

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Regular Meeting
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Tuesday, April 10, 2018
7:30 p.m.**

Item

Attachment

1. **Call to Order** – Patricia Dickinson, Mayor

2. **Pledge of Allegiance**

3. **Approval of Agenda**

4. **Public Hearings**

a) Proposed Tax Rates for 2018

1↓

Listed below are the proposed tax rates for the tax year beginning January 1, 2018, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

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

The proposed real estate tax rate reflects no increase in the real estate tax rate that was adopted in year 2017. The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2017. The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2017.

b) 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

2↓

c) 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

3↓

5. **Citizens' Forum**

<u>Item</u>	<u>Attachment</u>
6. Consent Agenda	
Motion	4↓
Minutes of Budget Work session – 3/13/18	
Minutes of Regular Meeting – 03/13/18	
Minutes of Community Improvements Committee Meeting - 03/26/18	
Minutes of Police and Security Committee Meeting - 03/22/18	
Minutes of Streets & Utilities Committee Meeting - 03/27/18	
Re-appointment Chief White to CCJB and ASAP Boards	
 7. Report of Patricia Dickinson, Mayor	
 8. Report of Harry Lee Arnold, Jr., Recorder	
Discussion regarding proposal to erect a statue in Rose Hill Park	5
Discussion regarding appointments to the Tree Board	6
 9. Report of Christy Dunkle, Asst. Town Manager for Community Development	
Monthly Report	7
 10. Report of Keith Dalton, Town Manager	
Refuse and recyclables collection Battletown Subdivision	8
Council member work product requests	9↓
Discussion regarding the need for a social media policy	10
 11. Report of Erecka Gibson – Chair, Budget and Finance Committee	
Report of Desiree Moreland, Treasurer	11↓
Tax rates for 2018	12↓
PPTRA for 2018	13↓
 12. Report of Donna McDonald – Chair, Community Improvements Committee	

<u>Item</u>	<u>Attachment</u>
13. Report of David Tollett – Chair, Police and Security Committee	
Report of Neal White, Chief of Police	14
Discussion regarding possible repeal of §13-30 of the Berryville Code	15
Discussion regarding possible amendment of the Town Charter	16
14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee	
Report of David Tyrrell, Public Utilities Director	17
Report of Rick Boor, Public Works Director	18
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

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2018

Date: April 10, 2018

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2018 there is hereby levied:

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

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

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

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

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____
Patricia Dickinson, Mayor

Date: April 10, 2018

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Date: April 10, 2018

TOWN COUNCIL
MOTION FOR APPROVAL: ORDINANCE SETTING TAX LEVIES FOR TAX
YEAR 2018

Date: April 10, 2018

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Ordinance setting the tax levies for tax year 2018 amending the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 2

BERRYVILLE TOWN COUNCIL
Public Hearing – Rosemont Manor Site Plan
April 10, 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

Public hearing notices were published in the Winchester Star on Tuesday, March 27 and Tuesday, April 3, 2018. Adjacent property notices were mailed on March 28, 2018. No comments were received in the Planning Department with this mailing. Two people (one was an adjacent property owner) contacted staff during the Planning Commission public hearing process. Staff reviewed the proposed site plan with both.

The Planning Commission held a site visit at Rosemont prior to their March 27, 2018 meeting at which they held public hearings on the site plan and expansion of the Special Use Permit. Discussion at the meeting included handicapped accessibility to the proposed venue; previous storm water comments; and additional buffering to screen the tenant house on the adjacent property. It was noted at the site visit that due to the elevation of the property and the siting of the buildings, the landscape buffer would be most effective along the property line. The applicant's engineer has addressed the following comments:

- the addition of a check valve at the force main connection;
- a notation has been added to the plans that state no other planned improvements for the project will take place on the property (this assures that multiple one-acre areas of disturbance, which is the threshold for DEQ requirements, does not occur); and
- the addition of 20 Leyland cypress adjacent to the property line in order to screen the venue from the adjacent tenant house.

Additional review information has been requested concerning stormwater management. While the Town's engineer has acknowledged minor runoff, a significant volume of runoff from the proposed development will release prior to the arrival of the remaining watershed. Additional calculations have been requested that would demonstrate that the combined hydrographs of the two distinct portions of the drainage shed, with distinct times of concentration, will result in a net increase of stormwater runoff equal to or less than 1% of the existing peak flow rate prior to the implementation of any stormwater quantity controls per state regulations.

Additional notes:

- The light poles are proposed to be 22' high. Specifications are included in this staff report.

- Dumpster pad is identified on page 1/6, adjacent to an existing building on the site.
- VDOT has reviewed the request and has no objections to the proposed expansion stating that if safety issues arise with the existing entrances, the owner will be responsible for negating problems (e.g., upgrading the commercial entrance) at his expense.
- The accessory building identified adjacent to the proposed event barn will be sided with fiber cement siding and will feature a standing seam metal roof.
- The sanitary sewer force main will be accessing the sewer main that is maintained by Clarke County. County administration has written the applicant giving him permission to do so.
- Staff has met with the applicant and discussed the requirement of availability fees for this venue and has requested usage information (average and peak flows).

The following items are included with this staff report:

- Land Development Application;
- Vicinity Map;
- Site Development Plan;
- Landscape and lighting plans;
- Building elevations;
- Lighting specifications;
- Section 601 Open Space Residential from the Berryville Zoning Ordinance; and
- Motion

Recommendation

Continue the public hearing to assure stormwater management information has been received, reviewed, and approved by the Town's engineer. Should Council want to place this as a condition of approval, a motion follows this report.

March 13, 2018 Staff Report

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'-7¹/₄" 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)*

**BERRYVILLE TOWN COUNCIL
PUBLIC HEARING NOTICE**

The Berryville Town Council will hold the following public hearings at 7:30 p.m., or as soon after as these matters may be heard, on **Tuesday, April 10, 2018**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

1) Proposed Tax Rates for 2018

Listed below are the proposed tax rates for the tax year beginning January 1, 2018, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

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

The proposed real estate tax rate reflects no increase in the real estate tax rate that was adopted in year 2017. The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2017. The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2017.

2) Site Plan

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

3) Special Use Permit Expansion

Genda Land Holding, LLC (John Lewis, Painter Lewis, PLC, Agent) is requesting an expansion of an approved Special Use Permit (SUP 02-08) 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

Copies of materials may be examined at the Town of Berryville Business Office, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia during regular business hours. Additional information may be obtained by calling the Town Business Office at 640/955-1099.

Any person desiring to be heard regarding the above matters should appear at the appointed time and place. Written copies of statements at public hearings are requested but not required.

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

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

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 GRADE #120 WINCHESTER VA 22601

Phone 540-602-5792

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 05
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: 1.72 ACRES 2 WAG

Proposed # of Lots: _____ Existing Zoning DR-*, 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
3-20-18

Adjoining Property Owners Notified? PC: 3-9-18

Action Taken: PC PN 3-27-18

TC PN 4-10-18



- Public
- Points of Interest
- Parcels With Orthos
- Clarke County Boundary
- Major Roads
 - Interstate
 - US Highway
 - State Highway
- Surrounding Counties Opaque
- Surrounding Counties Non Op

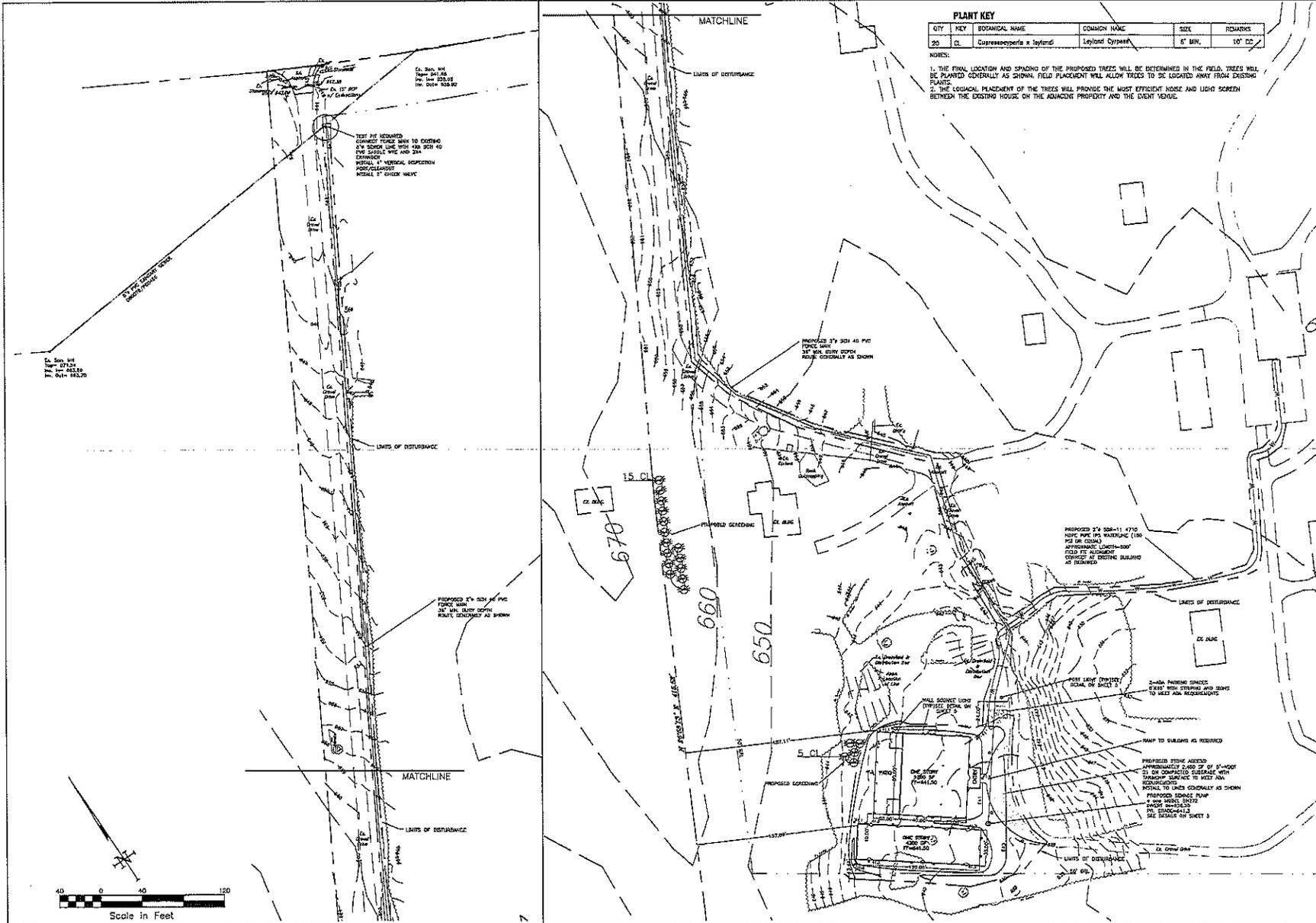
VICINITY
MAP



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.



Printed on 03/22/2018 at 10:15 AM



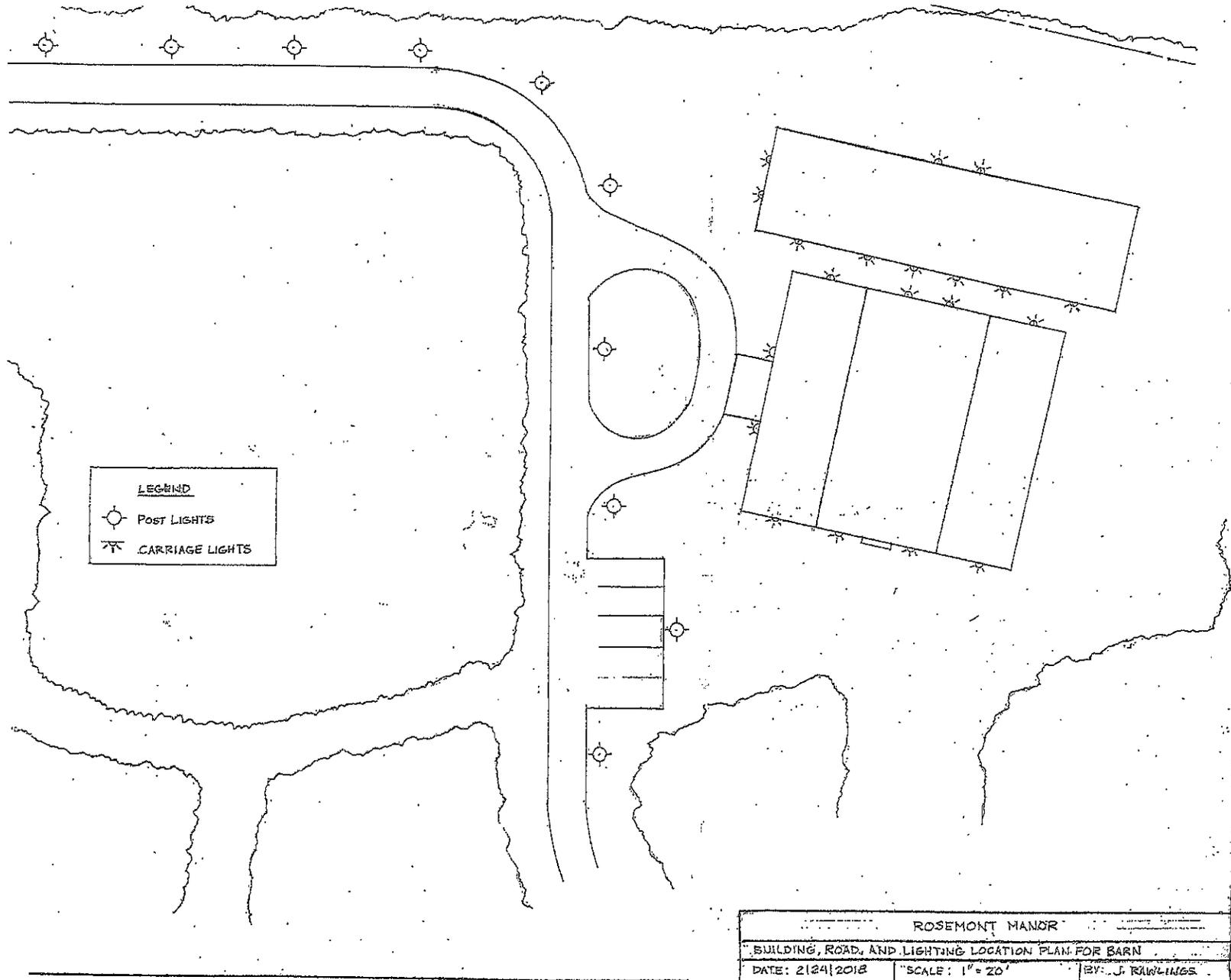
PLANT KEY

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
20	CL	<i>Quercusaspera</i> x <i>Jaylandi</i>	Leyland Cypress	8" MIN.	10' CD

NOTES:

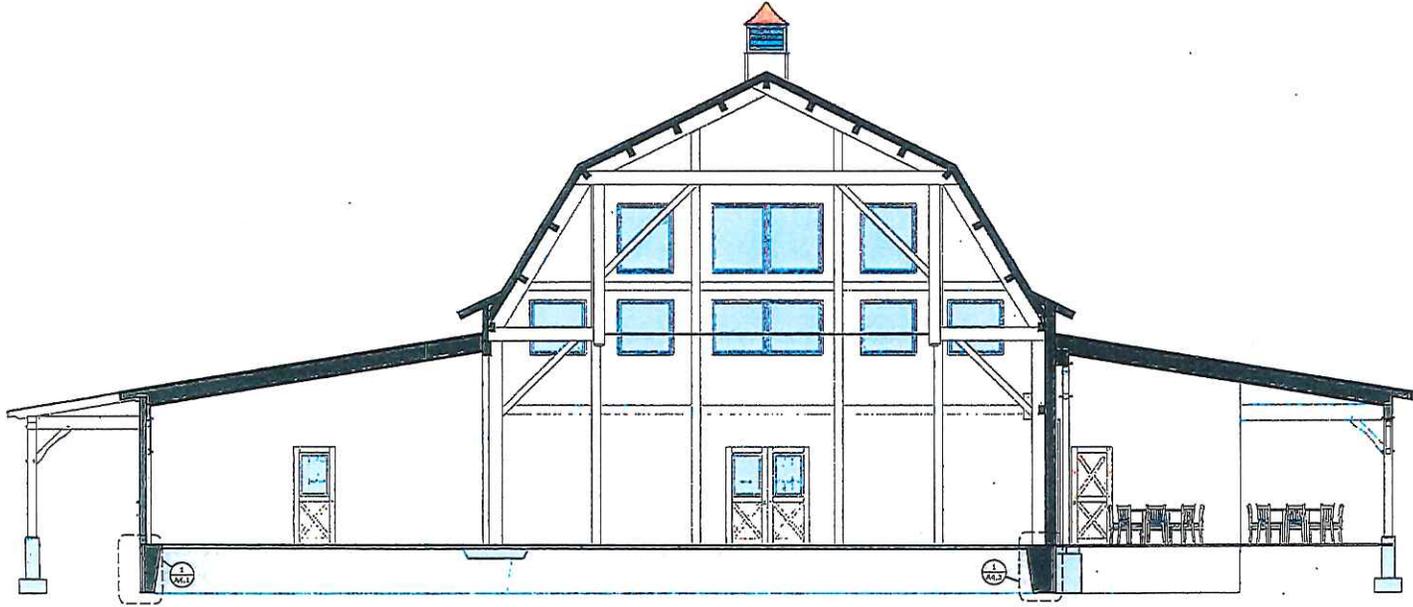
1. THE FINAL LOCATION AND SPACING OF THE PROPOSED TREES WILL BE DETERMINED IN THE FIELD. TREES WILL BE PLANTED GENERALLY AS SHOWN. FIELD PLACEMENT WILL ALLOW TREES TO BE LOCATED AWAY FROM EXISTING PLANTS.
2. THE LOGICAL PLACEMENT OF THE TREES WILL PROVIDE THE MOST EFFICIENT NOISE AND LIGHT SCREEN BETWEEN THE EXISTING HOUSE ON THE ADJACENT PROPERTY AND THE EVENT VENUE.

REVISIONS		NO.	DATE	BY
SITE PLAN				
PROJECT: ROSEMONT MANOR SITE DEVELOPMENT PLAN TOWN OF BERRYVILLE CLARKE COUNTY, VIRGINIA				
PAINTER-LEWIS, P.L.C. 817 Cedar Grove Drive, Suite 110 Warrenton, OR 97146 Telephone (503) 862-2932 Facsimile (503) 862-2933 Email: info@painterlewis.com				
SUBMIT:		DATE:	BY:	
P.L.C.		1/22/20	J.L.	
DRAWN BY:		JOB NO.:	SCALE:	
J.L.		17020010	DATE:	
SCALE:		DATE:	SHEET:	
1/2"=1'		1/22/20	4/6	

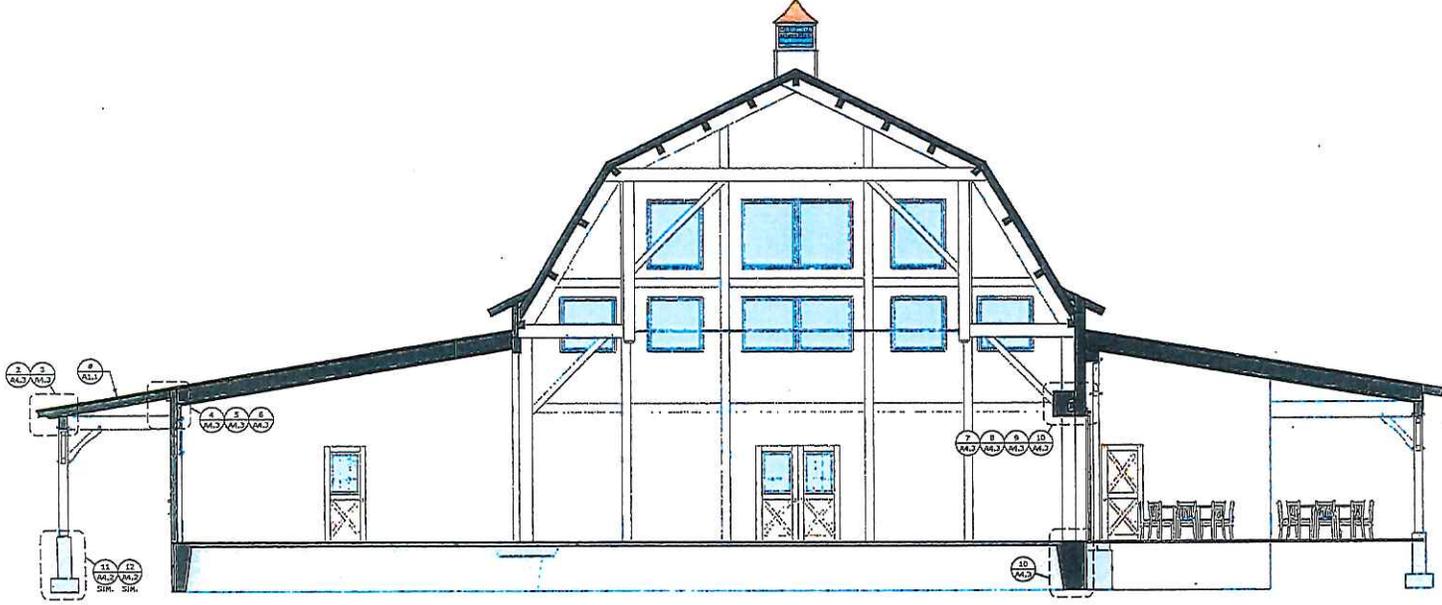


LEGEND
○ Post LIGHTS
⊠ CARRIAGE LIGHTS

ROSEMONT MANOR		
BUILDING, ROAD, AND LIGHTING LOCATION PLAN FOR BARN		
DATE: 2/24/2018	SCALE: 1" = 20'	BY: J. RAWLINGS



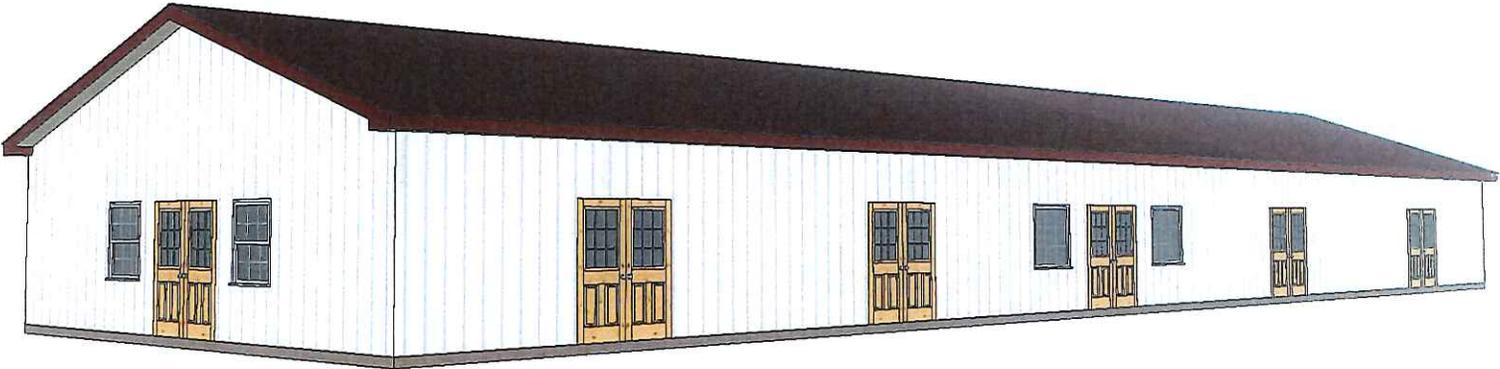
ISSUE	PROJECT	ENGEL ARCHITECTS	SCALE
FOR REVIEW	EVENT BARN	1854 LINCOLN HIGHWAY EAST	
	17030	LANCASTER, PA 17602	
	PROJECT NO.	(717) 392-8021	
	DRAWN BY	PROJECT #	REV'D. BY
	P.S.C.		
		QUARRIEWOOD CONSTRUCTION, LLC	
		<i>Building on Promises Rept</i>	
		695 HARTMAN STATION RD.	
		LANCASTER, PA 17601	
		(717) 263-4670	
		ORC	
		HISTORIC ROSEMONT MAONR	
		16 ROSEMONT MANOR LN.	
		BERRYVILLE, VA 22611	

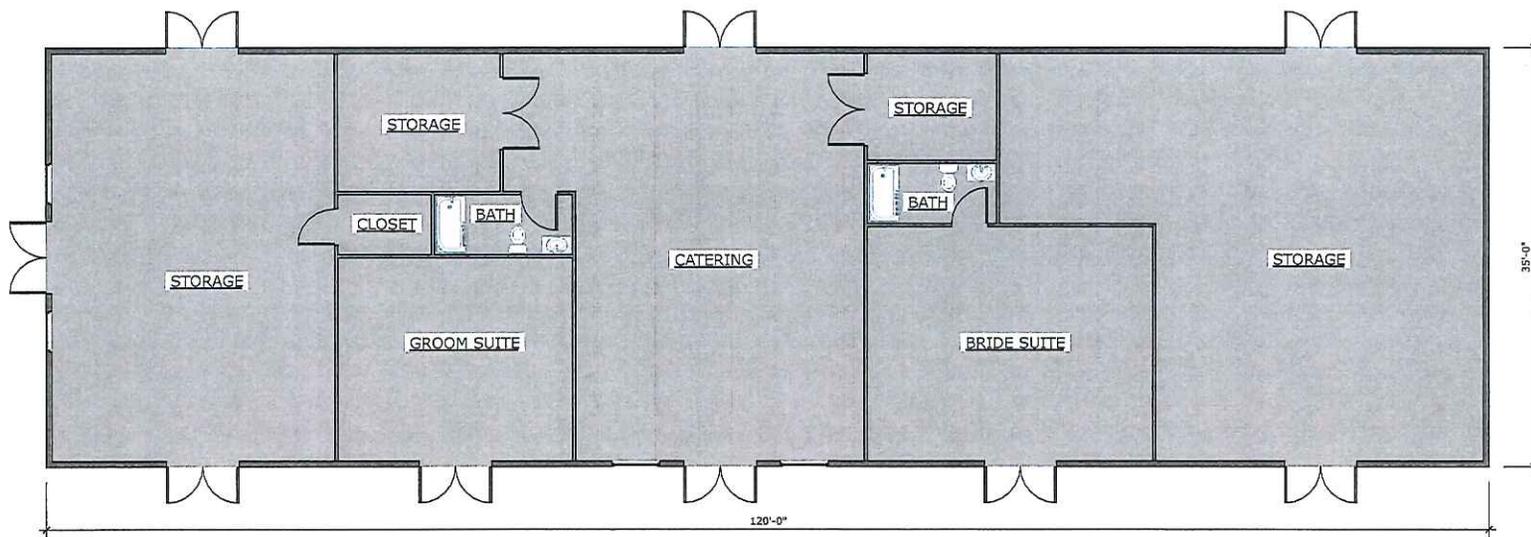


ISSUE	PROJECT	HISTORIC ROSEMONT MANOR	ENGEL ARCHITECTS
FORNOSTY	EVENT BARN	18 ROSEMONT MANOR LN. BERRYVILLE, VA 22811	1854 LINCOLN HIGHWAY EAST LANCASTER, PA 17602 (717) 392-6021
	PROJECT NO.	17030	PROJECT # _____ REV'D. BY _____
	DRAWN BY	P.S.C.	


OVC
 OUBRY VIEW CONSTRUCTION, LLC
Building on Premier Regi
 695 HARTMAN STATION RD.
 LANCASTER, PA 17601
 (717) 289-4870

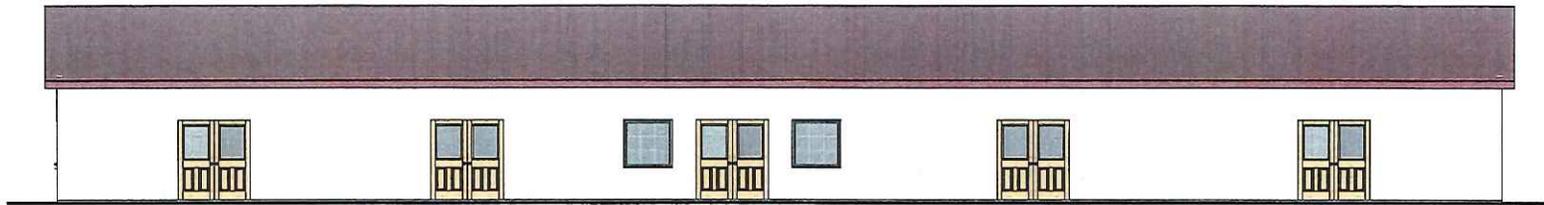
HISTORIC ROSEMONT MANOR
ACCESSORY BUILDING



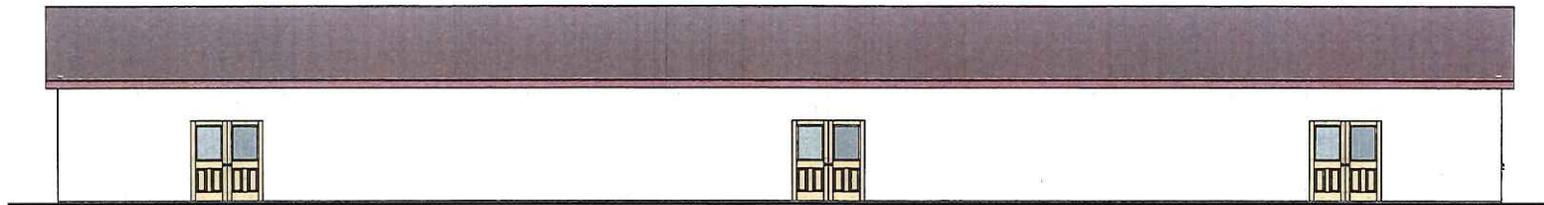


1 FLOOR PLAN
SCALE: 1" = 10'

 <p>QUARRY VIEW CONSTRUCTION, LLC <i>Building on Permisits Acpri</i></p> <p>695 HARMAN STATION RD. LANCASTER, PA 17601 (717) 283 4870</p>	
<p>HISTORIC ROSEMONT MANOR 16 ROSEMONT MANOR LN. BERRYVILLE, VA 22611</p>	
<p>PROJECT: ACCESSORY BUILDING</p>	<p>PROJECT NO. DRAWN BY P.S.C.</p>
<p>DATE 03/22/2018</p>	<p>ISSUE FOR REVIEW</p>
<p style="text-align: right;">A-1</p>	



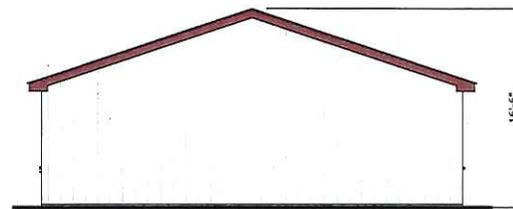
1 FRONT ELEVATION
SCALE: 1" = 10'



2 REAR ELEVATION
SCALE: 1" = 10'



3 LEFT ELEVATION
SCALE: 1" = 10'



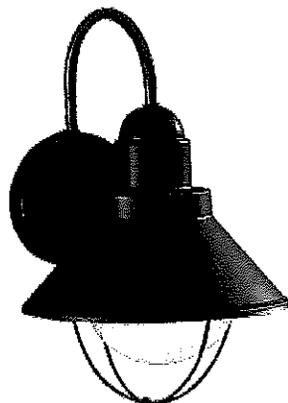
4 RIGHT ELEVATION
SCALE: 1" = 10'

QVC
 QUARRY VIEW CONSTRUCTION, LLC
Building on Pennines Adept
 695 HARMAN STATION RD.
 LANCASTER, PA 17601
 (717) 283 4870

HISTORIC ROSEMONT MANOR
 16 ROSEMONT MANOR LN.
 BERRYVILLE, VA 22611

PROJECT:
 HISTORIC
 BUILDING
 PROJECT NO.
 DRAWN BY:
 P.S.C.

DATE	ISSUE
03/22/2018	FOR REVIEW



Seaside Collection Seaside 1 Light Outdoor Wall Lantern in Black 9022BK (Black (Painted))

Product Description:

With an aura that is as pure as a sea breeze, the Seaside Collection offers the homeowner a unique line of outdoor fixtures guaranteed to bring a new identity to your home's landscape. For this 1-light Seaside Wall Lantern, aluminum with stainless steel is combined with Kichler's Black finish, resulting in a high quality fit that will look fantastic for years to come. The fixture houses a 100-watt (max) bulb that provides outstanding outdoor illumination for your landscape. It is 12" high, is U.L. listed for wet location, and is Dark Skies compliant.

Available Finishes

Black (Painted)
Brushed Nickel
Old Brick
Old Bronze
White

Project	
Type	
Ordering #	
Comments	

Technical Information

Lamp Included:	Not Included
Lead Wire Length:	6"
Extension:	9
Safety Rated:	Wet
HCWO:	6
Base Backplate:	4.75 X.75
Dual Mount:	No
Dark Sky:	Yes
Patent:	D383239
Light Source:	Incandescent
Socket Base:	Medium
Number of Bulbs:	1
Lamp Type:	A
Max Watt:	100W
Width:	8"
Height:	12"
Overall Height:	"
Collection:	Seaside Collection
Finish:	Black (Painted)

KICHLER

Style to live by™



Madison 1 Light Outdoor Post Mount in Black 9956BK (Black (Painted))

Product Description:

With its timeless colonial profile, the Madison is the perfect line of outdoor fixtures for those looking to embellish classic sophistication. Because it is made from cast aluminum and comes in an extensive amount of different finishes, this Madison 1-light post lantern can go with any home décor while being able to withstand the elements. It features a Black finish with clear beveled glass panels. The Madison post lantern uses a 150-watt (max.) bulb, measures 9 1/2" in diameter by 22" high, and is U.L. listed for wet location. Post Not Included.

Available Finishes

Black (Painted)

Tannery Bronze

Technical Information

Lamp Included:	Not Included
Weight:	5LBS
Glass Description:	CLEAR BEVELED GLASS
Safety Rated:	Wet
CFL Bulb Type:	HYBRID (23-30W)
Dual Mount:	No
Light Source:	Incandescent
Socket Base:	Medium
Number of Bulbs:	1
Lamp Type:	A19
Max Watt:	150W
Width:	9.5"
Height:	22.75"
Finish:	Black (Painted)

Project
Type
Ordering #
Comments

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
MOTION FOR SITE PLAN APPROVAL

Date: April 10, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached Site Plan with the following condition:

All stormwater management comments have been satisfied.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 3

BERRYVILLE TOWN COUNCIL
Public Hearing – Special Use Permit Expansion
April 10, 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

Public hearing notices were published in the Winchester Star on Tuesday, March 27 and Tuesday, April 3, 2018. Adjacent property notices were mailed on March 28, 2018. No comments were received in the Planning Department with this mailing.

Section 503 of the Berryville Zoning Ordinance states that once a Special Use Permit is granted, it may not be “enlarged, extended, increased in intensity, or relocated unless authorized by the Council.” Mr. Genda’s proposal for two additional structures as part of the “country inn” use is enlarging the approved SUP and increasing its intensity by adding additional space for events. The definition of “country inn” in Article I Definitions of the Berryville Zoning Ordinance reads as follows:

***Country Inn** - An establishment offering for compensation to the public not more than 12 guestrooms for transitory lodging or sleeping accommodations of not 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.*

As identified in the definition, the approval of the expansion of the Special Use Permit would not affect the number of people attending events under this use.

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;
- Section 503 Special Use Permit of the Berryville Zoning Ordinance; and
- Motion

Recommendation

The expansion of the Special Use Permit must occur concurrently with the approval of the site plan. If Council continues the site plan public hearing, this action should also be continued. If site plan approval has occurred, Council may choose to act on this item. A motion follows this report.

March 13, 2018 Staff Report

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.

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.

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 Kitzelman, III
Ward 2

Mary L. Daniel
Ward 3

Gail Smith
Ward 4

Keith R. Dalton
Town Manager

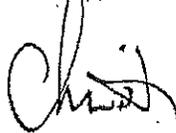
The Special Use Permit was approved with the following conditions:

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

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

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

Sincerely,



Christy Dunkle
Assistant Town Manager

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

Enc./1

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

MOTION FOR SPECIAL USE PERMIT EXPANSION APPROVAL

Date: April 10, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the expansion of an existing Special Use Permit (SUP 02-09) in order to allow additional structures and increase the event space for the country inn use at Rosemont Manor identified as Tax Map Parcel number 14-A-10 on that portion of the property located in the Open Space Residential zoning district.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 4

**BERRYVILLE TOWN COUNCIL
WORK SESSION
Berryville-Clarke County Government Center
MINUTES
March 13, 2018**

A Work Session of the Berryville Town Council was held on Tuesday, March 13, 2018 at 3:00pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Present: Mayor Pat Dickinson, Recorder Jay Arnold, Donna McDonald, Allen Kitselman, David Tollett. Absent: Erecka Gibson

Staff present: Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Chief Neal White, Berryville Police Department; Rick Boor, Director of Public Works; David Tyrrell, Director of Utilities.

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

Approval of Agenda

Council member McDonald made the motion to approve the agenda as presented, seconded by Council member Kitselman, the motion passed by voice vote.

Discussion – FY 2019 Draft Budget

Mayor Dickinson asked Mr. Dalton to review the proposed budget. Mr. Dalton reviewed items in the document and noted changes to the CIP presentation. He asked Ms. Moreland to review budget highlights, identifying the following items:

- No increase in Personal Property tax rate;
- PPTRA remains at 70%;
- No increase in Real Estate tax rate;
- No increase in Machinery & Tools tax rate;
- No increase in Vehicle License Fees;
- No increase in Business & Professional License rates;
- Water Tank Site Lease adjustments per agreements; and
- No increase in Lodging Tax, Meals Tax, or Cigarette Tax.

She added that there are no proposed increases in user rates for both the Water Fund and Sewer Fund. She said that two residential and one commercial Availability Fee are anticipated. Mr. Dalton discussed availability fees stating that he was anticipating two commercial fees in the current FY which did not occur. He said he is anticipating the availability fees for the assisted living facility in this FY but the other commercial fee is not expected.

Ms. Moreland reviewed Operating Expenses identifying highlights as follows:

Expenses

- \$1,000 COLA with Police Department CDP payroll increases are proposed;
- 8.5% increase in Health Care costs;
- TOTAL BUDGET DECREASE of 3.01% due to the water tank project occurring in the current FY.

General Fund

- Increase in Maintenance & Operational expenses of 1.16%;
- Blight Abatement;
- Overlap in Utility Clerk Position;
- Debt Service deposits to RDA Debt Service Reserve Fund which will end 5/18;
- Contingency is 3.04% of Operating Budget;
- Total General Fund increase of 6.58%.

Water Fund

- Decrease in Maintenance & Operation expenses of 1.11%;
- There is currently no Debt Service in the Water Fund;
- Contingency is 3.0% of the Operating Budget;
- Water Fund total decrease of 15.88% due to CIP Tank Maintenance.

Sewer Fund

- Increase in Maintenance & Operational Expenses of 9.60%;
- Debt service reflects payment to VRA;
- Contingency is 3% of Operating Budget;
- Sewer Fund total decrease of 3.01%

Mr. Dalton reviewed CIP requests. Mayor Dickinson identified the staff position proposed for the Police Department which had been frozen and the proposed career development funding in order to stop turnover in the Police Department. She said that the position could be left frozen due to the new retention efforts. There was a discussion about increased enforcement. Mayor Dickinson said that other options including changes to the landscape and to roadways can be implemented which would not require increased enforcement needs. Council member McDonald said that the Town is growing and needs additional enforcement. Recorder Arnold agreed that career development and additional training should retain officers. Council member Tollett recommended unfreezing the position. Recorder Arnold added that traffic and speeding are not the only problems that require law enforcement action.

Mr. Dalton said that rescue services funding dropped to \$16,500. Jason Porter, Chief of John H. Enders Fire Company and Rescue Squad, thanked Council for their continued support. Mr. Dalton said that Enders was anticipating the purchase of an ambulance replacement in the next FY and may call on the Town to utilize funds from the DIP reserve that was established last year.

There was a discussion about the Parks and Recreation funding totaling \$5,000. Mayor Dickinson said that these funds could be moved to Community Development. Council member Arnold asked if they were notified about the elimination of the funding, no Council member had discussed the matter with the Board of Supervisors. Mayor Dickinson said that the funds could be reallocated to Rose Hill Park improvements adding that the Community Development Committee can use the funding. There was a discussion about Hogan's Alley. Council member Kitselman said he would like to continue to support the County Parks and Recreation funding. Council member McDonald said she was fine with reallocating the money to Rose Hill Park improvements. Council member Tollett asked if the County was expecting the money. Recorder Arnold asked if the County was given any indication that the funding would be removed. Mayor Dickinson said that Council member Gibson may have had a conversation with the Board of Supervisors about the matter. Council member Tollett said those whose funding was eliminated should be notified because it would affect their budget. He said that if the County had not been notified, then the money should be left in the proposed

budget. Recorder Arnold agreed with Council member Tollett. Council member McDonald suggested notifying the County of the Town Council's intent to eliminate this line item next year.

There was a discussion about Berryville Main Street funding. Mr. Dalton discussed capital outlay including starting a reserve for the livery stable; public works improvements including an update to the bays including minimal heating; expansion of finished areas; salt storage facilities; and securing additional property to expand the parking area. Mr. Dalton continued, discussing needs for the Berryville Police Department including body cameras; mobile data terminals (MBT); and radar feedback signs. He said funds identified for a Master Plan for Rose Hill Park will include survey work to identify utilities and in-house development of a Master Plan. Mr. Dalton said that additional funds for budget management software that improve budget management and reporting were not included in the budget.

Chief White reviewed the body camera request. He said that the current contract is at the end of the three year period and he has requested an extension to continue using the existing cameras. He said that software and technology has moved forward quickly and it would benefit the Town to get updated cameras. There was a discussion about file storage; the number of products on the market; and the expectations of the courts system for prosecution and defense for entering video into evidence. Council member McDonald said that safety is an important concern. Recorder Arnold said that cameras protect everyone.

There was a discussion about computer replacement and software updates. Council member Kitselman asked about the Rose Hill Park Master Plan. Mr. Dalton said that all utilities would be located; existing facilities (e.g., playground, path) would be identified; and the ability to look at future improvements would be a benefit. He said that Ms. Dunkle can work with the Community Improvements Committee and bring the Plan back to Council for discussion and approval.

There was a discussion about modifications to the proposed budget as follows:

- Reduction of computer replacement to \$3,000;
- Reduction of livery reserve to \$40,000;
- Reduction of MDT to \$17,500.

Council members agreed to retain the \$12,000 for software module updates.

In response to a request from Council, Mr. Dalton reviewed Water and Sewer funds and a proposed pick-up truck for utilities that would be purchased in 2020. He discussed collection system rehabilitation, specifically East Main Street from Church Street to the railroad tracks. He said he will work with public works staff to identify issues after reviewing the video of the system. Mr. Dalton discussed technology within the wastewater treatment plant and possible changes to the proposed paving schedule.

Ms. Moreland asked whether Council would be keeping the patrol car in the proposed budget and they agreed to do so.

Mayor Dickinson asked whether any of the projects discussed in the Town Manager's recent memorandum regarding water projects were included in the budget.

Mr. Dalton reviewed proposed water-related projects to be completed in 2023 and recommended considering annual rate increases to prepare for this work.

Other

There was no other business.

Adjourn

There being no further business, Council member Kitselman made the motion to adjourn the meeting at 4:42pm.

DRAFT

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
March 13, 2018
7:30 p.m.

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

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; Chief Neal White, Berryville Police Department

Press: Cathy Kuehner, Winchester Star

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

Council member Kitselman requested a modification to the agenda to discuss staff procedures under "Other." He made the motion to approve the agenda as amended, seconded by Council member McDonald.

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

4. Public Hearings

Mayor Dickinson opened the public hearing as follows:

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

Mayor Dickinson recognized Kara Rodriguez, Berryville resident. Ms. Rodriguez spoke in support of all of the proposed amendments. She recognized Council for being aware of the market and economic development opportunities with this type of business. She recommended reviewing the zoning ordinance that would allow for other opportunities to find areas of market demand.

Mayor Dickinson recognized Diane Harrison, Berryville resident. Ms. Harrison referenced comments she gave at the Planning Commission public hearings. She said she supports the proposed amendments and that this type of business will draw visitors and that it would support downtown businesses and tourism.

Mayor Dickinson asked about treatment of waste from a brewery. Ms. Dunkle discussed MSDS submission requirements referenced in her staff report. Mr. Dalton described the process for reviewing waste from manufacturing facilities for conformity to code requirements and said that pre-treatment may be required depending on what the manufacturer would be putting in to the collection system. He added that a significant amount of waste from breweries is used in the agricultural industry.

There being no other speakers, Mayor Dickinson closed the public hearing.

Mayor Dickinson opened the second public hearing as follows:

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

There were no speakers, Mayor Dickinson closed the public hearing.

Mayor Dickinson opened the third public hearing as follows:

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

There were no speakers, Mayor Dickinson closed the public hearing.

5. Citizens' Forum

Mayor Dickinson recognized Hazen Wilson, Berryville resident. Mr. Wilson said that he lives on Page Street and was opposed to the installation of dumpsters in lieu of the tofers. He discussed taxes and reduction of services from a political and equity standpoint and added that he was concerned about vermin getting into the dumpsters.

Mayor Dickinson recognized Alton Echols, Berryville resident. Mr. Echols said that Council had left off a few items on their Goals and Objectives list. He discussed access and development of a 12 acre parcel north of the Battlefield Shopping area. He said that a sidewalk on the south side of Josephine Street should be constructed due to the large number of elderly residents who shop at the dollar stores downtown and deserve a decent sidewalk.

Mayor Dickinson recognized Elizabeth Ryan, representing Berryville Main Street. Ms. Ryan thanked Council for maintaining the current rate for their rent, extending the lease for three years, and continued support of the organization. She reported that Berryville Main Street had been accredited by Virginia Main Street for 2018. She said the organization is working on events for the coming year and connecting with business owners. Ms. Ryan said that Mr. Capelli will be assisting Berryville Main Street with tourism efforts. She added that the Board is interested in grant writing and fundraising to support the Town's wayfinding sign effort and bringing people into Berryville is their top priority.

6. Consent Agenda

Council member Tollett made the motion to approve the Consent Agenda as presented, seconded by Council member McDonald. The items on the Consent Agenda were:

Minutes of Work session – 3/5/18

Minutes of Regular Meeting – 2/13/18

Minutes of Budget and Finance Committee Meeting – 2/27/18

Minutes of Streets and Utilities Committee Meeting – 2/27/18

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

7. Report of Patricia Dickinson, Mayor

Mayor Dickinson said she was unclear as to why Council was reviewing the Goals and Objectives for Fiscal Year 2019 and not sure of the value of reviewing them again. Recorder Arnold asked if Council needed to approve the proposed items. Mayor Dickinson responded that there was no requirement to do so. No action was taken.

Mayor Dickinson said that Julie Abrera had resigned from the Tree Board. She said she has chosen to replace her with Howard Morrison. She recognized Mr. Morrison and thanked him for participating on the Board.

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

Recorder Arnold had nothing to report.

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

Ms. Dunkle referenced action on the public hearings concerning craft beverage manufacturing.

Recorder Arnold moved 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", seconded by Council member Kitselman.

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.

Aye: Kitzelman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

Ms. Dunkle referenced the proposed text amendment to Section 607 C-1 Commercial, of the Berryville Zoning Ordinance.

Council member McDonald moved 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. The motion was seconded by Council member Kitzelman.

SECTION 607 C-1 COMMERCIAL DISTRICT

607.3 SPECIAL PERMIT USES

(w) Craft beverage manufacturing (03/18)

Aye: Kitzelman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

Ms. Dunkle referenced the proposed text amendment to Section 609 L-1 Industrial, of the Berryville Zoning Ordinance.

Recorder Arnold moved 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. The motion was seconded by Council member Kitzelman.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.2 PERMITTED USES (12/94)

(t) Craft beverage manufacturing (03/18)

Aye: Kitzelman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

10. Report of Keith Dalton, Town Manager

Mr. Dalton said that Council had directed him to create a plan for refuse and recyclable collection at the Battletown Subdivision noting that, as the HOA will be holding a meeting on March 27 to discuss this effort with owners and residents, he has stopped the effort until they make a decision whether they wish to replace the toters with dumpsters. Mayor Dickinson added that the HOA has pushed for this change, not the Town.

Mr. Dalton said that there is a temporary cul-de-sac at the end of McNeil Drive that was constructed with the development of the grocery store. He stated that the Town and McDonald's entered into an agreement in accordance with which McDonald's provided funds to the Town to complete the temporary cul-de-sac. He said they will complete punch list items identified such as cracked curb and gutter and mill and pave the street in order for the Town to take it into the secondary system and receive reimbursable funds. He said that McDonald's has funded the project in the amount identified in the agreement. Mr. Dalton said that the project went out to bid and the apparent low bid from Pine Knoll Construction was \$2,084 over the anticipated cost of the project. He said he is seeking either approval to move forward with the apparent low bidder or to reject the bids and postpone the project. Mayor Dickinson asked that if the bids were rejected, would the project need to be re-bid. Mr. Dalton said that would be the case. Council member Kitselman asked if funding might come from General Fund Contingency and Mr. Dalton responded that it would. Council member Kitselman said it would make sense to move forward and to get the road into the public system.

Council member Kitselman made the motion 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 at the northern terminus of McNeil Drive. The motion was seconded by Council member McDonald.

Council member Tollett asked whether the Town Manager could contact McDonald's to ask if they would pay the overage. Mr. Dalton said he had already placed the call but wasn't optimistic about getting additional funds. Mr. Dalton said there are three options; Council to authorize him to go forward with the project and take the overage out of contingency; not do the project and return the funds to McDonald's; or wait and re-bid the project. Council member Kitselman said it is not going to get any cheaper if they wait. Mr. Dalton said that the bottom line is that McDonald's will complete and pave the road and the funding would allow for most of the work at the terminus of McNeil, all of which solve the problem of getting the street into the public system.

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: None

Abstain: Dickinson

Absent: Gibson

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

Mayor Dickinson said that the Budget and Finance Committee met and made some minor changes which were identified and discussed at the earlier work session. Ms. Moreland requested that Council set a public hearing for tax rates for the next meeting. By consensus, the public hearing was set for the April 10, 2018 meeting.

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

Council member McDonald said that the Community Improvements Committee had not met in February but they were expected to meet on Monday, March 26 at 7:00pm.

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

Council member Tollett said that the Committee did not meet in February. He said their next scheduled meeting is set for Thursday, March 22 at 9:00am. Chief White briefed Council on upcoming events.

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

Mayor Dickinson asked if anyone had questions about the utility or public works staff reports.

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

Recorder Arnold said he had nothing to report and did not schedule a Personnel Committee meeting for March.

16. Other

Council member Kitselman requested that the agenda be amended at the beginning of the meeting in order to discuss staff procedures. He said that in light of the discussion at the March 5 work session, he wanted to confirm direction given at that time to instruct senior Town staff to receive and retain confidential information. He wants to clarify expectations of Council and direction to staff concerning confidentiality requests. Council member Kitselman said that Council relies on their judgment and that Council members do not need to know all of the information staff receives.

Council member Kitselman made the motion that the Council of the Town of Berryville instruct and confirm that the senior town staff (Town Manager, Town Planner, Assistant Town Manager) may receive and keep confidential information from individuals or businesses that inquire about moving or investing in the Town of Berryville if such persons request anonymity. Council affirms that they rely on Staff's judgment in such matters as part of their duties. The motion was seconded by Recorder Arnold.

Mayor Dickinson said that she has a concern whenever secrecy in government occurs and it is not a good thing. She added that sharing information is not a major issue. Council member Kitselman said this is not how things work and that sometimes these efforts do not come to fruition. He added that infringing on confidentiality is a liability.

Aye: Kitselman, McDonald, Tollett, Arnold

Nay: Dickinson

Abstain: None

Absent: Gibson

Council member Kitselman said that individual Council member requests for studies and other specific projects divert staff from doing their jobs. He said that the Town has a dedicated small staff and recommends giving the Town Manager the ability to determine the effort and time needed by his staff and to notify all Council members of such requests for approval by Council.

Council member McDonald said that everyone is busy and the numerous emails she receives and which

identify the issues and the number of changes to projects becomes redundant. She recommended a monthly report by the Town Manager prior to each Council meeting might be better than the continuous email requests. Mayor Dickinson asked if Council member Kitselman had a motion.

Council member Kitselman discussed elements of a motion in this matter but no acceptable wording was developed. Mayor Dickinson suggested that a motion be drafted and reviewed by legal counsel because she is concerned that such an action tramples on peoples constitutional rights. Council member Kitselman stated that he did not see how this would trample on anyone's first amendment rights. He stated that he would craft a motion and provide it to staff so that it can be reviewed by legal counsel. Recorder Arnold stated that the Council should see the motion before it goes to legal counsel. Council member Kitselman stated that he in no way wants to stymie information flow to the Council but parameters need to be set. Mr. Dalton confirmed that Council member Kitselman would provide him with a motion then he would send it to Council and seek input from individuals before he forwards it for review.

Council member McDonald inquired as to what rights were being endangered by the action being discussed. Mayor Dickinson stated that we have a right to the Freedom of Information Act and for a public official to deny such rights might be a Class 5 felony. Recorder Arnold stated that he did not agree with the concern. Council member Kitselman asked whether the Mayor's statement was a threat. Mayor Dickinson stated that it was not a threat and that her statement was intended to make sure the matter was properly reviewed by legal counsel. Council member McDonald stated that this is not about withholding information it is about permitting staff to do its work. Council member Kitselman stated that it is about understanding your role as a member of Town Council. He stated the Council members are not here to manage the daily workings of the Town and that the Council hires staff for that purpose. He expressed concern about a council member attempting to micromanage staff.

Council member McDonald made the motion that the Council direct the Town Manager to compile one report on all committee meetings and Town business once a month, preferably one week (five business days) prior to the Town Council monthly meeting. There being no second, the motion did not carry.

Recorder Arnold said that creating such a report would be a challenge and that Council is supplied with previous meeting minutes in the monthly agenda packets.

17. Adjourn

There being no other business, upon motion of Council member McDonald, seconded by Council member Kitselman, the meeting was adjourned at 8:28 p.m.

Harry Lee Arnold, Jr., Recorder

Christy Dunkle, Recording Secretary

BERRYVILLE TOWN COUNCIL COMMUNITY IMPROVEMENTS COMMITTEE
Berryville-Clarke County Government Center
MINUTES
March 26, 2018

A meeting of the Berryville Town Council Community Improvements Committee was held on Monday, March 26, 2018 at 7:00pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Donna McDonald, Chair; Allen Kitselman

Staff present: Keith Dalton, Town Manager, Christy Dunkle, Assistant Town Manager/Planner

Others present: Bradly Braithwaite

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

Approval of Agenda

Mr. Kitselman made the motion to approve the agenda as presented.

Discussion – Lighting at Rixey Moore Parking Lot

Chair McDonald asked Mr. Dalton to discuss the matter. Mr. Dalton said that the recent wind storm damaged the electrical pole on the east side of the Rixey Moore Parking Lot. He said that the fixture had blown off and the pole was deemed a safety hazard and was removed. He said he would like to replace both poles and fixtures with shorter poles and LED lights. He added that he would like to have the work completed by the time the Farmers' Market opens on Saturday, May 5. There was a discussion about the pole height, shielded LED lighting, additional outlets on the western side of the parking lot, and an emergency declaration from the Governor's office. Mr. Dalton suggested that a discussion occur with Town Council about replacement of the poles occur and that the Community Improvements Committee move forward to determine which lights be installed. Chair McDonald and Mr. Kitselman agreed to the path forward and reiterated the importance of completing the work prior to the start of the Farmers' Market and will ask that Town Council authorize Committee members to make determinations about the fixtures and installation.

Discussion – Tesla/Cripple Creek Charging Stations

Ms. Dunkle said that the Town had applied for and received a grant from Tesla to install electric vehicle chargers at the Berryville Clarke County Government Center. She said that Mr. Dalton had discussed the matter with the Building Committee which includes County representatives. There was a discussion about the process for installing the Tesla/Cripple Creek charging stations, locating facilities at the Rixey Moore Parking Lot, and associated costs for the project including installation and electricity usage. Committee members directed staff to continue discussions with Tesla and the County and to determine costs.

Discussion – Pollinator Project

Ms. Dunkle introduced Mr. Braithwaite to Committee members. Mr. Braithwaite discussed efforts for crowd funding and business sponsorships to pay for the garden installation. Mr. Dalton referenced Town Code sections concerning high grass and said that a possible solution would be to reference approved naturalized areas in the Code concerning current maintenance requirements. Ms. Dunkle identified parcels proposed by Mr. Braithwaite and discussed Town-owned parcels. Mr. Dalton said that DEQ and VDH would need to review and approve any plantings at the wastewater treatment plant and the water plant, respectively.

Chair McDonald and Mr. Kitselman thanked Mr. Braithwaite for his efforts and indicated they were supportive of his efforts.

Mr. Kitselman left the meeting at 7:33pm.

Discussion – Tree Board Tree Planting

Ms. Dunkle said that the Tree Board has scheduled a tree planting that coincides with opening day of the Farmers' Market on Saturday, May 5.

Other

Chair McDonald asked about the status of playground equipment. Mr. Dalton said that no funds were identified in the proposed budget specifically for equipment adding that the funding for a Master Plan for Rose Hill Park is identified in the proposed budget.

There being no further discussion, Chair McDonald adjourned the meeting at 7:50pm.

MINUTES
BERRYVILLE TOWN COUNCIL
POLICE AND SECURITY COMMITTEE
Berryville-Clarke County Government Center
March 22, 2018
9:00 a.m.

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

Staff: Keith Dalton, Town Manager; Neal White, Chief of Police

Press: None

Others: Diane Harrison

1. **Call to Order**

The meeting was called to order at 8:59 a.m. by Committee Chair Tollett.

2. **Approval of Agenda**

The agenda was approved as presented.

3. **Department Update**

Chief White informed the committee that several officers were working on community projects and the Excitation implementation process was on schedule and under budget.

4. **Discussion – Berryville Code Review – Chapter 11**

Chief White explained that Berryville Code Chapter 11 – Noise was last reviewed in 2013. He noted that Ms. Gibson received a citizen concern regarding several aspects of the chapter.

The Committee directed staff to review the chapter for inconsistencies and report back with any recommended changes.

5. **Discussion – Berryville Code Review – Chapter 20**

Chief White explained that Berryville Code Chapter 20 – Assemblies, Demonstrations, and Parades was last reviewed in 2008 and that given all that has happened in the past decade a review of this section is advised. Chief White provided the committee with a copy of Charlottesville's newly adopted ordinance that addresses assemblies and demonstrations.

The Committee agreed to review the current Chapter 20 and Charlottesville's new ordinance and provide their comments to staff. The Committee agreed to discuss the matter at its next meeting.

6. **Closed Session**

No Closed Session Scheduled

7. Other

The Committee set its next meeting on 26 April 2018 at 9:00 am.

The Committee agreed to review and discuss changes to Chapter 8 – Garbage and Refuse.

Mayor Dickinson stated that she would like to see Section 3.12 of Berryville's Charter amended to remove the requirement that the Council meet every month. She noted that such a change would not necessarily eliminate meetings but would give the Council the option to not hold a meeting in August or September if it so chose. Mr. Dalton stated that such a change would be helpful and that the process of getting a Charter amendment approved by the General Assembly should not be too arduous. The Committee directed staff to examine the matter more fully, including timing with such items being approved by the General Assembly, and report to the Town Council at its April meeting.

8. Adjourn

There being no further business, the meeting was adjourned at 09:35 a.m.

DRAFT

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

Committee Members: Present: Patricia Dickinson, Chair; David Tollett

Staff: Keith Dalton, Town Manager; Rick Boor, Director of Public Works; Christy Dunkle, Town Planner; Mia L. Jackson, Town Clerk

Press: None

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 – Water distribution system improvement projects / paving
Mr. Dalton provided an overview of two water projects.

Mr. Dalton reviewed the Rice Street water project and staff's recommendation that necessary water distribution system work be completed on the street prior to paving in order to improve fire protection and to reduce water leak risk. Mr. Dalton reviewed the options for repair for Rice Street. He said the first option is to extend an 8" main north from West Main Street to Academy Street, replacing six laterals between West Main Street and Academy Street, installing a fire hydrant in the vicinity of the intersection of Rice and Academy Streets, and replacing three laterals in the block of Rice Street between Academy and Treadwell Streets. He said the second option is to replace the six laterals between West Main Street and Academy Street and replace three laterals in the block of Rice Street between Academy and Treadwell Streets. He noted that work would occur in the summer of 2018 including paving Rice Street from Walnut Street to West Main Street after completion of the water project.

Mr. Dalton then reviewed the Rockcroft subdivision water project. Staff recommends extending an 8" main into the subdivision, installing a fire hydrant, relocating water meters when possible, and abandoning the majority of the existing water mains. Mr. Dalton said that the first step for the Rockcroft project would be to complete resistivity testing in the near term and evaluate new water main locations further with testing results in hand. Mr. Dalton said that staff would like to take a proactive approach to Rockcroft prior to an emergency and would like to fund the resistivity testing out of this year's budget.

Mr. Dalton noted affects to the budget based on the proposed projects and associated options. He also discussed how staff recommends proceeding with secondary street paving in the second half of FY 18 and in FY 19. If the committee decided to move forward with

the Rice Street water project, Rice Street paving would be moved from FY 2019 to FY 2018 and Rosemont Circle paving moved to FY 2019. He noted that Ridge Road, Rockcroft Drive and Circle Drive paving projects would be added to FY 2019.

Mr. Dalton asked for guidance from the committee as to how to proceed with the proposed water projects.

The committee agreed that the best course of action would be to focus on the Rockcroft water project and to begin the resistivity testing. The committee recommended proceeding with option two for the Rice Street water project, to replace the six laterals between West Main Street and Academy Street, replace three laterals in the block of Rice Street between Academy and Treadwell Streets and to pave Rice Street from Walnut Street to West Main Street.

Mr. Dalton asked the committee to review his February memo regarding the necessity of having to borrow money in the future to complete water projects. Mr. Dalton stressed the importance of a proactive approach as the annual debt service would have to be addressed in water rates. He added that it would be advisable to begin adjusting the rates well before debt service began.

4. Closed Session – No Closed Session Scheduled

5. Other

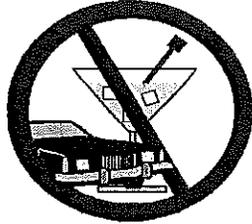
Mr. Dalton reviewed future paving and utility projects including a proposal to pave Hermitage Blvd and updating utilities on Osbourne Street.

6. Adjourn

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

Old Dominion Alcohol Safety Action
Program

860 Smithfield



+
Avenue, Winchester, VA 22601
540-665-5633 Fax: 540-678-0730

March 13, 2018

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

Re: Appointment to the CCJB and ASAP Boards

Mr. Dalton,

On February 23, 2015 The Berryville Town council appointed Chief Neal White to the Old Dominion Alcohol Safety Action Program Board and to the Old Dominion Community Criminal Justice board.

It is being requested you re-appoint Chief White as a member of both Boards for a three year term. Your prompt action is needed and appreciated to keep Chief White current and active with our boards.

Should you have any questions, please contact me at 540-535-7156 or acosans@vaasap.org. You may also contact the Chairman, Mr. Stephan M. Gyursin at 540-336-7357 or smgyursin@advancedplanningassociates.com.

Respectfully,

A handwritten signature in black ink, appearing to read 'Andrea Cosans', with a long, sweeping horizontal line extending to the right.

Andrea Cosans, Director

Cc: Mr. Stephen Gyursin

BERRYVILLE TOWN COUNCIL
MOTION TO APPROVE CONSENT AGENDA

Date: April 10, 2018

Motion By:

Second By:

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

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 5

Recorder Arnold recommends that the Council discuss the World War One 100th Anniversary Committee's interest in erecting a statue of Major Lloyd Williams in Berryville. It is his understanding that the discussions have included placement of the statue in Rose Hill Park.

Because Rose Hill Park is owned by the Town of Berryville, Recorder Arnold believes that the Town Council should discuss the matter while the Committee is in the early stages of its work.

Please find attached:

- Minutes of the 11/20/17 World War One 100th Anniversary Committee meeting
- Minutes of the 1/10/18 World War One 100th Anniversary Committee meeting
- Minutes of the 2/21/18 World War One 100th Anniversary Committee meeting
- *Winchester Star* article 11/27/17

World War One 100th Anniversary Committee

Meeting Minutes

VFW Post 9760

425 S. Buckmarsh St.

Event Room

Monday, November 20, 2017

7:00 p.m.

Attendees:

Patricia Dickinson
Robert Ferrebee
Kathy Birch
Jim Bogaty

Mr. Will Watson
Tom Vorisek
Tom Dickinson
Nathan Berger (representing Barns of Rose Hill)

Franklin Roberts
Daniel Marsden
Jim Wink

Absent:

Barbara Byrd
David Ravenscroft

Bruce Malcolm Gras
Diana Kincannon

Nathen Stalvey

Mr. Watson, the Committee Chair called the meeting to order at 7:00 PM and led the members in the Pledge of Allegiance. After introductions there was a brief discussion on the background the committee.

The committee discussed the desire to have events as well as permanent remembrances to commemorate the 100th anniversary of WWI and the 75th anniversary of WWII.

Events would revolve around key dates and occurrences during this time period, both on the battlefield and at home. It was suggested that the entire community be involved in planning and participating in the events. Specific suggestions included parades, relevant speakers and music at The Barns of Rose Hill, Eagle Scout projects, as well as civic and veteran organizations. It was also suggested that local churches, community groups and schools participate in the commemoration.

Permanent remembrances included a desire to establish a "Veterans Park" with statues or other markers to commemorate contributions of individuals and groups.

It was acknowledged that the committee does not have a budget. It was agreed that the committee chair will research funding sources including grants.

Tom Vorisek, Commander of VFW Post 9760, was elected vice chair of the committee.

The committee agreed that meetings will be held the second Wednesday of each month, beginning January 10, 2018.

Committee Members were asked to consider the committee Mission, Vision and Objectives and be prepared to discuss at the next meeting.

Mr. Watson adjourned the committee at 8:00 PM.

Draft Minutes – minutes will be approved at the next committee meeting.

World War One 100th Anniversary Committee

Meeting Minutes

VFW Post 9760

425 S. Buckmarsh St.

Event Room

Wednesday, January 10, 2018

7:00 p.m.

Attendees:

Patricia Dickinson
Robert Ferrebee
Kathy Birch
Jim Bogaty
Phil Parsons

Will Watson
Tom Vorisek
Tom Dickinson
Diana Kincannon

Franklin Roberts
Daniel Marsden
Jim Wink
David Ravenscroft

Absent:

Barbara Byrd

Bruce Malcolm Gras

Nathen Stalvey

Mr. Watson called the meeting to order at 7:00 PM, Mayor Dickinson led the members in the Pledge of Allegiance. Each member was asked for a brief introduction.

The committee discussed various events and activities and determined that events would focus on four dates in 2018: Memorial Day, Independence Day, July 14th and Veterans Day. Each event is detailed below.

Memorial Day

Observed on Sunday, May 27 would include three main events.

Community Service in Rose Hill Park

Guest speaker will be historical reenactor David Shuey who will portray General Pershing.

Special comments about Major Lloyd Williams will be included in his portrayal.

The Clarke County Community Band and Clarke County High School band will be asked to include music from WW1, specifically "Over There" and "Semper Fidelis".

Patients at the Veterans Administration Hospital in Martinsburg will again be invited to attend the event. The ceremony will include special recognition for all WW2 veterans.

Efforts will be made to have Berryville and the Memorial Day event featured on local and national television.

Community Luncheon

The VFW will host a community lunch following the ceremony.

Community Concert at the Barns of Rose Hill

Monday evening the Barns of Rose Hill will host the Clarke County Community Band in a Memorial Day concert that will include WW1 and WW2 themed music.

Independence Day

This holiday falls on Wednesday, July 4. Typically, Clarke County celebrations of this holiday are minimal. A free fireworks display is held at the Fairgrounds. No other observances are typically held. The committee did not get into detail on how this event will be recognized.

Major Lloyd Williams Day

Saturday July 14 was chosen as it was close to the date when Major Williams' remains were returned to the US for burial. Additional information about Major Williams is presented in Appendix A. This observance will include three events.

Profiles of Honor Mobile Museum

The Marine Corps League and the Town of Berryville have arranged for the Profiles of Honor tour to visit Berryville on this day. Following is an excerpt from the Virginia WW1 and WW2 commission website (<https://www.virginiawwiandwwii.org/tour>). Representatives from the Virginia commission will conduct a site visit in January to finalize logistics for the museum.

The Virginia World War I and World War II Profiles of Honor Mobile Tour brings an interactive exhibit to museums, libraries, and historic sites throughout Virginia, is now open for visitors. Modeled on the highly successful Civil War 150 History Mobile tour, Profiles of Honor brings to life the state's integral role in both wars, highlighting stories of Virginians who served in both conflicts. As part of the tour, visitors are invited to bring their own WWI and WWII-related photographs to be scanned for inclusion in the Virginia Profiles of Honor project. This partnership with the Library of Virginia will help preserve the documents and stories of our veterans for generations.

Williams Return to Berryville Reenactment

A reenactment of Williams' return is planned for the morning of the 14th. The Marine Corps League has arranged for WW1 reenactors from North Carolina to attend and march in the procession. They have also invited the VA Tech Corps of Cadets, 5th Marine Band at Quantico, and the Young Marines of the Shenandoah Valley, also a Color Guard from Quantico will be requested. The American Legion will lead the procession, followed by the VFW. For more information on the original event, visit <https://www.findagrave.com/memorial/71176750>.

Originally, the procession started at the Berryville train station and terminated at the Episcopal Church. The reenactment will begin at Main and First Street (near the original train station) and terminate in Rose Hill Park at which point the museum will be opened. Music, provided by the

Clarke County Community Band, will be provided from the gazebo. The band will play music popular during WW1 and WW2.

It was suggested that the Flying Circus out of Bealeton Virginia be invited to have a biplane fly over during the ceremony.

During the concert, the VFW Auxiliary will host a 'buddy poppy' event at the museum and concert. Auxiliary members will be encouraged to dress in period costume as they distribute buddy poppies and cards explaining the history and significance of the buddy poppy.

Barns of Rose Hill Art Exhibit

The Barns of Rose hill will host an art experience which may include a movie, speaker or original play focused on WW1 or WW2. The WW1 exhibit currently on display at the Clarke County Historical Society could be moved to the Barns. Additional materials could be sought to expand on the exhibit.

Veterans Day

No specifics were discussed for Veterans Day.

Berryville- Clarke County Ceremony

Each year the Berryville Mayor works with the commanders of the VFW and American Legion to plan this event. The VFW and Legion place a wreath at the Veterans Memorial (behind the government center).

The event includes lunch at the VFW following the service.

Barns of Rose Hill

An evening concert by the Clarke County Community Band would include period specific music.

The committee also discussed permanent observances. Members discussed the concept of a veteran's park with a statue of Major Williams. The general consensus was that placing the statue behind the Berryville Primary buildings would not do it justice. It was suggested that consideration be given to placing a statue near the Veterans Memorial at the Government Center or at another location in Rose Hill Park. Mayor Dickinson was asked to confirm with the Clarke County Board of Supervisors and Clarke County School Administration if the offer to convert the play area behind the school into a park was still open.

The committee asked that the VFW provide financial oversight for any revenues or expenses.

Committee members were asked to seek funding sources and bring the information back to the committee at our next meeting.

The committee agreed that next meeting, which would fall on Valentine's Day, would be rescheduled to the third Wednesday, February 21, 2018.

Mr. Watson adjourned the meeting at 8:10 PM.

Major Lloyd Williams

The following excerpt demonstrates the community support for this returning hero of WW1. Major Williams contribution in WW1 and his impact on the U S Marine Corps make him an obvious choice as a point of focus for the ceremonies.

On July 21, over one thousand people lined the streets of Berryville to honor him. The casket arrived by train and was loaded on to a horse drawn caisson for the procession to Grace Episcopal Church where Williams' remains lay in state before the funeral service. Since the church could not hold the large number of mourners, the doors and windows of the church were opened and hundreds of people circled the church to listen to the funeral service. After the church service, the funeral procession was led by a detail of Legionnaires from Lloyd Williams Post 41 of the American Legion to the burial site in Green Hill Cemetery.

Williams was posthumously promoted to major and awarded the Distinguished Service Cross.

After Major Williams' death, his widow honored the memory of her husband by changing the name of their daughter from Selina to Lloyd.

A stained glass window in Grace Episcopal Church, in Berryville, was dedicated to the memory of Major Lloyd.

World War One 100th Anniversary Committee

Meeting Minutes

VFW Post 9760

425 S. Buckmarsh St.

Event Room

Wednesday, February 21, 2018

7:00 p.m.

Attendees:

Patricia Dickinson
Robert Ferrebee
Kathy Birch
Jim Bogaty

Will Watson
Tom Dickinson
Diana Kincannon
Nathen Stalvey

Daniel Marsden
Jim Wink
Phil Parsons

Absent:

Barbara Byrd
Tom Vorisek

Franklin Roberts

David Ravenscroft

Mr. Watson called the meeting to order at 7:00 PM, Mayor Dickinson led the members in the Pledge of Allegiance.

Kathy Birch moved, Jim Wink seconded a motion to approve the minutes as amended. The motion passed with a unanimous voice vote.

Bob Ferrebee moved, Daniel Marsden seconded a motion to approve the agenda as presented. The motion passed with a unanimous voice vote.

The following committees were established.

1. Memorial Day – Tom Vorisek, Bob Ferrebee and Jim Wink
2. Independence Day – Will Watson (coordinate with Bank of Clarke County)
3. Lloyd Williams Day – Phil Parsons, Nathan Stalvey
4. Veterans Day – Tom Dickinson, Tom Vorisek (coordinate with John Joyce and Pat Dickinson)
5. Lloyd Williams Statue – Will Watson and Phil Parsons
6. Veterans Park – Bob Ferrebee
7. Marketing – Nathan Stalvey and Will Watson
8. Grants and Fund Raising – Diana Kincannon and Daniel Marsden (assisted by Pat Dickinson)

It was agreed that the Lloyd Williams Statue committee focus be limited to a feasibility study and that the Veterans Park committee efforts be put on hold.

The question of funding was discussed. It was agreed that members ask the three veterans' organizations to make a modest contribution (VFW, VFW Auxiliary and American Legion). The question of money management was raised again. As the Event Committee is not a 'legal' entity (no standing

with the IRS) Nathan agreed to check with the Clarke County Historical Association and Berryville Main Street to see if they would be the fiscal agents for the committee. Nathan will have an answer for the committee at our next meeting.

Daniel Marsden reported that the CC High School band will not be available for the Lloyd Williams Day parade as they will be on summer break.

Diana Kincannon requested that feedback on the movie selections be received no later than Friday, February 23, at 5 PM.

Each committee was asked to forward known funding requirements to Pat Dickinson. Pat will consolidate the information and provide to the Grants and Fund Raising Committee.

Will Watson announced the meeting schedule: March 14, April 11 and May 9. Meetings will begin at 7 PM and be held at the VFW.

There being no other business, Will Watson adjourned the meeting at 8:00 PM.

BERRYVILLE

Clarke committee meets to plan for 100th anniversary of WWI next year

By CATHY KUEHNER
The Winchester Star

BERRYVILLE — Next year, the United States and countries around the world will mark the 100th anniversary of the end of World War I, the war author H.G. Wells called the "war to end all wars." A group of Berryville and Clarke County residents met Monday at VFW Post 9760 to begin planning for the occasion. The first-ever meeting of the World War I 100th Anniversary Committee was an informal discussion of ideas for a year of special events and, perhaps, a permanent memorial. The committee is composed of more than a dozen men and women, many of whom are veterans, as well as one high school student.

Since there is no funding for any events or memorials, establishing a budget and finding grants and other sources of funds are immediate priorities for the committee.

"Ceremonies are nice, and parades are nice, but something permanent would be appropriate," said Berryville Mayor Patricia Dickinson, who encouraged the formation of the committee during recent Town Council meetings.

Dickinson suggested a veterans memorial park could be constructed at the former Berryville Primary School on West Main Street. The school was recently renovated and is now Clarke County Public School system administrative offices.

The former playground area could become a veterans memorial park, Dickinson said. Because it's within the town limits, Dickinson said, "it only makes sense the town would take care of the park."

More than 200 Clarke County residents served in World War I. Berryville resident and U.S. Marine Capt. Lloyd Williams was one of them.

While serving as a company commander in France, Williams and his men encountered French troops retreating. When a French colonel told Williams to withdraw, Williams famously replied, "Retreat hell! We just got here."

Anniversary committee chairman, Will Watson, said education will be key to much of what the committee plans.

"It's important to remind people how the war began. While we're talking about 100 years ago, it's also important that we carry it forward so people don't forget."

Committee members on Monday proposed many possible events focused on World War I history. Clarke County residents who served and the music and culture of the period, but the big event — whatever it is — will be on Nov. 11.

On the 11th hour of the 11th day of the 11th month in 1918, a temporary cessation of hostilities (an armistice) was declared between the Allied nations and Germany. In 1919, on the first anniversary of the end of the war, Nov. 11 became known as Armistice Day. After World War II and the Korean War, Armistice Day legally became Veterans Day.

The World War I 100th Anniversary Committee expects to focus much of its efforts on Nov. 11.

While anniversary commemorations officially begin next year, the Clarke County Historical Association Museum recently opened a new exhibit, "Clarke County During World War I."

"We selected items, many from the Gilbert L. Royston family, that help tell the story," said Clarke County Historical Association Director Nathan Stalvey.

Clarke

from Page B1

11/21/17
who is an anniversary committee member.

The Clarke County Historical Association Museum and Archives, open 11 a.m. to 4 p.m. Tuesday through Friday, is located at 32 E. Main St., Berryville.

The next meeting of the World War I 100th Anniversary Committee is set for 7 p.m. Wednesday, Jan. 10. Members expect to clarify their mission and begin planning.

Contact Cathy Kuehner at
ckuehner@winchesterstar.com

See Clarke, Page B2

Attachment 6

Recorder Arnold recommends that the Council discuss the process by which appointments are made to the Tree Board.

Recorder Arnold notes that the Tree Board appointment process is not consistent with the process used for other Town Board/Commission appointments.

Please find attached:

- Section 321 of the Zoning Ordinance (Tree Board)
- Section 505 of the Zoning Ordinance (Board of Zoning Appeals)
- Section 703 of the Zoning Ordinance (Architectural Review Board)
- Article VI of the Berryville Code (Planning Commission)
- Amended Resolution and Agreement (Berryville Area Development Authority)

SECTION 320 – CURB AND GUTTER (09/05)

320.1 RESIDENTIAL SUBDIVISIONS

In residential subdivisions, curb and gutter shall be required on both sides of all public streets within the subdivision and along the side of each public street, except Virginia Route 7 Bypass, which borders the subdivision. (1/06)

320.2 OTHER

In other than residential subdivisions, curb and gutter shall be required as provided in Section 314.7(e) of this Ordinance.

SECTION 321 – PUBLIC TREE ORDINANCE (6/07)

321 Statement of Intent

It is recognized that trees add a great deal to property values by providing shade, erosion control, and general beauty to the Town, making the latter more appealing to visitors and pleasant for the citizenry.

It is further recognized that landscaping on public property also adds to the general beauty and appeal of the Town, thereby enhancing both tourism and the quality of life for the citizenry.

It is, therefore, the purpose of this chapter to set forth a policy which encourages the planting, nurturing, and proper maintenance of all trees on public property. Experience has shown that trees, under some circumstances, can be hazardous to public safety; hence, this chapter also provides for tree pruning or removal when conditions warrant.

321.1 Definitions

Street trees – “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Town.

Park trees – “Park trees” are herein defined as trees, shrubs and all other woody vegetation in public parks having individual names, and all areas owned by the Town, on to which the public has free access as a park.

Native – A plant that lives or grows naturally in a particular region without direct or indicted human intervention.

Small tree – Small trees shall have a mature height of up to thirty (30) feet and have an equal spread as described in the Manual of Woody Landscape plants.

Medium tree – Medium trees shall have a mature height between thirty (30) and forty-five (45) feet with a spread of at least thirty feet as described in the Manual of Woody Landscape Plants.

Large tree – Large trees shall have a mature height of over forty-five (45) feet and have an equal spread as described in the Manual of Woody Landscape Plants.

Section 321 – Public Tree Ordinance

321.2 Creation and Establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the Town of Berryville which shall consist of five members, citizens and residents of the Town of Berryville, who shall be appointed by the mayor with the approval of Town Council.

321.3 Term of Office

The term of the five persons to be appointed by the mayor shall be four years except that the term of two of the members appointed to the first board shall be for only two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

321.4 Compensation

Members of the Board shall serve without compensation.

321.5 Duties and Responsibilities

- (a) Serve to enhance the public participation in the beautification of the Town through landscaped improvements by using, whenever possible, native plant species;
- (b) Act as an advocate for both public and private landscaping, assisting in the coordination of both;
- (c) Provide advisory oversight to the amendment and implementation of the comprehensive landscape master plan;
- (d) Assist with the education of the public on matters of public landscaping through materials, public appearances and media exposure as appropriate; and
- (e) Act in an advisory and advocacy role to the Town Council and Town Manager.

321.6 Operation

The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall constitute a quorum to the transaction of business.

321.7 Street Tree Planting

- (a) Every effort should be made to plant native tree species.
- (b) The spacing of street trees will be in accordance with the three species size classes listed under Section 321.1. Spacing shall be 30 feet for small trees; 40 feet for medium trees and 50 feet for large trees, except in special plantings designed or approved by a landscape architect.
- (c) No trees shall be planted closer to any curb or sidewalk than the following: small trees – 2 feet; medium trees – 3 feet; and large trees – 4 feet.
- (d) No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines.
- (e) No street tree shall be closer than 10 feet from a fire hydrant.
- (f) No street trees shall be planted under or within 15 feet of any overhead wire or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line, or any other utility.

Section 321 – Public Tree Ordinance

321.8 Public Tree Care

- (a) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) Before the removal of any street tree or park tree, or any part thereof, by the Town, or before the Town issues an order directing said removal, the Town shall advise the Tree Advisory Board in writing of its intention and the reasons thereof. The Tree Advisory Board shall have 30 days after receipt of such notice to make its recommendation to the Town with respect thereto, suggesting, if possible, any alternative to the proposed removal. Such alternatives are advisory only, the decision to remove hereunder being at the discretion of the Town Manager.
- (c) The Town shall not remove a street tree of significant size, or permit removal by others, unless notice of the intended removal or destruction is given. The notice shall consist of a durable and legible statement of the Town's intent, affixed to and easily visible on the tree for not less than five days immediately preceding the contemplated removal or destruction; and the notice shall state the reason for the intended removal or destruction of the tree and the person or persons to whom inquiries or protests thereon may be directed.
- (d) In the event of an emergency situation, such as a fallen tree or some other condition or occurrence requiring an immediate removal or destruction of a tree along one of these public ways, the Town may remove or destroy the tree without complying with the foregoing provisions of this section. "Emergency situation" shall include, but is not limited to, trees posing an immediate danger to public safety and trees causing stoppage of utility services such as water lines, sewer lines, electric or power lines or other public or private improvements; all as determined by the Director of Public Works for the Town.
- (e) When a tree is removed it shall be Town policy to plant a replacement in the general area to include planting on private property, with the consent of the owner.

321.9 Review by Town Council

The Town Council shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

321.10 Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$500.

Section 504 – Schedule of Fees, Charges, and Expenses

SECTION 504 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

504.1 The Town Council shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this Ordinance.

504.2 The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Governing Body by resolutions. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(02/16) SECTION 505 - BOARD OF ZONING APPEALS

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

505.1 ORGANIZATION AND PROCEDURES

(a) Membership

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

(b) Alternate Members

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

(c) Terms of Office

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

(d) Officers

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

(e) Quorum

For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the Board.

Section 505 – Board of Zoning Appeals

- (f) Procedures
The Board may make, alter, and rescind rules and forms for its procedures, consistent with Town ordinances and general laws of the Commonwealth.
- (g) Records
The Board shall keep minutes and a full record of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records.
- (h) Report
The Board shall submit a report of its activities to the governing body at least once each year.
- (i) Witnesses
The Chairman of the Board, or the acting Chairman in the Chairman's absence, may compel attendance of witnesses and administer oaths of witnesses.
- (j) Employees
Within the limits of funds appropriated by the Town Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- (k) Compensation
Members of the Board may receive such compensation as may be authorized by the Town Council.
- (l) Removal
Any Board member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Court that appointed the member or alternate, after a hearing held after at least fifteen (15) days notice.
- (m) Meetings
The Board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Virginia Code § 15.2-2312 shall be conducted at the continued meeting and no further advertisement shall be required.
- (n) Hearings – Procedures
 1. The non-legal staff of the Town Council may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. The applicant, landowner, or their agent or attorney may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to the case before the Board. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussion prior to a public meeting to which staff of the governing body, the applicant, landowner, or their agent or attorney are all invited. For purposes of this section, “non-legal staff of the Town Council”

Section 505 – Board of Zoning Appeals

shall mean any staff who is not in the office of the attorney for the Town, or for the Town Council, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the Board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or protection of confidentiality.

2. Any materials relating to the case before the Board, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to an applicant, appellant, or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event less than three business days providing such materials to a member of the Board. If the applicant, appellant, or other person aggrieved under § 15.2-2314 requests additional documents or materials to be provided by the locality other than those materials provided to the Board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the Board shall also be made available for public inspection pursuant to Subsection F of § 2.2-3707.
3. At a hearing the Board shall offer an equal amount of time to the applicant, appellant, or any other person aggrieved under § 15.2-2314, and the Town staff.

505.2 APPEAL OF DECISION OF BOARD

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

505.3 APPEALS OF ADMINISTRATIVE DETERMINATIONS

- (a) The Board shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Zoning Ordinance. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for their determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The Board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, "determination" means any order, requirement, decision, or determination made by an administrative officer. Any appeal of a determination to the Board shall be in compliance with this section, notwithstanding any other provision of law, general or special.
- (b) An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance, or any modification of zoning requirements pursuant to Virginia Code § 15.2-2286.

Section 505 – Board of Zoning Appeals

- (c) Any written notice of a zoning violation of any written order or administrative determination of the Zoning Administrator shall include a statement informing the recipient of the of the recipient's right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record based upon which the action appealed from was taken.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his/her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
- (e) The Board shall fix a reasonable time for hearing an appeal, and shall give public notice and hold a public hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.
- (f) The Board shall make its decision within 90 days of the filing of the appeal, unless the appellant and the Board mutually agree upon an extended period.
- (g) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from.
- (h) The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer.

505.4 VARIANCES

The Board shall hear upon appeal or original application in specific cases requests for variances, as defined in Virginia Code § 15.2-2201, from the terms of this ordinance. A variance shall not include a change in use.

- (a) Any property owner, tenant (with the written consent of the property owner), government official, department, board or bureau may make application for a variance. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket to be acted upon by the Board.
- (b) The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.
- (c) No variance shall be considered except after public notice and hearing as required by Virginia Code § 15.2-2204. However, when giving any required notice to the

Section 505 – Board of Zoning Appeals

owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first class mail rather than by registered or certified mail.

(d) Action on Variance Application

1. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standards for a variance as defined in Virginia Code § 15.2-2201 and the criteria set out in this section.
2. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and;
 - (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 - (b) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 - (c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 - (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 - (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process of modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.
 - (f) The concurring vote of a majority of the membership of the Board shall be necessary to approve a variance.
 - (g) In granting a variance the Board shall tailor the variance to provide the minimum variance necessary to alleviate the hardship, and the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the public interest. The Board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
 - (h) The Board will not consider substantially the same application within one (1) year of previous Board action.

505.5 ZONING MAP INTERPRETATIONS

The Board shall hear and decide applications for interpretations of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Virginia Code § 15.2-2204, the Board may interpret the map in such way as to

Section 505 – Board of Zoning Appeals

carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance. The concerning vote of a majority of the membership of the Board shall be necessary to decide in favor of the applicant.

505.6 LIMITATIONS ON POWERS OF BOARD

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

506 MODIFICATIONS

- (a) The Zoning Administrator may grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Administrator finds in writing that:
 1. the strict application of the ordinance would produce undue hardship;
 2. such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 3. the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.
- (b) The Zoning Administrator may not grant a modification that is more than 10% of a regulation standards.
- (c) Before the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Before the granting of a modification, the Zoning Administrator shall consult with the Chair and Vice Chair of the Board of Zoning Appeals.
- (d) The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The Zoning Administrator shall provide a copy of a written decision to the Board of Zoning Appeals within five working days from making the decision.
- (e) The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals as provided in Section 505.3 of this Ordinance.

SECTION 507 - VIOLATION AND PENALTY

- 507.1** All departments, officials, and public employees of this jurisdiction who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in

Section 703 Membership, Meetings and Duties of the Board

SECTION 703 – MEMBERSHIP, MEETINGS AND DUTIES OF THE BOARD

703.1 COMPOSITION

The Board shall consist of five (5) members who are citizens of or owners of property within the Town of Berryville, with some knowledge of and interest in historic preservation. Two (2) members shall be property owners within a local historic district in the Town of Berryville. It is strongly encouraged that one (1) member be a registered architect, and that at least two (2) members have professional training in architecture, architectural history, archaeology, American studies, history, planning or in some related field.

703.2 APPOINTMENT AND TERMS

The Board members shall be appointed by the Town Council for four-year terms of office beginning at the date of appointment; provided, that one (1) member of the Board first appointed shall be for one (1) year, one (1) shall be for two (2) years, one (1) shall be for three (3) years, and two (2) shall be appointed for four (4) years. Vacancies occurring during the term of a member shall be filled for the unexpired term only and shall be filled within sixty (60) days. Members who miss more than two (2) meetings per year may be subject to dismissal. The members of the Board shall serve as such without compensation, except for justifiable out-of-pocket expenses.

703.3 ORGANIZATION

The Board shall elect from its membership a chairman and a vice-chairman who shall be elected in January of each year. The chairman shall preside over all meetings of the Board and shall have the same right to vote and speak as other members. The vice-chairman shall, in the absence or disability of the chairman, perform the duties of the chairman. In the absence or disability of the chairman and the vice-chairman, the Board shall by majority vote of those present choose one of its members to act as chairman pro tempore. The Board shall elect a secretary (this person may or may not be a member of the Board) who shall keep a record of all resolutions, proceedings and actions of the Board.

703.4 PROCEDURE FOR MEETINGS

- (a) Three members of the Board shall constitute a quorum for the performance of its duties. The Board shall adopt rules for the performance of its duties, which shall provide for the time and place for the holding of regular meetings. Regular meetings shall be convened only if there is pending business to be transacted; however, the Board shall meet at least four (4) times per year. The rules shall also provide for the calling of special meetings by the chairman or at least two (2) members of the Board.
- (b) All meetings of the Board shall be open to the public. All actions by the Board must be taken at a public meeting.

Section 703 Membership, Meetings and Duties of the Board

- (c) The Board shall keep a summary record of its resolutions, proceedings and actions. The concurring affirmative vote of a majority of the members present and voting shall be necessary for the adoption of any resolution, motion or other action of the Board. The Board in the exercise of its powers and performance of its duties shall act only by formal resolution which shall set forth the reasons for its decision. The vote of each member participating shall be recorded by the secretary.
- (d) The Board members shall act in compliance with all applicable conflict of interest laws, including exempting themselves from voting on any action in which their financial interests are directly involved.

703.5 STAFF ASSISTANCE

- (a) Upon request of the Board – and with the approval from the Town Manager – staff members or departments of the Town government shall furnish to the Board such information and render such service as may be required by the Board.
- (b) The Board may, from time to time, seek the advice of persons knowledgeable in the fields of architecture, landscape architecture, historic preservation or other relevant professions.

703.6 DUTIES OF THE BERRYVILLE ARCHITECTURAL REVIEW BOARD

- (a) The Board shall recommend to the Planning Commission which shall in turn recommend to the Town Council any changes, deletions, or additions to the boundaries of any historic districts; the creation of additional districts; determine the historic, architectural and cultural significance of the structures; and determine the appropriateness of proposed structures and signs.
- (b) The Board will review all applications for a Certificate of Appropriateness for the following, using the guidelines set forth in Section 705.1 below:
 - i. All new construction lying within the boundaries of a historic district, which creates a new structure of over one hundred fifty (150) square feet which is visible from a public right of way.
 - ii. Additions to existing contributing residential and non-residential structures within the boundaries of a historic district and visible from a public right-of-way. **(11/00)**
 - iii. Erection of all new signs within the boundaries of a historic district.
 - iv. Relocation of all contributing structures of over one hundred fifty (150) square feet which are visible from a public right-of-way, and are currently within the boundaries of a historic district.
 - v. Demolition of all contributing structures of over one hundred fifty (150) square feet which are visible from a public right-of-way, and are within the boundaries of a historic district.

Exceptions – The following are excepted from the requirements of this Article:

- vi. Construction of single-family detached residences and accessory structures in residential zoning districts of Annexation Area B.
- vii. Additions or unenclosed and unroofed rear yard decks, porches, and stoops to residential structures. On corner lots, the addition is reviewable if it faces one of the streets. **(11/00)**

Section 703 Membership, Meetings and Duties of the Board

- viii. Demolition, relocation, or erection of structures accessory to residences, where the accessory structure lies entirely behind the rear building line of the main residential building if not visible from a public right of way.
(09/15)
- ix. Erection of identification and home occupation signs for individual residences.

703.7 WAIVER OF REQUIREMENTS

The Board or the Zoning Administrator may waive any requirement of this Article, if the applicant demonstrates that strict adherence to this Article would create a substantial hardship for the applicant due to unique circumstances, or that the requirements are unreasonable given the applicant's unique circumstances. No such waiver shall be granted where the waiver would be detrimental to the intent of this Article, the Berryville Zoning Ordinance, the Berryville Comprehensive Plan and/or its Berryville Area Plan component.

SECTION 704 – ANNEXATION AREA B

704.1 BERRYVILLE DEVELOPMENT AUTHORITY TO ACT ON NEW STRUCTURES AND ACCOMPANYING NEW SIGNS IN ANNEXATION AREA "B".

For the area designated as Annexation Area "B" in the Clarke County, Town of Berryville Agreement Defining Annexation Rights dated December 29, 1988, the Berryville Area Development Authority ("BADA") is designated as the administrative body of the Town Council, granted the authority to carry out the duties of the Berryville Architectural Review Board, regarding the erection of new structures and accompanying new signs only. The BADA shall review only those proposals for property in Annexation Area B which is the subject of the application and for which no final certificate of occupancy has been granted. For such proposals located within a historic district, the BADA is authorized to exercise all related duties of the Architectural Review Board as described in this Ordinance, including issuance of a Certificate of Appropriateness. The Architectural Review Board shall serve as the administrative body in all other circumstances.

Secs. 2-70—2-77. - Reserved.

ARTICLE VI. - PLANNING COMMISSION^[4]

Sec. 2-78. - Created.

A planning commission is hereby created for the town.

(Code 1971, § 14-1)

State Law reference— Duty to create planning commission, Code of Virginia, § 15.1-427.1.

Sec. 2-79. - Composition; qualifications of members.

The planning commission shall consist of not less than five (5) nor more than fifteen (15) members, as may be determined from time to time by the council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half (½) of the members shall be freeholders. One member may be a member of the town council and one member may be a member of the administrative branch of the town government.

(Code 1971, §. 14-2; Ord. of 12-11-79)

State Law reference— Similar provisions, Code of Virginia, § 15.1-437.

Sec. 2-80. - Appointment of members.

All members of the planning commission shall be appointed by the council.

(Code 1971, § 14-3)

State Law reference— Similar provisions, Code of Virginia, § 15.1-437.

Sec. 2-81. - Terms of members; filling of vacancies.

- (a) The terms of the councilmanic member and of the town administrative member of the planning commission shall be coextensive with the term of office to which he has been elected or appointed, unless the council, at the first regular meeting of any year, appoints others to serve

as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two (2) years, three (3) years and four (4) years, divided equally, or as nearly equal as possible, between the membership. Subsequent appointments shall be for terms of four (4) years each.

- (b) Any vacancy in the membership of the planning commission shall be filled by appointment by the council and such appointment shall be for the unexpired term.

(Code 1971, §§ 14-4, 14-5; Ord. of 12-11-79)

State Law reference— Similar provisions, Code of Virginia, § 15.1-437.

Sec. 2-82. - Reserved.

Editor's note— An ordinance adopted June 12, 1990, repealed former § 2-82, relative to members of the planning commission serving without compensation, which derived from Code 1971, § 14-7.

Sec. 2-83. - Removal of members.

Members of the planning commission may be removed, for malfeasance in office, by the council.

(Code 1971, § 14-6; Ord. of 12-11-79)

State Law reference— Similar provisions, Code of Virginia, § 15.1-437.

Sec. 2-84. - Powers, duties and functions.

The planning commission shall have the functions, powers and duties which are prescribed for it by state law or by ordinance of the town.

(Code 1971, § 14-8)

AMENDED
RESOLUTION AND AGREEMENT

WHEREAS, the Town of Berryville ("Town") and the County of Clarke ("County") have previously entered into an Agreement Defining Annexation Rights; and

WHEREAS, said Agreement establishes an Urban Services Area area around the Town, identified as "Area B" in that Agreement; and

WHEREAS, the County and Town have agreed that the Town shall have extraterritorial subdivision jurisdiction in Area B, pursuant to Section 15.1-467, Code of Virginia; and

WHEREAS, the Town and the County desire to provide for orderly development in Area B pursuant to the Town's subdivision ordinance and the applicable site development plan regulations of the Town and County zoning ordinances; and

WHEREAS, the Town and the County desire to provide for joint exercise of subdivision and site development plan review in Area B by the adoption by each of this resolution; and

WHEREAS, the Town and the County desire to provide for joint review of such other matters involving Area B as may be delegated from time to time to the Authority established by this Agreement; and

WHEREAS, the Town and the County desire to amend the prior Resolution and Agreement adopted by them in a joint meeting on March 27, 1990.

NOW, THEREFORE, BE IT RESOLVED that the Town and the County do hereby enter into the following amended agreement:

1. The duration of this agreement shall be for so long as any portion of Area B has not been annexed by the Town or until this Agreement is revoked by either party by ninety (90) days written notice to the other.

2. A joint authority, to be known as the Berryville Area Development Authority ("Authority"), is hereby created. The purpose of the Authority shall be to administer the Town's subdivision ordinance and the applicable site development plan regulations of the Town and County zoning ordinances in Area B, and to perform such other duties as may be delegated to it from time to time by the Town and the County.

3. The Authority shall be composed of a total of six (6) members, of which three (3) members shall be appointed by the Berryville Town Council and three (3) members shall be appointed by the Clarke County Board of Supervisors. Each jurisdiction will initially appoint one member for a three (3) year term, one member for a two (2) year term, and one member for a one (1) year term. Upon expiration of the initial terms, all terms shall be for three (3) years. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the appropriate governing body.

4. The Authority shall adopt by-laws, and shall annually elect officers.

5. The Town hereby delegates to the Authority, as its agent, the administration of (1) the Town subdivision ordinance,

(ii) the site development plan regulations of the Town zoning ordinance, and (iii) the Historic District regulations, if any, of the Town zoning ordinance, for property in Area B which is the subject of the application and for which no final certificate of occupancy has been granted.

6. The County hereby delegates to the Authority, as its agent, the administration of (i) the site development plan regulations of the County zoning ordinance, and (ii) the Historic Access Corridor Overlay District of the County zoning ordinance for property in Area B not in the Town.

7. The Authority is hereby vested with the responsibility for review and action on all subdivision applications and site development plan applications in Area B pursuant to the terms of this Amended Resolution and Agreement.

8. The County and the Town shall each designate one or more staff persons to serve the Authority.

9. Fees and bonds for subdivisions shall be payable to the Town; fees for site development plans shall be payable to the jurisdiction which is providing the primary staffing for the application; and bonds for site development plans shall be payable to the Town if the property is located in the Town, and otherwise to the County.

10. Expenses of the Authority related to the processing of a particular application (not including staff persons employed by the County or the Town) shall be the responsibility of and paid by the jurisdiction to which application fees are payable. All other expenses of the Authority shall be shared equally by

the County and Town. The Town shall act as fiscal agent for the Authority.

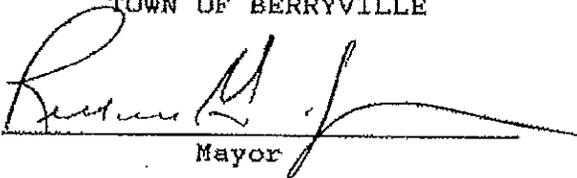
11. This Amended Resolution and Agreement amends and replaces, effective as of the date of adoption hereof by both the Town and County, the Resolution and Agreement adopted by the Town and the County in a joint meeting on March 27, 1990.

12. This Amended Resolution and Agreement may be amended by mutual agreement of the Town and the County.

DATE APPROVED BY
BERRYVILLE TOWN
COUNCIL:

12/8 _____, 1992

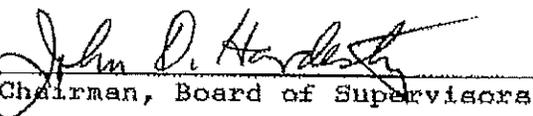
TOWN OF BERRYVILLE

By 
Mayor

DATE APPROVED BY
CLARKE COUNTY BOARD
OF SUPERVISORS;

12/15 _____, 1992

COUNTY OF CLARKE

By 
Chairman, Board of Supervisors

Attachment 7

Planning and Community Development

Action Items

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

April 10, 2018

Planning Commission

The Planning Commission held a meeting on Tuesday, March 27, 2018. They conducted a site visit to Rosemont Manor. Full reports on the public hearings are included in this packet. Their next meeting is scheduled for Tuesday, April 24, 2018 at 7:30pm.

Berryville Area Development Authority

The BADA will not hold a March meeting. Their next meeting is scheduled for Wednesday, April 25, 2018 at 7:00pm.

Architectural Review Board

The Architectural Review Board did not hold an April meeting. Their next meeting is scheduled for Wednesday, May 2, 2018.

Tree Board

The Tree Board met on Wednesday, April 4, 2018. They discussed the upcoming tree planting event that will coincide with the opening of the Clarke County Farmers' Market on Saturday, May 5, 2018. Their next meeting is scheduled for Wednesday, May 2, 2018.

Board of Zoning Appeals

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

Attachment 8

10 April 2018

The Battletown HOA held a meeting regarding this matter on 27 March. The assembly voted as to whether they wanted to either move forward with the dumpster proposal or enforce their covenants.

The homeowners voted to enforce their covenants and not to move forward with the proposal.

Mrs. Coumes expressed her appreciation for the Town Council's efforts in this regard. She noted that should covenant enforcement not resolve their issues, it is possible that the HOA could revisit this matter again in the future.

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

History

At the 3/13/18 Town Council meeting, Mr. Kitselman expressed his concern regarding staff's ability to complete required tasks given demands placed on them by individual Councilmembers. Mr. Kitselman specifically addressed the staff time that is being consumed providing reports and the like.

The Town Council's discussion regarding this matter included Mayor Dickinson expressing concern that Councilmember's rights under FOIA might be violated if action is taken to limit their ability to request information from staff.

The Council discussed the matter at length and attempted for craft a motion that would address the concerns in question. The Council determined that Mr. Kitselman would craft a motion in this matter and have it reviewed by staff and legal counsel. The vetted motion was to be provided to the Council at its next meeting.

Motion

The attached motion was drafted by Mr. Kitselman and submitted to staff. Staff reviewed the motion and made suggestions that were accepted by Mr. Kitselman. The motion was forwarded to Councilmembers and input was sought. Recorder Arnold submitted comments. The motion and Recorder Arnold's comments were forwarded to legal counsel, who developed the attached motion.

BERRYVILLE TOWN COUNCIL

MOTION CONCERNING WORK PRODUCT REQUESTS

Date: April 10, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the following:

Any request of an individual Council member to Town staff for information, research, reports, data, projects, etc. (excluding FOIA requests by individual Council members) shall be presented to the Town Manager. If the Town Manager determines that responding to the request would have a significant adverse effect on the work flow of Staff, the Town Manager shall refer the request to Council for Council to determine if the requested work product should be provided, and, if so, a schedule for responding to the request.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 10

Recently, concern was expressed regarding a seemingly official social media account. Specifically, Mr. Kitselman expressed concerns about a Facebook page titled, "Mayor Patricia Dickinson, Berryville". He noted that he did not think this page was sanctioned by the Town but on its face it would appear that it is sanctioned and official.

Mr. Kitselman inquired as to what the implications were for the Town, specifically as it relates to FOIA. He asked if the items on the site should be archived and if so, who is responsible for maintaining the files. Lastly, Mr. Kitselman recommended that the FOIA board would be a good place to start inquiries.

Staff has been in contact with both the FOIA Council and legal counsel regarding this matter.

The FOIA Council expressed the opinion that social media posts are public records but did not speak to who is responsible for archiving such records. Mr. Mitchell is of the opinion that if a site is dedicated to the conduct of a public position, then the Town is responsible for archiving the records.

Mayor Dickinson has stated that she archives all posts and comments and then deletes them from the site. She pointed out that in the past she has provided records as needed to fulfill FOIA requests.

Mayor Dickinson has provided the Town Clerk with her posts and related comments so that the Town has a file containing these records. Staff and the Mayor must work out a schedule for submission of the records from her site. Staff hopes to address this matter within the week.

With these issues being raised, it may be prudent to consider adoption of a social media policy. If so desired, then staff requests that it be given until the June meeting to begin that review.

Attachment 11

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: MONTHLY REPORTS
DATE: 4/6/2018
CC: KEITH DALTON, TOWN MANAGER

A/P Check Listing

Checks issued in March 2018.

Bank of America/P-Card Statement

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

At the April 10, 2018 meeting we need to:

- **Set Real Estate, Personal Property and Machinery & Tools tax rates for 2018**
First half real estate tax bills will be due June 5, 2018. The Commissioner of Revenue will run the 2018 Real Estate tax book and provide us with the town data. Once we receive the assessment file it is sent to our software company so the data can be converted and imported into our billing module. This conversion takes between 10 and 20 working days. Virginia Code requires that tax bills be mailed no later than 14 days prior to the due date (May 22).
- **Set PPTRA rate for 2018**
- **Set a Public Hearing for May 8, 2018 for the FY18-19 Budget**

As part of the implementation of the recently adopted Procurement Policy, several Town employees attended a Virginia Public Procurement Act review sponsored by the Virginia Association of Governmental Purchasing.

§ 2.2-4318 of the VPPA allows for negotiation with the lowest responsible bidder if the bid exceeds available funds. However, the procedures for negotiation must be described in writing and approved by the town prior to issuance of an Invitation to Bid and summarized therein.

I recommend we add the attached procedure for negotiation with the lowest responsible bidder to our Procurement Policy Manual, section VII General Procurement Policies, E. Solicitations. If Council would like to address this tonight a motion is provided, if not I request it be referred to the Budget and Finance Committee for review.

Negotiation with Lowest Responsible Bidder

Unless cancelled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds available funds, the town may negotiate with the apparent low bidder to obtain a contract price within available funds.

(a) Procedures for negotiations. If the town wishes to negotiate with the apparent low bidder to obtain a contract price within available funds, negotiations shall be conducted in accordance with the following procedures:

(1) The using agency shall provide the director of public works, in the case of construction projects, and the procurement officer, in all other matters, with a written determination that the apparent low bid exceeds available funds. Said determination shall be confirmed in writing by the treasurer or his/her designee. The using agency shall also provide the appropriate officer/director with a suggested reduction in scope for the proposed purchase.

(2) The appropriate officer/director shall advise the lowest responsible bidder, in writing, that the proposed purchase exceeds available funds. He shall further suggest a reduction in scope for the proposed purchase, and invite the lowest responsible bidder to amend its bid proposal based upon the proposed reduction in scope.

(3) Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a contract within available funds shall be permissible.

(4) The lowest responsible bidder shall submit an addendum to its bid, which addendum shall include the change in scope for the proposed purchase, the reduction in price and the new contract value.

(5) If the proposed addendum is acceptable to the town, the town may award a contract within funds available to the lowest responsible bidder based upon the amended bid proposal.

(6) If the town and the lowest responsible bidder cannot negotiate a contract within available funds, all bids may be rejected.

BERRYVILLE TOWN COUNCIL
MOTION TO AMEND PROCUREMENT POLICY

Date: April 10, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached amendment to the Procurement Policy.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZENON ENVIRONMENTAL CORPORATION

Date From - 3/1/2018 Date To - 3/31/2018

Town of Berryville
04/05/2018 10:25 AM

Page: 1 of 3

Check Number	Bank	Vendor	Date	Amount
4696	1	- Douglas A. Shaffer	03/06/2018	\$75.00
4697	1	- Gwen Malone	03/06/2018	\$40.00
4698	1	- CLARKE COUNTY CIRCUIT COURT	03/06/2018	\$232.50
4699	1	- Rappahannock Electric Cooperative	03/06/2018	\$5,889.14
4700	1	- Kim S. Kemp	03/06/2018	\$40.00
4701	1	- Sheryl Reid	03/06/2018	\$40.00
4702	1	- Dale A. Barton	03/06/2018	\$40.00
4703	1	- PENNONI ASSOCIATES INC	03/06/2018	\$540.00
4704	1	- PENNONI ASSOCIATES INC	03/06/2018	\$202.50
4705	1	- Michelle K. Marino	03/06/2018	\$40.00
4706	1	- MORTON SALT, INC.	03/06/2018	\$2,037.45
4707	1	- The Winchester Star	03/06/2018	\$536.25
4708	1	- Herbert L. Beskin, Trustee	03/06/2018	\$115.00
4709	1	- MIA JACKSON	03/06/2018	\$13.11
4710	1	- STEPHEN LILLY	03/06/2018	\$282.12
4711	1	- UTILITY SERVICE CO., INC.	03/06/2018	\$88,759.00
4712	1	- Krishan Mathur	03/06/2018	\$40.00
4713	1	- Bureau for Child Support Enforcement	03/06/2018	\$875.00
4714	1	- Keith Dalton	03/06/2018	\$50.00
4715	1	- Top of Virginia Regional Chamber	03/06/2018	\$650.00
4716	1	- TOMBLIN DAMIAN A 3524	03/06/2018	\$101.30
4717	1	- KENNETH MCCLELLAN	03/06/2018	\$49.20
4718	1	- KRISTINA LYNN HALL	03/06/2018	\$128.80
4719	1	- VUPS	03/13/2018	\$69.30
4720	1	- Lincoln Financial Group	03/13/2018	\$851.06
4721	1	- Michelle M. Jones	03/13/2018	\$1,207.50
4722	1	- Hall, Monahan, Engle, Mahan & Mitchell	03/13/2018	\$290.00
4723	1	- Treasurer of Frederick County	03/13/2018	\$3,247.20
4724	1	- Fuog/Interbuild, Inc.	03/13/2018	\$630.00
4725	1	- Hach Chemical Company	03/13/2018	\$367.75

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZENON ENVIRONMENTAL CORPORATION
Date From - 3/1/2018 Date To - 3/31/2018

Town of Berryville
04/05/2018 10:25 AM

Page: 2 of 3

Check Number	Bank	Vendor	Date	Amount
4726	1	Nationwide Retirement Solutions	03/13/2018	\$405.00
4727	1	Jno. S. Solenberger & Co., Inc	03/13/2018	\$72.43
4728	1	Davis Sheet Metal, Inc.	03/13/2018	\$300.00
4729	1	USPS	03/28/2018	\$763.94
4730	1	Bureau for Child Support Enforcement	03/28/2018	\$875.00
4731	1	Douglas A. Shaffer	03/30/2018	\$40.00
4732	1	Gwen Malone	03/30/2018	\$40.00
4733	1	Debra Zimmerman	03/30/2018	\$40.00
4734	1	Rappahannock Electric Cooperative	03/30/2018	\$21,329.35
4735	1	Kim S. Kemp	03/30/2018	\$40.00
4736	1	VUPS	03/30/2018	\$56.70
4737	1	Waterloo Electric Service, LLC	03/30/2018	\$92.19
4738	1	Sheryl Reid	03/30/2018	\$40.00
4739	1	Dale A. Barton	03/30/2018	\$40.00
4740	1	PENNONI ASSOCIATES INC	03/30/2018	\$3,210.00
4741	1	PENNONI ASSOCIATES INC	03/30/2018	\$405.00
4742	1	PRINTELECT	03/30/2018	\$391.29
4743	1	AXON ENTERPRISE, INC.	03/30/2018	\$613.00
4744	1	William Steinmetz	03/30/2018	\$40.00
4745	1	Sturgis Web Services	03/30/2018	\$180.00
4746	1	Econo Signs LLC	03/30/2018	\$398.36
4747	1	The Winchester Star	03/30/2018	\$125.00
4748	1	Minnesota Life Insurance Co.	03/30/2018	\$140.52
4749	1	Krishan Mathur	03/30/2018	\$40.00
4750	1	Christy Dunkle	03/30/2018	\$33.79
4751	1	Virasec, LLC	03/30/2018	\$1,970.77
4752	1	Hach Chemical Company	03/30/2018	\$228.00
4753	1	Commercial Press Inc	03/30/2018	\$78.95
4754	1	Nationwide Retirement Solutions	03/30/2018	\$405.00
4755	1	RACHEL EMILY BELL	03/30/2018	\$185.00

A/P Check Listing

Vendor Range - 1105 MEDIA EVENTS' - 'ZENON ENVIRONMENTAL CORPORATION
Date From - 3/1/2018 Date To - 3/31/2018

Town of Berryville
04/05/2018 10:25 AM

Page: 3 of 3

Check Number	Bank	Vendor	Date	Amount
60	Checks Totaling -			\$140,018.47

Totals By Fund

	Checks	Voids	Total
100	\$22,518.24		\$22,518.24
501	\$101,380.37		\$101,380.37
502	\$16,119.86		\$16,119.86
Totals:	\$140,018.47		\$140,018.47



BERRYVILLE TOWN OF
DESIRÉE MORELAND
XXXX-XXXX-XXXX

February 01, 2018 - February 28, 2018

Purchasing Card

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO BOX 982238 EL PASO, TX 79998-2238 Customer Service: 1.888.449.2273 24 Hours TTY Hearing Impaired: 1.800.222.7365 24 Hours Outside the U.S.: 1.509.353.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 02/28/18 Payment Due Date 03/25/18 Days in Billing Cycle 28 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$61,048.24	Previous Balance \$72,192.81 Payments -\$72,192.81 Credits -\$191.49 Cash \$0.00 Purchases \$61,239.73 Other Debits \$0.00 Overlimit Fee \$0.00 Late Payment Fee \$0.00 Cash Fees \$0.00 Other Fees \$0.00 Finance Charge \$0.00 Current Balance \$61,048.24

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 03/23/18.

Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK XXXX-XXXX-XXXX- 15,000	0.00	0.00	10,979.88	10,979.88
BOOTH, KEVIN XXXX-XXXX-XXXX- 1,000	0.00	0.00	458.62	458.62

7219281 6104824 6104824 4715291201837237

Account Number: XXXX-XXXX-XXXX-
February 01, 2018 - February 28, 2018

Total Payment Due \$61,048.24
Payment Due Date 03/25/18

Enter payment amount
\$

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

Mall 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
**N0020563

54999001100051201837237

Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BUSSERT, ERNIE XXXX-XXXX-XXXX- 500	0.00	0.00	50.00	50.00
DORSEY, DANIEL XXXX-XXXX-XXXX- 500	0.00	0.00	1.94	1.94
ELLIOTT, RALPH XXXX-XXXX-XXXX- 5,000	17.62	0.00	1,284.17	1,266.55
FIDDLER, HEATHER XXXX-XXXX-XXXX- 15,000	0.00	0.00	556.32	556.32
JACKSON, MIA XXXX-XXXX-XXXX- 500	15.87	0.00	503.05	487.18
LICKEY, PATRICK XXXX-XXXX-XXXX- 500	0.00	0.00	15.15	15.15
LILLY, STEPHEN XXXX-XXXX-XXXX- 15,000	0.00	0.00	2,644.77	2,644.77
LINK, BRIAN XXXX-XXXX-XXXX- 1,000	0.00	0.00	262.21	262.21
MCCORMICK, HARRY XXXX-XXXX-XXXX- 500	0.00	0.00	185.71	185.71
MORELAND, DESIREE XXXX-XXXX-XXXX- 50,000	0.00	0.00	23,848.52	23,848.52
REYNOLDS, CHARLES XXXX-XXXX-XXXX- 500	0.00	0.00	24.46	24.46
STOVER, KEITH XXXX-XXXX-XXXX- 1,000	0.00	0.00	824.38	824.38
TYRRELL, DAVE XXXX-XXXX-XXXX- 20,000	168.00	0.00	16,565.96	16,407.96
UNGER, EMMERT XXXX-XXXX-XXXX- 500	0.00	0.00	96.52	96.52
WEAVER, PAUL XXXX-XXXX-XXXX- 500	0.00	0.00	486.42	486.42
WHITE, NEAL XXXX-XXXX-XXXX- 15,000	0.00	0.00	2,451.65	2,451.65

Transactions

Posting Transaction		Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF					Total Activity
Account Number: XXXX-XXXX-XXXX-					-\$72,192.81
02/23	02/23	AUTO PAYMENT DEDUCTION	0071		72,192.81
BOOR, RICK					Total Activity
Account Number: XXXX-XXXX-XXXX-					10,979.88
02/07	02/06	APPLIED IND TECH 2690 540-8697400 VA	24755418037170371659896	5085	689.72
02/07	02/06	TRUCK PARTS UNLIMITED WINCHESTER VA	24755428038130381322537	5533	592.50
02/09	02/07	PMSI 703-723-2899 VA	24632698039500485571567	7342	74.00
02/12	02/08	STUART M PERRY #2 BERRYVILLE VA	24073148040900010300020	1771	2,650.22
02/12	02/09	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898042630400614925	5533	8.10
02/19	02/15	GRIFFITH ENERGY SERVIC 410-956-3000 MD	24258028047017032510462	5983	1,163.24
02/27	02/26	CORE & MAIN LP 514 3042636986 WV	24792628057206122200012	5039	4,486.10
02/27	02/26	CORE & MAIN LP 514 3042636986 WV	24792628057206122200020	5039	1,234.00



18390590-020363-0002-0003-2

Transactions

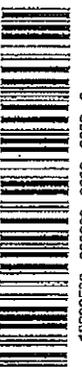
Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
02/28	02/26	johnny blue, inc. 540-665-0968 VA	24828248058030031120408	7394	82.00	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						458.62
02/02	02/01	LOWES #02724* WINCHESTER VA	24692168032100519090748	5200	119.62	
02/08	02/07	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978039091400000073	5251	11.04	
02/09	02/08	LOWES #02724* WINCHESTER VA	24692168039100032296866	5200	151.80	
02/26	02/23	HIGHWAY MOTORS INC WINCHEWINCHESTER VA	24755428055150556713110	5511	176.16	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						50.00
02/13	02/12	VA DPOR 804-3678597 VA	24755428043160432968163	9399	50.00	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						1.94
02/27	02/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978058091408000535	5251	1.94	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						1,266.56
02/01	01/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978032091406000108	5251	41.14	
02/12	02/09	THE BLOSSMAN COMPANIES IN228-872-8932 MS	24247608040300525287644	5983	298.88	
02/14	02/13	HIGHWAY MOTORS INC WINCHEWINCHESTER VA	24755428045150453359010	5511	217.39	
02/19	02/15	KORMAN SIGNS INC 800-2966050 VA	24073148047900016100179	5099	655.72	
02/23	02/22	LOWES #02724* WINCHESTER VA	24692168053100953041318	5200	25.10	
02/23	02/22	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231688054400021846324	5251	45.94	
02/28	02/23	HIGHWAY MOTORS INC WINCHEWINCHESTER VA	74755428058150556713104	5511		17.62
						Total Activity
Account Number: XXXX-XXXX-XXXX-						556.32
02/01	01/31	USPS PO 5107560300 BERRYVILLE VA	24445008032000930442049	9402	177.25	
02/05	02/02	USPS PO 5107560300 BERRYVILLE VA	24445008034001377638196	9402	25.45	
02/05	02/03	Amazon web services aws.amazon.coWA	24692168034100582822660	7399	0.62	
02/08	02/07	IN *TRUESHRED 888-7508783 VA	24692168038100649431204	7399	49.00	
02/19	02/17	STAPLS7192466052000001 877-8267755 NJ	24164078049105168570933	5111	43.56	
02/22	02/21	USPS PO 5107560300 BERRYVILLE VA	24445008053000912775584	9402	250.00	
02/23	02/22	KFC D860003 WINCHESTER VA	24431068054091349000042	5814	10.44	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						487.18
02/01	01/31	STAPLS7191305481000001 877-8267755 NJ	24164078031105304219718	5111	73.01	
02/08	02/07	STAPLS7191793626000001 877-8267755 NJ	24164078038105060207678	5111	76.23	
02/08	02/07	STAPLS7191793626000002 877-8267755 NJ	24164078038105970207677	5111	18.48	
02/16	02/15	STAPLS7192278951000001 877-8267755 NJ	24164078046105146422382	5111	15.87	
02/16	02/15	STAPLS7192278951000002 877-8267755 NJ	24164078046105976422387	5111	12.39	
02/19	02/17	STAPLS7192278951001001 SOUTH HACKENS NJ	74164078049105146422384	5111		15.87
02/23	02/22	STAPLS7192713172000001 877-8267755 NJ	24164078053105212175823	5111	53.68	
02/28	02/27	STAPLS7192965034000001 877-8267755 NJ	24164078058105265624748	5111	253.39	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						15.15
02/05	02/02	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767898035585400426234	5533	15.15	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						2,644.77
02/15	02/06	COYNE CHEMICAL 215-785-3000 PA	24224438046101029299710	5169	1,127.80	
02/15	02/14	COYNE CHEMICAL 215-785-3000 PA	24224438046101029299736	5169	509.55	
02/15	02/14	COYNE CHEMICAL 215-785-3000 PA	24224438046101029299751	5169	464.33	
02/16	02/14	TAYLOR TECHNOLOGIES INC 410-4724340 MD	24073148046900010499594	5046	129.32	
02/19	02/16	MAURICE ELECTRIC SUPPLY -540-6655191 VA	24767908049675700355810	5065	68.80	
02/26	02/23	WINCHESTER METALS INC WINCHESTER VA	24073148056900010300112	5051	112.50	
02/28	02/26	HALESFORD HARBOUR INN 540-2979000 VA Arrival: 02/25/18	24013398058006557582286	7011	232.47	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						262.21
02/05	02/02	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068034200824800132	5533	100.50	
02/09	02/07	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767898039617300336167	5533	13.22	
02/14	02/13	NORVAC LOCK TECHNOLOGY I WINCHESTER VA	24733098044400568000010	7399	143.50	
02/27	02/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978058091408000352	5251	4.99	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						185.71
02/07	02/05	VW GRAINGER 877-2022594 IL	24755428037150371986480	5085	99.22	
02/19	02/17	SNS EAST -2871 BERRYVILLE VA	24427338048720036312326	5411	8.49	
02/23	02/21	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767898053707200446678	5533	78.00	
						Total Activity
Account Number: XXXX-XXXX-XXXX-						23,848.52

Transactions

Posting Transaction								
Date	Date	Description	Reference Number	MCC	Charge	Credit		
02/05	02/02	VAGP WWW.VAGP.ORG VA	24492158033637203958088	8699	625.00			
02/05	02/02	VAGP WWW.VAGP.ORG VA	24492158033637203572012	8699	90.00			
02/08	02/07	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692168038100485274031	4899	383.82			
02/08	02/07	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692168038100485274049	4899	210.59			
02/08	02/07	VERIZON*ONETIMEPAYMENT 800-VERIZON FL	24692168038100485274056	4899	168.64			
02/14	02/12	TelRite Corporation COVINGTON GA	24393498044004024791429	4814	9.45			
02/21	02/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431058051083716893053	4900	19,590.78			
02/21	02/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431058051083709626585	4900	25.00			
02/21	02/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24431058051083759607923	4900	1,857.37			
02/21	02/21	COMCAST 800-COMCAST MD	24692168052100198606124	4899	75.69			
02/21	02/20	VA DMV ONLINE BILLING PAY804-3670595 VA	24755428052120527696150	9399	100.00			
02/22	02/21	VZWRLLSS*MY VZ VB P 800-922-0204 FL	24692168052100258964322	4814	712.18			
REYNOLDS, CHARLES							Total Activity	24.46
Account Number: XXXX-XXXX-XXXX-								
02/12	02/09	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898042630400614917	5533	24.46			
STOVER, KEITH							Total Activity	824.38
Account Number: XXXX-XXXX-XXXX-								
02/01	01/31	LOWES #02724* WINCHESTER VA	24692168031100064704512	5200	492.00			
02/07	02/05	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898037603900468446	5533	71.92			
02/07	02/06	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068038200824100075	5533	194.23			
02/07	02/06	TRACTOR-SUPPLY-CO #0697 WINCHESTER VA	24445008038000929899395	5599	37.39			
02/09	02/08	FISHER AUTO PARTS 009 BERRYVILLE VA	24431068040200824300051	5533	28.84			
TYRRELL, DAVE							Total Activity	16,407.96
Account Number: XXXX-XXXX-XXXX-								
02/01	01/31	VA DPOR 804-3678597 VA	24755428031170316477268	9399	50.00			
02/01	01/31	ROBERTS OXYGEN CO BR 00 800-6263433 MD	24755428032640320708378	5085	8.94			
02/05	02/01	MID ATLANTIC CRANE AND EQ919-7903535 NC	24207858033163701783168	5046	2,127.49			
02/07	02/06	SHERWOOD-LOGAN & ASSOCIA 410-841-6810 MD	24435658037206649100021	5251	4,525.00			
02/09	02/08	SQ *INSTRULOGIC LLC gosq.com VA	24692168039100055588306	7392	1,356.50			
02/12	02/09	MCMaster-CARR 630-834-9600 IL	24789308042630100078250	5085	404.68			
02/12	02/11	AMAZON MKTPLACE PMTS WWW.WWW.AMAZON.COWA	24431068042083706165067	5942	39.95			
02/13	02/12	JOINER MICRO LABORATORIE 540-347-7212 VA	24435658044200389000054	7399	2,140.00			
02/13	02/12	ROBERTS OXYGEN CO BR 00 800-6263433 MD	24755428044640440741743	5085	29.75			
02/14	02/12	THE BLOSSMAN COMPANIES IN228-872-8932 MS	24247608044100309819968	5983	310.74			
02/14	02/12	MCMaster-CARR 630-834-9600 IL	24789308044648700094301	5085	85.60			
02/14	02/13	CUMMINS ATLANTIC #17 540-931-9114 VA	24445008045600062316948	5046	2,329.39			
02/15	02/13	PROCOM 999-9999999 NC	24073148045900012687445	5085	2,087.97			
02/16	02/15	TOTAL PEST SERVICES INC 540-9740768 VA	24755428046270462734539	7342	316.00			
02/19	02/15	PROCOM 999-9999999 NC	24073148047900012851734	5085	209.65			
02/23	02/22	USA BLUE BOOK 800-548-1234 IL	2432684805363600066171	5085	204.20			
02/26	02/22	MCMaster-CARR 630-834-9600 IL	24789308054713500105835	5085	141.58			
02/26	02/23	MCMaster-CARR 630-834-9600 IL	24789308056720000055251	5085	81.80			
02/27	02/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978058091408000121	5251	12.24			
02/27	02/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978058091408000501	5251	16.32			
02/27	02/20	TOTAL PEST SERVICES INC 540-9740768 VA	74755428057260512890929	7342		158.00		
02/28	02/26	FOX'S PIZZA BERRYVILLE VA	24073148058900010100064	5812	27.00			
02/28	02/27	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978059091400000417	5251	1.57			
02/28	02/27	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978059091400000441	5251	10.70			
02/28	02/27	JNO. S SOLENBERGER AND C WINCHESTER VA	24138298059400001311502	5251	48.89			
UNGER, EMMERT							Total Activity	96.52
Account Number: XXXX-XXXX-XXXX-								
02/12	02/08	BERRYVILLE AUTO PARTS INCBERRYVILLE VA	24767898040623900456063	5533	65.11			
02/27	02/26	JNO. S SOLENBERGER AND C WINCHESTER VA	24138298058400001307800	5251	29.99			
02/27	02/26	USPS PO 5107560300 BERRYVILLE VA	24445008058000948006207	9402	1.42			
WEAVER, PAUL							Total Activity	486.42
Account Number: XXXX-XXXX-XXXX-								
02/14	02/12	EMMART OIL CO 640-743-3835 VA	24427338044710005026282	5983	486.42			
WHITE, NEAL							Total Activity	2,451.65
Account Number: XXXX-XXXX-XXXX-								
02/07	02/06	HEARTSMART.COM 800-422-8129 CT	24224438038101040807160	5047	1,552.00			
02/08	02/06	TIRE WORLD WHOLESale, LLC301-6989200 MD	24639238038900015600069	5532	265.68			
02/08	02/06	BERRYVILLE AUTO PARTS INC800-4498012 VA	24767898038610600477782	5533	248.67			
02/12	02/09	SURVIVAL SUPPLY 800-653-4706 NY	24247608041500828368962	5047	371.90			
02/14	02/13	USPS PO 5107560300 BERRYVILLE VA	24445008045001104935417	9402	13.40			



BERRYVILLE TOWN OF
DESIRÉE MORELAND
XXXX-XXXX-XXXX
February 01, 2018 - February 28, 2018
Page 6 of 6



18990590 - 020363 - 0003 - 0003 - 2

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.

Attachment 12

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2018

Date: April 10, 2018

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2018 there is hereby levied:

- (1) A tax of \$.19 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;
- (2) A tax rate of \$1.25 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;
- (3) A tax rate of \$1.30 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

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

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____ Date: April 10, 2018
Patricia Dickinson, Mayor

ATTEST: _____ Date: April 10, 2018
Harry Lee Arnold, Jr., Recorder

TOWN COUNCIL
MOTION FOR APPROVAL: ORDINANCE SETTING TAX LEVIES FOR TAX
YEAR 2018

Date: April 10, 2018

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Ordinance setting the tax levies for tax year 2018 amending the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 13

Town of Berryville

Resolution

**To Provide for the Implementation of the 2004-2005
Changes to the Personal Property Tax Relief Act of 1998
For the Tax Year 2018**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2018, shall receive personal property tax relief in the following manner:

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

PASSED THIS 10th DAY OF APRIL 2018.

Patricia Dickinson, Mayor

ATTEST:

Harry L. Arnold, Jr., Recorder

TOWN COUNCIL
MOTION FOR APPROVAL: RESOLUTION TO PROVIDE FOR THE
IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL
PROPERTY TAX RELIEF ACT OF 1998 FOR THE TAX YEAR 2018

Date: April 10, 2018

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2018.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 14



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

MEMO

DATE: 04/05/2018

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 04/10/2018

Monthly Activity Report

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

Police and Security Committee

The Police and Security Committee met on March 22, 2018 and the minutes are available in the consent agenda of this packet. The next scheduled meeting for the Committee is April 26, 2018 at 9:00 am in the A/B meeting room.

Town Code sec. 13-30

Section 13-30 of the Town Code deals with the issue of inoperable motor vehicles. The language of this section was readopted as sec. 10-79 in Chapter 10 (Motor Vehicles) during the recent overhaul of Chapter 10. In order to tidy things up and not have the same ordinance in two places, sec. 13-30 should be repealed and reserved.

Community Events

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

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

W. Neal White – Chief of Police

Police and Security Report

	Year To Date	March	February
Month: March	2018	2018	2018
Year: 2018			
<u>Complaints Answered</u>			
911 Hang Up:	2	2	0
Alarms:	43	17	10
Animal Complaint:	21	9	6
Assault and Battery:	1	0	1
Assist County:	7	1	3
Auto Larceny:	0	0	0
Burglary:	4	1	1
Civil Complaints:	14	8	4
Disturbance (Non Violent):	5	0	2
Domestic Disturbance:	11	7	1
Drunk In Public:	2	2	0
Forgery & Uttering:	0	0	0
Fraud:	6	2	1
Grand Larceny:	4	2	1
Harassment/Intimidation:	5	0	1
Homicide:	0	0	0
Juvenile Related:	6	1	3
Noise:	10	2	4
Petty Larceny:	4	0	3
Public Service:	5	0	2
Rape:	0	0	0
Robbery:	0	0	0
Runaway:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	43	9	17
Trespassing:	3	1	0
Vandalism:	15	2	3
Welfare Check:	41	16	11
Miscellaneous Complaints:	192	84	62
Total Complaints Answered:	444	166	136



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2018	March 2018	February 2018
<u>Traffic</u>			
Accidents Investigated:	11	3	5
Assist Motorist:	2	2	0
Child Safety Seat Install:	1	1	0
Funeral Escort:	9	1	4
Hit & Run:	1	0	1
Parking Tickets:	27	10	10
Traffic Warnings:	182	70	71
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	2	1	0
Expired Inspection:	18	4	8
Expired Registration:	3	1	2
Fail to Obey Highway Sign:	23	7	9
Fail to Obey Traffic Signals:	3	1	2
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	1	1
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	6	0	3
No Seat Belt:	0	0	0
Reckless Driving:	0	0	0
Speeding:	45	15	18
Miscellaneous Summons:	6	2	2
Total Traffic Summons Issued:	108	32	45
<u>Found Open at Businesses in Town</u>			
Doors:	1	1	0
Windows:	0	0	0
Garage Doors:	0	0	0



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	March	February
	2018	2018	2018
<u>Criminal Arrests Made</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	1	1	0
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	6	2	2
Disorderly Conduct:	0	0	0
Driving While Intoxicated:	3	2	1
Drunk In Public:	1	1	0
Fail to Obey Police Officer:	1	1	0
Fail to Pay Parking Ticket:	3	0	3
Forgery:	0	0	0
Fraud:	0	0	0
Grand Larceny:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	2	0	2
Petty Larceny:	0	0	0
Possess Alcohol Underage:	1	0	0
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:	10	7	1
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	28	14	9

Attachment 15



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

MEMO

DATE: 03/28/2018 **2018-0014**
TO: Keith Dalton, Town Manager
FROM: Chief W. Neal White
CC:
RE: Town Code Repeal

Keith,

When Chapter 10 of the Town of Berryville Code was revised and adopted, a section from Chapter 13 was incorporated into Chapter 10 for the sake of clarity. What was missed when the re-adoption took place was the repeal of the section from Chapter 13. I bring this to your attention so that the matter may be put before the Council at the April 10, 2018 meeting to tidy up the Code.

What would need to take place at this point is for sec. 13-30 of Chapter 13 to be repealed. That same language now exists in sec. 10-79 of Chapter 10.

Attachment 16

History

The Police and Security Committee, which has been working its way through the Town Code for the past 5 years in order to recommend necessary revisions, has discussed the idea of revising the Town Charter.

Mayor Dickinson introduced the idea of seeking revision of Section 3.12 in order to eliminate the requirement that the Council meet every month. She suggests that since there are times, particularly in the late summer, when agendas are lean and vacations and the like make scheduling a challenge. The Mayor notes that eliminating the meeting requirement does not preclude meeting at any given time but merely gives the Council flexibility.

Staff has reviewed the Charter, which was last revised in 1994, and there are quite a few elements that should be amended. Staff also notes that the idea of changing the title of the Recorder position has also been floated in years past. Staff discussed this with Recorder Arnold and he remains interested in discussing the idea.

Process

The Town Council, after holding a public hearing, would approve a resolution proposing charter amendments for adoption by the General Assembly. This will need to happen prior on or before the October 2018 Town Council meeting.

The General Assembly would take the matter up during its session (begins in January) and if approved by the House, Senate, and Governor, the amendments would become effective on July 1, 2019.

Staff Recommendation

Staff recommends following the course outlined below:

- 4/11/18 - 5/15/18 Staff review of Charter
- 5/16/18 – 6/15/18 Staff review of Charter with legal counsel
- 7/10/18 Submission of draft to Town Council
- 8/14/18 Town Council review
- 8/15/18 – 9/5/18 Staff review of Charter and TC comments with legal counsel
- 9/11/18 Town Council review / Set Public Hearing
- 10/9/18 Town Council Public Hearing and vote
- 11/13/18 Town Council approves minutes of 10/9/18 meeting
- 11/16/18 Submission to Delegate LaRock (who would carry the matter) and Senator Vogel

BERRYVILLE, TOWN OF
Established 1798.
Moved from County of Frederick to County of Clarke, 1841.

Incorporation and Charter, 1870, c. 366; repealed, 1898, c. 819.

Charter, 1898, c. 819; repealed, 1971, c. 112.

Charter, 1971, c. 112.

Amended 1972, c. 29 (§ 3.2)
 1994, c. 324 (§§ 2.3, 4.2, 7.1, 7.3).

CHAPTER 1.
INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the town of Berryville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate to be known and designated as the town of Berryville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, review or amend at its pleasure by proper ordinance. (1971, c. 112)

§ 1.2. Boundaries.--The corporate boundaries of the town of Berryville shall be as follows:

Beginning at a pipe in the west side of North Buckmarsh Street (U.S. Route No. 340), such point being at the intersection of the west right-of-way line of North Buckmarsh Street and an extension of the north lot line of the Episcopal parsonage; thence along the west right-of-way line of North Buckmarsh Street, N 27° 43' E. a distance of 634.47 feet to a pipe; thence N. 45° 42' W. 2241.36 feet along the rear lot lines on the north side of Walnut Street to a pipe; thence S. 56° 34' 30" W. a distance of 160.38 feet to a pipe; thence S. 45° 45' 30" W. a distance of 4490.77 feet to a pipe in the orchard of H. F. Byrd, such line crossing West Main Street (Va. Route 7); thence, still through the orchards of H. F. Byrd and other properties, S. 57° 25' E. a distance of 3754.92 feet to a spike in the center line of South Church Street; thence S. 53° 42' E. a distance of 1736.86 feet to a pipe, such line crossing the Norfolk and Western Railway right-of-way; thence along a 13° 13' curve, parallel to the Norfolk and Western Railway, such curve having a tangent bearing of N. 62° 10' E. and a tangent distance of 250.80 feet to a pipe and point of intersection; thence still parallel to the Norfolk and Western Railway N. 49° 03' E. a distance of 2484.97 feet to a point of intersection of a 15° 38' curve, the corporate limits following the curve; thence N. 64° 44' E. a distance of 585.77 feet to a pipe; thence N. 49° 41' W. a distance of 3315.36 feet to a pipe and the place of beginning. (1971, c. 112)

§ 1.3. Wards.--The town of Berryville shall be divided into four wards. The boundaries of such wards shall be established by the town council by ordinance. (1971, c. 112)

CHAPTER 2.
POWERS.

§ 2.1. General grant of powers.--The town of Berryville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to

towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1971, c. 112)

§ 2.2. Adoption of certain sections of Code of Virginia.--The powers set forth in §§ 15.1-837 through 15.1-915, both inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia, as in force on January 1, 1971, are hereby conferred on and vested in the town of Berryville. (1971, c. 112)

§ 2.3. Eminent domain.--The powers of eminent domain set forth in Title 15.1, Title 25, Chapter 1.1 and §§ 33.1-121 through 33.1-132, Chapter 1, of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Berryville subject to the provisions of § 25-233.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-132, inclusive, Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property or interest therein by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the condemnation authority shall be subject to the provisions of § 25-233 of the Code of Virginia.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1971, c. 112; 1994, c. 324)

CHAPTER 3.

MAYOR, RECORDER, AND COUNCIL.

§ 3.1. Composition of council; qualifications of mayor, recorder and councilmen.-The town of Berryville shall be governed by a town council composed of the mayor, the recorder and four councilmen. The mayor, recorder and councilmen shall be residents and qualified voters of the town. The mayor and recorder shall be elected from the town at

large. The four councilmen shall reside one in each ward of the town, but shall be elected by all of the qualified voters of the town. (1971, c. 112)

§ 3.2. Election and term of office of mayor, recorder and councilmen.--Elections for mayor, recorder and councilmen shall be held on the first Tuesday in May of each even-numbered year. On the first Tuesday in May, 1972, a mayor and councilmen from Wards 1 and 3 shall be elected for a term of four years; and a recorder and councilmen from Wards 2 and 4 shall be elected for a term of two years. On the first Tuesday in May, 1974, a recorder and councilmen from Wards 2 and 4 shall be elected for terms of four years. Thereafter, the mayor, recorder and all councilmen shall be elected for terms of four years. (1971, c. 112; 1972, c. 29)

§ 3.3. When terms of office to begin.--The terms of office for the mayor, recorder and councilmen shall begin on the first day of July next following their election. (1971, c. 112)

§ 3.4. Oath of office.--The mayor, recorder and councilmen shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their offices to the best of their abilities, so long as they shall continue therein. (1971, c. 112)

§ 3.5. Vacancies in office.--Vacancies in the office of mayor, recorder or councilman shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members of the town council. (1971, c. 112)

§ 3.6. When new election for mayor, recorder or councilman required.--If any person who shall have been duly elected mayor, recorder or councilman shall not be eligible, as herein prescribed, or shall refuse to take the oath or affirmation required under this Charter within two weeks from the day of the beginning of his term of office, the town council shall declare his office vacant, and shall order a new election for mayor, recorder or councilman as the case may be. (1971, c. 112)

§ 3.7. Powers and duties of mayor.--The mayor shall preside over the meetings of the town council and shall have the same right to speak and vote therein as other members of the town council. He shall be recognized as the head of the town government for all ceremonial purposes, for the purposes of military law and for the service of civil processes. The mayor shall have no power of veto over the ordinances and resolutions of the town council. (1971, c. 112)

§ 3.8. Powers and duties of recorder; recorder to act as mayor during absence, disability, etc., of mayor.--The recorder shall be a member of the town council and shall have the same right to speak and vote therein as other members of the town council. The recorder shall keep the journal of the proceedings of the town council and have charge of and preserve the records of the town. In the absence from the town, or disqualification, inability or sickness of the mayor, or during any vacancy in the office of mayor, the recorder shall perform the duties of the mayor and be vested with all his powers. (1971, c. 112)

§ 3.9. Absence or disability of mayor and recorder.--If both the mayor and recorder are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or recorder is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. (1971, c. 112)

§ 3.10. Council a continuing body.--The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred by it, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1971, c. 112)

§ 3.11. General grant of powers to council.--The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1971, c. 112)

§ 3.12. Meetings of council.--The town council shall fix the time of their stated meetings, and they shall meet at least once a month. Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting. (1971, c. 112)

§ 3.13. Quorum; reconsideration of action.--Three members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1971, c. 112)

§ 3.14. Rules of order and procedure.--The town council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1971, c. 112)

§ 3.15. Council to fix salaries.--The town council is hereby authorized to fix the salaries of each of the members of the town council, members of boards or commissions and all appointed officers. The salaries of the mayor, recorder and councilmen shall not be charged during the term for which they were elected. (1971, c. 112)

CHAPTER 4.

TOWN MANAGER.

§ 4.1. Appointment and qualifications.--There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. He shall be appointed by the town council for an indefinite term. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of his office. At the time of his appointment, he need not be a resident of the town or the Commonwealth, but during his tenure of office, he shall reside within Clarke County. (1971, c. 112)

§ 4.2. Duties.--It shall be the duty of the town manager to:

- (a) Attend all meetings of the town council, with the right to speak but not to vote.
- (b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.
- (c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.
- (d) Present adequate financial and activity reports as required by the town council.

(e) Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

(f) Perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter. (1971, c. 112; 1994, c. 324)

§ 4.3. Powers as to town officers and employees.--All officers and employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall report each appointment or removal to the town council at the next meeting thereof following any such appointment or removal. (1971, c. 112)

§ 4.4. Temporary transfer of personnel between departments.--The town manager shall have power, whenever the interests of the town require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office or agency to the temporary performance of duties in another department, bureau, office or agency. (1971, c. 112)

§ 4.5. Council not to interfere in appointments or removals; relationship with council.--Neither the town council nor any of its members shall direct or request, the appointment of any person to or his removal from any office or employment by the town manager or by any of his subordinates or in any way take part in the appointment or for removal of officers and employees of the town, except as specifically provided in this charter. Except for the purpose of inquiry, the town council and its members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager. Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a councilman. (1971, c. 112)

§ 4.6. Relations with boards, commissions and agencies.--The town manager shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards, commissions or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1971, c. 112)

§ 4.7. Acting town manager.--The town council shall designate by resolution a person to act as town manager in case of the absence, incapacity, death or resignation of the town manager, until his return to duty or the appointment of his successor. (1971, c. 112)

CHAPTER 5. APPOINTIVE OFFICERS.

§ 5.1. Appointment.--The town council may appoint such officers of the town as they may deem necessary. Such officers may include, but shall not be limited to, a town manager, a town attorney, a town treasurer, a town assessor, a judge of the municipal court and justices of the peace. The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter by the town council. (1971, c. 112)

§ 5.2. Deputies and assistants.--The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1971, c 112)

§ 5.3. Term of office.--Officers and deputy and assistant officers appointed by the town council shall be appointed for a term of two years, unless otherwise provided by this charter or by ordinance of the town council. Such term shall begin on the first day in July in each even-numbered year. (1971, c. 112)

§ 5.4. Vacancies in office.--The town council shall fill any vacancy in any appointive office for the remainder of the unexpired term. (1971, c. 112)

§ 5.5. Appointment of one person to more than one office.--The town council may appoint the same person to more than one appointive office, at the discretion of the town council. (1971, c. 112)

CHAPTER 6. COURTS.

§ 6.1. Municipal court established; jurisdiction of court.--There is hereby established a municipal court, which shall be known as the Municipal Court of Berryville. Jurisdiction of the municipal court shall be as provided in § 16.1-124 of the Code of Virginia. (1971, c. 112)

§ 6.2. Judge of municipal court; substitute judge.--The judge of the municipal court shall be appointed by the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. (1971, c. 112)

§ 6.3. Clerk of the municipal court.--The clerk of the municipal court shall be appointed by the town council. (1971, c. 112)

CHAPTER 7. FINANCIAL PROVISIONS.

§ 7.1. Fiscal year.--The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (1971, c. 112; 1994, c. 324)

§ 7.2. Actions against town for damages, etc.--(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement, verified by oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days; provided, that if the complainant is compos mentis during such sixty day period but is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the town shall have authority to waive such conditions precedent or any of them.

(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce such judgment or an action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1971, c. 112)

§ 7.3 Creation of debt; issuance of bonds.--The town council is authorized to cause the town by a majority vote to incur debt and to issue bonds, notes and other evidences of indebtedness for the purposes and in the manner set forth for towns in the Constitution of the Commonwealth of Virginia and the Public Finance Act of 1991, Chapter 5.1 of Title 15.1 of the Code of Virginia of 1950, as amended, or any acts amendatory thereof or supplemental thereto. (1971, c. 112; 1994, c. 324)

CHAPTER 8.

MISCELLANEOUS.

§ 8.1. Elections governed by State law.--All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1971, c. 112)

§ 8.2. Amendment of Zoning Ordinance.--The town council may, by ordinance, required that whenever the planning commission recommends against the adoption of any proposed amendment to the Zoning Ordinance to the town, now or hereafter effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the town council. (1971, c. 112)

§ 8.3. Applicability of ordinances to lands, etc., outside town.--All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1971, c. 112)

§ 8.4. Bonds of officers and employees.--The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of

their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town may pay the premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town as its interest may appear in event of breach of the conditions thereof. (1971, c. 112)

§ 8.5. Office of town sergeant not to be created.--Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town of Berryville the office of town sergeant. (1971, c. 112)

§ 8.6. United States government employees.--No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer or employee of any board or commission. (1971, c. 112)

§ 8.7. Acceptance of federal aid, contributions, etc.--The town shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made. (1971, c. 112)

§ 8.8. Conflicts of interest; disclosures of interest.--The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with general law. (1971, c. 112)

§ 8.9. Present officers to continue.--The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1971, c. 112)

§ 8.10. Ordinances continued in force.--All ordinances now in force in the town of Berryville, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council. (1971, c. 112)

§ 8.11. Severability of provisions.--If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered (1971, c. 112)

Attachment 17

Memo

To: Town Council
From: David Tyrrell
Date: April 4, 2018
Re: March 2018 Operations Report

The water treatment plant is in compliance for March 2018 with its monthly parameters. We sent 9.461 MG of water to the system with an average of 0.411 MGD and a daily max of 0.562 MG.

SUEZ Utility Service has informed us they will be on site to start the 3MG tank on April 10, 2018 to start set up and will begin actual work on the tank on April 12, 2018. Operations is ready to cover the facility 24-hours per day and will start the coverage on April 11, 2018. All agencies have been made aware and are ready to go.

Work to convert the WTP to hypochlorite chlorination has been completed and tested. We are currently using the last cylinder of chlorine gas and will have depleted it with a few more days of operation. In the process of converting and prepping the building, some significant issues with the electrical system were discovered. All electrical to the building has been replaced by Consolidated Electric including the service panel, all conduit and boxes, and wiring.

While inspecting the WTP building doors and measuring for replacement, we have found that the current frames are welded to the building structure. We are looking at how this will change our plans to replace the building doors.

The maintenance and cleaning of both treatment trains was completed a month early in preparation for the 3MG being out of service.

Plans to clean the river vault have been changed to April 11 at the request of the contractor.

Drought Conditions: DEQ continues to have our region in a drought watch. River levels continue to run well below the historic averages but are sufficient for our needs and have improved in the past month. 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 March per data received to date. We treated a total of 8.57 MG with a daily average of 0.28 MGD and a daily max of 0.35 MG.

Operations at the STP have been fairly calm until March 30 when the treatment trains shut down. After hours of search for a problem and assistance from GE, we were able to isolate the issue to a small fuse. We replaced the fuse and were able to fire things back up. While the plant was down we were able to contain all wastewater in the EQ tanks and had no spills as a result of the incident. We are continuing to find issues caused by what ever caused the fuse to low but have all equipment back on line with the exception of air scour blower #3. Trouble shooting of this unit continues.

Computer replacement in the Directors office has solved several of the computer issues we have been fighting. The computer from the Directors office has had a new hard drive installed and was used to replace the failing unit at the WTP.

The rotating assembly in plant water pump #2 has been replaced. The old unit would cost nearly the same to repair as a replacement unit so a replacement was purchased through the regional vender for the pumps.

Acid recovery cleans of the membrane trains are scheduled for the month of April.

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.

FLOWS AND CHEMICAL DOSAGES

march 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	0.522		0.464	14.8	46	10.5	3	0.6			6.7	1.54	0.084	0.019	2	0.5			14.1	3.2		
2	0.497		0.451	14.0	41	9.9	2	0.6			3.5	0.85	0.071	0.017	2.2	0.5			13.4	3.2		
3	0.371		0.331	10.8	30	9.8	0	0.0			3.4	1.10	0.057	0.018	1.7	0.5			10.1	3.3		
4					####		#DIV/0!				####		####		####					####		
5	0.382		0.334	10.3	35	11.1	0	0.0			3.4	1.07	0.065	0.020	1.6	0.5			9.8	3.1		
6	0.368		0.301	10.0	25	8.3	3	1.0			3.4	1.12	0.057	0.019	1.6	0.5			9.6	3.1		
7	0.526		0.488	15.3	41	9.2	4	0.9			6.8	1.54	0.079	0.018	2.4	0.5			14.6	3.3		
8	0.53		0.482	15.3	46	10.3	4	0.9			6.7	1.52	0.083	0.019	2.4	0.5			14.6	3.3		
9	0.439		0.400	12.5	30	8.3	4	1.0			3.5	0.97	0.150	0.041	2.4	0.6			12.0	3.3		
10					####		#DIV/0!				####		####		####					####		
11					####		#DIV/0!				####		####		####					####		
12	0.538		0.484	15.5	41	9.0	4	0.9			6.7	1.49	0.079	0.018	2.9	0.6			14.9	3.3		
13	0.532		0.488	15.5	35	8.0	9	2.0			7.0	1.59	0.079	0.018	0.0	0.0			19.9	4.5		
14	0.517		0.462	15.0	41	9.4	4	1.0			3.3	0.77	0.079	0.018	2.8	0.7			14.4	3.3		
15	0.299		0.271	5.5	20	8.1	2	1.0			3.4	1.35	0.044	0.018	0.0	0.0			8.1	3.3		
16	0.346		0.315	11.0	25	8.8	3	1.0			3.4	1.18	0.040	0.014	0.0	0.0			10.5	3.6		
17					####		#DIV/0!				####		####		####					####		
18					####		#DIV/0!				####		####		####					####		
19	0.414		0.378	11.8	35	10.3	2	0.7			6.6	1.91	0.600	0.174	2.2	0.6			11.3	3.3		
20	0.557		0.505	16.0	41	8.7	5	1.0			3.6	0.77	0.050	0.011	3.0	0.6			15.3	3.3		
21	0.614		0.562	17.8	51	9.9	6	1.1			6.7	1.31	0.100	0.020	3.3	0.6			17.0	3.3		
22	0.436		0.381	12.3	35	9.8	4	1.0			6.9	1.90	0.067	0.018	2.3	0.6			11.7	3.2		
23	0.234		0.211	6.3	15	7.8	2	0.8			0.0	0.00	0.040	0.020	1.2	0.6			6.0	3.1		
24					####		#DIV/0!				####		####		####					####		
25					####		#DIV/0!				####		####		####					####		
26	0.541		0.495	15.5	46	10.1	4	1.0			6.7	1.48	0.080	0.018	2.9	0.6			14.9	3.3		
27	0.531		0.476	15.8	41	9.2	5	1.1			6.7	1.52	0.042	0.009	3.0	0.7			15.1	3.4		
28	0.522		0.492	15.5	41	9.3	3	0.7			7.0	1.62	0.040	0.009	2.9	0.7			14.9	3.4		
29	0.496		0.450	14.8	41	9.8	4	1.0			3.3	0.79	0.038	0.009	2.8	0.7			14.2	3.4		
30	0.26		0.240	7.8	25	11.7	2	0.8			3.4	1.55	0.020	0.009	1.5	0.7			7.4	3.4		
31					####		#DIV/0!				####		####		####					####		
Total	10.472	0.000	9.461	298.6	827	####	79	#DIV/0!	0.0	0.00	112.2	####	2.04	####	47	####	0.0	0.00	293.8	####	0.0	0.00
Maximum	0.614	0.000	0.562	17.8	51	####	9	#DIV/0!	0.0	0.00	7.0	####	0.60	####	3	####	0.0	0.00	19.9	####	0.0	0.00
Minimum	0.234	0.000	0.211	5.5	15	####	0	#DIV/0!	0.0	0.00	0.0	####	0.02	####	0	####	0.0	0.00	6.0	####	0.0	0.00
Average	0.455	0.000	0.411	13.0	36	####	3	#DIV/0!	####	###	4.9	####	0.09	####	2	####	####	#DIV/0!	12.8	####	###	####

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

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

Shenandoah River - Entire Month

Berryville STP Monthly DMR Data

March 2018

Date	Effluent Flow	Eff pH	Eff Temp	Eff CBOD	Eff CBOD	Eff TSS	Eff TSS	Effluent DO	Effluent DO	Eff NO ₂ /	Eff TKN	Eff TKN	Eff Total N
	MGD	SU	Deg C	mg/l	KG/D	mg/l	KG/D	mg/l	mg/l	NO ₃	mg/l	KG/D	mg/l
3/1/2018	0.23	7.6	15.1	5.00	4.43			10.7	9.8	2.83	1.44	1.28	4.27
3/2/2018	0.24	7.7	14.5					10.0	10.4				
3/3/2018	0.35	7.4	14.3					11.6	11.4				
3/4/2018	0.27	7.6	13.6					12.1	11.2				
3/5/2018	0.22	7.5	14.2					9.7	10.6				
3/6/2018	0.29	7.4	13.8	4.00	4.33			11.1	9.5	1.61	1.69	1.83	3.30
3/7/2018	0.25	7.5	13.3	0.00	0.00			10.2	9.8				
3/8/2018	0.28	7.6	16.2	0.00	0.00			9.8	10.2				
3/9/2018	0.28	7.6	16.0					10.2	9.7				
3/10/2018	0.27	7.4	13.6					11.6	10.1				
3/11/2018	0.26	7.4	13.6					10.8	10.7				
3/12/2018	0.26	7.5	13.5					10.8	9.9				
3/13/2018	0.30	7.6	12.4	5.00	5.58	0.00	0.00	13.2	10.8	1.99	2.18	2.43	4.17
3/14/2018	0.27	7.4	11.7	2.00	2.03			12.6	11.2				
3/15/2018	0.23	7.5	11.9	0.00	0.00			11.3	11.4	1.33	2.05	1.82	3.38
3/16/2018	0.23	7.5	12.3					11.3	10.5				
3/17/2018	0.25	7.5	12.1					11.2	10.0				
3/18/2018	0.25	7.5	12.4					11.4	10.3				
3/19/2018	0.23	7.4	13.1					11.3	8.8				
3/20/2018	0.35	7.4	14.4	3.00	3.96			10.2	10.7	1.42	2.04	2.69	3.46
3/21/2018	0.30	7.5	13.1	0.00	0.00			11.0	11.3				
3/22/2018	0.25	7.4	13.2	0.00	0.00			13.7	12.8	1.49	2.05	1.92	3.54
3/23/2018	0.26	7.4	13.1					11.0	10.7				
3/24/2018	0.29	7.5	12.1					12.6	11.7				
3/25/2018	0.30	7.4	12.0					11.3	10.9				
3/26/2018	0.30	7.6	12.0					11.3	10.6				
3/27/2018	0.30	7.6	13.1					12.2	11.1	2.02	2.12	2.43	4.14
3/28/2018	0.33	7.6	12.8	0.00	0.00			12.6	10.5				
3/29/2018	0.34	7.6	13.1					10.4	10.1				
3/30/2018	0.33	7.6	14.5					10.8	9.7				
3/31/2018	0.30	7.6	13.3					10.1	9.9				
Minimum	0.22	7.4	11.7	0.00	0.00	0.00	0.00	9.7	8.8	1.33	1.44	1.28	3.30
Maximum	0.35	7.7	16.2	5.00	5.58	0.00	0.00	13.7	12.8	2.83	2.18	2.69	4.27
Total	8.57	232.8	414.3	19.00	20.33	0.00	0.00	348.1	326.3	12.69	13.57	14.41	26.26
Average	0.28	7.5	13.4	1.73	1.85	0.00	0.00	11.2	10.5	1.81	1.94	2.06	3.75
Geo Mean	0.27	7.5	13.3	1.79	1.85	1.00	1.00	11.2	10.5	1.76	1.9	2.00	3.73

Berryville STP Monthly DMR Data

March 2018

Date	Eff Total N KG/D	Eff Total P mg/l	Eff Total P KG/D	E-Coli No/100ml
3/1/2018	3.79	1.76	1.56	
3/2/2018				
3/3/2018				
3/4/2018				
3/5/2018				
3/6/2018	3.58	0.44	0.48	1
3/7/2018				
3/8/2018				
3/9/2018				
3/10/2018				
3/11/2018				
3/12/2018				
3/13/2018	4.66	0.17	0.19	1
3/14/2018				
3/15/2018	3.00	0.27	0.24	
3/16/2018				
3/17/2018				
3/18/2018				
3/19/2018				
3/20/2018	4.58	0.21	0.28	1
3/21/2018				
3/22/2018	3.33	0.19	0.18	
3/23/2018				
3/24/2018				
3/25/2018				
3/26/2018				
3/27/2018	4.76	0.15	0.17	
3/28/2018				
3/29/2018				
3/30/2018				
3/31/2018				
Minimum	3.00	0.15	0.17	1
Maximum	4.76	1.76	1.56	1
Total	27.69	3.19	3.10	3
Average	3.96	0.46	0.44	1
Geo Mean	3.90	0.30	0.31	1

Berryville WWTP Monthly Membrane Operation Report

March 2018

UF 1 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		99 %	1.77	848	6.809
PermeateTurbidityAfterBP		100 %	0.02	848	0.189
TCPermeabilityBeforeBP		100 %	7.81	763	34.191
TMPBeforeBP		100 %	0.13	848	0.297
TotalPermeateFlowDaily		100 %	13578.11	31	69841.226

UF 2 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		100 %	1.71	756	6.711
PermeateTurbidityAfterBP		100 %	0.05	756	0.121
TCPermeabilityBeforeBP		99 %	2.79	756	19.908
TMPBeforeBP		100 %	0.18	756	0.522
TotalPermeateFlowDaily		100 %	13035.15	31	66967.323

UF 3 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		98 %	1.95	865	7.016
PermeateTurbidityAfterBP		100 %	0.02	865	0.19
TCPermeabilityBeforeBP		100 %	3.67	852	37.002
TMPBeforeBP		100 %	0.08	865	0.285
TotalPermeateFlowDaily		100 %	14828.89	31	74612.065

UF 4 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		100 %	1.47	903	6.73
PermeateTurbidityAfterBP		100 %	0.04	903	0.128
TCPermeabilityBeforeBP		99 %	7.87	860	31.159
TMPBeforeBP		100 %	0.13	903	0.323
TotalPermeateFlowDaily		100 %	15533.57	31	75403.258

UF Plant KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
PermeateTemperature		100 %	1.89	2958	40.889
TotalPermeateFlowDaily		100 %	36810.32	31	286823.871

UF 1 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	6.809
PermeateTurbidityAfterBP	0	--	0.9	1	0.189
TCPermeabilityBeforeBP	4	6	--	--	34.191
TMPBeforeBP	--	--	7	8	0.297
TotalPermeateFlowDaily	--	--	--	--	70046.533

UF 2 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	6.711
PermeateTurbidityAfterBP	0	--	0.9	1	0.121
TCPermeabilityBeforeBP	4	6	--	--	19.908
TMPBeforeBP	--	--	7	8	0.522
TotalPermeateFlowDaily	--	--	--	--	67368.367

UF 3 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	7.016
PermeateTurbidityAfterBP	0	--	0.9	1	0.19
TCPermeabilityBeforeBP	4	6	--	--	37.002
TMPBeforeBP	--	--	7	8	0.285
TotalPermeateFlowDaily	--	--	--	--	75293.933

UF 4 KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
FluxBeforeBP	--	--	12.23	16.3	6.73
PermeateTurbidityAfterBP	0	--	0.9	1	0.128
TCPermeabilityBeforeBP	4	6	--	--	31.159
TMPBeforeBP	--	--	7	8	0.323
TotalPermeateFlowDaily	--	--	--	--	75899.6

UF Plant KPI Summary

Parameter	LL	LCL	UCL	HH	Mar
PermeateTemperature	32	--	100	110	40.889
TotalPermeateFlowDaily	--	--	1100000	2100000	288608.433

Attachment 18

Report of the Department of Public Works

April 4, 2018

Water

Public Works will be starting our next water improvement project within the next couple of weeks. This project will consist of replacing water lateral on Rice Street from Treadwell to West Main Street. After the improvement project is completed, Rice Street is on schedule to be paved this summer from Walnut Street to West Main.

This project will require one scheduled water interruption to allow the crew to install a four inch valve. This interruption will occur at the start of the improvement project. All residents that will be effected by the interruption will be notified at least 24hrs prior to the water shutdown.

Letters have been sent to the property owners informing them up of the up-coming project and an informational meeting has been scheduled for Monday April 9th at 5:00pm at the Government Center. During this meeting will be discussing the project and answer any concerns the property owners may have.

General Information

Richmond American Homes has requested a final punch list for Berryville Glen Subdivision. I submitted a punch list to them last month and they are in the process of working on it. Some of the items on the list include concrete and asphalt work; these items will be delayed until temperatures and weather conditions improve.

Construction of the new senior living facility located at 450 Mosby Blvd is moving along on schedule. All the utilities have been installed and passed all required testing and ready to be brought into our system. The base asphalt is scheduled to be installed at the site later this week.