECIAL PERMIT USES**

- (a) Commercial swimming pools, tennis courts, and golf courses.
- (b) Home occupations as defined in Section 315. **(12/93)**
- (c) Libraries, museums, and shrines.
- (d) Plant nurseries, with no sale of nursery products permitted on premises.
- (e) Private and public schools, parks, playgrounds, and related uses.
- (f) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (g) Country inn. **(6/09)**

**601.4 MAXIMUM DENSITY**

- (a) One (1.0) dwelling unit per ten (10.0) net developable acres or one-tenth (0.1) unit per net acre.
- (b) A maximum floor area ratio of 0:10 shall apply to uses other than residential.

Section 601 Open Space Residential (OSR) District

601.5 LOT SIZE REQUIREMENTS

- (a) Minimum lot area: 10 acres
- (b) Minimum lot width: 300 feet
- (c) Minimum lot depth: 300 feet

601.6 BULK REGULATIONS

- (a) Maximum building height: 35 feet
- (b) All other structures: 35 feet
- (c) Minimum yard requirements
  - (1) Front yard: 50 feet (7/04)
  - (2) Side yard: 50 feet (7/04)
  - (3) Rear yard: 50 feet (7/04)

601.7 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 317 Karst Features for additional requirements (7/04)
- (e) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. (12/14)

## **BERRYVILLE TOWN COUNCIL**

### **Set Public Hearing – Special Use Permit Expansion**

**March 13, 2018**

**Genda Land Holding, LLC (John Lewis, Painter Lewis, PLC, Agent) is requesting an expansion of an approved Special Use Permit (SUP 02-09) for Rosemont Manor, identified as Tax Map Parcel number 14-A-10 zoned Open Space Residential (OSR), in order to expand the Country Inn use. SUP 01-18**

In June of 2009, Mr. Genda, Owner of Rosemont Manor, requested the following actions which were approved by Town Council:

- Rezoning 01-09 which added one acre to the Open Space Residential (OSR) to the parcel;
- Text Amendment TA 03-09 which established a definition for the “country inn” use in Article I of the Berryville Zoning Ordinance;
- Text Amendment TA 02-09 which enabled country inns to be a use by Special Permit in the OSR Zoning District of the Berryville Zoning Ordinance;
- Text Amendment TA 04-09 which modified signage allowances for commercial applications with an approved Special Use Permit in the OSR Zoning District; and
- Special Use Permit SUP 02-09 which allowed the operation of the country inn use on the site with conditions.

Conditions set by Town Council for the Special Use Permit are as follows:

1. All activities associated with the approved Special Use Permit shall be contained within the OSR Zoning District;
2. No outside/event related activities may occur between 11:00pm and 8:00am;
3. The removal of any mud or debris from vehicles existing the site shall be cleaned from the public right-of-way on West Main Street per regulations established in the *Virginia Erosion and Sediment Control Handbook*;
4. The parking area designated for special events shall not be paved;
5. No access shall be provided for the country inn use from Tyson Drive;
6. Final approval of the site entrance shall be approved by VDOT [this occurred, identifying the main entrance as ingress only with the egress from the western driveway on the property]; and
7. Any screening plants on the site at the time of approval may be removed only if necessitated by plant death or disease and replacement plant material shall be installed in a timely manner.

Section 503.1(c) requires that, once the Special Use Permit is granted by Town Council, the use may not be enlarged, extended, or increased in intensity or relocated unless authorized by Council. Please note that the country inn use is permitted only within the OSR Zoning District.

## **Country Inn Use**

The following definition was approved by Town Council in 2009:

*Article I Definitions, Berryville Zoning Ordinance*

**Country Inn** - *An establishment offering for compensation to the public not more than 12 guestrooms for transitory lodging or sleeping accommodations of note more than 14 days of continuous occupancy. As accessory uses to a Country Inn, meal services and/or permanent places of public assembly may be provided. The Total maximum capacity of areas used for meal service and/or places of public assembly for special events shall be 500 people without additional permitting provided that areas to be used for this purpose, including food service and parking, are provided for on an approved site plan on the site on which the inn is located.*

The following items follow this report:

- Approval letter dated June 11, 2009 to Mr. Chip Schutte outlining approvals made and conditions set by Town Council relating to the Rosemont property;
- Site Plan identifying OSR rezoning from 2009; and
- Section 503 Special Use Permit of the Berryville Zoning Ordinance.

Planning Commission has set a public hearing on the matter for their March 27, 2018 meeting. The applicant has requested that Town Council set a public hearing for the April meeting. It is anticipated that Planning Commission will make a recommendation to Town Council in time for the April 10, 2018 meeting.

## **Recommendation**

Set a public hearing for the April 10, 2018 Town Council meeting.

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



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

www.berryvilleva.gov

June 11, 2009

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

Dear Chip:

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

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

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

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

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

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

*(continued)*

Wilson Kirby  
*Mayor*

Harry Lee Arnold, Jr.  
*Recorder*

*Council Members*

Lawrence Russell, III  
*Ward 1*

H. Allen Kitselman, III  
*Ward 2*

Mary L. Daniel  
*Ward 3*

Gail Smith  
*Ward 4*

Keith R. Dalton  
*Town Manager*

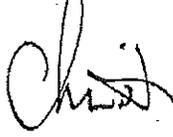
The Special Use Permit was approved with the following conditions:

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

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

If I can be of further assistance, please contact me at [planner@berryvilleva.gov](mailto:planner@berryvilleva.gov) or 955-4081.

Sincerely,

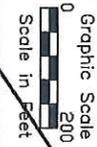


Christy Dunkle  
Assistant Town Manager

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

Enc./1

CURVE	ARC	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	171.22°	0324.01"	2885.00'	85.64'	N63°58'58"W	171.18'
C2	470.00°	2409.18"	1114.84'	238.54'	S53°36'20"E	468.57'



SURVEY: N/A  
 DRAWN BY: P-L  
 SCALE: 1/1  
 DATE: 02/10/17  
 SHEET: 1/1



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

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

## Section 502 – Certificate of Occupancy

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

### **SECTION 503 - SPECIAL USE PERMIT**

#### **503.1 PROVISIONS FOR SPECIAL USE PERMITS**

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

## Section 503 – Special Use Permit

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

### **503.2 APPLICATIONS**

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

### **503.3 APPLICATION REQUIREMENTS**

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

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

### **503.4 APPLICATION PROCEDURE**

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

**BERRYVILLE TOWN COUNCIL**  
**Resolution – VDOT Revenue Sharing**  
**March 13, 2018**

Due to policy changes at VDOT since the Town applied for the Revenue Sharing funding for crosswalk signs, VDOT has requested a new resolution of support that include the two following statements:

*NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Berryville hereby commits to funds its local share of preliminary engineering, right-of-way, and construction of the project under agreement with the Virginia Department of Transportation in accordance with the project financial documents.*

*BE IT FURTHER RESOLVED, that the Berryville Town Manager is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.*

Once the new resolution is passed, staff will forward the executed documents (resolution, programmatic agreement, and appendices) to Staunton District personnel.

Please note that the installation of the facilities that were funded by this Revenue Sharing project were installed in November, 2017.

The following items are included with this report:

- The original resolution (adopted November 10, 2015);
- Programmatic Project Administration Agreement;
- Appendices A and B;
- Updated resolution; and
- Motion for adoption.

**Recommendation**

Approve the attached resolution.

**RESOLUTION OF TOWN OF BERRYVILLE**

At a regularly scheduled meeting of the Town of Berryville Town Council on November 10, 2015, on a motion by Mary Daniel, seconded by Doug Shaffer, the following resolution was adopted by a vote of 5 (yay) to 0 (nay) to 1 (absent):

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

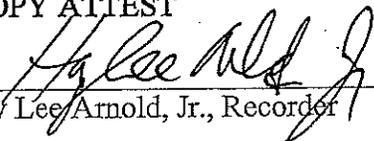
WHEREAS, \$13,500 of these funds are requested to fund a pedestrian activated flashing crossing light on South Buckmarsh Street at the intersection of Swan Avenue; and,

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

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

ADOPTED this 10th day of November, 2015

A COPY ATTEST

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

Mr. Dalton said that VDOT and the State Police had been planning to be in Town addressing truck traffic concerns on Buckmarsh Street, but he has not heard from them yet. He added that the Town is planning another traffic study on Buckmarsh Street, and was waiting for the new striping to be complete, which has just happened.

8. Report of Keith Dalton, Town Manager

Mr. Dalton said the Planning Commission is moving forward with blight abatement at 203 Moore Drive which suffered a fire last spring and is now owned by FNMA. He stated that the property owner failed to respond to his notice; therefore he has developed a blight abatement plan that will be submitted to

**PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT**  
**Revenue Sharing Projects**

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the Town of Berryville, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY may, in accordance with §33.2-357 of the *Code of Virginia* (1950), as amended (the *Code*), and Commonwealth Transportation Board (CTB) policy, submit application(s) for Revenue Sharing funding and may also administer projects approved for Revenue Sharing funding by the CTB; and

WHEREAS, Appendix A documents the funding allocated to each Project and shall be developed and included as an attachment to this agreement. Such attachment may be amended, revised or removed or an additional Appendix A may be added as additional projects or funding is approved by the CTB and allocated to the LOCALITY to finance the Project(s) within the term of this Agreement without the need to execute an additional project administration agreement; and

WHEREAS, current and future projects approved for Revenue Sharing funding by the CTB within the term of this agreement and subject to the terms and conditions specified herein shall be identified on a list which will be included as an attachment to this Agreement as Appendix B. Such attachment may be amended as additional projects are approved by the CTB and shall be signed by an authorized LOCALITY and VDOT official, without the need to execute an additional project administration agreement. If any active project with an existing agreement is incorporated herein, the original project agreement shall automatically terminate upon inclusion in this programmatic agreement of an updated Appendix A and an amended Appendix B to reflect that project; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in the attachments in accordance with applicable federal, state and local laws and regulations and that the locality will certify compliance with those laws and regulations as prescribed by the Department.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. This agreement shall be effective for an initial period of THREE fiscal years (each year beginning July 1<sup>st</sup> - June 30<sup>th</sup>) and may be extended by an addendum signed by each party for one additional term of THREE fiscal years unless a change in policy or the *Code* necessitates a change in terms and conditions before the term of this agreement shall have passed. This Agreement shall NOT extend beyond SIX fiscal years. In the event that a new agreement becomes necessary during the life of this Agreement, Appendix A and Appendix B may be incorporated within the new approved agreement upon mutual agreement by both parties.

2. The LOCALITY shall:
  - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown on the Appendix B and on the respective Project's Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
  - b. Receive individual prior written authorization from the DEPARTMENT to proceed with each project.
  - c. Administer the Project(s) in accordance with guidelines applicable to state funded Locally Administered Projects as published by the DEPARTMENT.
  - d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the State Certification Form for State aid projects or in another manner as prescribed by the DEPARTMENT for each project included in Appendix B.
  - e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.
  - f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date Project summary and schedule tracking payment requests and adjustments.
  - g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the *Code*, or other applicable provisions of state law or regulations require such reimbursement.
  - h. Pay the DEPARTMENT the LOCALITY's matching funds for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 3.a.
  - i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill these obligations may result in the forfeiture of state-aid reimbursements. DEPARTMENT and LOCALITY staffs will work together to cooperatively resolve any issues that are identified so as to avoid any forfeiture of state-aid funds.

- j. If legal services other than those provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
  - k. For projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
3. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
  - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 2.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible Project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
  - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
  - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
4. Appendix A identifies the specific funding sources for each Project under this Agreement, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
5. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the *Code*.
6. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project under this agreement is anticipated to exceed the allocation shown for such Project on the respective Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however

the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.

7. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
8. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
9. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
10. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 2.f, 2.g, and 3.b, subject to the limitations established in this Agreement and Appendix A. Should the LOCALITY unilaterally cancel a project agreement, the LOCALITY shall reimburse the DEPARTMENT all state funds reimbursed and expended in support of the project, unless otherwise mutually agreed-upon prior to termination.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to any project, this agreement is no longer applicable to that project and the applicable Appendix A shall be removed from this agreement and the Standard Project Administration Agreement for Federal-aid Projects executed for that project.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

**TOWN OF BERRYVILLE, VIRGINIA:**

\_\_\_\_\_

\_\_\_\_\_  
Typed or printed name of signatory

\_\_\_\_\_

Title

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Witness

\_\_\_\_\_

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_

Chief of Policy

\_\_\_\_\_

Date

Commonwealth of Virginia

Department of Transportation

\_\_\_\_\_

Signature of Witness

\_\_\_\_\_

Date

**Attachments**

Appendix A (for each project covered under this Agreement)

Appendix B (listing each project covered under this Agreement)

**APPENDIX A**

Project Number: **0340-168-R17** UPC: **108671** Locality: **Town of Berryville**

Project Location ZIP+4: Swan Ave., Berryville, VA 22611-1220	Locality DUNS# 054081377	Locality Address (incl ZIP+4): 101 Chalmers Ct, Berryville, VA 22611-1387
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**Project Narrative**

Scope: Construct an activated pedestrian crosswalk flasher at the intersection of South Buckmarsh Street and Swan Avenue in the Town of Berryville.

From: .01 MI South of Swan Ave

To: .01 MI North of Swan Ave

Locality Project Manager Contact info: Christy Dunkle 540-955-4081

Department Project Coordinator Contact Info: Steven Damron 540-332-7389

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$7,250	\$2,500	\$15,000	\$24,750
Estimated VDOT Project Expenses	\$750	\$500	\$1,000	\$2,250
Estimated Total Project Costs	\$8,000	\$3,000	\$16,000	\$27,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type <i>(Choose from drop down box)</i>	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$8,000	Revenue Sharing	50%	\$4,000	\$4,000	
				\$0	\$0	
				\$0	\$0	
<b>Total PE</b>	<b>\$8,000</b>			<b>\$4,000</b>	<b>\$4,000</b>	
Right of Way & Utilities	\$3,000	Revenue Sharing	50%	\$1,500	\$1,500	
				\$0	\$0	
<b>Total RW</b>	<b>\$3,000</b>			<b>\$1,500</b>	<b>\$1,500</b>	
Construction	\$16,000	Revenue Sharing	50%	\$8,000	\$8,000	
				\$0	\$0	
<b>Total CN</b>	<b>\$16,000</b>			<b>\$8,000</b>	<b>\$8,000</b>	
<b>Total Estimated Cost</b>	<b>\$27,000</b>			<b>\$13,500</b>	<b>\$13,500</b>	<b>\$11,250</b>

<b>Total Maximum Reimbursement by VDOT to Locality (Less Local Share)</b>	<b>\$13,500</b>
<b>Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)</b>	<b>\$11,250</b>

Project Financing					
Revenue Sharing State Match	Revenue Sharing Local Match				Aggregate Allocations (A+B+C+D+E+F)
\$13,500	\$13,500				\$27,000

- Program and project Specific Funding Requirements**
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
  - The project will be constructed and maintained in accordance with VDOT's: Urban Manual (List Appropriate Guide or Manual)
  - This project is a Revenue Sharing project and must follow the procedures set forth in the Guide to the Revenue Sharing Program.
  - The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
  - This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$13,500 (if applicable)
  - Estimated eligible VDOT expenses are based on VDOT processing SERP (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
  - In accordance with §33.2-357 of the Code of Virginia, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by July 1, 2017 the project may be subject to deallocation.
  - This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects. Any revision to this Appendix A will also require a revision to the Appendix B that is part of the agreement.
  - Revenue Sharing Funds above consist of the following Fiscal Years:
    - FY 17 - \$27,000 - \$13,500 (State) \$13,500 (Local)

\_\_\_\_\_  
 Authorized Locality Official and date

\_\_\_\_\_  
 Typed or printed name of person signing

\_\_\_\_\_  
 Authorized VDOT Official  
 Recommendation and Date

Steven K. Damron  
 \_\_\_\_\_  
 Typed or printed name of person signing



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



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

## RESOLUTION OF THE TOWN OF BERRYVILLE

At a regularly scheduled meeting of the Town of Berryville Town Council on March 13, 2018, on a motion by [name of Council member], seconded by [name of Council member], the following resolution was adopted by a vote of [#] to [#]:

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

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

NOW, THEREFORE BE IT RESOLVED, that the Council of the Town of Berryville hereby commits to fund its local share of preliminary engineering, right-of-way and construction of the project under agreement with the Virginia Department of Transportation in accordance with the final project financial documents.

BE IT FURTHER RESOLVED, that the Berryville Town Manager is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

Adopted this 13<sup>th</sup> day of March, 2018.

A COPY ATTEST

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Harry Lee Arnold, Jr., Recorder

**Patricia Dickinson**  
*Mayor*

**Harry Lee Arnold, Jr.**  
*Recorder*

*Council Members*

**Donna Marie McDonald**  
*Ward 1*

**Allen Kitseiman, III**  
*Ward 2*

**Erecka L. Gibson**  
*Ward 3*

**David L. Tollett**  
*Ward 4*

**Keith R. Dalton**  
*Town Manager*

BERRYVILLE TOWN COUNCIL

MOTION FOR APPROVAL OF MODIFICATIONS TO A  
RESOLUTION REQUESTING REVENUE SHARING FUNDS FROM VDOT

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached resolution modifying a previously approved VDOT Revenue Sharing Project resolution, originally adopted on November 10, 2015, due to VDOT policy changes since the time of application.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

# Attachment 8

*13 March 2018*

At its 13 February meeting, the Council held a public input session regarding the request in question.

After receiving input, the Council directed the Town Manager to prepare a project implementation plan for its review. The Council also advised the HOA to work with members of the association to address concerns that have been expressed. It was expected that this matter would be reviewed again at the Council's March meeting.

On 21 February the HOA (through their property management contractor) provided notice to property owners in the HOA that a meeting will be held regarding this matter on 27 March. As stated in the meeting notice, the purpose of the meeting "will be to discuss replacing the blue trash totes with (6) 6 yard dumpsters." Also in accordance with the notice, "A vote to move forward or not on this project will be called for at this meeting per our association Articles of Incorporation and By-Laws."

Mrs. Coumes asked that this matter be addressed by the Town Council at its April meeting.

Staff suspended work on the implementation plan because of the pending vote and the request of Mrs. Coumes to delay discussion until April.

Please find attached:

- Email from Dale Coumes to KRD dated 3/5/18 (1 page)
- Meeting notice and proxy (2 pages)

*13 February 2018*

At its 9 January meeting, the Council agreed to hold a public input session on this matter at its 13 February 2018 meeting. The public input session was advertised with the public hearings being held this evening. At Council's request, the Battletown Homeowners Association mailed notice of this meeting to each of the development's owners (and tenants in the case of rental units).

Staff received one email regarding this matter and fielded two other calls. Concerns expressed included: new arrangement would be more difficult for handicapped and elderly residents to manage, dumping of large items in the dumpsters, sanitation in the areas around the dumpsters, and loss of parking spaces.

Please find attached:

- HOA Proposal Packet
- Public Hearing Notice (this matter included)
- Mailed notice
- Comment received by email

If after receiving public comment and reviewing the proposal, the Town Council approves of the proposal in concept and is inclined to move forward, then staff recommends that the Town Council direct it to further evaluate the details of the proposal and develop a plan (including schedule) for implementation of the new collection regimen (during this timeframe the HOA would apply to the Town

Planner for approval of dumpster locations). This additional detail would be provided to the Town Council at its March meeting for approval.

*9 January 2018*

The Battletown Subdivision is a neighborhood of 144 townhouses that was developed in the 1970's and 1980's while the property was outside of the Town's corporate limits. The original development plan did not include dumpster sites. Accordingly, the Town provides curbside refuse and recyclables collection to each of the 144 townhouses weekly.

Since the Town adopted automated refuse collection several years ago, the Battletown Homeowners Association (HOA) has observed that the toters present some problems for the residents. Some residents would have to roll their toters from their back yards through their homes to place them for collection: instead, these residents typically store the toters in front of their units. In some areas of the neighborhood the individual toter collection occurs in parking lots, which presents challenges for collection. It has also been noted that refuse and recyclables collection in the neighborhood is particularly difficult after snow events.

The HOA contacted the Town to propose a change to the way refuse and recyclables are collected within the neighborhood. They propose that the Town agree to collect the neighborhood's waste and recyclables from 6 locations two times per week.

The HOA proposes:

- HOA would construct and maintain six collection sites in the development
- Town would eliminate all curbside collection within the neighborhood
- Town would have its contractor service the dumpster sites two times per week

The HOA contends that the new collection approach would eliminate clutter and reduce conflicts. Further, when examined by the Town's current refuse collection contractor, the proposal resulted in a slight savings to the Town.

The HOA would like approval of this collection approach and the collection sites. With that approval in hand, the HOA would have the sites constructed. Once the sites were constructed, the collection sites would be opened and curbside collection would be ended.

Please find attached the packet provided by the HOA.

If the Town Council agrees to consider this request, then staff recommends that a public input session be scheduled for the February meeting.

# Attachment 9

At its January meeting, the Town Council authorized the Town Manager to proceed with procurement of a contractor to complete the temporary cul-de-sac on the northern terminus of McNeil Drive and to proceed with award of the contract so long as the bid was in conformity with the agreement with McDonald's Corporation.

The bids were opened on 27 February and the apparent low bid was \$15,459 or \$2,084 over what the Town received from McDonald's.

Please find attached:

- Bid tab sheet
- Motions

The Council is being asked to determine whether to accept the low bid or to reject all bids. If the bids are rejected, then the Town may decide to return the funds to McDonald's or to re-bid the project at some time in the future.



BERRYVILLE TOWN COUNCIL  
MOTION CONCERNING  
REHABILITATION OF  
MCNEIL DRIVE TEMPORARY CUL-DE-SAC

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville authorize the Town Manager to award the contract to Pine Knoll Construction and sign any and all contract related documents in regard to the rehabilitation of the temporary cul-de-sac McNeil Drive.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

---

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL  
MOTION CONCERNING  
REHABILITATION OF  
MCNEIL DRIVE TEMPORARY CUL-DE-SAC

Date: March 13, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville reject all bids received in the above referenced offering.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

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Harry Lee Arnold, Jr., Recorder

# Attachment 10

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**FINANCE AND ADMINISTRATION STAFF REPORT**

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**TO:** TOWN COUNCIL  
**FROM:** DESIREE MORELAND, TREASURER  
**SUBJECT:** MONTHLY REPORTS  
**DATE:** 3/6/2018  
**CC:** KEITH DALTON, TOWN MANAGER

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**A/P Check Listing**

Checks issued in February 2018.

**Bank of America/P-Card Statement**

January 2018 P-Card Purchases that were paid on February 25, 2018.

Council needs to set a **2018 Tax Rate Public Hearing** for the April 10, 2018 meeting.



BERRYVILLE TOWN OF  
DESIRÉE MORELAND  
XXXX-XXXX-XXXX-

January 01, 2018 - January 31, 2018

**Purchasing Card**

**Company Statement**

Account Information	Payment Information	Account Summary
<b>Mail Billing Inquiries to:</b> BANKCARD CENTER PO BOX 982238 EL PASO, TX 79998-2238  <b>Customer Service:</b> 1.888.449.2273 24 Hours  <b>TTY Hearing Impaired:</b> 1.800.222.7365 24 Hours  <b>Outside the U.S.:</b> 1.509.353.6656 24 Hours  <b>For Lost or Stolen Card:</b> 1.888.449.2273 24 Hours	Statement Date ..... 01/31/18 Payment Due Date ..... <b>02/25/18</b> Days in Billing Cycle ..... 31 Credit Limit ..... \$500,000 Cash Limit ..... \$0 <b>Total Payment Due ..... \$72,192.81</b>	Previous Balance ..... \$59,451.13 Payments ..... -\$59,451.13 Credits ..... -\$145.19 Cash ..... \$0.00 Purchases ..... \$72,338.00 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 <b>Current Balance ..... \$72,192.81</b>

**Important Messages**

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 02/23/18.

**Cardholder Activity Summary**

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
<b>BOOR, RICK</b> XXXX-XXXX-XXXX- 15,000	0.00	0.00	13,651.04	13,651.04
<b>BOOTH, KEVIN</b> XXXX-XXXX-XXXX- 1,000	0.00	0.00	286.45	286.45

5945113 7219281 7219281 4715291201837237

Account Number: XXXX-XXXX-XXXX-  
January 01, 2018 - January 31, 2018

**Total Payment Due ..... \$72,192.81**  
**Payment Due Date ..... 02/25/18**

Enter payment amount

\$

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

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



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



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

\*\*N0020719

54999001100051201837237



**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](http://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.



18390310 - 020719 - 0001 - 0003 - 2

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.

**Cardholder Activity Summary**

<i>Account Number</i> <i>Credit Limit</i>	<i>Credits</i>	<i>Cash</i>	<i>Purchases and Other Debits</i>	<i>Total Activity</i>
<b>BRISTOL, TIM</b> XXXX-XXXX-XXXX- 500	0.00	0.00	134.98	134.98
<b>BUSSERT, ERNIE</b> XXXX-XXXX-XXXX- 500	0.00	0.00	157.42	157.42
<b>DORSEY, DANIEL</b> XXXX-XXXX-XXXX- 500	0.00	0.00	37.23	37.23
<b>ELLIOTT, RALPH</b> XXXX-XXXX-XXXX- 5,000	0.00	0.00	2,374.50	2,374.50
<b>FERREBÉE, DARRELL</b> XXXX-XXXX-XXXX- 500	0.00	0.00	220.74	220.74
<b>FIDDLER, HEATHER</b> XXXX-XXXX-XXXX- 15,000	0.64	0.00	984.38	983.74
<b>JACKSON, MIA</b> XXXX-XXXX-XXXX- 500	0.00	0.00	375.43	375.43
<b>LICKEY, PATRICK</b> XXXX-XXXX-XXXX- 500	0.00	0.00	325.25	325.25
<b>LILLY, STEPHEN</b> XXXX-XXXX-XXXX- 15,000	12.37	0.00	7,435.85	7,423.48
<b>LINK, BRIAN</b> XXXX-XXXX-XXXX- 1,000	0.00	0.00	109.97	109.97
<b>MCCORMICK, HARRY</b> XXXX-XXXX-XXXX- 500	34.29	0.00	134.29	100.00
<b>MORELAND, DESIREE</b> XXXX-XXXX-XXXX- 50,000	0.00	0.00	23,675.42	23,675.42
<b>REYNOLDS, CHARLES</b> XXXX-XXXX-XXXX- 500	0.00	0.00	152.75	152.75
<b>STOVER, KEITH</b> XXXX-XXXX-XXXX- 1,000	0.00	0.00	496.40	496.40
<b>TYRRELL, DAVE</b> XXXX-XXXX-XXXX- 20,000	97.89	0.00	19,952.05	19,854.16
<b>UNGER, EMMERT</b> XXXX-XXXX-XXXX- 500	0.00	0.00	75.46	75.46
<b>WEAVER, PAUL</b> XXXX-XXXX-XXXX- 500	0.00	0.00	100.80	100.80
<b>WHITE, NEAL</b> XXXX-XXXX-XXXX- 15,000	0.00	0.00	1,657.59	1,657.59

**Transactions**

<i>Posting</i>	<i>Transaction</i>	<i>Description</i>	<i>Reference Number</i>	<i>MCC</i>	<i>Charge</i>	<i>Credit</i>
						<b>Total Activity</b>
<b>BERRYVILLE TOWN OF</b>						<b>-\$59,451.13</b>
<b>Account Number: XXXX-XXXX-XXXX-</b>						<b>59,451.13</b>
01/23	01/23	AUTO PAYMENT DEDUCTION		0071		
<b>BOOR, RICK</b>						<b>Total Activity</b>
<b>Account Number: XXXX-XXXX-XXXX-</b>						<b>13,651.04</b>
01/04	01/03	BROY & SON PUMP SERVICE BERRYVILLE VA	24073148003900016800010	1799	125.00	



18390310 - 020719 - 0002 - 0003 - 2

**Transactions**

Posting Transaction								
Date	Date	Description	Reference Number	MCC	Charge	Credit		
01/04	01/02	johnny blue, inc. 540-665-0968 VA	24826248003030030125962	7394	82.00			
01/12	01/11	MCCARTHY TIRE #28 WINCHESTER VA	24323008011286632500075	5532	675.32			
01/12	01/11	MCCARTHY TIRE #28 WINCHESTER VA	24323008011286632500091	5532	591.00			
01/17	01/15	GRIFFITH ENERGY SERVIC 410-956-3000 MD	24258028016017029592793	5983	3,729.53			
01/19	01/17	LSI 540-9551112 VA	24073148018900012100012	5099	221.99			
01/19	01/17	LSI 540-9551112 VA	24073148018900012100020	5099	320.23			
01/29	01/26	CORE & MAIN LP 514 3042636986 WV	24792628026206122200044	5039	2,816.33			
01/29	01/26	CORE & MAIN LP 514 3042636986 WV	24792628026206122200077	5039	4,784.14			
01/29	01/26	CORE & MAIN LP 514 3042636986 WV	24792628026206122200085	5039	223.50			
01/31	01/29	johnny blue, inc. 540-665-0968 VA	24828248030030029343882	7394	82.00			
							<b>Total Activity</b>	<b>286.45</b>
<b>BOOTH, KEVIN</b>								
Account Number: XXXX-XXXX-XXXX-								
01/08	01/05	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978006091404000037	5251	43.10			
01/08	01/06	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068007200824500180	5533	9.19			
01/22	01/18	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767898019487400450175	5533	54.00			
01/24	01/23	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068024200824900132	5533	180.16			
							<b>Total Activity</b>	<b>134.98</b>
<b>BRISTOL, TIM</b>								
Account Number: XXXX-XXXX-XXXX-								
01/17	01/15	APPLEBEES 083097583124 WILLIAMSBURG VA	24164078016491151815439	5812	19.74			
01/17	01/15	HOWARD JOHNSON WILLIAMSBURWILLIAMSBURG VA Arrival: 01/15/18	24610438016004046150460	3638	81.58			
01/17	01/16	HARDEES 2961 WILLIAMSBURG VA	24013398016003342185583	5814	7.91			
01/18	01/16	APPLEBEES 083097583124 WILLIAMSBURG VA	24164078017491161804158	5812	17.52			
01/18	01/17	HARDEES 2961 WILLIAMSBURG VA	24013398017003587156298	5814	8.23			
							<b>Total Activity</b>	<b>157.42</b>
<b>BUSSERT, ERNIE</b>								
Account Number: XXXX-XXXX-XXXX-								
01/10	01/09	USA BLUE BOOK 800-548-1234 IL	24326848009636000063736	5085	136.42			
01/11	01/09	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767898010429100354827	5533	21.00			
							<b>Total Activity</b>	<b>37.23</b>
<b>DORSEY, DANIEL</b>								
Account Number: XXXX-XXXX-XXXX-								
01/02	12/29	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767897365359200462670	5533	29.40			
01/09	01/08	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978009091400000038	5251	7.83			
							<b>Total Activity</b>	<b>2,374.50</b>
<b>ELLIOTT, RALPH</b>								
Account Number: XXXX-XXXX-XXXX-								
01/08	01/05	LOWES #02724* WINCHESTER VA	24692168005100814490737	5200	38.26			
01/08	01/05	THE BLOSSMAN COMPANIES IN228-872-8932 MS	24247608005300502169172	5983	36.83			
01/18	01/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978018091408000120	5251	10.77			
01/24	01/22	BROY & SON PUMP SERVICE BERRYVILLE VA	24073148023900017700017	1799	450.00			
01/24	01/22	THE BLOSSMAN COMPANIES IN228-872-8932 MS	24247608023100248740668	5983	572.85			
01/25	01/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978025091402000242	5251	19.09			
01/31	01/30	LOWES #02724* WINCHESTER VA	24692168030100609183991	5200	1,246.70			
							<b>Total Activity</b>	<b>220.74</b>
<b>FERREBEE, DARRELL</b>								
Account Number: XXXX-XXXX-XXXX-								
01/02	12/29	FISHER AUTO PARTS 009 BERRYVILLE VA	24431067364200824900157	5533	214.47			
01/24	01/23	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978024091400000211	5251	6.27			
							<b>Total Activity</b>	<b>983.74</b>
<b>FIDDLER, HEATHER</b>								
Account Number: XXXX-XXXX-XXXX-								
01/02	12/29	PP*TOWNOFBERRYVILLE VA BERRYVILLE VA	24492157363894215461229	9399	0.32			
01/02	12/29	PP*TOWNOFBERRYVILLE VA BERRYVILLE VA	24492157363894213536774	9399	0.32			
01/02	12/30	STAPLS7189409075000001 877-8267755 NJ	24164077365105298690989	5111	27.42			
01/02	12/30	STAPLS7189409075000003 877-8267755 NJ	24164077365105968690988	5111	119.37			
01/02	12/29	PP*TOWNOFBERRYVILLE VA BERRYVILLE VA	74492157363894219346777	9399		0.32		
01/02	12/29	PP*TOWNOFBERRYVILLE VA BERRYVILLE VA	74492157363894219296451	9399		0.32		
01/04	01/03	Amazon web services aws.amazon.co/WA	24692168003100727561014	7399	0.62			
01/10	01/09	STAPLS7189856070000001 877-8267755 NJ	24164078009105084947486	5111	46.41			
01/10	01/09	STAPLS7189856070000002 877-8267755 NJ	24164078009105974947489	5111	4.89			
01/11	01/10	USPS PO 5107560300 BERRYVILLE VA	24445008011000916635835	9402	343.00			
01/15	01/13	STAPLS7189409075000002 877-8267755 NJ	24164078014105978690989	5111	19.19			
01/26	01/25	USPS PO 5107560300 BERRYVILLE VA	24445008026000915100990	9402	273.84			
01/31	01/30	FREDPRYOR CAREERTRACK 800-5563012 KS	24906418030050274918109	8299	149.00			
							<b>Total Activity</b>	<b>375.43</b>
<b>JACKSON, MIA</b>								
Account Number: XXXX-XXXX-XXXX-								
01/25	01/24	VISTAPR*VistaPrint.com 866-8936743 MA	24692168024100806031041	2741	24.99			
01/29	01/26	STAPLS7191025893000001 877-8267755 NJ	24164078026105250318248	5111	350.44			
							<b>Total Activity</b>	<b>325.25</b>
<b>LICKEY, PATRICK</b>								
Account Number: XXXX-XXXX-XXXX-								
01/02	12/28	STAPLES 00103515 WINCHESTER VA	24164077363105001997913	5943	73.08			
01/02	01/01	TARGET.COM * 800-591-3869 MN	24431068001083055914049	5310	0.12			

**Transactions**

Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
01/02	01/01	TARGET.COM * 800-591-3869 MN	24431068001083054742813	5310	50.51	
01/02	01/01	TARGET.COM * 800-591-3869 MN	24431068001083055187596	5310	16.84	
01/02	01/01	TARGET.COM * 800-591-3869 MN	24431068001083055232822	5310	16.84	
01/02	01/01	TARGET.COM * 800-591-3869 MN	24431068001083055914049	5310	16.83	
01/04	01/03	NOR*NORTHERN TOOL 800-222-5381 MN	24692168003100920888107	5251	107.98	
01/29	01/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978027091406000311	5251	2.44	
01/31	01/30	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978031091404000168	5251	40.61	

**LILLY, STEPHEN** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **7,423.48**

01/02	12/29	USA BLUE BOOK WAUKEGAN IL	74326847363636000062321	5085		12.37
01/08	01/05	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978006091404000169	5251	37.21	
01/08	01/05	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898007403900472993	5533	16.00	
01/10	01/09	COYNE CHEMICAL 215-785-3000 PA	24224438010101025160579	5169	200.00	
01/11	01/08	TEST EQUIPMENT DEPOT 339-2934087 MA	24639238010900015900073	5046	966.40	
01/23	01/04	COYNE CHEMICAL 215-785-3000 PA	24224438023101024562424	5169	2,044.09	
01/23	01/04	COYNE CHEMICAL 215-785-3000 PA	24224438023101024562432	5169	439.33	
01/23	01/22	COYNE CHEMICAL 215-785-3000 PA	24224438023101024562739	5169	678.04	
01/24	01/23	IN *DENNIS INSPECTION, IN540-5355170 VA	24692168023100373179190	7299	375.00	
01/26	01/24	THE BLOSSMAN COMPANIES IN228-872-8932 MS	24247608025100310239472	5983	733.00	
01/29	01/26	USPS PO 5107560300 BERRYVILLE VA	24445008027000998327766	9402	6.70	
01/30	01/22	COYNE CHEMICAL 215-785-3000 PA	24224438030101024748461	5169	1,331.08	
01/31	01/30	DEPARTMENT OF PROFESSIONARICHMOND VA	24755428030170303962513	9399	100.00	
01/31	01/30	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435658030206649500011	5251	509.00	

**LINK, BRIAN** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **109.97**

01/08	01/05	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068006200824400176	5533	57.28	
01/08	01/07	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978008091408000031	5251	19.98	
01/09	01/08	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068009200824600194	5533	14.61	
01/19	01/18	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978019091400000101	5251	13.10	
01/25	01/23	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898024519800409618	5533	5.00	

**MCCORMICK, HARRY** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **100.00**

01/18	01/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978018091408000096	5251	34.29	
01/18	01/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	748019780180914080000323	5251		34.29
01/22	01/21	ABC-NV 913-8954600 KS	24270748021900018930241	8999	100.00	

**MORELAND, DESIREE** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **23,675.42**

01/12	01/10	TelRite Corporation COVINGTON GA	24393498011003947082097	4814	7.35	
01/12	01/11	VA DEPARTMENT OF STATE PO804-6742000 VA	24755428011170113387540	9399	20.00	
01/22	01/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431058019083758581468	4900	150.00	
01/22	01/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431058019083701233118	4900	19,590.78	
01/22	01/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431058019083702238512	4900	1,857.37	
01/22	01/19	VA DMV ONLINE BILLING PAY804-3670595 VA	24755428020120208385155	9399	425.00	
01/22	01/20	VZWRLLSS*MY VZ VB P 800-922-0204 FL	24692168020100686699440	4814	712.18	
01/23	01/22	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692168022100712730084	4899	166.23	
01/23	01/22	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692168022100712730092	4899	364.48	
01/23	01/22	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692168022100712730100	4899	191.87	
01/30	01/30	COMCAST 800-COMCAST MD	24692168030100380818203	4899	155.16	
01/31	01/30	VAGP WWW.VAGP.ORG VA	24492158030637070758903	8699	35.00	

**REYNOLDS, CHARLES** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **152.75**

01/02	12/29	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801977364091402000052	5251	13.29	
01/25	01/23	REXEL 3128 WINCHESTER VA	24492158024082267143692	5065	139.46	

**STOVER, KEITH** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **496.40**

01/24	01/23	LOWES #02724* WINCHESTER VA	24692168023100261555352	5200	61.22	
01/24	01/23	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412908023027011857234	5599	329.28	
01/24	01/23	AUTOZONE #3199 WINCHESTER VA	24445008024000871970834	5533	69.98	
01/25	01/24	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412908024027011928174	5599	35.92	

**TYRRELL, DAVE** **Total Activity**  
 Account Number: XXXX-XXXX-XXXX- **19,854.16**

01/09	01/08	JOINER MICRO LABORATORIE 540-347-7212 VA	24435658009200389600013	7399	2,280.00	
01/09	01/08	AUTOMATIONDIRECT.COM 770-889-7588 GA	24431068008081982323949	5065	510.00	
01/09	01/08	ROBERTS OXYGEN CO BR 00 800-6263433 MD	24755428009640090675525	5085	159.85	
01/17	01/16	KYM INDUSTRIES INC 334-886-7772 AL	24431068016083760531321	5533	2,130.00	
01/18	01/17	JOINER MICRO LABORATORIE 540-347-7212 VA	24435658018200389300043	7399	2,045.00	
01/19	01/17	OVERHEAD DOOR CO OF THE S540-4333903 VA	24073148018900013100045	1799	260.00	
01/19	01/17	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898018480800461380	5533	26.37	



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**Transactions**

Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
01/19	01/18	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435658018206649500017	5251	1,000.00	
01/19	01/18	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435658018206649400010	5251	2,000.00	
01/19	01/18	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435658018206649300012	5251	3,000.00	
01/19	01/17	HACH COMPANY 9706631377 CO	24801998018018010484911	5085	2,770.00	
01/22	01/18	RIDDLEBERGER BROTHERS 540-434-1731 VA	24638188019017030097493	1711	1,380.40	
01/23	01/22	COMMONWEALTH OF VA DEPT ORICHMOND VA	24755428023120233780815	9399	91.02	
01/23	01/22	THE PERKINSON COMPANY INC704-5258191 NC	24755428023130234253217	7399	1,638.00	
01/24	01/22	MCMaster-CARR 630-834-9600 IL	24789308023512200315415	5085	382.37	
01/29	01/25	MCMaster-CARR 630-834-9600 IL	24789308026532300057482	5085	97.89	
01/29	01/26	USA BLUE BOOK 800-548-1234 IL	24326848026636000065516	5085	181.15	
01/29	01/25	MCMaster-CARR 630-834-9600 IL	74789308026532300053148	5085		97.89
						<b>Total Activity</b>
						<b>75.46</b>

**UNGER, EMMERT**

Account Number: XXXX-XXXX-XXXX-

01/03	01/02	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978003091408000069	5251	24.49	
01/04	01/03	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978004091400000132	5251	50.97	
						<b>Total Activity</b>
						<b>100.80</b>

**WEAVER, PAUL**

Account Number: XXXX-XXXX-XXXX-

01/15	01/11	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898012442000368076	5533	100.80	
						<b>Total Activity</b>
						<b>1,657.59</b>

**WHITE, NEAL**

Account Number: XXXX-XXXX-XXXX-

01/15	01/12	USPS PO 5107560300 BERRYVILLE VA	24445008013000918165615	9402	21.80	
01/15	01/12	IACP 800-843-4227 VA	24258028014017037436274	8699	150.00	
01/18	01/16	BERRYVILLE AUTO PARTS INC800-4498012 VA	24767898017473800483554	5533	388.97	
01/18	01/17	GALLS 859-266-7227 KY	24435658017801036178277	5964	306.00	
01/22	01/18	BROY'S CAR WASH & BERRYVILLE VA	24073148019900016500034	7542	14.00	
01/29	01/26	USPS PO 5107560300 BERRYVILLE VA	24445008027000998243021	9402	12.90	
01/29	01/26	800-781-2677*ATLANTCTC 800-781-2677 PA	24801638027286902145806	5137	651.34	
01/30	01/29	METROLINE INC 800-9298061 MI	24896308029900017595069	4812	100.89	
01/31	01/29	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898030558600522925	5533	11.69	

**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.

## A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZENON ENVIRONMENTAL CORPORATION  
Date From - 2/1/2018 Date To - 2/28/2018

Town of Berryville  
03/05/2018 03:47 PM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
4659	1	- Douglas A. Shaffer	02/12/2018	\$75.00
4660	1	- Rappahannock Electric Cooperative	02/12/2018	\$5,973.58
4661	1	- Neopost	02/12/2018	\$2,208.60
4662	1	- PENNONI ASSOCIATES INC	<b>VOIDED</b> 02/12/2018	\$1,352.04
4663	1	- EDUCATION & TRAINING SERVICES	02/12/2018	\$499.00
4664	1	- Clarke County Animal Shelter	02/12/2018	\$30.57
4665	1	- Treasurer of Frederick County	02/12/2018	\$4,790.70
4666	1	- The Winchester Star	02/12/2018	\$757.90
4667	1	- Herbert L. Beskin, Trustee	02/12/2018	\$115.00
4668	1	- Bureau for Child Support Enforcement	02/12/2018	\$875.00
4669	1	- Keith Dalton	02/12/2018	\$50.00
4670	1	- SHAKE MICHAEL H & DEBRA G 439	02/12/2018	\$364.62
4671	1	- NILT INC TRUSTEE FOT NISSAN 07 5111	02/12/2018	\$295.00
4672	1	- AUDREY LYNNE ORNDORFF	02/12/2018	\$174.20
4673	1	- VICTORIA L GRAY-BAILEY	02/12/2018	\$148.80
4674	1	- PENNONI ASSOCIATES INC	02/12/2018	\$676.08
4675	1	- PENNONI ASSOCIATES INC	02/12/2018	\$675.96
4676	1	- THE POLICE AND SHERIFFS PRESS	02/15/2018	\$47.49
4677	1	- Lincoln Financial Group	02/15/2018	\$728.96
4678	1	- Damron Engineering Consulting llc	02/15/2018	\$13,000.00
4679	1	- Nationwide Retirement Solutions	02/15/2018	\$705.00
4680	1	- Signet Marketing	02/28/2018	\$223.00
4681	1	- USPS	02/28/2018	\$763.03
4682	1	- Rappahannock Electric Cooperative	02/28/2018	\$19,339.74
4683	1	- Michelle M. Jones	02/28/2018	\$1,277.50
4684	1	- Hall, Monahan, Engle, Mahan & Mitchell	02/28/2018	\$2,285.00
4685	1	- Minnesota Life Insurance Co.	02/28/2018	\$140.52
4686	1	- HEATHER FIDDLER	02/28/2018	\$11.77
4687	1	- Bureau for Child Support Enforcement	02/28/2018	\$875.00
4688	1	- Fire Protection Company, LLC	02/28/2018	\$863.50

## A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZENON ENVIRONMENTAL CORPORATION  
Date From - 2/1/2018 Date To - 2/28/2018

Town of Berryville  
03/05/2018 03:47 PM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
4689	1	Virasec, LLC	02/28/2018	<u>\$2,502.94</u>
4690	1	NIGP	02/28/2018	<u>\$273.00</u>
4691	1	Commercial Press Inc	02/28/2018	<u>\$365.63</u>
4692	1	Nationwide Retirement Solutions	02/28/2018	<u>\$705.00</u>
4693	1	BODYWORKS OF BERRYVILLE	02/28/2018	<u>\$102.61</u>
4694	1	MARQUISE BRYAN ROBERTS	02/28/2018	<u>\$148.80</u>
4695	1	BRENT RAY TUCKER	02/28/2018	<u>\$47.20</u>
37	Checks Totaling -			<u>\$63,467.74</u>

### Totals By Fund

	Checks	Voids	Total
100	\$34,693.16	\$1,352.04	\$33,341.12
501	\$8,202.16		\$8,202.16
502	\$20,572.42		\$20,572.42
Totals:	\$63,467.74	\$1,352.04	\$62,115.70

# Attachment 11



# Berryville Police Department

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

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

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

W. Neal White – Chief of Police

## MEMO

**DATE: 03/07/2018**

**TO: Town Council**

**FROM: Chief W. Neal White**

**CC:**

**RE: Police Department Monthly Report – 03/13/2018**

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### **Monthly Activity Report**

The activity report for the month of February 2018 is attached to this memo.

### **Police and Security Committee**

The Police and Security Committee did not hold a meeting in February. The next scheduled meeting for the Committee is March 22, 2018 at 9:00 am in the A/B meeting room.

### **Quiet Times**

The matter of aligning the sections of the Town Code concerning established quiet times across different chapters will be added to the upcoming Police & Security Committee agenda. It would be the intent to propose modifications to the Code ready for presentation and adoption at the April meeting of Council.

### **Community Events**

On March 20, 2018 the police department will be sponsoring a child identification program in conjunction with children's story time at the Clarke County Library. The event will take place from 10:00 am – 11:30 am and officers will be on hand to fingerprint children for personal identification records. This program is being led by Officer Don Mason.

The department will also be participating in the April 22, 2018 Touch A Truck event at Clarke County High School. This event will allow kids the opportunity to explore a variety of vehicles and proceeds will benefit the Clarke County Band.



# Berryville Police Department

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

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

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

W. Neal White – Chief of Police

## Police and Security Report

	Year To Date	February	January
	2018	2018	2018
Month: February			
Year: 2018			

### Complaints Answered

911 Hang Up:	0	0	0
Alarms:	26	10	16
Animal Complaint:	12	6	6
Assault and Battery:	1	1	0
Assist County:	6	3	3
Auto Larceny:	0	0	0
Burglary:	3	1	2
Civil Complaints:	6	4	2
Disturbance (Non Violent):	5	2	3
Domestic Disturbance:	4	1	3
Drunk In Public:	0	0	0
Forgery & Uttering:	0	0	0
Fraud:	4	1	3
Grand Larceny:	2	1	1
Harassment/Intimidation:	5	1	4
Homicide:	0	0	0
Juvenile Related:	5	3	2
Noise:	8	4	4
Petty Larceny:	4	3	1
Public Service:	5	2	3
Rape:	0	0	0
Robbery:	0	0	0
Runaway:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	34	17	17
Trespassing:	2	0	2
Vandalism:	13	3	10
Welfare Check:	25	11	14
Miscellaneous Complaints:	108	62	46
<b>Total Complaints Answered:</b>	<b>278</b>	<b>136</b>	<b>142</b>



# Berryville Police Department

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

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

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

W. Neal White – Chief of Police

## Police and Security Report (Continued)

	Year To Date	February	January
	2018	2018	2018
<b><u>Traffic</u></b>			
Accidents Investigated:	8	5	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	0	0	0
Funeral Escort:	8	4	4
Hit & Run:	1	1	0
Parking Tickets:	17	10	7
Traffic Warnings:	112	71	41
<b><u>Traffic Summons Issued</u></b>			
Defective Equipment:	0	0	0
Driving Suspended:	1	0	1
Expired Inspection:	14	8	6
Expired Registration:	2	2	0
Fail to Obey Highway Sign:	16	9	7
Fail to Obey Traffic Signals:	2	2	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	1	1	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	6	3	3
No Seat Belt:	0	0	0
Reckless Driving:	0	0	0
Speeding:	30	18	12
Miscellaneous Summons:	4	2	2
<b>Total Traffic Summons Issued:</b>	<b>76</b>	<b>45</b>	<b>31</b>
<b><u>Found Open at Businesses in Town</u></b>			
Doors:	0	0	0
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	February	January
	2018	2018	2018
<b><u>Criminal Arrests Made</u></b>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	0	0	0
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	4	2	2
Disorderly Conduct:	0	0	0
Driving While Intoxicated:	1	1	0
Drunk In Public:	0	0	0
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	3	3	0
Forgery:	0	0	0
Fraud:	0	0	0
Grand Larceny:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	2	2	0
Petty Larceny:	0	0	0
Possess Alcohol Underage:	1	0	1
Protective Order Violations:	0	0	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	0	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	3	1	2
<b>Juvenile Arrest Total:</b>	0	0	0
<b>Total Criminal Arrests:</b>	14	9	5

# Attachment 12

# Memo

**To:** Town Council  
**From:** David Tyrrell  
**Date:** March 6, 2018  
**Re:** February 2018 Operations Report

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The water treatment plant is in compliance for February 2018 with its monthly parameters. We sent 7.966 MG of water to the system with an average of 0.332 MGD and a daily max of 0.492 MG.

SUEZ Utility Service has completed work on the southeast tank with the mixer running well. We are planning to move forward with the 3MG tank with start expected between April 2 – 15, 2018. We have planned several maintenance items at the WTP for March to prepare for twenty four hour operations and the inability to take the WTP off line while the 3MG is out of service.

We have replaced the water pipes in the chlorine room in preparation for the switchover to hypochlorite. The condition of the old water lines coupled with corrosion problems from some dissimilar metals caused a few delays in work completion but the end result is in good shape. We also made some new supports for the backflow preventer and control solenoid. Two tires on the WTP truck required replacement, and we added a breaker and disconnect switch to the SET and ran some underground conduit to allow for work completion by SUEZ.

Drought Conditions: DEQ continues to have our region in a drought watch. River levels are currently up from recent rains but are dropping quickly. Groundwater levels continue to be low which are keeping our region in a watch condition.

The wastewater plant is in compliance with its discharge permit for February per data received to date. We treated a total of 8.58 MG with a daily average of 0.31 MGD and a daily max of 0.38 MG.

We had some equipment malfunctions which caused alum to not feed properly, as a result the total phosphorus readings in the latter half of February are high but we will have no issue with our end of year compliance. Additionally we had some carbon feed issues during the beginning of the month caused by cold weather.

The sludge presses again gave us some operational issues with control valves limiting air flow to press #2 that limited flow rates. Working with Fournier in Canada we were able to trouble shoot and repair the system.

We have switched sludge holding tanks and cleaned out tank #2. We have been dealing with computer issues which will be corrected when a new computer arrives.

Attached for review are the DMR data reports 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.

# Berryville STP Monthly DMR Data

February 2018

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
2/1/2018	0.23	7.7	11.6	3.00	2.66			11.4	10.4	0.65	0.85	0.75	1.50
2/2/2018	0.25	8.2	15.7					10.8	9.8				
2/3/2018	0.28	7.8	12.2					11.3	13.1				
2/4/2018	0.30	7.5	11.8					12.1	11.6				
2/5/2018	0.35	7.6	10.0					11.4	10.3				
2/6/2018	0.36	7.7	10.7	2.00	2.69			12.7	13.6	1.29	1.18	1.59	2.47
2/7/2018	0.34	7.6	10.7	3.00	3.89			12.1	12.1				
2/8/2018	0.35	7.8	11.3	2.00	2.68			11.8	11.2	2.32	1.06	1.42	3.38
2/9/2018	0.35	7.7	10.1					11.6	12.0				
2/10/2018	0.35	7.6	10.6					11.7	11.5				
2/11/2018	0.38	7.6	10.3					11.2	10.9				
2/12/2018	0.30	7.7	10.4					11.6	11.0				
2/13/2018	0.29	7.6	12.6	2.00	2.16	0.00	0.00	10.9	11.2	1.50	1.27	1.37	2.77
2/14/2018	0.29	7.6	13.0	4.00	4.31			11.0	10.9				
2/15/2018	0.29	7.6	14.0	4.00	4.31			10.9	10.7	1.10	1.32	1.42	2.42
2/16/2018	0.28	7.6	13.6					10.0	10.0				
2/17/2018	0.32	7.7	13.5					10.7	9.9				
2/18/2018	0.31	7.7	13.5					11.3	9.8				
2/19/2018	0.31	7.6	13.4					11.1	10.4				
2/20/2018	0.33	7.6	13.7	3.00	3.75			10.9	9.8	1.35	1.10	1.37	2.45
2/21/2018	0.35	7.6	14.4	2.00	2.62			12.9	12.7				
2/22/2018	0.35	7.7	14.7	1.00	1.31			11.7	9.4	1.57	1.36	1.79	2.93
2/23/2018	0.24	7.6	14.5					10.5	10.0				
2/24/2018	0.34	7.8	14.7					10.6	9.9				
2/25/2018	0.33	7.7	14.3					11.1	10.4				
2/26/2018	0.33	7.6	15.2					9.5	10.1				
2/27/2018	0.21	7.7	14.5					10.4	10.6				
2/28/2018	0.21	7.6	15.0					10.4	9.3				
Minimum	0.21	7.5	10.0	1.00	1.31	0.00	0.00	9.5	9.3	0.65	0.85	0.75	1.50
Maximum	0.38	8.2	15.7	4.00	4.31	0.00	0.00	12.9	13.6	2.32	1.36	1.79	3.38
Total	8.58	214.8	360.0	26.00	30.39	0.00	0.00	313.6	302.6	9.78	8.14	9.71	17.92
Average	0.31	7.7	12.9	2.60	3.04	0.00	0.00	11.2	10.8	1.40	1.16	1.39	2.56
Geo Mean	0.30	7.7	12.7	2.42	2.88	1.00	1.00	11.2	10.8	1.32	1.2	1.35	2.50

# Berryville STP Monthly DMR Data

February 2018

Date	Eff Total N	Eff Total P	Eff Total P	E-Coli
	KG/D	mg/l	KG/D	No/100ml
2/1/2018	1.33	0.59	0.52	
2/2/2018				
2/3/2018				
2/4/2018				
2/5/2018				
2/6/2018	3.32	0.16	0.22	1
2/7/2018				
2/8/2018	4.54	0.18	0.24	
2/9/2018				
2/10/2018				
2/11/2018				
2/12/2018				
2/13/2018	2.99	0.46	0.50	1
2/14/2018				
2/15/2018	2.61	0.77	0.83	
2/16/2018				
2/17/2018				
2/18/2018				
2/19/2018				
2/20/2018	3.06	0.74	0.93	1
2/21/2018				
2/22/2018	3.85	1.63	2.14	
2/23/2018				
2/24/2018				
2/25/2018				
2/26/2018				
2/27/2018				
2/28/2018				
Minimum	1.33	0.16	0.22	1
Maximum	4.54	1.63	2.14	1
Total	21.72	4.53	5.38	3
Average	3.10	0.65	0.77	1
Geo Mean	2.93	0.49	0.58	1

FLOWS AND CHEMICAL DOSAGES

February 2018

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	0.125		0.105	3.5	15	14.6	1	0.8			0.4	0.38	0.018	0.017	1	0.5			3.4	3.2		
2	0.436		0.410	12.5	35	9.8	4	1.1			3.6	0.98	0.062	0.017	2.0	0.5			12.0	3.3		
3	0.226		0.186	6.5	56	29.6	2	1.1			3.3	1.75	0.033	0.018	1.0	0.5			6.2	3.3		
4																						
5	0.515		0.457	15.0	10	2.4	4	1.0			3.7	0.86	0.075	0.017	2.4	0.6			14.4	3.3		
6	0.4001		0.363	11.5	35	10.6	3	1.0			3.5	1.05	0.035	0.011	0.0	0.0			11.0	3.3		
7	0.5288		0.480	15.0	46	10.3	4	0.9			6.7	1.53	0.071	0.016	2.4	0.5			13.8	3.1		
8	0.4953		0.441	14.0	41	9.8	5	1.2			6.7	1.62	0.071	0.017	2.2	0.5			12.8	3.1		
9	0.3765		0.342	11.0	30	9.7	3	0.9			3.5	1.11	0.062	0.020	0.0	0.0			10.0	3.2		
10																						
11	0.144		0.127	4.3	15	12.7	1	0.7			0.2	0.14	0.010	0.008	0.7	0.6			3.9	3.2		
12	0.393		0.355	11.0	36	10.8	2	0.6			6.6	2.01	0.050	0.015	1.7	0.5			10.0	3.1		
13	0.374		0.333	10.3	30	9.8	3	1.0			3.5	1.12	0.050	0.016	1.6	0.5			9.4	3.0		
14	0.422		0.382	12.0	36	10.1	4	1.1			3.5	0.99	0.060	0.017	1.9	0.5			11.0	3.1		
15	0.492		0.447	14.3	41	9.9	4	0.9			6.7	1.63	0.070	0.017	2.2	0.5			13.1	3.2		
16	0.465		0.418	12.8	41	10.5	4	1.1			3.5	0.90	0.070	0.018	2.0	0.5			12.2	3.1		
17																						
18	0.17		0.159	5.0	15	10.7	1	0.8			3.3	2.33	0.030	0.021	0.8	0.6			4.8	3.4		
19	0.152		0.134	4.3	10	8.0	2	1.3			3.3	2.60	0.020	0.016	0.7	0.6			4.1	3.2		
20	0.543		0.492	15.3	46	10.1	4	1.0			3.6	0.79	0.080	0.018	2.4	0.5			14.6	3.2		
21	0.525		0.478	15.1	41	9.3	4	0.8			6.7	1.54	0.075	0.017	2.4	0.5			14.5	3.3		
22	0.519		0.474	15.0	46	10.5	5	1.1			6.7	1.56	0.084	0.019	2.4	0.5			14.4	3.3		
23	0.379		0.347	11.0	35	11.2	3	0.9			3.5	1.10	0.029	0.009	1.7	0.5			10.5	3.3		
24																						
25	0.177		0.163	5.1	15	10.3	1	0.8			3.3	2.21	0.013	0.009	0.8	0.5			4.9	3.3		
26	0.152		0.135	4.5	5	4.0	0	0.3			0.2	0.13	0.012	0.010	0.7	0.6			4.3	3.4		
27	0.324		0.295	9.2	25	9.4	2	0.9			3.4	1.27	0.030	0.011	1.7	0.6			8.8	3.3		
28	0.523		0.443	14.0	46	10.5	4	0.9			6.7	1.54	0.075	0.017	2.2	0.5			13.4	3.1		
29																						
30																						
31																						
Total	8.857	0.000	7.966	251.9	751	254.5	71	22.2	0.0	0.00	96.1	31.2	1.18	0.371	36	12.0	0.0	0.00	237.4	77.50	0.0	0.00
Maximum	0.543	0.000	0.492	15.3	56	29.6	5	1.3	0.0	0.00	6.7	2.6	0.08	0.021	2	0.6	0.0	0.00	14.6	3.40	0.0	0.00
Minimum	0.125	0.000	0.105	3.5	5	2.4	0	0.3	0.0	0.00	0.2	0.1	0.01	0.008	0	0.0	0.0	0.00	3.4	3.01	0.0	0.00
Average	0.369	0.000	0.332	10.5	31	10.6	3	0.9	#####	#####	4.0	1.3	0.05	0.015	2	0.5	#####	#DIV/0!	9.9	3.23	#####	#####

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

PRINTED NAME

David A Tyrrell

TITLE: OPERATOR CLASSIFICATION  
DPOR CERTIFICATION NO.

Class 1  
1955002813

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

Shenandoah River - Entire Month

# Berryville WWTP Monthly Membrane Operation Report

## January 2018

### UF 1 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		100 %	1.42	797	6.776
PermeateTurbidityAfterBP		100 %	0.04	797	0.347
TCPermeabilityBeforeBP		100 %	6.1	743	37.656
TMPBeforeBP		100 %	0.09	797	0.297
TotalPermeateFlowDaily		100 %	15343.91	32	68797.719

### UF 2 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		100 %	1.43	773	6.754
PermeateTurbidityAfterBP		100 %	0.06	773	0.151
TCPermeabilityBeforeBP		100 %	3.36	773	20.021
TMPBeforeBP		100 %	0.17	773	0.57
TotalPermeateFlowDaily		100 %	14781.17	32	66609.531

### UF 3 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		100 %	1.52	868	6.79
PermeateTurbidityAfterBP		100 %	0.04	868	0.347
TCPermeabilityBeforeBP		100 %	3.71	849	38.131
TMPBeforeBP		100 %	0.07	868	0.289
TotalPermeateFlowDaily		100 %	16302.6	32	72409.813

### UF 4 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		100 %	1.42	861	6.574
PermeateTurbidityAfterBP		100 %	0.06	861	0.237
TCPermeabilityBeforeBP		99 %	8.23	807	32.201
TMPBeforeBP		100 %	0.13	861	0.327
TotalPermeateFlowDaily		100 %	14422.75	32	72623.0

Parameter	Health	%In	Std. Dev	Points	Avg
PermeateTemperature		100 %	2.04	2536	37.198
TotalPermeateFlowDaily		100 %	50254.63	32	280440.063

### UF 1 KPI Summary

Parameter	LL	LCL	UCL	HH	Jan
FluxBeforeBP	--	--	12.23	16.3	6.776
PermeateTurbidityAfterBP	0	--	0.9	1	0.347
TCPermeabilityBeforeBP	4	6	--	--	37.656
TMPBeforeBP	--	--	7	8	0.297
TotalPermeateFlowDaily	--	--	--	--	69095.161

### UF 2 KPI Summary

Parameter	LL	LCL	UCL	HH	Jan
FluxBeforeBP	--	--	12.23	16.3	6.754
PermeateTurbidityAfterBP	0	--	0.9	1	0.151
TCPermeabilityBeforeBP	4	6	--	--	20.021
TMPBeforeBP	--	--	7	8	0.57
TotalPermeateFlowDaily	--	--	--	--	66903.774

### UF 3 KPI Summary

Parameter	LL	LCL	UCL	HH	Jan
FluxBeforeBP	--	--	12.23	16.3	6.79
PermeateTurbidityAfterBP	0	--	0.9	1	0.347
TCPermeabilityBeforeBP	4	6	--	--	38.131
TMPBeforeBP	--	--	7	8	0.289
TotalPermeateFlowDaily	--	--	--	--	73322.774

### UF 4 KPI Summary

Parameter	LL	LCL	UCL	HH	Jan
FluxBeforeBP	--	--	12.23	16.3	6.574
PermeateTurbidityAfterBP	0	--	0.9	1	0.237
TCPermeabilityBeforeBP	4	6	--	--	32.201
TMPBeforeBP	--	--	7	8	0.327
TotalPermeateFlowDaily	--	--	--	--	73558.387

### UF Plant KPI Summary

Parameter	LL	LCL	UCL	HH	Jan
PermeateTemperature	32	--	100	110	37.198

# Attachment 13

# **Report of the Department of Public Works**

## **March 8, 2018**

### **Water**

Public Works personnel finished the installation of the new fire hydrant in front of 309 Treadwell Street. As weather permits, we will install base asphalt in the two road crossings and top soil and seed the areas of disturbance. This section of Treadwell is scheduled to be paved as part of our up-coming paving projects.

We experienced no water breaks or any water related issues this past month.

### **Sewer**

In last month's sewer report I mentioned that a section of sewer main near East Fairfax Street was experiencing problems. The problems persisted.

With the assistance of a contractor we excavated the area where the homeowners lateral intersected the main. We found the lateral connection to the main was not installed correctly and over the years had deteriorated and collapsed. With the Town's assistance, the contractor repaired the sewer lateral and connected to the main per our construction standards. Since the repair was made, no problems have been reported.