



**BERRYVILLE TOWN COUNCIL**

**MEETING AGENDA**

**Berryville-Clarke County Government Center**

**101 Chalmers Court, Second Floor**

**Main Meeting Room**

**Regular Session**

**September 10, 2019**

**7:30 p.m.**

Item

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**1. Call to Order**

**2. Pledge of Allegiance**

**3. Approval of Agenda**

**4. Public Hearings**

Special Use Permit – Home Occupation

Julie Wheeler Abrera (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19

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Rezoning – Hermitage Phase V

The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

Virginia Department of Transportation’s Transportation Alternatives Program Grant (Mosby Blvd. sidewalks)

The Council of the Town of Berryville will take public comment on the submission of an application to the Virginia Department of Transportation’s Transportation Alternatives Program in order to fund the construction of unfinished sidewalk sections on the north side of Mosby Boulevard.

**5. Discussion of Public Hearing Items**

Special Use Permit – Home Occupation (SUP 01-19)

Rezoning – Hermitage Phase V (RZ 01-19)

Virginia Department of Transportation’s Transportation Alternatives Program (Mosby Blvd)

**6. Citizens’ Forum**

**7. Presentations/Awards and Recognitions**

Desiree Moreland recognized for 43 years of service

**8. Consent Agenda**

Approval of minutes of the July 9, 2019 Town Council work session

Approval of minutes of the July 9, 2019 Town Council regular meeting

Approval of minutes of the July 22, 2019 Community Development Committee meeting

Approval of minutes of the August 27, 2019 Streets and Utilities Committee meeting

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**9. Unfinished Business**

Approval of minutes of the June 11, 2019 Town Council regular meeting

Downtown Street Light Pilot

Utility Rate Study

**10. New Business**

**11. Council Member Reports**

Ward 1

Ward 2

Ward 3

Ward 4

Recorder

Mayor

**12. Staff Reports**

Public Works

Public Utilities

Police Department

Community Development

Request of Clarke County Farmers Market

Administration/Finance

Town Manager

23 East Main Street

Maintenance of Conservation Areas / §13-32 & §13-32.1 of the Berryville Code

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**13. Committee Updates**

Budget and Finance

Community Development

Personnel, Appointments, and Policy

Public Safety

Repeal and re-adopt Chapter 20 of the Berryville Code

Streets and Utilities

Other

**14. Closed Session**

No closed session scheduled

**15. Adjourn**

Call to Order

# Pledge of Allegiance

Please stand, as you are able, during the Pledge of Allegiance.

# Approval of Agenda

# Public Hearings

**BERRYVILLE TOWN COUNCIL**  
**Public Hearing – Home Occupation**  
**September 10, 2019**

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**Julie Wheeler Abrera (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19**

The public hearing notice was published in the Winchester Star on Tuesday, August 27 and Tuesday, September 3, 2019. Adjacent property notices were mailed via first class mail on August 23, 2019. No new comments were received in the Planning Office. All correspondence received on this matter during the Planning Commission public hearing process is included in this packet.

Mrs. Abrera is requesting a Special Use Permit in order to offer workshops and client meetings at her floral design studio, Beaumont House Design, located at the address referenced above. She has been operating her business as a home office with off-site workshops being held in the region. She would like to expand her business to her home in Berryville.

The Planning Commission held a public hearing on July 23, 2019. They continued the discussion to their August meeting when they recommended approval of the request with the following conditions:

- Workshops on site are limited to no more than six (6) per year with a maximum of 12 participants attending each workshop;
- Hours of operation shall be limited to the hours between 9:00am until 9:00pm;
- Participants shall park on the property until it has reached capacity.

Discussion at the public hearing and the following meeting including parking concerns; emergency access to the street's terminus; exterior lighting; and outdoor activity.

The following items are included with this report:

- Public hearing notice published in the Winchester Star on Tuesday, August 27 and Tuesday, September 3, 2019;
- Special Use Permit application with attachments including site plan and landscape plan;
- Vicinity Map;
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance;
- Section 603 DR-2 Detached Residential-2 of the Berryville Zoning Ordinance;
- Section 503 Special Use Permit of the Berryville Zoning Ordinance;

- All correspondence and staff responses received throughout the application process;
- Memorandum from Brian Lichty, Clarke County Director of Fire, EMS, and Emergency Management concerning access to the end of Battletown Drive; and
- Motion.

### **July 9, 2019 Staff Report**

#### **Site Information**

*Mrs. Abrera obtained a zoning permit in June of 2018 in order to construct an accessory structure at the rear of her property to use as a home office. Offering workshops or having clients on the property requires an approved Special Use Permit for a home occupation in the DR-2 zoning district. As indicated in her application, the 1830's cabin was being torn down in the County and has been reconstructed on her property.*

#### **Zoning Information**

*The zoning on the property is DR-2 Detached Residential-2. Zoning applied to adjacent properties includes:*

- *Properties to the north, west, and south are also zoned DR-2 Detached Residential-2.*
- *The property to the east (owned by Audley) is zoned DR-1 Detached Residential and, while in the Annexation Area, has not been annexed into Town.*

#### **Business Activities**

*Mrs. Abrera would like to hold client and vendor meetings and conduct no more than six half day to two-day workshops with a maximum of 12 participants on the property. The applicant will be using a portion of the accessory structure for the home occupation.*

*She will not be offering overnight accommodation. Hours of operation as identified in the application would be 9:00am until 9:00pm.*

*A synopsis of proposed activities is identified on page 2 of the applicant's submission.*

#### **Parking**

*The applicant's driveway can accommodate approximately six vehicles. On-street parking is available.*

#### **Landscaping**

*A landscape plan is included in the application packet for review. Mrs. Abrera identifies existing mature landscaping and describes proposed new plantings in her submission.*

*Lighting with motion detectors is in place on the principal structure. Lighting on the cabin is downcast at the eastern entrance (covered with small roof), eastern porch entrance, and west facing backdoor. Security lights are also proposed on corners of the*

*cabin. Proposed landscape lighting will be downcast and will be at ground level no higher than six inches above grade.*

**Signage**

*Signage for Home Occupations is regulated under sections 307.3 and 315.5(a) of the Berryville Zoning Ordinance. The size shall not exceed two (2) square feet.*

**Process**

*The Planning Commission has set a public hearing on this matter for their July 23, 2019 meeting when they will discuss and recommend conditions of approval to Town Council. The applicant is aware that Town Council will not be holding an August meeting and that Council will likely schedule a public hearing for the September meeting. Conditions may include but not be limited to the following:*

- Hours of operation*
- Parking*
- Number of events per year*
- Outdoor activities*
- Exterior lighting*

*The public hearing will be advertised in the Winchester Star per Code of Virginia requirements for both Planning Commission and Town Council public hearings. Adjacent and affected property owners will be notified prior to each public hearing.*

**Recommendation**

Approve as presented with conditions as recommended by the Berryville Planning Commission. A motion follows this report.

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

The Berryville Town Council will hold the following public hearings at 7:30 p.m., or as soon after as these matters may be heard, on **Tuesday, September 10, 2019**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

**Special Use Permit – Home Occupation**

**Julie Wheeler Abrera (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19**

**Rezoning – Hermitage Phase V**

**The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19**

Copies of materials pertinent to these items may be examined at the Town of Berryville Business Office, Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia, during regular business hours, holidays excepted. Additional information may be obtained by calling the Town Business Office at (540) 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 persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

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

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

## SPECIAL USE PERMIT APPLICATION

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

To be completed by Applicant: Date: June 11, 20 19

Applicant's Name: Julie Wheeler Abrera

Applicant's Address: 204 Battletown Drive / Berryville VA 22611

Use Applied For: 503.1 / workshops

At the following address: 204 Battletown Drive / Berryville VA 22611

Special Conditions: \_\_\_\_\_

Property Owner's Name: Julie + Richard Abrera

Property Owner's Address: 204 Battletown Drive / Berryville VA 22611

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

Signature: Julie Wheeler Abrera Date: 6/11/2019

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: Richard Abrera Date: 6/11/2019

### TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: HOME OCCUPATION Zone: DR-2

Street Address: 204 BATTLETOWN DR Tax Map #: 14A3 ((2A)) 21A

Special Use Permit Fee: \$250 Paid: 6.11.19

Site Plan Fee: \$125 Paid: 6.11.19

Signature of Zoning Administrator: [Signature] Date: 6.19.19

## **Application for Special Use Permit**

**Julie Wheeler Abrera**

**204 Battletown Drive**

**Berryville, VA 22611**

**June 11, 2019**

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### **Overview**

Currently I operate Beaumont House Design, a floral design studio from 204 Battletown Drive. Established in 2013, Beaumont House Design produces floral design for weddings and special events in Virginia, Maryland and Washington DC.

Three years ago, I added floral workshops to the offerings of Beaumont House. These workshops have been held off-site at various locations in Berryville, Winchester, Loudoun County and the Washington DC metro area. The workshops teach floral design technique as well as an appreciation of locally grown flowers from area farmers. Workshops have been a wonderful partnership with local businesses. Specifically, the majority of workshops have been held at Modern Mercantile (13 S Church Street). What started as a holiday wreath making workshop at Modern Mercantile has grown into 4-5 workshops per year and been featured three times in *Mingle Magazine*, a national publication. Each workshop is kept intentionally small (no more than 10 people) to ensure an intimate and luxury based floral experience. Participants in the workshop come from metro DC, Loudoun & Clarke County, Maryland and beyond. Many of them are repeat attendees and make a point to arrive early or stay after the workshop to eat and shop in Berryville.

In 2017, my husband and I acquired a circa 1830's log cabin that was being torn down on the southern end of Clarke County. This cabin has now been reconstructed in our backyard (Clarke County Building permit #B180445). Our intent is to preserve a piece of Clarke County history and ensure that it stayed in the county. We have worked with a team of local experts (Main Street Architecture, Cochran's Stone Masonry, Hip 'N Humble, and Huntlands Landscape Architecture) to rebuild the cabin. In addition, at the suggestion of our farm neighbor Clermont Farm, we contacted the Northern Shenandoah Valley Chapter of the Archaeological Society of Virginia (NSVC-ASV) to complete an archaeological survey before breaking ground.

As the demand for floral workshops has grown, I would like to expand my offerings for more intensive workshops in the studio and the historic cabin. These special workshops will be held periodically throughout the year for small groups of no more than twelve (12) people. I will continue to hold workshops off site as well.

### **Request for special use**

Ability to use the home-based studio and cabin for no more than six (6) floral workshops per year and client/vendor meetings on an as needed basis.

### ***Frequency and scope of workshops***

Hold workshops no more than six (6) times per year. These workshops will range from half day workshops to two-day workshop for groups of no more than twelve (12) participants.

### ***Workshop overview***

Workshops will be held across the studio and cabin spaces. In the studio space, participants will do hands on work with flowers. The cabin space will also be used for special floral installations and a general gathering space. Participation cost in the workshops currently ranges from \$350 to \$1500 per participant.

#### **Typical workshop schedule (for a full day workshop):**

- 9:30am Guests arrive to meet and mingle
- 10:00am Workshop begins / demonstration / discussion of flower choices, etc.
- 10:30am Participants begin their designs
- 12:30pm break for lunch onsite
- 1:30pm Resume workshop
- 3:30pm Set up for styled dinner
- 8:00pm dinner concludes/participants depart

#### **Typical workshop schedule (for a half day afternoon workshop):**

- 1:00pm Participants arrive
- 1:30pm Participants begin their designs
- 3:30pm break/move to cabin to begin floral installation
- 6:00pm workshop concludes

### ***Workshop Prep and Materials***

Preparation for the workshop involves setting up workspace (worktables, flowers) inside the studio. There may be limited circumstances where we would set up a work/gathering space on the patio attached to the studio or in the front of the cabin. This would consist of four- or six-foot folding tables, chairs and florals.

### ***Client/Vendor meetings***

Hold client/vendor meetings as needed. Beaumont House Design takes on a limited number of clients each year. These meetings typically last one to four hours with clients and related vendors as needed during the months long design and planning process. Meetings are held in the studio or in the cabin space between the hours of 9:00am to 5:00pm.

### ***Mitigation of impact on neighborhood***

204 Battletown Drive is located at the end of a dead-end street at the eastern town/county line. Bordered by a 15-acre field (owned by Audley Farm), we have three residential neighbors:

- 201 Battletown Drive (owned by JDM Transport LLC) to the north directly across the street
- 122 Battletown Drive (owned by Debbie Zimmerman, a member of the Planning Commission) on the west property line
- 754 East Main Street (owned by Everett & Cathy Sutphin) on the south property line.

### ***Parking***

*Attachment 1: diagram from Main Street Architecture showing house and cabin location on property*

*Attachment 2: most recent property survey from January 2009*

Workshop participants and clients will be instructed to park in the driveway. Capacity for parked cars in driveway is 6 cars as well as room for 5 additional cars parked immediately in front of property. Every effort, through written reminders in workshop materials to greeting guests when they arrive, will be made to limit parking to our driveway. Living on a public street, we also understand that cars can utilize on street parking not necessarily in front of our property.

### ***Landscape Screening***

We have worked closely with Huntlands Landscape Architecture in Purcellville, VA to develop a landscape plan that will screen activity in the backyard (along the west property line) from 122 Battletown Drive. Currently there are mature trees (a full size American holly, stand of mature redbud trees, dogwood, mature zelkova and deciduous magnolia) that provide a buffer with the plan to immediately plant (as soon as site work is completed on the cabin) a mixed evergreen border on the along the back west fence row, providing screening year-round.

### ***Attachment 3: Planting plan***

In the front yard along the west property line there are three groupings of mature plantings (a stand of three (3) mature redbud trees, two fast growing arbor vitae, a grouping of viburnum and a stand of three (3) mature crape myrtles). In addition, there is a seasonal mixed border of hydrangea, boxwood, Russian sage, ornamental grasses and bed for dahlias.

In the front of the property, there are foundation plantings, two mature dogwoods, a winter hawthorne and black gum tree. Along the eastern property line of the house are a mature (30' plus) magnolia, a stand of three serviceberry trees and a mixed border of mature spirea and weigela. To provide screening from 754 Main Street along the south property line, there is a stand of western cedars as well as a mixed border of fringe tree, hydrangea, serviceberry and redbud. The 754 Main Street property has a stand of mature pine trees and mature spirea along our common fence row, providing a significant four-season screen.

### ***House Lighting***

Reducing light pollution is a priority. On the rear of the house there are three motion sensor lights (one above the studio door, one at the first-floor corner and one on the second story

corner). There is no lighting on the western side of the house that shines directly into 122 Battletown Drive and typical front porch lighting (two ceiling lights as well as two lights flanking the front door).

### ***Cabin lighting***

The cabin has down facing exterior lighting at the east facing front door (which is covered by a small roof), east facing porch door and west facing backdoor. Security lights are located in the upper right corner in the front and back. These are motion-sensor based as well as on a switch that can be controlled from the house. Landscape lighting will be downward facing and illuminate the path from the studio to the cabin and is switch based.

### ***Signage***

On workshop/meeting day, a portable metal sandwich board style sign is placed in the driveway at the entrance to the backyard. This sign, which consists of the Beaumont House Design logo and arrow pointing towards studio entrance, is placed close to the house, not immediately visible from the street. Participants/clients use the back studio door, not the home's front door, for access.

Clients/vendors/participants all receive written notice to enter the studio via the driveway on the east side of the house, which is not visible from 122 Battletown Drive or 754 Main Street.

### ***Liability Insurance***

Beaumont House Design carries business liability insurance.

### ***About Julie Wheeler Abrera and Beaumont House Design***



Welcome to Beaumont House Design. Inspired by the Blue Ridge Mountains & Shenandoah Valley just beyond the garden gate, Beaumont House is about flowers, home, family and making memories.

Specializing in wedding florals and event design and intimate floral workshops, my boutique floral studio takes its design cues from Mother Nature. With a focus on using locally grown and foraged flowers, I love to create lush, distinctive flowers that tell your love story.

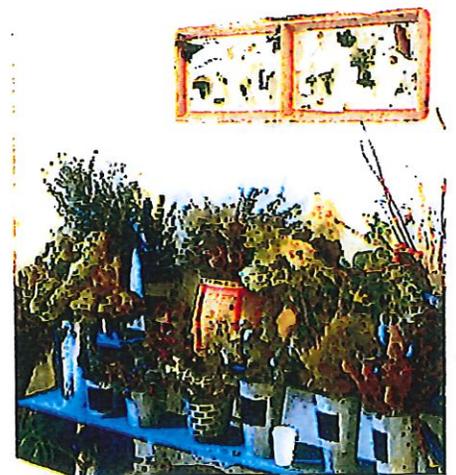
Based in Berryville, VA, you'll find me flowering in the DC metro area, Hunt Country, Charlottesville, the Shenandoah Valley and beyond. I take on a limited number of events each year so that I have the luxury of getting to know you.

I'm a proud [Shenandoah] Valley girl, passionate flower & tree lover and I bring my love of the bloom and celebrating life's milestones to my work at Beaumont House Design. Most days you will find me either in the studio or walking in the nearby fields with my dogs Bo & Puck.

I have been fortunate enough to train with many leading floral designers, including Erin Benzakein at Floret, Katie Davis at Ponderosa & Thyme, New York City based Putnam & Putnam and at the FlowerSchool New York as well being published in national and international wedding and design publications including Mingle Magazine, Magnolia Rouge, Artfully Wed, Southern Bride, the Carolinas Magazine and Belong Magazine.

I have flowered at variety of exclusive venues in the Washington DC area including Congressional Country Club (Potomac, MD), Woodlawn Plantation (Alexandria, VA), Oatlands (Leesburg, VA), Stone Tower Winery (Leesburg, VA), Rosemont Manor (Berryville, VA), Pippin Hill (Charlottesville, VA), Big Cork Vineyard (Frederick, MD), The Retreat at Cool Spring (Bluemont, VA), Bluemont Vineyard (Bluemont, VA), Goodstone Inn (Middleburg, VA) and Audley Farm (Berryville, VA). In addition, I have worked on events with some of the floral design world's top planners and floral designers including Amaryllis Events (on the inauguration of the 45<sup>th</sup> President of the United States), Jacin Fitzgerald Events (a Martha Stewart top wedding planner) and Beehive Events (a Martha Stewart top event designer).

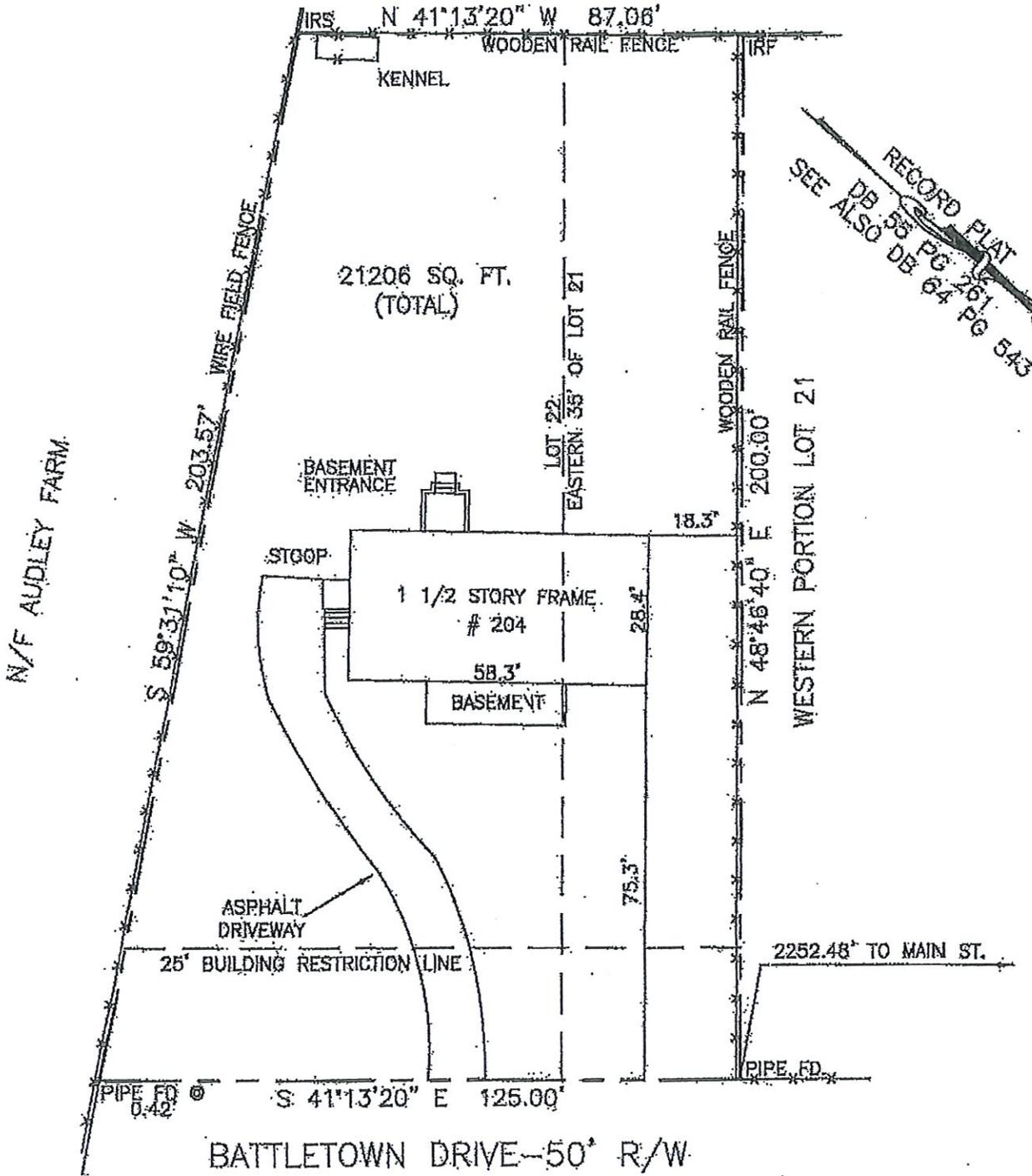
At Beaumont House Design I live by ten simple Rules of the House and believe in the power of flowers to connect us to time and place.



**Attachments:**

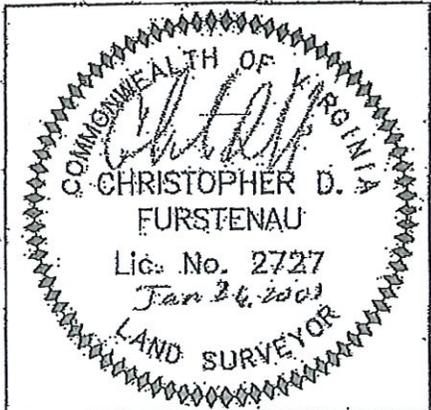
- 1 – diagram from Main Street Architecture showing house and cabin location*
- 2 – most recent property survey from January 2009*
- 3 – planting plan from Huntlands Landscape Architecture LLC*
- 4 – Clarke County GIS map of Battletown Drive area*





NO TITLE REPORT FURNISHED

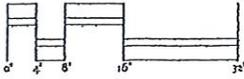
SELLER: WARD  
REFERENCE: DB 71 PG 327  
PURCHASER: ABRERA



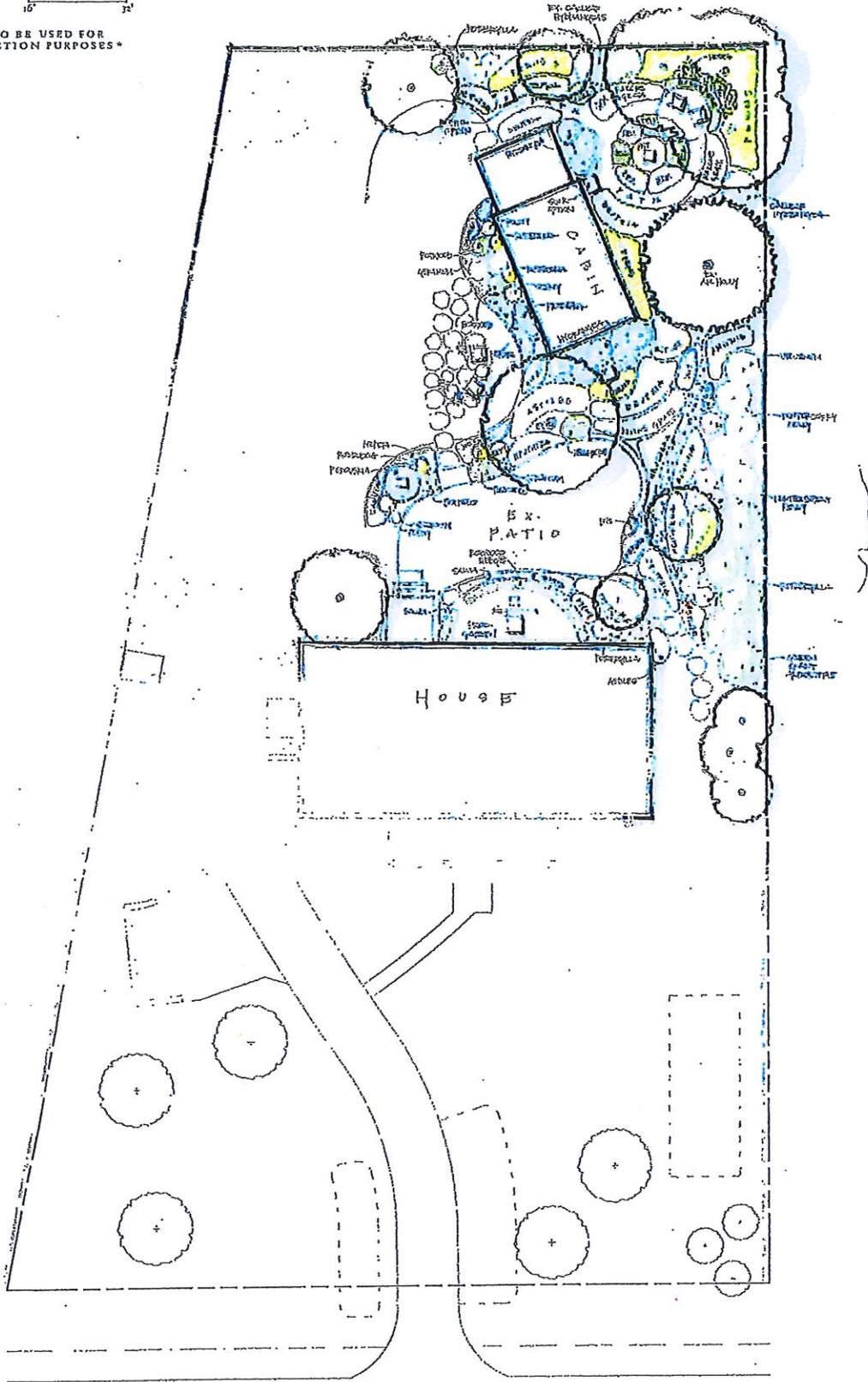
**CHRISTOPHER D. FURSTENAU, L.S. PC**  
133 WEST BOSCAWEN STREET SUITE 8 WINCHESTER, VIRGINIA 22601  
540 542-1164 FAX 540 542-1183 SERVICES@CDESURVEYING.COM  
MEMBER VIRGINIA ASSOCIATION OF SURVEYORS

DATE: JAN. 26, 2009  
SCALE: 1" = 30'  
TAX MAP: 1448-2-A-21A

THIS IS TO CERTIFY THAT ON JANUARY 26, 2009 THAT I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

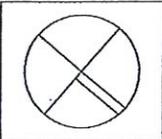


\*NOT TO BE USED FOR CONSTRUCTION PURPOSES\*



Scale: 1/8" = 1'-0"

Sheet 1 of 1

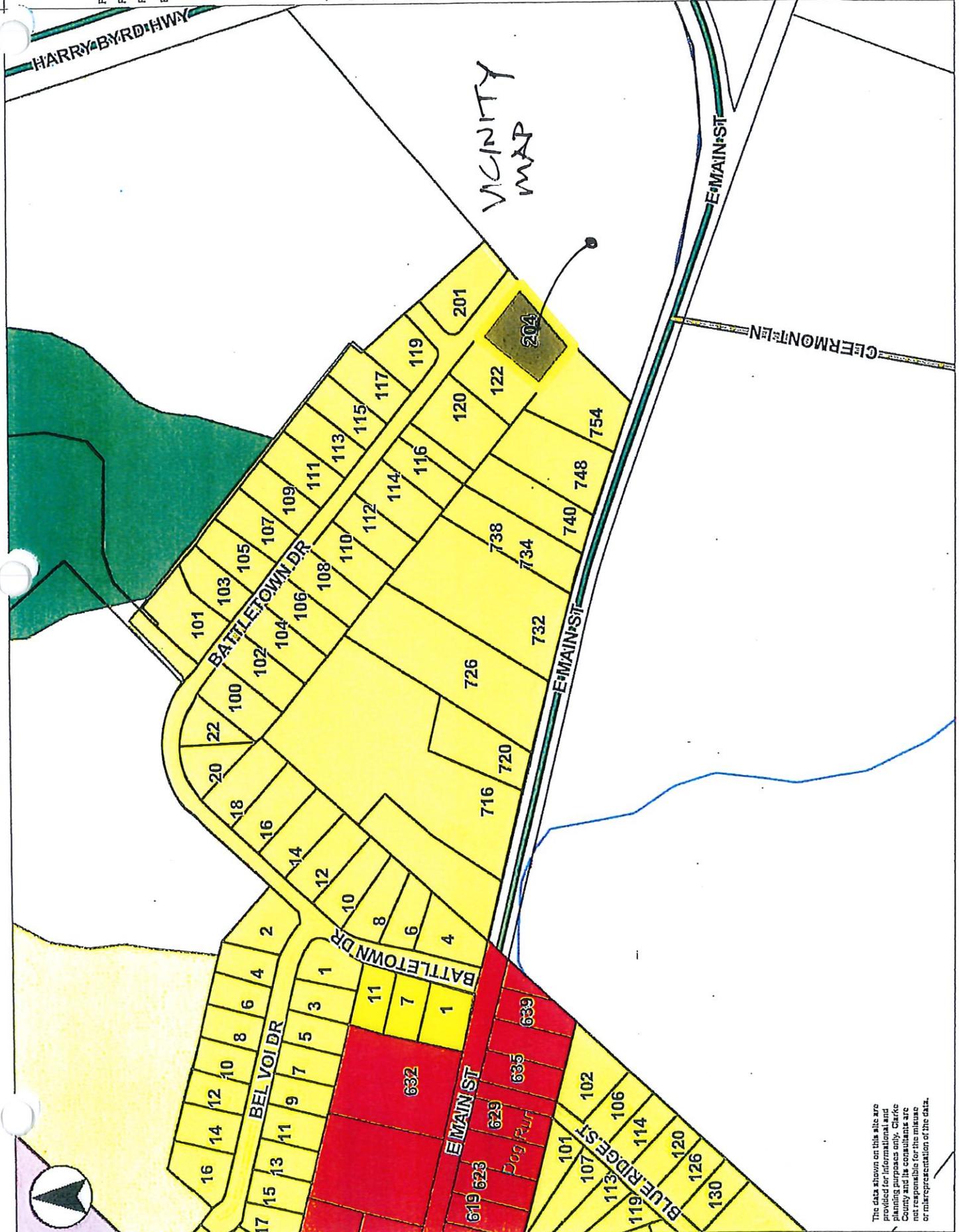


**ABRERA RESIDENCE**  
 204 Battletown Drive  
 Berryville, Virginia 22611

**HUNTLANDS**  
 Landscape Architecture  
 1413 Parcellville Gateway Drive, 5917  
 Parcellville, VA 20131  
 703.870.4117 • www.huntlands.biz



- Public
- Points of Interest
- Parcels
- Banyville Zoning
  - Detached Res-1 (DR)
  - Detached Res-2 (DR)
  - Detached Res-4 (DR)
  - Residential-1 (R-1)
  - Residential-2 (R-2)
  - Residential-3 (R-3)
  - Attached Res (AR)
  - Other Seasons Res (OSR)
  - Business Park (BP)
  - Business Park (BP)
  - Light Commercial (LC)
  - Light Commercial (LC)
  - Light Industrial (L-1)
  - Institutional (ITL)
  - Towns
- Clarke County Boundary
- Major Roads
  - Interstate
  - US Highway
  - State Highway
- Surrounding Counties Open
- Clarke County Roads
  - Private Roads
  - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
  - Perennial Streams
  - Intermittent Streams
- Ponds
- Rivers



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



(2/01) SECTION 315 – HOME OCCUPATIONS, HOME OFFICES

315.1 INTENT

The Town Council intends to allow Home Occupations and Home Offices in the town to foster economic activity. Through the application of this Ordinance, the Town Council intends to preserve the sanctity, tranquility, value, appearance, and ambiance of the residential neighborhoods, residential units, or residential uses in the Town and to prevent, eliminate, or discontinue home-based businesses that negatively impact residents living near, around, or next to the site of the home-based business.

315.2 ALLOWANCE OF HOME OCCUPATIONS AND HOME OFFICES

- (a) Under the terms of the Section, a Home Office may be conducted by right in any dwelling unit in any residence in the Town.
- (b) Home occupations are allowed in residences either by right or by Special Use Permit as permitted in a given zoning district.
- (c) No such use shall be instituted or maintained unless the Zoning Administrator has first issued a zoning permit for this use.

315.3 ADMINISTRATION AND ENFORCEMENT

- (a) The practitioner of the proposed Home Occupation or Home Office shall file a zoning permit application with the Zoning Administrator. The application shall include a description of the business to be conducted, the square footage of the dwelling unit and the square footage to be used for the Home Occupation or Home Office, and the names and addresses of the proposed owners.
- (b) A Home Occupation or Home Office may be conducted within a dwelling unit or accessory building only so long as the business use remains incidental and secondary to the use of the dwelling unit as a place of residence. The Zoning Administrator shall determine if a Home Occupation or Home Office is not, or stops being, incidental and secondary to the use of the dwelling unit as a place of residence if and when Town officers, or residents living near, around, or next to the dwelling unit used for a Home Occupation or Home Office may hear, see, smell, or detect the existence of this use, in such a manner as alters the residential character of the zoning district in which the Home Occupation or Home Office is located. In making this determination, the Zoning Administrator shall rely on the intent Section of the respective zoning district regulations, the Intent Section of this Article, and any public affidavits filed by such residents. If the Zoning Administrator determines that due to growth or change in the Home Occupation or Home Office, the Home Occupation or Home Office is no longer consistent with this Article and other relevant provisions of this Section, the Zoning Administrator may revoke the zoning permit issued to the person conducting the Home Occupation or Home Office. The person conducting this use shall cease operation after forty-five days written notice mailed by certified mail. During this time period the business owner may apply to the Board of Zoning Appeals for a determination of the Zoning Administrator's decision.

Section 315 – Home Occupations, Home Offices

- (c) The Town Treasurer shall refuse to issue a business license to any person conducting a Home Occupation or Home Office that the Zoning Administrator certifies is in violation of this Article.
- (d) No vested rights shall accrue to any person as to a Home Occupation or Home Office that begins as conforming to this Article and through growth or change becomes inconsistent with this Article and related provisions of this Section.

**315.4 GENERAL RESTRICTIONS ON HOME OCCUPATIONS AND HOME OFFICES  
(2/01)**

A use within a residential dwelling shall meet the following criteria in order to qualify as either a Home Occupation or Home Office:

- (a) Such use shall be clearly incidental to a dwelling and if located within the dwelling, it must not occupy more than twenty-five (25) percent of the floor area of the principle structure.
- (b) No Home Occupation conducted in any accessory building shall occupy more than four hundred (400) square feet, which area shall be included in the maximum square footage allowed in Section 315.4(a). If located within an accessory building, a landscaping plan must be submitted for review and approval by the Zoning Administrator. If a Special Use Permit is required, the landscaping plan will be reviewed by the Planning Commission.
- (c) Such use shall be carried on by a resident or residents of the premises. No person not a resident on the premises may be employed, nor may there be sub-contracting of any work performed at the premises.
- (d) No stock, commodity, equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors, electromagnetic interference, or radio frequency interference detectable to the normal senses off the lot if the occupation is conducted in a detached single-family residence, or outside the dwelling unit if conducted in an attached residence.
- (e) There shall be no exterior evidence that the building is being used for any purpose other than a dwelling.
- (f) There shall be no motor vehicle regularly operated from the premises that carries advertising.
- (g) All applicable licenses and permits shall be secured and other local, state, and federal requirements satisfied.
- (h) A Town of Berryville business license shall be obtained in accordance with Chapter 9 of the Code of the Town of Berryville (if applicable).
- (i) Home Occupation/Home Office permits shall be automatically renewed annually; however, permit shall be reviewed upon receipt of complaints.

**315.5 HOME OCCUPATIONS (12/92)**

In addition to those requirements listed in Section 315.4 above, a use within a residential dwelling shall meet the following criteria in order to qualify as a Home Occupation:

- (a) There shall be no advertising sign displayed other than a nameplate not exceeding two (2) square feet in area on each face of said plate.

Section 315 – Home Occupations, Home Offices

- (b) No storage of explosive or hazardous material is permitted in quantities not normally found in a residence.
- (c) Vehicular repair is specifically prohibited as a Home Occupation.

**315.6 HOME OFFICE**

In addition to the requirements listed in Section 315.4, a Home Office shall be a permitted use in a residential dwelling when fully meeting each of the following criteria:

- (a) Customers shall not come to the premises in order to receive the service provided.
- (b) There shall be no signs identifying or advertising the Home Office either attached to the dwelling or posted in the yard.
- (c) There shall be no advertising of the street address.

**SECTION 316 – PROVISIONS FOR CUL-DE-SAC LOTS**

**316 PROVISIONS FOR CUL-DE-SAC LOTS**

The minimum width of any lot 15,000 square feet or greater in area that fronts on a cul-de-sac, as defined in Section IX of the Subdivision Ordinance, shall not be more than a twenty (20) percent reduction at the setback line as set forth in the appropriate zoning district regulations. (9/98)

**SECTION 317 – KARST FEATURES (07/04)**

**317.1**

Prior to the issuance of a Zoning Permit for principle structures or additions thereto on lots in subdivisions for which a Karst Plan has been prepared or lots of record on which karst features have been identified, a geotechnical study shall be conducted at the site of the principle structure or addition to determine the existence of karst features. If karst features are found, a remediation plan shall be prepared by a PE or PG in order to protect the health, safety, and welfare of the occupants of the structure. This remediation plan shall:

- a. provide for mitigation of all karst features and sinkholes, except those identified as Critical Environmental Areas, in accordance with the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228) or other applicable mitigation standard as recommended by a PE or PG and approved by the Town's Engineer and the Town's Zoning Administrator, or
- b. the applicant shall submit a report prepared by a PE or PG that identifies subsurface conditions within one-hundred (100) feet, or an appropriate distance as determined by the Town Zoning Administrator and Town's Engineer, of the discernable edge of any sinkhole or karst feature and establishes a minimum recommended setback for structures and a minimum recommended ground water protection buffer approved by the Town's Engineer and the Town's Zoning Administrator shall review and approve the report before issuance of said permit. (7/04)

(4/92) SECTION 603 - DETACHED RESIDENTIAL-2 (DR-2) DISTRICT

603.1 PURPOSE AND INTENT

The Detached Residential-2 (DR-2) District is created to provide for single-family detached residences in a carefully planned pattern compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. A maximum density of two (2) units per net developable acre establishes a low-density district for detached residences. This district shall be applied with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land use goals may be promoted.

603.2 PERMITTED USES

- (a) Single-family detached dwellings, either a conventional "dispersed" layout or a clustered layout subdivision--a clustered subdivision requiring site plan approval.
- (b) Accessory uses, to include detached carports and garages, tool sheds, children's playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. (11/10)
- (c) Municipal utilities.

603.3 SPECIAL PERMIT USES

- (a) Bed and breakfast lodging occupying more than 300 square feet of a residence
- (b) Cemeteries
- (c) Churches and shrines
- (d) Day care centers and nursery schools (10/94)
- (e) Fire stations
- (f) Home occupations as defined in Section 315 (12/93)
- (g) Libraries and museums
- (h) Plant nurseries with no sale of nursery products permitted on premises
- (i) Private or public schools, parks, playgrounds, and related uses
- (j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities
- (k) Recreational uses such as public swimming pools, tennis courts, and golf courses

603.5 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

- (a) Lot area: Minimum--20,000 square feet; maximum--45,000 square feet.  
Refer to Section 611 regarding the impact of critical environmental areas on lot size requirements.) (1/93)
- (b) Minimum lot width
  - (1) Interior lot: 100 feet (7/04)
  - (2) Corner lot: 120 feet (7/04)
- (c) Minimum yard requirements
  - (1) Front yard: 30 feet (7/04)
  - (2) Side yard: 15 feet

Section 603 Detached Residential-2 (DR-2)

- (3) Rear yard: 40 feet (residences) (7/04)
- (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

**603.6 MINIMUM DISTRICT SIZE FOR CLUSTERING**

Minimum district size for cluster subdivision: 4 acres .

**603.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTER LOTS**

- (a) Minimum lot area: 12,500 square feet (7/04)  
Maximum lot area: 30,000 square feet (7/04)  
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width
  - (1) Interior lot: 75 feet
  - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
  - (1) Front yard: 25 feet
  - (2) Side yard: 10 feet
  - (3) Rear yard: 35 feet (residences) (7/04)
  - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

**603.8 OPEN SPACE REQUIREMENTS FOR DR-2 CLUSTER SUBDIVISIONS**

- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.

**603.9 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 614 for special regulations relating to cluster subdivisions, critical environmental areas, and open spaces.
- (e) Refer to Section 317 Karst Features for additional requirements. (7/04)
- (f) 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)

## 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.



**County of Clarke, Virginia**  
**Department of Fire, EMS and Emergency Management**  
**Director Brian Lichty**



**MEMORANDUM**

To: Christy Dunkle, Assistant Town Manager/Planning Director  
From: Brian Lichty, Director Fire, EMS and Emergency Management  
Cc:  
Date: August 5th, 2019  
RE: Special Use Permit – Home Occupation (SUP 01-19)

In reference to the above special use permit I have conducted a review of applicable fire and Emergency Services codes. My concern is with the width of the road. As defined in section 503.2 Specifications for Fire Access – “access roads shall have an unobstructed width of not less than 20 feet (6096mm)...”

To evaluate the effect of this Special Use Permit I took the liberty of measuring the road in close proximity to the parcel. These measurements were as follows:

- At dead end – 17', 7"
- Driveway of parcel – 19', 9"
- Apex of hill prior to parcel – 18', 5"

These measurements resulted in an average road width of 18', 7" which is well below the required 20'. In addition, it is my concern that any vehicle parked alongside the road would further reduce this width. This therefore causes concerns with the ability of fire apparatus to access the parcel and/or other parcels located within the general area in the event of an emergency.

I thank you for the opportunity to comment on this special use permit and should you have any further questions or concerns please feel free to contact me.

July 1, 2019

To Whom it may Concern:

I have read the Application for Special Use Permit of Julie Wheeler Abrera for her property at 204 Battletown Drive and the newspaper article in The Winchester Star on Monday, July 1st.

I live at 201 Battletown - directly across the street from Mrs. Abrera. I have lived here since 2016 and during that time there has been on-going construction work on the main house, in addition to the large two-story "cabin" in the back yard. At one point, there were roof trusses on the street pavement (at the end of the street) for a day and on most days, there were various construction contractor vehicles parked on the street (on one day I counted 11 vehicles parked in the driveway and along the street).

In addition, there have been several occasions where a sign-board for a florist event has been placed in the Abrera' driveway and the driveway itself was blocked off with traffic cones and all of the vehicles of guests parked on the street.

The problem is that these vehicles don't park on the right-of-way but park on the paved portion of the street. As Battletown Drive is a narrow street, if an emergency occurred, there would be problems with Rescue or Fire vehicles coming through, especially if vehicles are parked on both sides of the street.

As you know, there is no turn around at the end of Battletown Drive, which means that traffic usually turns around in my driveway, the Abrera's driveway, or the driveway of Debbie Zimmerman. There is a gravel section on the Friant's right of way which is at the upper end of my property and directly across from Debbie's driveway which delivery vehicles and the trash trucks use that helps with some of the turnaround traffic.

I understand the constraints as stated in the application of no more than six (6) events per year and the stated intent in the application that parking will be provided in the Abrera driveway and along their property right-of-way.

My concern is that, after approval of this Application for Special Use Permit, and these events begin to happen - there will be no compliance with the approved parking provisions and number of events allowed.

Your consideration of these comments is appreciated.

Mary Jane Pierce  
201 Battletown Drive

## Christy Dunkle

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**From:** Mary Veilleux <mfveilleux@comcast.net>  
**Sent:** Wednesday, July 10, 2019 2:43 PM  
**To:** Christy Dunkle  
**Cc:** Julie Abrera  
**Subject:** Special use permit on Battletown Drive

Dear Christy and Members of the Planning Commission,

I am writing on behalf of my neighbor on Battletown Drive, Julie Abrera, who has performed due diligence in preparing for her application for a special use permit. I can attest to Julie's professionalism in all her dealings - both with her clients and with us as her neighbors.

In her opening remarks, she clarified that her mini classes would only take place six times per year at the most. Even if a group of twenty were to enroll, I do not see this as a hindrance to our street. I welcome the added business and exposure of our town to those who do not live here!

Julie has been a community woman since her arrival in Berryville, volunteering for FISH on a monthly basis, organizing workshops, and serving as a consultant for non-profits, especially for FISH of Clarke County. In addition, she coordinated the 50th Anniversary Celebration for FISH in October 2018- a huge effort! Her attention to detail and doing everything the right way are a hallmark of her work-as a floral designer, as an organizer and as a community volunteer. I know her work will be an asset to the economic development of Berryville and am glad she can pursue giving workshops from her home!

I am in full support of her business and trust the special use permit will be awarded.

Sincerely,

Mary Veilleux  
100 Battletown Drive  
Berryville, VA.

## Christy Dunkle

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**From:** Elizabeth Mock <modernmercantilellc@gmail.com>  
**Sent:** Thursday, July 11, 2019 1:39 PM  
**To:** Christy Dunkle  
**Subject:** Letter of support-Julie Abrera special use permit

Dear Members of the Planning Commission,

I'm writing this letter in support of the special use permit for Julie Abrera/Beaumont House Designs located at 204 Battletown Dr. in Berryville. Julie has been hosting workshops in my shop, Modern Mercantile (13 S. Church St.) for the past 3 years. Each workshop brings new customers to my shop and to other businesses in Berryville, many of who become repeat customers. Workshops have featured collaborations from local businesses such as Sweet Elephant Bake Shop, Kelsey Cakes, and Cordial Coffee. Every detail of each event is handled very professionally and all attendees have been great.

Julie's cabin is a beautiful piece of Clarke County history that I hope can be shared with others through her floral workshops.

Sincerely,

Elizabeth Mock  
Modern Mercantile  
13 South Church Street  
Berryville, VA 22611  
540-955-1830  
[www.modernmercantilellc.com](http://www.modernmercantilellc.com)



**Christy Dunkle**

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**From:** Mary Jane Pierce <piercemaryjane@gmail.com>  
**Sent:** Sunday, July 14, 2019 6:34 PM  
**To:** Christy Dunkle  
**Cc:** Jay Arnold (Council)  
**Subject:** Letters of Comment on Special Use Permit Application  
**Attachments:** AbreraJuly14.docx

Attached for your consideration and for inclusion with comments presented at Public Hearing scheduled for July 23rd.

Mary Jane Pierce

[piercemaryjane@gmail.com](mailto:piercemaryjane@gmail.com)

July 14, 2019

TO WHOM IT MAY CONCERN:

This letter is to add to comments sent to you on July 1, 2019 concerning the Application for Special Use Permit of Julie Wheeler Abrera.

At the current time, July 14, 2019 at 5:34pm, there is an event in progress at 204 Battletown Drive. I don't know if it is a private party or an event for the florist business carried on at the property. Right now, there are 17 cars parked on the street – there may be more because they continue on down Battletown Drive further than I can see. The Town Police were called by another neighbor and they responded and asked Julie to have those vehicles parked in the yard areas of properties along the street to ask her guests to move them off the grass. Vehicles have the dead end of the street blocked.

The Abrera's had traffic cones blocking their driveway off, preventing any of their guests to park in the driveway. After the Police visit, they removed the cones and allowed 3 or 4 additional cars to park in the driveway. As a matter of information, the Abrera's have 3 private vehicles that take up 3 parking spaces; the caterers and other workers for the event I believe had 3 vehicles taking up three spaces – all before any of the guests arrived.

I am including some pictures of the driveway blocked off and some of the vehicles on the street but this does not do the traffic justice because I didn't walk down the street to where the parking for the event begins.

I hope that you will consider these written comments along with the ones originally sent to you on July 1 (I am including another copy of that letter). I am not comfortable speaking before a group; I hope to attend the hearing in support of other property owners on Battletown Drive who will be forever affected if this Application for Special Use Permit is approved.

Thank you for your consideration. The owner of the property that I reside in is my son, John D. Mercer.

Mary Jane Pierce  
201 Battletown Drive  
[Piercemaryjane@gmail.com](mailto:Piercemaryjane@gmail.com)

Cc: J. Arnold, Town Recorder



Abrera driveway blocked off before Town Police visit....



Abrera's personal vehicles and worker for party vehicle parked at end of Battletown Drive..



End of paved Battletown Drive with cars parked across end....



Driveway after they took the cones away and let some traffic park in driveway.



Board sign on porch...do not know what it said..

July 1, 2019

To Whom it may Concern:

I have read the Application for Special Use Permit of Julie Wheeler Abrera for her property at 204 Battletown Drive and the newspaper article in The Winchester Star on Monday, July 1st.

I live at 201 Battletown - directly across the street from Mrs. Abrera. I have lived here since 2016 and during that time there has been on-going construction work on the main house, in addition to the large two-story "cabin" in the back yard. At one point, there were roof trusses on the street pavement (at the end of the street) for a day and on most days, there were various construction contractor vehicles parked on the street (on one day I counted 11 vehicles parked in the driveway and along the street).

In addition, there have been several occasions where a sign-board for a florist event has been placed in the Abrera' driveway and the driveway itself was blocked off with traffic cones and all of the vehicles of guests parked on the street.

The problem is that these vehicles don't park on the right-of-way but park on the paved portion of the street. As Battletown Drive is a narrow street, if an emergency occurred, there would be problems with Rescue or Fire vehicles coming through, especially if vehicles are parked on both sides of the street.

As you know, there is no turn around at the end of Battletown Drive, which means that traffic usually turns around in my driveway, the Abrera's driveway, or the driveway of Debbie Zimmerman. There is a gravel section on the Friant's right of way which is at the upper end of my property and directly across from Debbie's driveway which delivery vehicles and the trash trucks use that helps with some of the turnaround traffic.

I understand the constraints as stated in the application of no more than six (6) events per year and the stated intent in the application that parking will be provided in the Abrera driveway and along their property right-of-way.

My concern is that, after approval of this Application for Special Use Permit, and these events begin to happen – there will be no compliance with the approved parking provisions and number of events allowed.

Your consideration of these comments is appreciated.

Mary Jane Pierce  
201 Battletown Drive

## Christy Dunkle

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**From:** Mercer Boys <tim\_mercer@hotmail.com>  
**Sent:** Monday, July 15, 2019 2:21 PM  
**To:** Christy Dunkle  
**Cc:** Jay Arnold (Council)  
**Subject:** Opposed to Abrera Special Use Permit- Public Hearing 7/23/19  
**Attachments:** Opposed\_to\_Abrera\_Special\_Use\_Permit.docx

Hello Christy-  
Thanks for our brief phone conversation.

As mentioned, I will be out of town next week and cannot attend the Public Hearing. Please find attached my reasoning behind this opposition and I hope it's taken into consideration in approving/rejecting this Special Use Permit.

My mother currently live across the street from this Home Business and she and other Battletown Drive residents have already been affected by this Home Business for a number of years and stand to be greatly impacted by this Home Business expansion.

Thank you for your time-  
Tim Mercer  
703-862-1939

My name is Tim Mercer and I'm a current town resident living in the Hermitage neighborhood. I'm a proud 1987 graduate of Clarke County High School and have lived in Berryville for approximately 30 years total.

On my commute home from work I take business 7 through Berryville. A couple of months ago I couldn't help but notice and be amazed at the large log cabin home just built in someone's backyard in a residential neighborhood.



2 questions came to mind:

- How in the world did someone in a Berryville residential neighborhood get permission to build a 2-story, high pitched roof log cabin, with a porch addition in their backyard?
- And why would someone build this in their backyard? With this special use permit request, we now know why.

What kind of precedent **has now been set** for town residents in regards to the size of structures they **can now build** in their backyard in residential communities?

Having an undergraduate and master's degree in business and with 20 plus years of business consulting experience I find in very peculiar that this home business owner would:

- Find a log cabin
- Have it torn down, packed up and relocated
- Have it built back up in their backyard (adding a side porch)
- And **THEN** request a special use permit

The amount of financial and business risk associated with this approach does not make sense.

This home business owner has already been advertising events on Facebook/Instagram **before** the special use permit has been approved.

<https://www.beaumont-house.com/workshops/2019-exquisite-flowers-an-all-day-floral-workshop>

With this substantial investment, it would be extremely naïve to think that this Home Business owner has any long-term plans to only hold a handful of events each year.

#### Neighborhood already affected by this business before the log cabin addition

It's important to note that even before this home business log cabin expansion, the residents of Battletown Drive were already affected by this Home Business.

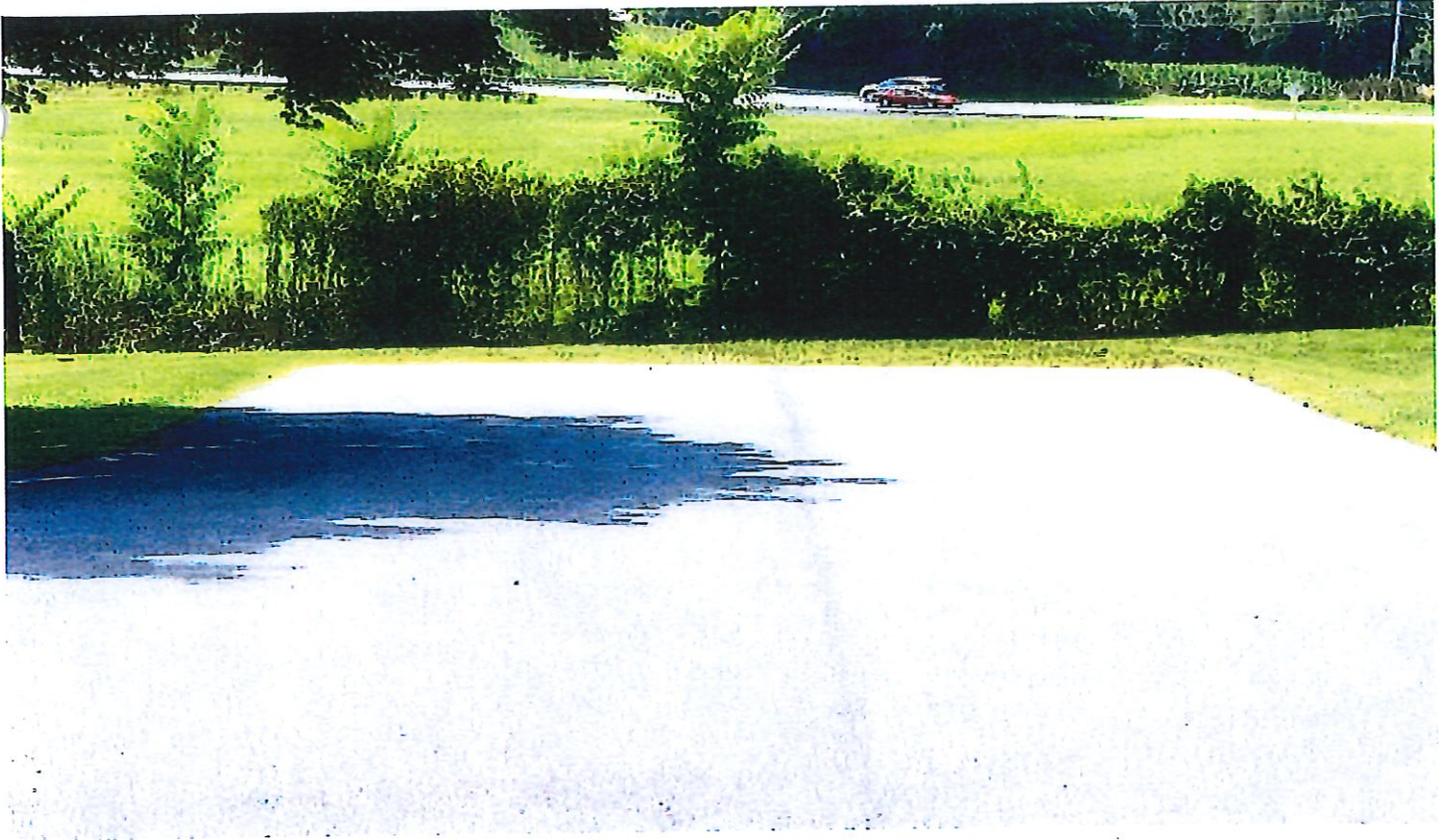
- Frequent vendor client meetings with vehicles parked in the street
- Special events with their driveway coned off so no one is allowed to park in their driveway and numerous vehicles parked on the street/yards

#### Battletown Drive – absence of street parking

Battletown Drive is an approximately 70-year-old residential community. There are currently many young children and many older residents living on this street. My retired mother currently lives directly across the street of this Home Business owner

- This is a narrow road by today's standards with cars having to slow down significantly to allow each other to pass
- This is a dead-end street (not a cul-de-sac) There is no place to turn a vehicle around without pulling in and backing out of someone's driveway or without driving on someone's lawn
- There are no sidewalks or curbs on this street
- There is no space for on-street parking without **significantly impacting Fire/EMS access to homeowners**
- There's a 15-foot public right of way on each side of the street. With the age of this neighborhood this 15 ft right of way has morphed into residents' yards.

Dead-End at end of Battletown Drive:



Driveway wear and tear from dead-end turn arounds:



Compact car takes up half the street:



15 ft Public Right A Way- Across the Street from Home Business Owner:



15 ft Public Right A Way- Next Door to the Home Business Owner



Next Door to the Home Business Owner- Views of Blue Ridge Mountains from their backyard are gone



## Home Business Owner Special Use Parking Strategy

As stated in Home Business Owners Special Use Permit application:

"Workshop participants and clients will be instructed to park in the driveway. Capacity for parked cars in driveway is 6 cars as well as room for 5 additional cars parked immediately in front of property. Every effort, through written reminders in workshop materials to greeting guests when they arrive, will be made to limit parking to our driveway.

**Living on a public street, we also understand that cars can utilize on street parking not necessarily in front of our property"**

- The Home Business owner has at least 3 vehicles themselves to account for, taking up half of their driveway space. There are numerous caterer vehicles at their events as well.
- They have a history of not following what they are stating in their special use application in regards to the current events at their Home Business- cars are parked in the street and on residents' lawns and not their driveway
- There's no on-street parking on this narrow street without severely **impacting Fire/EMS access** to residents of Battletown Drive
- For this Home Business owner to bluntly state "we will park in front of your house on the grass/landscape you paid for and maintain at the expense of my home business events" is not acceptable in a residential community.

## Extreme "grey area" in enforcement of special use permit activities

As stated in Home Business Owners Special Use Permit application:

"Hold workshops no more than six (6) times per year. These workshops will range from half-day workshops to two-day workshop for groups of no more than twelve (12) participants"

"Typical workshop schedule (for a full day workshop)

9:30 am Guest Arrive

3:30 pm Set up for styled dinner

8:00 pm Dinner concludes/participants depart"

"Workshop Prep and Materials

There may be limited circumstances where we would set up a work/gathering space on the patio attached to the studio or in front of the cabin. This would consist of four- or six-foot folding tables, chairs and florals."

"Client/Vendor Meetings

Hold client/vendor meetings as needed. These meetings typically last one to four hours with clients and related vendors as needed during the months long design and planning process. Meetings are held in the studio or in the cabin space between the hours of 9:00 am to 5:00 pm."

- Who's keeping track of the number of workshops per year?
- Who's keeping track of the number of participants in each workshop?
- How would one tell the difference between a "Hold client/vendor meetings as needed" and a "Workshop" event?
- One could easily assume that alcohol would be part of the Workshop dinners in one form or another (participant brought or business provided)

I oppose the approval of this Special Use Permit based on:

- The residents of Battletown Drive should not have their quality of life impacted by an ever-expanding Home Business
- They should not have to wonder if the Home Business is abiding by the number of events/workshops/participants guidelines
- They should not have to worry about vehicles parked on their lawn or the resulting damage from these Home Business events
- They should not have to worry about Fire/EMS vehicles being able to properly access their property at the expense of this Home Business
- This Home Business owner for years has consistently contradicted it's "parking and number of participants guidelines" in its Special User Permit application. **Latest Example:**

**JULY 14<sup>th</sup>, 2019 – at least 20 cars related to this event**



Abrera driveway blocked off before Town Police visit....



Abrera's personal vehicles and worker for party vehicle parked at end of Battletown Drive..



End of paved Battletown Drive with cars parked across end....



Driveway after they took the cones away and let some traffic park in driveway.

## Christy Dunkle

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**From:** Mercer Boys <tim\_mercer@hotmail.com>  
**Sent:** Monday, July 22, 2019 8:32 PM  
**To:** Christy Dunkle  
**Cc:** Jay Arnold (Council); Julie Abrera  
**Subject:** Re: Opposed to Abrera Special Use Permit- Public Hearing 7/23/19

Thanks for the reply and information.

Who can address parking on streets/yards and blocking access of fire/ems vehicles to this neighborhood during these 12 hour events? Is the town or home business liable in this situation?

Again- the parking information in the home business owners request is in direct contradiction to their past events. Please refer to the latest July 14th 2019 event pictures provided as proof.

Sent from my iPhone

On Jul 22, 2019, at 4:38 PM, Christy Dunkle <[planner@berryvilleva.gov](mailto:planner@berryvilleva.gov)> wrote:

Mr. Mercer:

Below are responses to some of the questions and comments from your previous email attachment concerning the Special Use Permit request by Ms. Abrera dated July 15, 2019.

1. **"How in the world did someone in a Berryville residential neighborhood get permission to build a 2-story, high pitched roof log cabin, with a porch addition in their backyard?"**  
Structures under 600 square feet are considered an accessory structure (as opposed to a principal structure) in the Berryville Zoning Ordinance and is defined as follows: *A building subordinate to, and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. One accessory building of 150 square feet or less may be erected on a lot without the existence of a main building on the lot.*
2. **"And why would someone build this in their backyard? With this special use permit request, we now know why."**  
The determination to build an accessory structure on their property is at the property owner's discretion as long as it meets zoning requirements as established in the Town of Berryville Zoning Ordinance.
3. **"What kind of precedent has now been set for town residents in regards to the size of structures they can now build in their backyard in residential communities."**  
As previously stated, accessory structures are permitted as long as the structure is under 600 square feet (the size identified as a principal structure) and conforms to setback requirements (five feet unless encumbered by easements).
4. **"It's important to note that even before this home business log cabin expansion, the residents of Battletown Drive were already affected by this Home Business.**
  - Frequent vendor client meetings with vehicles parked in the street
  - Special events with their driveway coned off so no one else is allowed to park in their driveways and numerous vehicles parked on the street/yards."

The Berryville Planning and Zoning Department has not received any calls or correspondence concerning business related activities on this site.

5. **"Extreme 'grey area' in enforcement of special use permit activities."**

**"Who's keeping track of the number of workshops per year?"**

The Berryville Planning and Zoning Department will work with the property owner to be made aware of workshop activities.

**"Who's keeping track of the number of participants in each workshop?"**

The Berryville Planning and Zoning Department will work with the property owner to assure there are no more than 12 participants in each workshop.

**"How would one tell the difference between a 'Hold client/vendor meetings as needed' and a 'Workshop' event?"**

The number of meetings between clients and vendors (approximately four to five participants) may be discussed by the Planning Commission and recommendation be made to Town Council for conditions of the Special Use Permit.

**"One could easily assume that alcohol would be part of the Workshop dinners in one form or another (participant brought or business provided)."**

Alcohol related activities are regulated by the Commonwealth (ABC) and, unless drinking while behind the wheel or in public, are not enforced by the Town of Berryville.

You indicated that you will not be available for the public hearing tomorrow evening. Please note that the public hearing has been set by Town Council for their September 10, 2019 meeting. While you will not be notified directly as you are not an adjacent property owner, your mother will receive another notice not more than 21 days or less than six days prior to the meeting.

Thanks-Christy Dunkle

BCC: Planning Commissioners

**From:** Mercer Boys [[mailto:tim\\_mercer@hotmail.com](mailto:tim_mercer@hotmail.com)]  
**Sent:** Monday, July 15, 2019 2:21 PM  
**To:** Christy Dunkle <[planner@berryvilleva.gov](mailto:planner@berryvilleva.gov)>  
**Cc:** Jay Arnold (Council) <[jarnold@berryvilleva.gov](mailto:jarnold@berryvilleva.gov)>  
**Subject:** Opposed to Abrera Special Use Permit- Public Hearing 7/23/19

Hello Christy-

Thanks for our brief phone conversation.

As mentioned, I will be out of town next week and cannot attend the Public Hearing. Please find attached my reasoning behind this opposition and I hope it's taken into consideration in approving/rejecting this Special Use Permit.

My mother currently live across the street from this Home Business and she and other Battletown Drive residents have already been affected by this Home Business for a number of years and stand to be greatly impacted by this Home Business expansion.

Thank you for your time-

Tim Mercer  
703-862-1939

## Christy Dunkle

---

**From:** Kaitlyn Belland <kaitlyn@cordialcoffee.com>  
**Sent:** Monday, July 15, 2019 10:02 PM  
**To:** Christy Dunkle; Julie Abrera -- Beaumont House Design  
**Subject:** Note of support for Beaumont House Design

Hi Ms Dunkle & The Planning Commission,

I'd like to offer my support to Julie Abrera of Beaumont House Design in her new endeavor.

I adore Julie for her creative drive, genuine spirit and courteous attitude. I am sure you are aware of her upstanding character and love for this community.

Beaumont house's offerings are a wonderful asset to the town. Julie's workshops create a sense of community and have always been of value to the Berryville businesses that she partners with. I sincerely hope she will be granted the permissions she needs.

Sincerely,

Kaitlyn Bell, owner  
*Cordial Coffee Co*  
*Berryville, VA*  
540-671-5864

Rev. 7.23.19

Mary Margaret Johnson  
113 Battletown Drive  
Berryville, VA 22611

---

July 17, 2019

Planning Commission / Town of Berryville  
c/o Christy Dunkle  
Government Center  
101 Chalmers Court  
Berryville, VA 22611

To the Planning Commission,

I am writing in support of Julie Wheeler Abrera's application for a special use permit for her home-based business (Beaumont House Design) located at 204 Battletown Drive.

Her request to host a limited number of floral workshops and the steps she has outlined to lessen the impact on our neighborhood have been well thought out and clearly presented.

Having known Julie her entire life, I was happy to see her and her husband return to Berryville ten years ago, settling at the end of Battletown Drive. Over the past few years I have watched how she has successfully built her floral design business, working with clients from across the region and making a name for herself. Her floral design classes have also been successful and have consistently been drawing visitors from the DC metro area. These visitors, who may not have come to Berryville otherwise, have made our town a destination for an afternoon and in turn, have supported other local business.

I have no doubt that her studio/home based workshops will be done with great care to ensure that participants will respect our neighborhood and have a wonderful experience working with flowers and want to return to Berryville.

Sincerely,



Mary Margaret Johnson

July 23, 2019

Berryville/Clarke County Government Center  
101 Chalmers Court  
Berryville, Virginia 22611

LETTER OF SUPPORT FOR BEAUMONT HOUSE DESIGN

To Whom It May Concern:

The purpose of this letter is to express my support in a special use permit for Julie Abrera of Beaumont House Design.

As a small business owner and a resident of a small town myself, I believe there is added value in a business that prides itself on intimate experiences and welcomes clients at their homebase. Businesses like Julie's attract guests to visit and enjoy Berryville, who otherwise might not have noticed it's charm from a map. She works to collaborate with local businesses including farmers, which in turn provides them with added support and exposure to clients.

In the past 5 years, Julie has created a celebrated floral business that services wedding + specialty event clients and recently educational workshops. Her work has been featured locally in Middleburg Life and nationally with publications like Mingle Magazine and Southern Bride.

The careful relocation and restoration of a historical Clarke County cabin that otherwise would have been lost to mother nature, is one of the many examples of Julie's commitment to community and historical preservation. She was intentional with the local experts she chose to work on this project to make sure her intent to share the cabins past, enjoy its presence and to solidify its future.

By obtaining a Special Use Permit for the cabin, Beaumont House Design will be able to continue to grow as a small business, while welcoming workshop attendees to experience Berryville as a local.

In addition to this letter of support, I will also politely suggest you check out Beaumont House Design's website, blog and social media accounts. You'll find that Julie speaks openly and at length about her commitment to locally sourced goods and experiences within Berryville.

Thank you for your time and consideration.

Sincerely,

Krysta Norman

Krysta Norman Photography  
[www.krystanorman.com](http://www.krystanorman.com)

**BERRYVILLE TOWN COUNCIL  
MOTION FOR SPECIAL USE PERMIT (SUP 01-19) HOME OCCUPATION**

Date: September 10, 2109

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the request for a Special Use Permit (SUP 01-19) in order to allow a home occupation at the property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A, zoned DR-2 Detached Residential with the following conditions:

1. Workshops on site are limited to no more than six (6) per year with a maximum of 12 participants attending each workshop;
2. Hours of operation shall be limited to the hours between 9:00am and 9:00pm;
3. Participants shall park in the driveway of the property referenced above until it has reached its capacity;
4. \_\_\_\_\_

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

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

**BERRYVILLE TOWN COUNCIL**  
**Public Hearing – Rezoning**  
**September 10, 2019**

---

The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

The public hearing notice was published in the Winchester Star on Tuesday, August 27 and Tuesday, September 3, 2019. Adjacent property owners were notified via first class mail on August 23, 2019. No comments were received in the Planning Office with this publication. Two adjacent property owners contacted Town staff during the Planning Commission process requesting information on the application. Neither were opposed to the action.

The Berryville Planning Commission held a public hearing on this matter at their July 23, 2019 meeting and recommended that Council approve the request as presented.

Identified as a housekeeping matter by the Planning Commission, this request is to align existing zoning districts with an updated lot configuration. Portions of six lots and three open space areas will be affected by this action. The original line, identified on exhibits following this report, was the demarcation between the respective County and Town corporate limits. Construction plans for this fifth and final phase of the Hermitage subdivision are currently being reviewed by Town staff, engineering, and other agencies. Please note that the previous lot configuration would require similar rezoning action.

The following items are included in this packet:

- Land Development Application;
- Memo dated June 19, 2019 requesting sponsorship of the rezoning and a narrative about the request;
- Exhibits A and B identifying zoning and phase information;
- Vicinity map;
- Location of original zoning line identified on preliminary plat; and
- Motion.

***July 9, 2019 Staff Report***

*The Planning Commission agreed to sponsor this Rezoning in order for the zoning district lines to align with the revised lot configuration.*

### **Background Information**

*The preliminary plat for the Hermitage subdivision was approved in 1998. At that time, a portion of the property was located in the Town and a portion in the County. All of the property is now within the Town's corporate limits. The existing zoning line between DR-1 and R-1 (the straight line indicated in red on Exhibit A of the application) reflects the respective County and Town corporate limits at the time of preliminary plat approval.*

*Staff has researched both Town and County files from 1998 – 2000 concerning the zoning in the Hermitage subdivision. While the zoning line was in its current location through Phase II of the subdivision, minutes do not reflect any action to rezone the lots in a similar condition in this earlier phase.*

*The updated Exhibits included in the application identify 71 lots in the subdivision of Phase V, two less than the previously approved plan. As Mr. Mislowsky references in the application, changes to storm water management regulations by the Virginia Department of Environmental Quality has prompted a reconfiguration of the lot layout.*

### **Process**

*The Planning Commission will make a recommendation to Town Council on the Rezoning of the property with final approval by Council. Upon receipt of a Land Use Application, the Berryville Area Development Authority will review and approve the final plat of subdivision for Phase V. Staff has received construction plans which are currently under review. Public hearing notices will be published and adjacent property owners will be notified per Code of Virginia requirements for all public hearings.*

### **Recommendation**

*Approve the request as recommended by Planning Commission. A motion follows this report.*

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner Hermitage, LLC

Owner's Address 13 South Loudoun Street, Winchester, VA 22601

Phone 540-662-7215

Agent (Contact Person) Ron Mislowsky, Pennoni Associates

Agent's Address 117 E Piccadilly Street, Suite, 200, Winchester, VA 22601

Phone 540-771-2085

Check Appropriate Request:

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

Complete As Applicable:

Nature of Request/Proposal: Adjustment of Zoning Boundary to match subdivision.

Tax Map & Parcel Number(s): 14-A-11A 14A4-A-23

Size of Project Site: A-11A - 35.25 AC A-23 - 23.43 AC

Proposed # of Lots: N/A Existing Zoning 11A - DR-1 23 - R1

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: 6.19.19

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] manager Hermitage LLC Date: 7/1/19

OFFICE USE ONLY

Public Hearing Required? YES Dates Advertised PC July 9 & 16, 2019  
PC August 27 & Sept 3, 2019

Adjoining Property Owners Notified? PC July 8, 2019  
PC August 23, 2019

Action Taken: PC rec. approved

## MEMORANDUM

**TO:** Christy Dunkle, Assistant Town Manager, Berryville, VA  
**FROM:** Ronald A. Mislowsky, PE  
**DATE:** June 19, 2019  
**SUBJECT:** Hermitage Rezoning

---

The final phase of the Hermitage development is Phase 5, at the southwest corner of the project area. That parcel currently has two lots, each zoned differently. The southernmost is in the annexation area and zoned DR-1. The northern parcel, adjacent to Phase 4, is zoned R-1 within the Town limits. The Preliminary Plan for phase 5 was approved about 13 years ago and at that time consisted of 73 lots and had the zoning and Town limits boundary jogging down the lots that were proposed with that submittal.

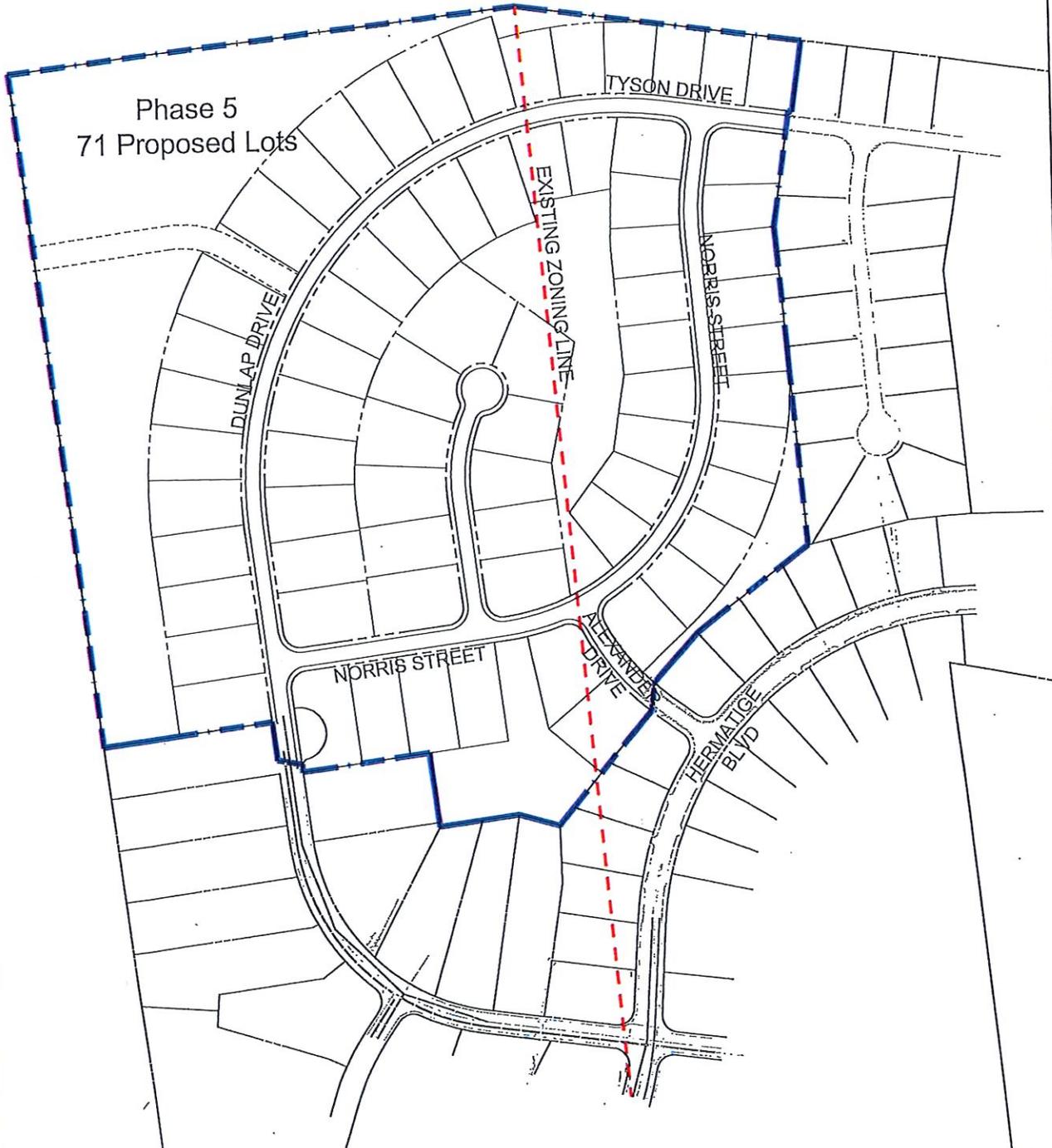
Since that approval, the State of Virginia has adopted a different set of stormwater treatment requirements which require low impact treatment for the runoff from the development. In order to implement a new stormwater treatment plan and also reduce the earthwork required to construct the road and utilities, we have revised that lot layout to provide room for treatment units and more open space that will be dedicated as a conservation easement. This new lot layout will require that the DR-1 and R-1 areas be rezoned to effectively shift the boundary to run down the proposed lot lines.

We have attached two exhibits. Exhibit A shows the new lot layout with the current zoning boundary and Exhibit B show the new layout with the proposed zoning boundary.

Areas in Hermitage have been rezoned in the past accommodate the final lot layout. The existing line jogs around lots in Phase 1, 2 and 3.

We request the Town sponsor this rezoning to conform to the proposed Phase 5 lot layout.

Phase 5  
71 Proposed Lots

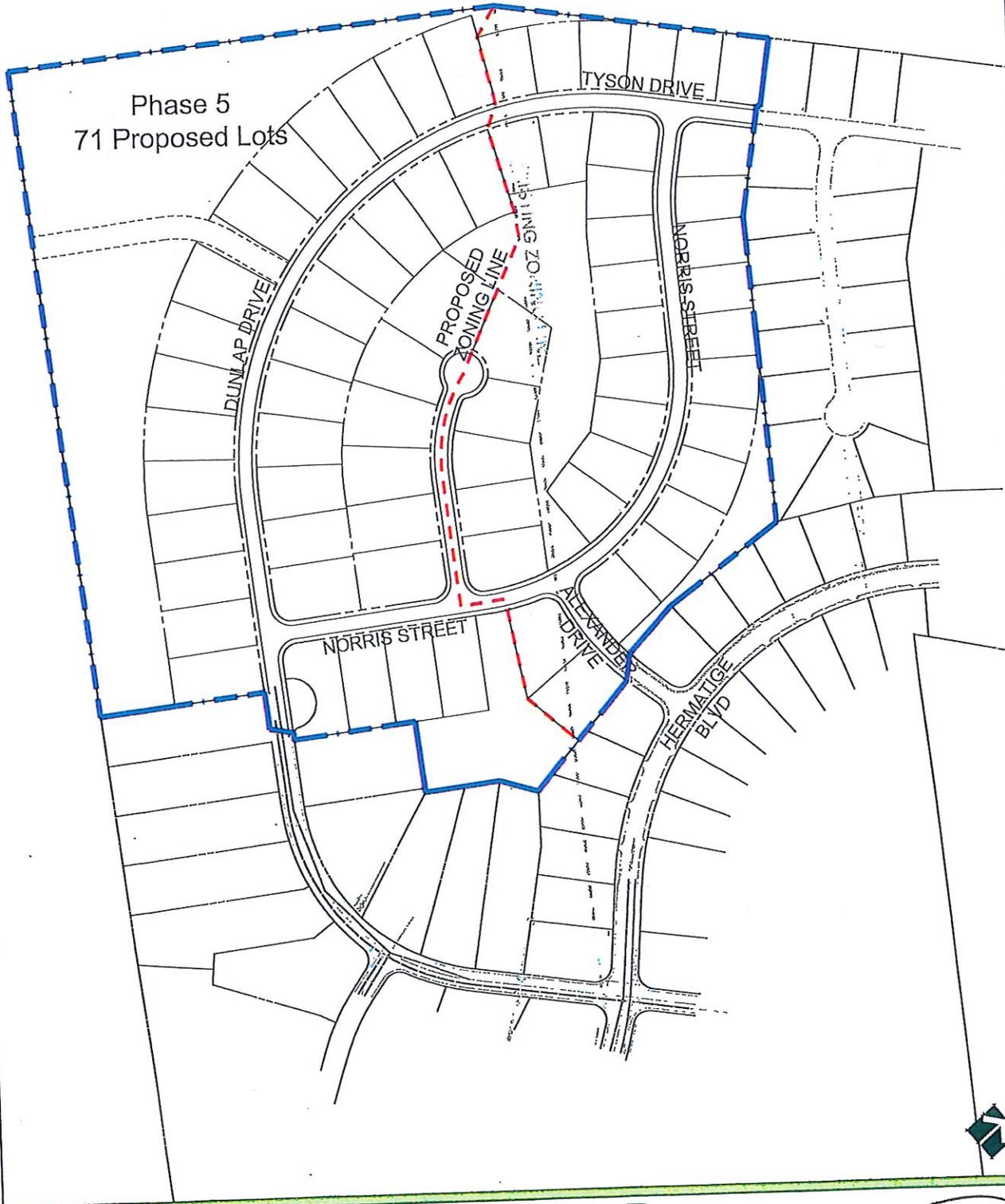


# Hermitage Section 5, Exhibit A

existing zoning line



PENNONI ASSOCIATES INC.



Phase 5  
71 Proposed Lots

PROPOSED  
ZONING LINE

TYSON DRIVE

DUNLAP DRIVE

NORRIS STREET

NORRIS STREET

ALEXANDER DRIVE

HERMITAGE BLVD



# Hermitage Section 5, Exhibit B

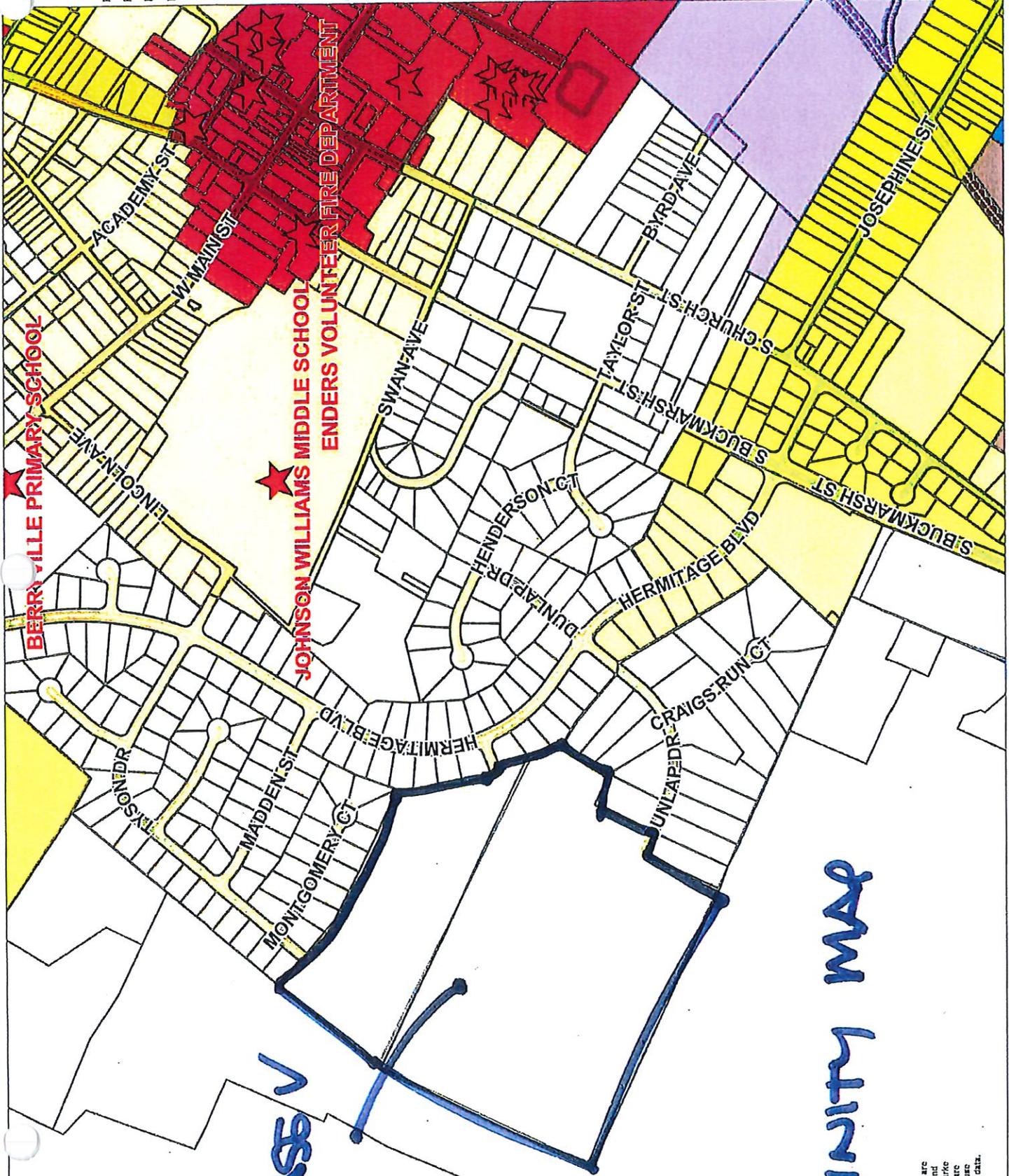
proposed zoning line



FENNON ASSOCIATES INC.



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



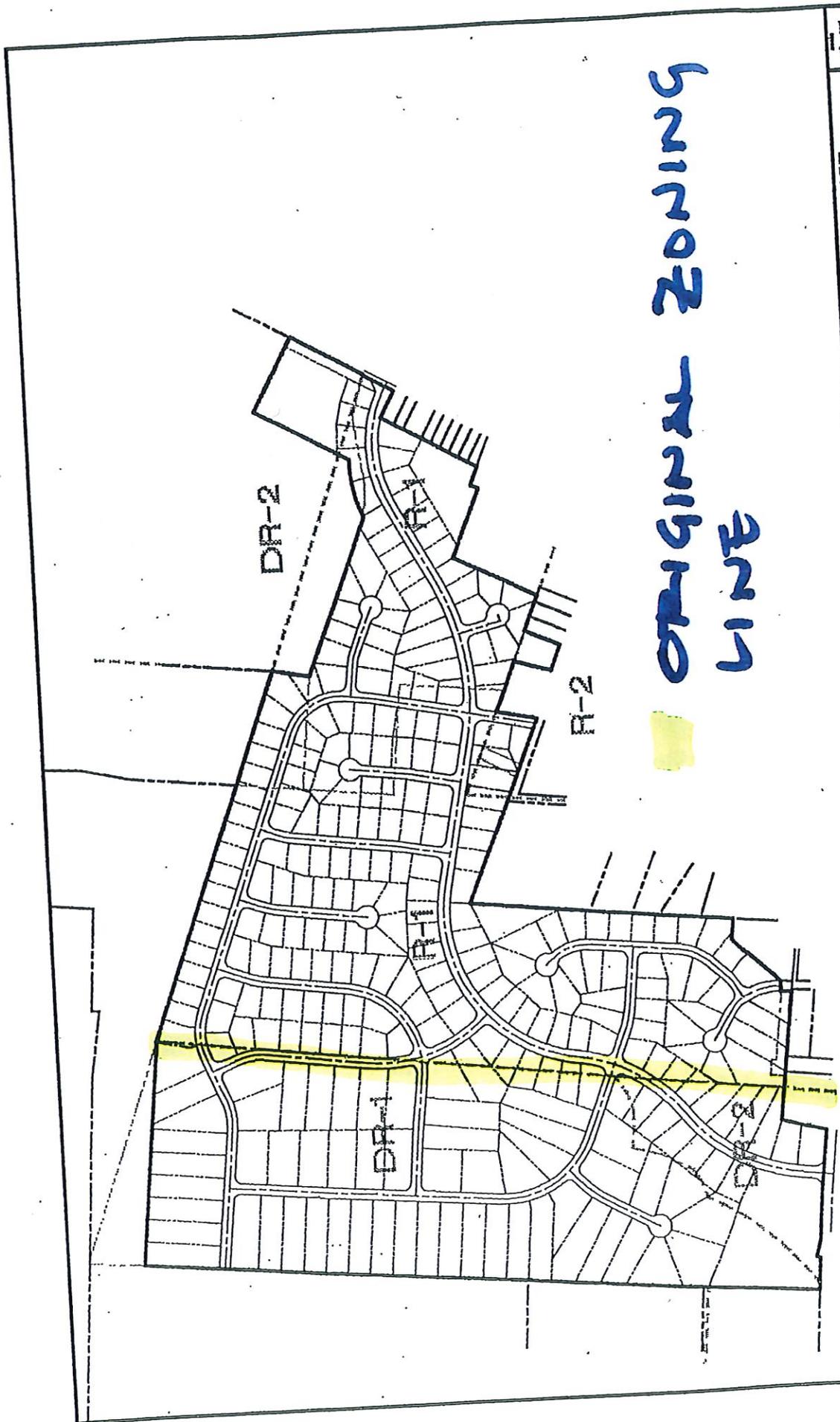
PHASE V

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 06/20/2019 at 04:28 PM



# ORIGINAL ZONING LINE

HERMITAGE  
 PRELIMINARY PLAT  
 SUCCEEDANT INFORMATION  
 TOWN OF BERRYVILLE AND CLARKE COUNTY, VIRGINIA

Gilbert W. Clifford and Associates, Inc.  
 Land Planners  
 2000 North Courteen 2<sup>nd</sup>  
 Winchester, Virginia 22601  
 18-C-046 Ordinance No. 22-041



DATE	APR 6, 1988
BY	CELE
TITLE	PLAT
SCALE	1" = 100'

**BERRYVILLE TOWN COUNCIL**

**MOTION FOR REZONING (RZ 01-19) APPROVAL**

Date: September 10, 2109

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the request to align zoning with the proposed lot configuration for Phase V of the Hermitage subdivision on Tax Map Parcel number 14A3-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-23 zoned DR-1 Detached Residential.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

---

Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL**

**Public Hearing – VDOT Transportation Alternatives Grant  
September 10, 2019**

---

**The Council of the Town of Berryville will take public comment on the submission of an application to the Virginia Department of Transportation's Transportation Alternatives Program in order to fund the construction of unfinished sidewalk sections on the north side of Mosby Boulevard.**

The public hearing notice was published in the Winchester Star on Tuesday, September 3, 2019. Adjacent property owners were notified via first class mail on August 23, 2019. One adjacent property owner contacted the Town Planning Office and voiced support for the grant application.

Discussion of this effort began at the Streets and Utilities Committee when Chair Harrison identified the need to connect sidewalk sections on the north side of Mosby to accommodate safe pedestrian access by residents of new and existing multi-family development and existing single-family homes to businesses and services on McNeil Drive.

Staff submitted a pre-application for the Transportation Alternatives grant and was notified that it has been screened in. This enables the Town to complete the full application which is due no later than October 1, 2019. Staff continues to work on the final application. A resolution of support by the governing body is required as part of the submission. A schematic plan and draft cost estimate are included in this report.

**Recommendation**

Adopt the resolution of support as presented. A motion follows the resolution.

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

The Berryville Town Council will hold the following public hearing at 7:30 p.m., or as soon after as this matter may be heard, on **Tuesday, September 10, 2019**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

**The Council of the Town of Berryville will take public comment on the submission of an application to the Virginia Department of Transportation's Transportation Alternatives Program in order to fund the construction of unfinished sidewalk sections on the north side of Mosby Boulevard.**

Copies of materials pertinent to these items may be examined at the Town of Berryville Business Office, Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia, during regular business hours, holidays excepted. Additional information may be obtained by calling the Town Business Office at (540) 955-1099.

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

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

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



— DRAFT —

**September 2019 Mosby Boulevard Sidewalk Extension TAP Application Cost Estimate**

This project consists of the design and construction of approximately 1,280 linear feet of public sidewalk along the Mosby Boulevard corridor in the Town of Berryville. Portions of this walk already exist and are not proposed to be replaced. Portions of the sidewalk to be constructed are accounted for under existing public improvement bonds for approved development projects. The cost estimate below is for the design and construction of unbuilt portions of sidewalk along the north side of Mosby Boulevard from McNeil Drive to Hancock Court.

<u>Item</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Survey	1	\$7,500 Lump Sum	\$7,500
Construction Plan	1	\$7,500 Lump Sum	\$7,500
Mobilization	1	\$5,000 Lump Sum	\$5,000
Landscape Demo	1	\$1,200 Lump Sum	\$1,200
Mailbox relocation	5	\$1,250 (\$250 EA)	\$6,250
Sidewalk 5' wide	6,400	\$12.00 Square Foot	\$76,800
HC Ramps	10	\$1,200 Each	\$12,000
Signage -remove and reset	1	\$250 Each	\$250
Final Seeding	1,000	\$1.50 Square Yard	\$1,500
Crosswalk Painting	500	\$10.00 LF	\$5,000
Legal/Easement Platting/deeds	15	\$450 Each	\$6,750
		<b>Total Cost:</b>	<b>\$129,750</b>
		<b>5% contingency:</b>	<b>\$6,488</b>
		<b>10% CEI and VDOT Oversight Charges:</b>	<b>\$12,975</b>
		<b>Final Project Cost Estimate:</b>	<b>\$149,213</b>
		<b>20% Town/Third Party Match</b>	<b>\$29,843</b>

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



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

www.berryvilleva.gov

RESOLUTION OF GOVERNING BODY OF THE TOWN OF BERRYVILLE

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 10<sup>th</sup> day of September, 2019 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: IN SUPPORT OF THE VDOT TRANSPORTATION ALTERNATIVES PROGRAM GRANT FOR SIDEWALK CONNECTIVITY ON MOSBY BOULEVARD.

WHEREAS, the Council of the Town of Berryville ("Council") will be requesting Transportation Alternatives Program grant funding in order to complete sidewalk sections along the north side of Mosby Boulevard between Hancock Court and McNeil Drive; and

WHEREAS, Council has identified the need for pedestrian connectivity on Mosby Boulevard to accommodate safe pedestrian access by residents of new and existing multi-family development and single-family homes to businesses and services on McNeil Drive; and

WHEREAS, Council has committed to provide the 20% match and provide for future maintenance and upkeep of the completed project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Berryville, Virginia hereby supports the Transportation Alternatives Program grant application for sidewalk sections on Mosby Boulevard.

Passed this 10<sup>th</sup> day of September, 2019.

THE TOWN OF BERRYVILLE

Attest: \_\_\_\_\_ By: Patricia Dickinson, Mayor

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 10<sup>th</sup> day of September, 2019.

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

Patricia Dickinson  
Mayor

Harry Lee Arnold, Jr.  
Recorder

*Council Members*

Donna Marie McDonald  
Ward 1

Diane Harrison  
Ward 2

Erecka L. Gibson  
Ward 3

Kara C. Rodriguez  
Ward 4

Keith R. Dalton  
Town Manager

**BERRYVILLE TOWN COUNCIL**

**MOTION TO ADOPT RESOLUTION OF SUPPORT FOR A VDOT  
TRANSPORTATION ALTERNATIVES GRANT APPLICATION**

Date: September 10, 2019

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached resolution of support in order to request VDOT Transportation Alternatives grant funds for the completion of sidewalk sections and associated ADA facilities on the north side of Mosby Boulevard.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

---

Harry Lee Arnold, Jr., Recorder

# Discussion of Public Hearing Items

# Citizens' Forum

# Presentations/Awards and Recognitions

**Town Council Agenda Item Report Summary  
September 10, 2019**

**Item Title**

Presentations/Awards and Recognitions – Desiree Moreland recognized for 43 years of service

**Prepared By**

Keith Dalton, Town Manager

---

**Background/History/General Information**

Desiree Moreland will soon retire from the Town's employ. Desi began her career with the Town on December 3, 1976 and her last day of work will be September 30, 2019.

Desi has served in many capacities during her career. For the last 22 years she has served as the Assistant Town Manager for Administration/Treasurer.

**Findings / Current Activity**

Desi's loyalty to the Town and its residents is immeasurable and her work ethic and dedication to her job is unmatched.

**Financial Considerations**

None

**Schedule/Deadlines**

A reception will be held in Desi's honor prior to the September 10, 2019 regular meeting and she will be present for the first part of the regular meeting.

**Other Considerations**

None

**Attachments**

- A Resolution of the Town Council of the Town of Berryville Recognizing Desiree Moreland for a Distinguished Career with the Town

**Recommendation**

None

**Sample Motion**

I move that the Council of the Town of Berryville adopt the attached resolution recognizing the amazing career of Desi Moreland and thanking her for her service to this community.



**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE  
RECOGNIZING DESIREE MORELAND FOR A DISTINGUISHED CAREER  
WITH THE TOWN**

**WHEREAS, Desi Moreland began working for the Town of Berryville on December 3, 1976, and at the time of her retirement on September 30, 2019 will have loyally served the Berryville community for nearly forty-three years; and,**

**WHEREAS, During her remarkable tenure Desi has served the Town in many capacities, including Assistant Town Manager for Administration / Treasurer for twenty-two years; and,**

**WHEREAS, While serving the Town, particularly as Assistant Town Manager for Administration / Treasurer, Desi has managed momentous change in Town finances, and utility and tax billing, working countless hours to ensure that the public funds were well-spent and accounted for; and,**

**WHEREAS, Desi has served with and provided sound counsel to all six of Berryville's Town Managers, and,**

**WHEREAS, Desi's loyalty to the Town and its residents is immeasurable, and**

**WHEREAS, Desi's work ethic and dedication to her job and profession is unmatched; and,**

**NOW, THEREFORE BE IT RESOLVED that the Council of the Town of Berryville hereby recognizes Desiree Moreland for a distinguished career serving the Town and thanks her for her devoted service to the Town's residents.**

**By Order of the Council of the Town of Berryville on this the eleventh day of September 2019.**

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**Patricia Dickinson, Mayor**

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

# Consent Agenda

**Town Council Agenda Item Report Summary  
September 10, 2019**

**Item Title**

Consent Agenda

**Prepared By**

Keith Dalton, Town Manager

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**Background/History/General Information**

A consent agenda is a tool utilized by the Town Council that permits it to group routine business and reports into one agenda item.

Any member of the Council may, as a matter of privilege, remove an item from the consent agenda and have it placed in under another agenda item.

**Findings / Current Activity**

September's consent agenda contains four meeting minutes to be considered for approval.

**Financial Considerations**

None

**Schedule/Deadlines**

It is preferable to have minutes approved in a timely manner but no deadline for approval of meeting minutes exists.

**Other Considerations**

None

**Attachments**

- Minutes of the July 9, 2019 Town Council work session
- Minutes of the July 9, 2019 Town Council regular meeting
- Minutes of the July 22, 2019 Community Development Committee meeting
- Minutes of the August 27, 2019 Streets and Utilities Committee meeting

**Recommendation**

None

**Sample Motion**

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

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Work Session**  
**July 9, 2019**

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A work session of the Berryville Town Council was held on Tuesday, July 9, 2019 at 1:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Town Council:** Present: Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

**Staff:** Present: Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Christy Dunkle, Town Planner; David Tyrrell, Public Utilities Director; Paul Culp, Town Clerk

**Press:** Mickey Powell of The Winchester Star

**1. Call to Order:**

Mayor Dickinson called the meeting to order at 1:00 p.m.

**2. Approval of Agenda:**

Council member Rodriguez made the motion to approve the agenda as presented, seconded by Council member Harrison. The motion was approved unanimously by voice vote.

**3. Discussion:**

Town Manager Dalton discussed the amended agenda for the Town Council meeting this evening, referencing modifications to items 11 and 14. He added that he would distribute Town Code Chapter 20 after the work session.

Mr. Dalton identified late corrections to minutes included in the consent agenda for the meeting this evening and said he would distribute these after the work session.

Mr. Dalton and Treasurer Moreland distributed an analysis of the Pennoni rate study by Council member Harrison and a number of scenarios created by Pennoni per Town Council's request. Council member Harrison said she had reviewed base rates in surrounding communities and compiled information accordingly.

Council member Harrison said she proposed setting the base rate at 1,999 gallons and under, as opposed to Mr. Dalton's proposal to set it at 3,000. The consensus of the Council was to proceed in this manner.

Council member Harrison said she believed it advisable to keep availability fees the same. Mr. Dalton proposed keeping availability fees the same, while Pennoni recommended a decrease.

Ms. Moreland introduced a document providing 15 different scenarios that would net the Town the same revenue as it is currently receiving. She said some of the scenarios provide for fixed administrative fees and others do not. She said some have minimum allowances and others do not. She said that fixed administrative fees lower the rate per thousand. She said availability fees are calculated independently of this and that going along with Pennoni's recommendation of \$25,200 in availability fees would require that water rates be annually increased by 10.2 percent and sewer rates by 2.3 percent, whereas leaving the availability fees at \$28,000 would reduce the increases to 10.1 and 2.2 respectively.

She directed the Council's attention to a document displaying a range of fixed administrative fees, with a breakdown of how each of them would affect revenues in combination with usage fees. Council member Gibson asked what the difference is between a fixed administrative fee and a minimum allowance. Mr. Dalton and Ms. Moreland explained that a fixed administrative fee would entail a monthly charge per account, regardless of usage, while a minimum allowance would apply to consumers who use less than a thousand gallons. Council member Gibson asked whether different fees for water and sewer would be possible. Mr. Dalton said he would not recommend this, as confusion might occur.

A discussion ensued regarding what the Town might call a fixed administrative fee and the importance of communicating clearly with consumers about what fixed operating costs the fee would cover. Council member McDonald said she would like for the meeting to result in an understanding that rates would be increasing. She said that going ahead and setting a rate was necessary and that further delay would create potential for controversy with a public that for the most part would be inclined at this point to understand the necessity for a rate increase.

The Council then discussed several of the 15 scenarios. Council member Rodriguez expressed concern about scenarios that called for increases of 100 percent or more for low-end users. Council member Gibson said that revenue derived from consumption did not address fixed costs, which must be covered in the bill and which are easy to explain. Council member Harrison said billing only for usage would create problems for the Town if consumers conserved diligently, and that everyone would be treated equally by the imposition of a fixed-cost fee. Council member Gibson said that a low-use consumer now paying a minimum usage fee would pay much more if charged a fixed administrative fee plus a fee for actual usage.

Council member McDonald asked whether the scenarios took into account projections for new housing, and Mr. Dalton said that an assumption of annual availability fees had been built into them.

Recorder Arnold said that the present work session was the third to have been devoted to water and sewer rates and that the Council now has sufficient information to make a decision. Mayor Dickinson said she needed time to consider the new information. Council member McDonald asked the Council

and the mayor in particular what had changed and what was cause for concern. Recorder Arnold asked the mayor what she would propose if she had not just been given new data. The mayor reiterated her wish to consider the information she had just received. She said she would not support anything that imposed a 100 percent rate increase on someone, and that her challenge now was to look through the new information and consider what the other members had said.

Mr. Dalton said it would be necessary either to front-load the acquisition of revenue with a higher administrative fee for the fixed costs that everyone generates or keep the front end low and spread the rate increase farther down. The mayor reiterated her desire for more time to consider the report and said that the Council needed a gradual plan for arriving at an equitable position where everyone pays fixed costs but not right out of the gate.

Recorder Arnold recommended adjournment if the discussion could not lead to a proposal. Council member McDonald disagreed, saying that while the Council repeatedly met and deliberated, the cost of materials, labor, and equipment for the project was increasing. She said she believed she had enough information to know what is fair, that it is necessary to consider every citizen. She said a fixed-cost scenario was the most equitable and that the Council had begun educating the public. She said the Council had considered the matter sufficiently and must move forward.

Mr. Dalton said that a public input session had been suggested in the past, and Council member Rodriguez said that September 11 had been the date considered, and a public hearing for October 8, with Council voting on that occasion and the new rates going into effect later in the month. Council member McDonald said rates must be established before the input session.

Council member Rodriguez said she believed the Council should go into the input session with a plan on which the majority has agreed, instead of presenting a large number of scenarios. She said that everything under discussion is public information and that people can read it for themselves, and that the Council should approach the meeting in a fully organized manner. Recorder Arnold said the Council should be unanimous. Council member Gibson said a decision by the majority would suffice.

Council member Gibson then redirected the discussion to further detailed consideration of particular scenarios, how best to achieve fairness, and how various measures would affect particular groups of people, especially low-end users. Annual increases were discussed, and Mayor Dickinson said that the public input session must include projected future increases and not just a presentation of short-term effects. Council members Gibson and McDonald concurred. Council member Gibson said it was important not to draw a direct correlation between usage and income.

Recorder Arnold said that annual rate increases had occurred before. Council member McDonald said that it was essential to communicate clearly about the prospect of annual increases and that the Council had sufficient information for an immediate decision. She reiterated her point about delay causing expense.

Mayor Dickinson said she favored Scenario 10 as a first step, with a yearly \$5 increase in the base fee, so the contribution toward fixed costs would rise and the overall rate increase would not all come from usage. She said she would like to see the fixed-cost figure of \$50 per person reached over a five-year span, with an annual \$5 increase in the administrative fee, and the usage fee also changing annually. The mayor clarified that usage rates could be changed as needed, but that as the administrative fee goes up the reliance on usage will go down. She said the plan would avert a situation in which a low-end user might see a 200 percent increase while a high-end user experiences only a 2 percent increase, and that the gradual approach would give residents time to adjust their budgets.

The mayor said that Scenario 10 would be the only acceptable option for her. Recorder Arnold and Council members Rodriguez and Harrison said Scenario 10 was acceptable. Council member McDonald did not agree.

Mr. Dalton said there had been no rate adjustments for water and sewer since 2014, when rates had been raised annually for four years after the construction of the sewer plant. Council member Gibson said the proposed changes would be made more palatable than previous ones by holding a public input session and that the public would be given a one-page executive summary. She said communication was essential. Council member McDonald said it was essential to approach the meeting with detailed information about what people would have to pay and why the increase is necessary.

Mayor Dickinson and Mr. Dalton clarified for Council member McDonald that there would not be a vote in the current work session. They explained that the Council was agreeing on a proposal, which Pennoni would help create and which the Council would present at the public input session.

A discussion of availability fees followed. Recorder Arnold said decreasing them was not desirable. Mr. Dalton said keeping them the same would keep the rate increase slightly smaller. Recorder Arnold said the timing is not right, but that a reduction might be feasible at some point when the Town wants to encourage housing construction. Mayor Dickinson said the only way to show people that the Town is trying to reduce costs for individuals would be to have more people on the system, and that keeping availability fees higher than the rate recommended by Pennoni would discourage development.

Council member McDonald disagreed and asked Town Planner Dunkle about current and upcoming development. Ms. Dunkle said that three subdivisions were on the way. Council member McDonald cited this as a source for the desired increase in revenue.

Council member Rodriguez said she agreed that lowering the availability fee would be inadvisable and that she would be firmly against raising it. She said Berryville was a desirable location and that the economy is favorable. Recorder Arnold said that the number of available lots is limited and that the three new developments would largely exhaust the supply.

Council member McDonald asked what would happen if the input from the citizens was to the effect that they did not wish to pay any more. The mayor reiterated her point about the need for more users as the only means of reducing rates. Council member McDonald and Reporter Arnold agreed that the Council cannot control future residential development.

**4. Closed Session:**

No closed session was scheduled.

**5. Other:**

No other business was discussed.

**6. Adjourn:**

Mayor Dickinson asked for a motion to adjourn. **Council member Gibson so moved, seconded by Council member Rodriguez. The motion passed by consensus.**

Meeting adjourned at 2:35 p.m.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**July 9, 2019**  
**7:30 p.m.**

**Town Council:** Present--Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

**Staff:** Present--Keith Dalton, Town Manager; Desiree Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

**Press:** Mickey Powell, The 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

Mayor Dickinson noted that the agenda had been amended, and inquired regarding whether there were any further amendments or revisions. Mr. Dalton said that several sets of amended minutes had been provided at the afternoon work session and that those minutes were the ones included in the agenda. The mayor asked for a motion to approve the agenda.

**Council member Rodriguez made the motion to approve the amended agenda, seconded by Council member Harrison.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

4. Public Hearing

None scheduled

5. Citizens' Forum

No one signed up.

6. Consent Agenda

Mayor Dickinson explained that any member of Council could ask for the removal of an item from the consent agenda, with no explanation being necessary. She said she would like to remove the minutes of the June 11 regular meeting.

**Council member Rodriguez made the motion to approve the other items on the consent agenda: the minutes of the June 25 work session and the June meetings of the Community Development, Public Safety, and Streets and Utilities Committees, seconded by Council member Gibson.**

Council member McDonald asked why the minutes of the June 11 regular meeting were being removed. The mayor said that the matter would be addressed separately, after the consent agenda, that she wished to make edits to the June 11 minutes.

**Roll call vote as follows:**

**McDonald: Abstain**

**Harrison: Abstain**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

Mayor Dickinson said that in the second paragraph of the description of the June 11 mayor's report, she wished to replace "intended" with "suggested" in "The mayor said she had wanted to be sure of obtaining all of the needed information and that she intended the FOIA request as an example of how the process currently works." She said she had not made the FOIA request specifically to test the process, but that she had suggested the Town use her request as an example. Recorder Arnold asked whether "intended" and "suggested" were the same thing, and they mayor said she did not think so.

Mayor Dickinson said that on page three "most appropriate" should be replaced with "most cost-effective" in "The mayor said the Town was losing money and that this was her concern, suggesting that Leslie Kelley in the Police Department would have been the appropriate person to act as FOIA officer." She said she had reviewed the recording and that she had used the expression "cost-effective" at that juncture in the June 11 meeting.

The mayor asked that an unnecessary "not" be removed from "Council member Gibson said online payment was badly needed and that plans for a September discussion did not constitute not an overly aggressive timetable" on page seven.

She also asked that "the Public Safety Committee" be substituted on page nine for "Public Safety" in "Mayor Dickinson said that she would step away from Public Safety until matters related to trash were again the topic," as a matter of clarification. She said that she was still an advocate for public safety but would no longer be on the committee.

Mayor Dickinson asked for a motion to approve the minutes with changes. Council member McDonald asked whether discussion would occur. The mayor said that the motion must be made and seconded prior to discussion.

**Council member Rodriguez made the motion for approval of the modified minutes of the June 11 regular meeting of the Council, seconded by Council member Gibson.**

Council member McDonald said she was confused on multiple points. She said the adjustment to the "Public Safety" passage was unnecessary, as no one would assume that Mayor Dickinson was no longer interested in that topic. She said the mayor had clearly stated her intention to return to the committee when the committee again addressed matters related to trash. Council member McDonald said she wished to make sure the mayor did not think anyone believed she was no longer in favor of public safety.

Council member McDonald said that what she had heard in the June 11 meeting was the mayor saying that she had used her FOIA request as an example of the process because she had wanted to see what was not being produced in a correct fashion. Mayor Dickinson said she had listened to the recording, which confirmed that her intention was quite clear in terms of it never having been to test the process. She said her intention was to acquire the needed information but that lessons could be derived from her experience, which could be used as an example in that sense.

Council member Harrison said she would like to hear the recording. Council member Gibson said she did not wish to hear it. Recorder Arnold said it was not necessary to approve the minutes tonight, that this could wait until the next meeting.

Mayor Dickinson said that it was necessary to resolve a motion that has been seconded, and that the matter could be tabled and addressed in the next regular Council meeting in September. Council member Rodriguez said she would withdraw her motion. The mayor said this was not permissible, inasmuch as the motion had been seconded, and that the correct course of action was to move that it be tabled for September. Council member Gibson asked what would happen between now and the September meeting. The mayor replied that anyone with questions could request the audio recording. Recorder Arnold asked if the mayor was certain that the motion could not be withdrawn, and the mayor said that once a motion is seconded it belongs to the Council and not to the individual movant. She said it was possible to make a motion to withdraw a seconded motion but that the most expeditious course of action would be to move to table until the next meeting. The mayor said a motion to

withdraw a motion must be seconded and voted on, with a two-thirds majority required for passage.

**Council member Rodriguez moved to withdraw her original motion to approve the modified minutes of the June 11 regular Council meeting. Council member McDonald seconded.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

7. Presentations

No presentations were scheduled.

8. Report of Patricia Dickinson, Mayor

Mayor Dickinson read into the record a note from Mary Keith Lilly, mother of recently deceased Utilities employee Stephen Lilly, thanking the mayor and Council for their tributes to his memory.

The mayor also provided for the record a proclamation for the Centennial Committee's gift of the Veteran of the Year perpetual plaque dedicated at the Berryville-Clarke County Government Center earlier in the evening.

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

Recorder Arnold said that the Town-County MOU committee, comprising Mr. Weiss and Mr. Ash from the County and Mr. Dalton and himself from the Town, had reconvened on Monday, July 1, at the request of the Council, with good results. He said Council member Harrison had also attended, with Council member Rodriguez contributing an email that Recorder Arnold read to the committee. He said he had shared the Council's desire for more clarity and improved communications in the Town's joint economic development efforts with the County and that the attendees all agreed on this. He said the number-one goal should be the establishment of a hotel, which would attract business travelers and tourists, and that the hotel study was in the process of being updated by Berryville Main Street. Recorder Arnold said the number-two goal should be expansion of the business park and that this was in process to some extent via the southeast collector road study. He said the committee had discussed funding for the Town and had reviewed the current MOU with an eye to making changes. He asked that the Community Development Committee review the current MOU and remove dated material.

Recorder Arnold then brought up the mayor's letter to the editor, published in *The Winchester Star* on June 20, about the *Star's* coverage of the discussion of her FOIA request in the June 11 regular Council meeting. He said she was incorrect in having described the Town's FOIA process as inefficient, fiscally irresponsible, and not in compliance with the law. He said that Town Manager Dalton's involvement in the FOIA process would be appropriate even after the appointment of a FOIA officer, especially given the town manager's responsibility for communicating with the Council, and that there had been no alternative when the Town was without a clerk, who normally is the FOIA officer. Recorder Arnold said he took exception to the mayor's assertion that the Council had failed to be the eyes and ears of the people.

Recorder Arnold asked who Mayor Dickinson had thought would fulfill her FOIA request at a time when there was no clerk and therefore no designated FOIA officer. Mayor Dickinson said she was not going to be interrogated on the matter, that it had been addressed and she was finished with it.

Recorder Arnold said that the FOIA request under discussion had not been the mayor's first. He reiterated that he took exception to the portion of her article that questioned the Council's level of vigilance.

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

Ms. Dunkle requested that the Council set two public hearings for its September meeting:

The first is for a home occupation for Julia Abrera, owner of Beaumont House Design, who requests a special use permit to operate a home occupation at 204 Battletown Drive. She said the Planning Commission has set a public hearing for its July 23 meeting.

The second hearing is for a rezoning request, sponsored by the Planning Commission, for Phase 5 of Hermitage, where parcels are being reconfigured because of updated stormwater management regulations. Mayor Dickinson asked why Council, rather than the developer, was sponsoring this. Ms. Dunkle said that the Planning Commission is sponsoring it and that such an arrangement is not unusual.

There were no objections to setting either hearing.

11. Report of Keith Dalton, Town Manager

Town Manager Dalton announced the hire of Gregory C. Jacobs as Assistant Town Manager for Administration/Treasurer, effective October 1, and presented a motion that the Town of Berryville, in accordance with §5.1 of the Town Charter, appoint Gregory C. Jacobs to the position of Assistant Town Manager for Administration / Treasurer, with such appointment becoming effective on October 1, 2019.

Council member Gibson moved that the Town of Berryville, in accordance with §5.1 of the Town Charter, appoint Gregory C. Jacobs to the position of Assistant Town Manager for Administration / Treasurer, with such appointment becoming effective on October 1, 2019. Council member Rodriguez seconded the motion.

Mr. Dalton clarified that Mr. Jacobs would join the staff on September 3 for a period of overlap with current Treasurer Desiree Moreland, but that he would officially become treasurer, assuming the duties particular to that role, on October 1.

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

Mr. Dalton asked for authorization of the issuance of IFB #03-19, which he said had been sent to the Council last week. He said it would allow the Town to use recommended firms for various projects involving installation and repair of concrete.

**Recorder Arnold made a motion for authorization of issuance, seconded by Council member McDonald.**

Mayor Dickinson asked when work was scheduled to begin. Mr. Dalton said there was no specific project but that the measure would allow contractors to submit per-unit pricing. He said he would like to have some work done before winter, and more in the spring.

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

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

Council member Gibson said the committee would next meet on September 26 at 10:30 a.m.

She presented a resolution for the charging off of delinquent personal property taxes for tax year 2013:

WHEREAS Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for tax year 2013, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this ninth day of July, 2019, that the attached list of delinquent personal property taxes for tax year 2013 shall be charged off the tax records of the Town of Berryville as uncollectible.

**Council member Gibson moved that the resolution be accepted, seconded by Council member McDonald.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

Council member Gibson also presented a resolution authorizing the Town to publish the names of persons delinquent on their personal property and real estate taxes:

I hereby move that the Council of the Town of Berryville authorize publication of the names of those delinquent for personal property and real estate taxes pursuant to Section 58.1-3924 of the Code of Virginia, As Amended.

**Council member Gibson moved for acceptance of the motion, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**  
**Abstain: None**

13. Report of Kara Rodriguez – Chair, Community Development Committee

Council member Rodriguez said the committee had met in June and discussed the MOU and that it would be working on a scope for the branding and marketing study included in the recently adopted budget.

Council members agreed that the committee would next meet as regularly scheduled on Monday, July 22 at 2:00 p.m. Council member Rodriguez said the committee would begin its revisions to the MOU, and that it would like for the Council to be comfortable with the branding and marketing scope before issuing it.

14. Report of Donna McDonald -- Chair, Public Safety Committee

Council member McDonald said the committee had met and discussed Chapter 20 of the Town code, which deals with assemblies and parades. She praised Chief White and Town Manager Dalton for the straightforwardness of the permit forms, and said that the chapter is ready for re-adoption. She said the committee had also discussed the high number of calls, including lift-assist calls, for police lately, the large number of alarms, and the need to consider budgeting for a new officer, considering the increased activity and the influx of new residents.

Chief White addressed the Council, explaining that the code revision enabled events of all types to be handled with one type of permit, and that legal counsel as well as the committee had reviewed the changes. He said that §10-7 had been revised to allow the town manager to manage traffic for special events, and that §9-34 had been amended, using verbiage taken from the state code, to provide regulations applicable to carnivals and circuses.

Chief White noted the large number of mental health calls and said he would be providing more specific data on that. He said there had been 49 such calls in two months and that each call can consume eight to twenty hours for two officers. He said that the Crisis Intervention Team was now operational, as of July 8, and that 19 agencies were involved.

Council member McDonald asked Chief White how the July 29 bike safety event had gone, and he said it had been a success. He also mentioned National Night Out, which is scheduled for August 6.

15. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison said that the main point of discussion in the committee's June meeting had been Rappahannock Electric Cooperative and a pilot project for improving

lighting conditions downtown. She said there had also been a discussion of adjusting lighting for LED's and the possibility of a uniform lighting standard for the Town. She said that the stormwater reports had not been ready, that the discussion of them had therefore been postponed, and that the committee would next meet on August 27 at 10:30 a.m. She said the Town had applied for a Transportation Alternatives Program grant for dealing with sidewalk gaps on Mosby Boulevard.

16. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointments, and Policy Committee  
Recorder Arnold had nothing to report.

17. Closed Session  
No closed session was scheduled.

18. Other  
Mayor Dickinson reminded the Council that there would be no regular meeting in August.

Council member McDonald said that the Public Safety Committee would next meet on August 28 at 2:00 p.m.

Council member McDonald said that she had been embarrassed by Mayor Dickinson's newspaper article and that the article had made the Council seem irresponsible.

19. Adjourn

There being no further business, **Council member Harrison made the motion to adjourn the meeting, seconded by Council member McDonald. The motion passed by consensus.**

The meeting adjourned at 8:16 p.m.

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**July 22, 2019**

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A meeting of the Berryville Town Council Community Development Committee was held on Monday, July 22, 2019 at 2:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

Members of the committee present: Kara Rodriguez, Chair; Diane Harrison; Donna McDonald

Staff present: Keith R. Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk

Press present: none

**1. Call to Order**

Chair Rodriguez called the meeting to order at 2:01 p.m.

**2. Approval of Agenda**

Council member McDonald moved for approval, seconded by Council member Harrison. The motion passed.

**3. Discussion: Branding and Marketing Scope of Work**

Chair Rodriguez provided committee members and staff with a draft scope of work of matters the Town Council will need to consider in soliciting and evaluating proposals for a branding and marketing study for the Town of Berryville.

Chair Rodriguez said she had not intended the summary to be overly specific or to provide excessive guidance, but as a means of giving shape to an unfamiliar subject.

Town Planner Dunkle asked to whom specifically the Town was to be marketed. Chair Rodriguez said the summary was a starting point and was of a general nature.

Ms. Harrison recommended doing the study and then the branding, saying it was important that identification of the target market occur first. Chair Rodriguez concurred.

Chair Rodriguez asked about the status of the hotel feasibility study. Ms. Dunkle said the survey has been distributed and that the study likely would be ready soon. Town Manager Dalton asked what was to be done with the draft scope of work Chair Rodriguez had provided.

Chair Rodriguez suggested that the full Council should see it and that Council wants the scope of work in order to prepare a request for proposal. Mr. Dalton said the Council should be very involved in the scope and suggested that it be discussed in the Council's regular meeting on September 10. He said that staff would generate the RFP if given the scope by the Council. Ms. McDonald asked how much money was available, and Chair Rodriguez and Mr. Dalton said \$15,000. Ms. Harrison said the RFP should be done in such a way that marketing and branding could be kept separate. She said the marketing study is the key, and Chair Rodriguez concurred.

Ms. McDonald asked Ms. Dunkle about new businesses in Berryville within the last six months. Ms. Dunkle said that two had relocated to Berryville and that two more were coming up.

#### **4. Discussion: Economic Development/MOU with Clarke County**

The committee began a point-by-point discussion of an update to the MOU between the Town and County that had been adopted in September 2014.

Chair Rodriguez asked whether point one, which calls for the establishment of joint management of economic development and tourism, had been acted upon. Ms. Dunkle said it had not, and Chair Rodriguez said that such joint management was essential. Mr. Dalton said the Town and County administrative officials must be able to provide clear direction and oversight, and that periodic meetings of staff are needed. Ms. McDonald expressed concern that upcoming personnel changes in County administration could cause delay.

Ms. McDonald asked whether the Town had established that the County is interested in economic development and tourism. She said that the County wants green space very much, and asked how an increase in other types of development could be achieved. Ms. Dunkle said that the input of the Town was necessary on this point and that the two must work together.

Ms. Harrison said that point one in the update to the MOU was too vague and that it did not provide sufficient detail regarding how the joint management of economic development and tourism was to be achieved. Chair Rodriguez said periodic meetings would be good and that they should occur quarterly at a minimum.

Mr. Dalton said the Town must bring funding to the project and that the committee must convince the Council of this necessity. He said the business park was important, that it had diversified the tax base, increased employment, and enabled the area to retain businesses that might otherwise have moved. He said the expansion of the business park should be treated seriously in the economic development plans of both the Town and County.

Ms. Dunkle suggested a review of the business partnership district to update the current and future anticipated uses.

Ms. Harrison said it was necessary to consider technological and internet capabilities, and to have someone involved who can negotiate with technology companies. Mr. Dalton and Ms. Dunkle said that coordination with state agencies is also crucial. Ms. Dunkle said that clarity is necessary first.

Ms. McDonald asked whether joint development by the County and Town depended on the funding the Town brings to it. Mr. Dalton said that the Town was responsible for a \$90,000 reduction in the County's revenue and that it is likely that they will need funding to address this need.

Point two in the MOU updates calls for the establishment of single points of contact for economic development and tourism. Mr. Dalton said it needed more nuance and more emphasis on team effort. He said the Town and County can understand only so much about each other's systems and that the County economic development director could draft a portfolio or inventory with input from the Town and use it as a selling tool.

Ms. McDonald asked whether the County would expect the Town to contribute 50 percent. Mr. Dalton said he hoped not but that the Town must provide more than a token amount of funding as the price for having a role in the process. Ms. McDonald said the new water plant might be helpful.

Point three in the update to the MOU calls for the creation of a joint committee for economic development and tourism. Chair Rodriguez said that such a committee exists but does not meet regularly. She asked whether it should continue meeting after the new committee is created. Ms. Harrison said more frequent meetings were necessary and that the current committee should meet twice annually. Chair Rodriguez concurred. Ms. Harrison asked about the possibility of joint work sessions every six months by the Town Council and County Board of Supervisors instead of having a committee.

Point four of the MOU updates calls for the hire of an economic development director. Ms. Harrison said it should not be a contractor, but an outright hire. Chair Rodriguez suggested the possibility of someone semi-retired. A brief discussion of full-time versus part-time occurred, with the consensus being that a full-time position was desirable in order that the director's energies not be divided. Mr. Dalton said that the director must have something definite to sell. Chair Rodriguez asked whether the director could help promote downtown events.

The committee skipped to point seven, which calls for the identification and mitigation of real and perceived barriers to economic development. There was general agreement that this point should come first. Ms. Dunkle said it should be carried out by a professional with a perspective from outside the community. Mr. Dalton reiterated the importance of an expanded business park, and Ms. Dunkle emphasized the importance of the hotel.

Point eight calls for joint regulatory review by planning directors, and Ms. Dunkle said discussion is occurring and is working well.

Due to time constraints, the committee moved on to the next agenda item.

## **5. Discussion: John Rixey Moore Playground**

Mr. Dalton provided the committee with photos, specifications, and prices for various playground accessories the Town is considering purchasing from GameTime. He said the total budget is \$60,000 and that the total for the items he had asked GameTime to price would be approximately \$45,000. A

discussion of the suggested equipment options occurred. Mr. Dalton said it was desirable to minimize expansion of the fall zone in order to hold down the cost. He also said that if Town Public Works removed the existing playset it would save \$3,000. He noted that this work and savings are factored into the current estimate. He the parking lot could be used as a staging area for playground construction instead of being refurbished at the next opportunity.

Chair Rodriguez and Mrs. Harrison provided information on playground equipment that they would like taken under consideration as the next plan and estimate are developed.

## **6. Closed Session**

There was no closed session.

## **7. Other**

The committee briefly discussed two Clarke County tourism brochures.

Chair Rodriguez asked about a desirable date for the next meeting. She said the committee could collaborate with Mr. Dalton on the scope and provide it to the Council for its September regular meeting. Ms. Dunkle said another month might be needed for creation of the draft RFP.

The committee agreed to meet next on August 26 at 2:00 p.m.

## **8. Adjourn**

There being no further discussion, the meeting was adjourned at 3:35 p.m.

**BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**August 27, 2019**

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A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, August 27, 2019 at 10:30 a.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

Members of the committee present: Diane Harrison, Chair; Mayor Pat Dickinson

Other member of Town Council Present: Kara Rodriguez

Staff present: Keith R. Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk

Press present: Mickey Powell, Winchester Star

Also present: Ron Mislowsky, representing Pennoni Associates

**1. Call to Order**

Chair Harrison called the meeting to order at 10:29 a.m.

**2. Approval of Agenda**

The agenda was approved by consensus.

**3. Discussion: Pennoni Associates Stormwater Study**

Chair Harrison introduced Mr. Mislowsky, who had been invited to give a presentation on Pennoni Associates' Northwest Quadrant Storm Study. She said the report should be viewed as preliminary, that it was an evaluation intended to identify basic elements of improvements that might mitigate some aspects of stormwater drainage and provide elected officials with cost estimates for those improvements. She explained that the initial estimates in the report would likely require further refinement. She said the routing identified in the report is schematic and might require modification as work proceeds. She said the process likely would involve discussions between the committee, Town Council, staff, and property owners; additional refinement to the designs and cost estimates if needed; and budgeting by the Town Council. She said that if the Council decides to proceed, the process will then involve creation of engineering plans and acquisition of easements, placing the project out to bid, and contracting with a firm to complete the work. She explained that members of the public present at the meeting would have an opportunity to ask questions following the engineer's presentation and

committee/staff discussion, and asked that members of the public withhold their questions and comments until then.

Mr. Mislowsky began by explaining that the Town had contacted Pennoni Associates about how to alleviate drainage problems in the northwest quadrant and what the associated measures would cost. He cited three study areas: the end of Ashby and Archer Courts, Dorsett and Treadwell Streets, and the Jackson Drive pond and drainage area. He said the schematic drawings and cost estimates were provisional.

Mr. Mislowsky said that for Ashby/Archer the study recommends altering the level spreader that is now in place. He said some fill on a lot has diverted water from a drainage swale. He proposed that discharge be rerouted from south to east, but said the flow would empty to Walnut Street where there is no room for creating a ditch without impinging on the front yards of residences on the north side of Walnut. He said a French drain is possible to link the discharge with an existing storm sewer. He said the estimated total cost of the project was \$78,000.

Mayor Dickinson pointed to a particular lot and asked whether the proposed changes would increase the amount of water there. Mr. Mislowsky said the water would continue to pond but in a different direction. The mayor asked whether this was just moving the problem from one place to another, and Mr. Mislowsky replied that extending the underdrain should reduce ponding on the lot in question.

For the Dorsey/Treadwell area, Mr. Mislowsky said the Pennoni study recommends replacing two culverts. He said the Town has cleaned the pipes but there is not a ditch adequate for the discharge, and that traffic and a power pole would create problems in the construction zone. He said a best-case scenario would involve replacing corrugated metal with concrete, regrading ditches, and discharging the water to a level spreader. He added that the underdrain would pick up the flow from the level spreader and carry it to the main swale. He said an alternative would be having a storm sewer to avoid yards, but the culvert is at a low point, with a hill nearby that likely is mostly rock, which would lead to significant expense. Mr. Mislowsky said the total cost would be \$50,111 without diversion and \$88,000 for full construction.

Chair Harrison asked how much impact the project would have in comparison with what has been done already. Mr. Dalton asked about the depth of the ditches. Mr. Mislowsky said they would be 15 to 18 inches deep. Mr. Dalton said grading of easements in front yards would be necessary and a challenge. He noted that property owners would likely be displeased with the appearance of the ditches and that maintenance might be a challenge.

Mayor Dickinson asked whether there might be options other than open ditches, such as underdrains. Mr. Mislowsky said pipes are a possibility, adding that velocities would be higher and that some

environmental impacts would occur. He said pipes would not be as good as a level spreader and would be more expensive. Mr. Dalton said pipes would exacerbate the problem posed by the power pole.

Mr. Mislowsky said that where Academy Street Extended intersects with Dorsey there is no culvert to the southeast or southwest but there is one between Academy and Main Street. He said water could be directed to a culvert via an 8" pipe down the right of way to a pipe halfway between Academy and Main.

Mr. Mislowsky said water from Jackson Pond is discharged via two pipes through an easement to Dorsey Street, then through a pipe across the street to a ditch, then through a swale to the main swale. He said the slope is not ideal. He said the pond had been designed to drain 109 acres of Battlefield Estates, an area which subsequently became the new high school and which no longer drains into Jackson Pond.

Mr. Mislowsky discussed the time it takes for the pond to empty. He said time and volume could be reduced by increasing the orifice from three inches to six, which would increase the speed of outflow with minimal impact downstream. He said another possibility would be a new structure by West Main to connect to the new storm sewer installed by the high school. He said it was two feet higher than the bottom of the pond, so half the flow could be diverted to the other side of Main.

There was a discussion of two-, 10-, and 100-year storm events.

Mr. Mislowsky noted that last year's rainfall had exceeded the known record.

Chair Harrison asked about the condition of the swale just east of Dorsey Street near Ms. Ivie's home. Mr. Mislowsky said cleaning out along the fence would be the first step, or possibly reaching an agreement with property owners to move the fence.

Mayor Dickinson asked about the possibility of a drain to remove water from the area. She said she had seen standing water in Jackson Pond only once or twice and that water runs out of it without delay. She asked why a larger orifice to speed drainage would be desirable. Mr. Mislowsky said that if the pond works well, no modifications should be necessary.

Mr. Dalton clarified that the measures under discussion would not address groundwater issues.

Chair Harrison recognized George Dellinger, who discussed his property on West Main Street. He and Kathleen Dellinger noted that water was causing a portion of their parking lot to heave. They stated that development of a lot north of their location might have caused their problem.

Chair Harrison and Mr. Dalton discussed whether runoff from one house could have such a strong localized effect on groundwater and said it would be necessary for engineers to study it.

Chair Harrison recognized Tony Reynolds, who said he has witnessed standing water along lots on Dorsey and Treadwell.

Chair Harrison recognized Claudia Vivanco, who recommended the use of a water wheel in Jackson Pond to control the flow as needed.

Mr. Mislowsky and Mr. Dalton said a gate valve was theoretically possible but someone must make the decision to open a valve and send water somewhere, and people downstream might not be appreciative.

There was a discussion about the expense and process of modifications along Main Street.

Chair Harrison recognized Jerry Van Voorhis, who said water sits and accumulates around his property. He said a real solution and not just remediation was necessary and that the problems in his locale were being ignored.

Mr. Dalton asked Mr. Van Voorhis why he thought his problems were being ignored. Mr. Van Voorhis explained that we must look beyond remediation and pursue larger solutions. Mr. Dalton said that citizens and elected officials ultimately would determine whether measures beyond remediation would occur. He said the Pennoni report's recommendations were intended to be low-impact, that stronger measures might not be attractive, and that a series of tradeoffs was involved. He noted that the schematic plans did address conditions on the property in question.

Chair Harrison recognized Steve Wisecarver, who asked whether underground drains would be under a swale or flatted on top. Mr. Mislowsky and Mr. Dalton described the conditions proposed.

Mr. Dalton said the information in the study was all schematic and very basic, a tool for staff, Town Council, and citizens to use in deciding how best to proceed. He said the process would involve the committee discussing the possibilities further, including discussions with engineers, and making recommendations to the Council, which also would discuss matters and confer with engineers. After budgeting is in place, staff would deal with plans, estimates, and easements before accepting bids.

Chair Harrison recognized Alton Echols, who said that if there are no problems with the pond, water should be kept there longer. He said the pipes are too small all the way up Route 340 and that the plan proposed by Pennoni is as good as possible.

Chair Harrison recognized Mary Ivie, who said ditches are not properly maintained and that silting-over is a problem. She asked whether the proposed changes would enhance flow. There was a discussion about ditch maintenance.

Chair Harrison recognized Chris Crawford, who thanked the Town for taking action and asked what else could be done with the current easements. Mrs. Crawford asked whether neighbors could be prevented from draining pump water onto each other's properties and said that water is never getting to Jackson Pond.

Mr. Dalton said that sump pump water will follow its own laws of movement.

Chair Harrison, Mr. Dalton, and Ms. Mislowky discussed differences in the design of the Jackson and high school ponds.

Mr. Dalton concluded the discussion by stressing the importance of not taking measures that merely transfer a problem from one place to another.

#### **4. Closed Session**

There was no closed session.

#### **5. Other**

There was no other business.

#### **6. Adjourn**

The meeting adjourned by consensus at 12:56 p.m.

# Unfinished Business

**Town Council Agenda Item Report Summary  
September 10, 2019**

**Item Title**

Unfinished Business – Approval of minutes of the June 11, 2019 Town Council regular meeting

**Prepared By**

Keith Dalton, Town Manager

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**Background/History/General Information**

This matter was originally placed on the July 9, 2019 consent agenda but was removed by Mayor Dickinson so that proposed amendments to several sections could be considered. The Council discussed the proposed changes but no agreement was reached.

On July 19, 2019 staff provided the Council with a portion of the subject meeting's recording and a copy of the draft minutes as submitted at the July meeting.

**Findings / Current Activity**

Staff has prepared a marked up version of the draft minutes in which they attempted to amend the minutes as requested by Mayor Dickinson.

**Financial Considerations**

None

**Schedule/Deadlines**

It is preferable to have minutes approved in a timely manner but no deadline for approval of meeting minutes exists.

**Other Considerations**

None

**Attachments**

- Email from Keith Dalton to Town Council dated July 19, 2019
- Minutes of the July 9, 2019 Town Council regular meeting (as submitted to the Council on July 9, 2019)
- Minutes of the July 9, 2019 Town Council regular meeting (marked up to include amendments requested by Mayor Dickinson)

**Recommendation**

None

**Sample Motion**

I move that the Council of the Town of Berryville approve the minutes of the June 11, 2019 regular meeting as submitted / as amended.

## Keith Dalton

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**From:** Keith Dalton  
**Sent:** Friday, July 19, 2019 4:58 PM  
**To:** Keith Dalton  
**Cc:** TownClerk  
**Subject:** Concerns expressed about the Draft Minutes of the 11 June 2019 Town Council Meeting  
**Attachments:** Barns of Rose Hill.m4a; Draft Minutes Town Council Meeting 06.11.2019.pdf

TC:

As you will recall, the minutes of the 11 June 2010 Town Council meeting were not approved in July. The minutes in question were not approved because of disagreement about how a portion of the discussion concerning the Mayor's FOIA request was summarized.

I took the liberty of duplicating the recording of a portion of the 11 June 2019 Town Council meeting. The audio file of that recording is attached to this email. The portion that I recorded begins at approximately 13 minutes and 14 seconds into the meeting and ends at approximately 23 minutes and 40 seconds into the meeting. Pat has a copy of the entire meeting recording and I can make that available to anyone who wants to have it for their review. Just let me know if you need that recording.

I have also attached a copy of the draft minutes of the 11 June 2019 Town Council meeting (as presented at the meeting).

I offer this information now to permit you time to review this matter prior to the September meeting.

Take care,

Keith

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

V 540.955.1099  
F 540.955.4524

-----Original Message-----

**From:** Keith Dalton  
**Sent:** Friday, July 19, 2019 4:36 PM  
**To:** Keith Dalton <townmanager@berryvilleva.gov>  
**Subject:** Barns of Rose Hill

As Submitted

MINUTES  
BERRYVILLE TOWN COUNCIL  
Berryville-Clarke County Government Center  
Regular Meeting  
June 11, 2019  
7:30 p.m.

**Town Council:** Present--Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

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

**Press:** Mickey Powell, 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

4. Mayor Dickinson inquired whether there were any amendments or revisions. Mr. Dalton said that he recommends adding a closed session for personnel purposes.

**Council member Harrison made the motion to approve the amended agenda, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

5. Public Hearing

None scheduled

6. Citizens' Forum

No one came forward to speak.

7. Consent Agenda

Mayor Dickinson said there were three items on the agenda: the regular meeting of May 14, the Water and Sewer work session of May 10, and the Personnel meeting of May 28.

Recorder Arnold made the motion to approve the consent agenda, seconded by Council member Harrison.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

8. Presentations

No presentations were scheduled.

9. Report of Patricia Dickinson, Mayor

Mayor Dickinson discussed her FOIA request sent to Mr. Dalton on May 16, about which she said multiple members of the Council had raised concerns. She presented questions concerning whether Council members should make FOIA requests and, if so, whether the appropriate email account would be Town or private; whether the submission of her FOIA request to the town manager was appropriate; whether a FOIA request from a Council member would create a conflict of interest; the escalation path for resolution of questions regarding responses to FOIA requests; whether her own request constituted a violation of the Town Code; and whether the assignment of the FOIA officer role to the town manager was fiscally responsible. She recommended that the Town immediately appoint a FOIA officer other than the town manager, and an alternate.

Council member Harrison said multiple council members had raised questions about the matter because it appeared to them that it had become a personnel issue. She said the mayor's request for a meeting to address her concerns had not been specific regarding her objectives and that a routine request for information would have sufficed in lieu of a FOIA request. The mayor said she had wanted to be sure of obtaining all of the needed information and that she intended the FOIA request as an example of how the process currently works. She also expressed concerns about the opportunity cost of the manager handling FOIA requests, considering the manager's fiscal compensation, and recommended that the lowest-paid qualified person carry out FOIA responsibilities.

Recorder Arnold affirmed the right of anyone, whether an official or not, to make a FOIA request, but stated that Mayor Dickinson's use of her title in the request, and her follow-up upon receiving information she deemed insufficient, had created complexities and

ambiguities. He said the mayor's objectives in asking for a meeting had been unclear. He said he had no objection to the town manager handling FOIA requests and that a conflict had arisen owing to personnel and processes being questioned.

Council member McDonald expressed bafflement with the amount of time expended on the matter and objected to the use of a FOIA request as an attempt to generate an example of the quality of administrative processes.

The mayor said the Town was losing money and that this was her concern, suggesting that Leslie Kelley in the Police Department would have been the appropriate person to act as FOIA officer. Ms. McDonald said the use of a FOIA request as an example was itself costly. She said that Mr. Dalton had acted correctly.

Council member Rodriguez noted the variety of the town manager's responsibilities and suggested designating a FOIA officer and an alternate and moving on.

Council member Gibson noted that the Town has had five clerks in three years, and questioned the appropriateness of a Council member making a FOIA request at a time when Mr. Dalton is preoccupied with more pressing business. She suggested that in the absence of a clerk, Mr. Dalton was possibly the best person to handle FOIA requests.

There was no further discussion. The mayor noted that the Town had recently experienced difficult times owing to the deaths of resident Paul Jones and Town employee Stephen Lilly.

**Council member Gibson made the motion to approve a resolution honoring Paul R. Jones, seconded by Council member McDonald.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

**Council member McDonald made the motion to approve a resolution honoring Dorothy Lee Broy Grubbs, seconded by Council member Gibson.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**

Dickinson: Aye

Abstain: None

Mayor Dickinson then referenced a proclamation honoring Paul R. Jones's service on the Council and ordering the Town flag at the Government Center flown at half-staff and the ceremonial drape placed above the entrance from June 5 to June 13.

The mayor said she had also signed a proclamation honoring Stephen Donald Lilly for his service with the Utilities Department and ordering the Town flag at the Government Center flown at half-staff and the ceremonial drape placed above the entrance from May 29 to June 5.

The mayor also recognized Daniel Marsden with a proclamation congratulating him for attaining the rank of Eagle Scout.

Mayor Dickinson asked the Personnel Committee to establish a policy for the issuance of proclamations and present it to the Council for a vote, in order that surprises might be avoided.

The mayor concluded her report by commending everyone who worked on the park for Memorial Day.

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

Recorder Arnold said he had nothing to report.

Council member Harrison inquired whether the mayor had yet drafted a letter about the plaque honoring the veterans that was discussed in the May meeting. Mayor Dickinson said she had not, as she did not yet know how the Town was proceeding in the matter. Recorder Arnold said the mayor had been present at the meeting at which the plaque and the particulars of its size and location were approved.

Mayor Dickinson said that in the last meeting at which she had asked about the status of the plaque, Mr. Dalton had told her that the building manager, Mr. Ash, was working on it. She said she had not heard of the plaque being approved by the County and that she had received no directions concerning the purchase of the plaque. Recorder Arnold said the Building Committee had approved the plaque and that the matter did not require further submission to the Council or the County for approval.

The mayor said she apparently had missed something and that she would notify the Committee that it could purchase the plaque. Recorder Arnold said that he understood from reading the minutes that the Committee had disbanded in December, so there is now no committee to handle the matter. Mayor Dickinson said she was at a loss. She said the VFW is holding the funds and has appointed someone to purchase the plaque for presentation to the Town and County, but that she had not received approval to proceed with the purchase.

Recorder Arnold stated that the mayor had previously said she would be the one to take care of the matter. Mayor Dickinson then read from Item 18, page six of seven in the meeting minutes, in which the record indicates that she had asked about the status of the plaque and that Town Manager Dalton had said he believed the Building Committee had put it in the hands of Mr. Ash as building manager and that he, Mr. Dalton, would follow up with Mr. Ash. The minutes said she wanted to send a letter of thanks to the VFW, American Legion, and Marine Corps League for donating the plaque and that she would draft a letter and send it to Council members for comment. She said that none of the meeting minutes or any emails indicate that she was told to let them know they could purchase the plaque.

Recorder Arnold reiterated that the mayor had placed herself in charge and said that it was impossible to notify a committee that had been disbanded. He said he had stated last month that the County was not purchasing the plaque. He had spoken with Mr. Weiss to see that follow-through occurred. He said the plaque has been approved.

The mayor said that her understanding was that the VFW was holding the funds and awaiting approval from Town and County, but that she had not been notified. The discussion concluded with Mayor Dickinson stating that if the County has approved the project and the funding has been established, and if all that is now necessary is for her to instruct the VFW to purchase the plaque, she will give that instruction.

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

Ms. Dunkle presented a resolution requesting the acceptance of McNeil Drive into the Public Street System. She said that with the completion of McDonald's the street now has three users, which qualifies it for inclusion.

**Council member Gibson made the motion to approve, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

Town Manager Dalton praised McDonald's for its cooperation with the Town in bringing McNeil Drive into the secondary system, and Mayor Dickinson said McDonald's had praised the Town as well.

Ms. Dunkle also presented a motion for approval of a public improvement bond for Coloma River in the amount of \$45,000 for crossing First Street in three locations in order to access a public water main prior to paving scheduled on or after July in association with a Coloma River development

project. Mr. Dalton said the project must proceed promptly if the agreed-upon paving standard and costs are to be maintained.

Council member McDonald asked for clarification about Coloma River and what businesses would be included in the new development. Ms. Dunkle said that Coloma River had purchased the former Smalley Packaging buildings and that a cidery was likely moving into one of the buildings.

Council member Gibson asked how residents would be affected by the project and whether they would receive sufficient notice of inconveniences. Mr. Dalton said that traffic disruptions would occur and that a traffic-control plan is required by the applicant but that no serious interruptions are expected. He said that Code Red would be used for notifications as necessary.

**Council member Gibson made the motion to approve, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

#### **12. Report of Keith Dalton, Town Manager**

Mr. Dalton commended the Town for its handling of the recent Lilly fatality, and praised Lilly's performance during his employ.

Mr. Dalton said that the Town and the company from which it leases copiers have been discussing a lease update and new equipment, and that some agreements require the persons executing them to certify the passage of a resolution authorizing them to do so. Mr. Dalton presented a resolution authorizing the Town Manager to execute such agreements providing for goods and/or services of a value not exceeding \$100,000 over the term of any such agreement.

**Recorder Arnold made the motion to approve, seconded by Council member McDonald.**

Mayor Dickinson asked whether an expiration date was necessary. Mr. Dalton said no, that an agreement could be revoked at any time, but that an expiration date would not be a bad idea. After brief discussion, the mayor concluded that the tracking of such a date would add unnecessary complication.

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

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

**Council member Gibson moved for approval of the fiscal year 2019-2020 budget and appropriations, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

Council member Rodriguez proposed that the Committee begin working toward a long-range financial sustainability plan, beginning July or later. Various summer dates were suggested. Ms. Rodriguez said the plan should deal not just with capital expenditures but also with general government expenses and with debt service. She recommended proceeding before the Town addresses next year's budget, but agreed with the mayor that the matter could wait until the new treasurer is on board. Ms. Gibson said that if such a plan probably is desirable, the Town needs a system or tool.

Mayor Dickinson asked about the status of online bill payment. Ms. Moreland said Heather Halterman is working on it and has obtained additional information on software integration. Mr. Dalton said he would like to move forward by the end of the summer, which Ms. Moreland said is possible. Various dates were discussed, with September being most promising.

The mayor thanked Ms. Moreland for the quantity of data in her ACH transactions report.

Recorder Arnold said the Town needed to reach a decision on water and sewer rates and availability fees as soon as possible. Council member McDonald said that the water and sewer issue should be resolved before the Town addresses online payment, that the Town should give priority to major, critical issues and avoid bogging down in other matters. Council member Gibson said online payment was badly needed and that plans for a September discussion did not constitute not an overly aggressive timetable.

14. Report of Kara Rodriguez – Chair, Community Development Committee

Council member Rodriguez said the Committee's next meeting was set for June 24. She said she had consulted with Town Manager Dalton regarding the economic development MOU with the County and that the Town is waiting for the County to put it on the calendar. Mr. Dalton said the County was ready and that all that was needed was to agree upon a time.

Council member Rodriguez said she might sit in on that meeting to listen. Mr. Dalton pointed out that the newly approved budget provides funds for the playground. Council member Rodriguez said the branding and marketing study was also included and requires discussion.

15. Report of Donna McDonald – Chair, Public Safety Committee

Council member McDonald had nothing to report.

Police Chief White said the next meeting would be June 26.

Mayor Dickinson said the plastic covers on numerous parking meters had become discolored, making the meters difficult for motorists to read. She suggested checking to see whether those meters were still under warranty.

16. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison said the Committee had not met and would next convene on June 25.

Mr. Dalton discussed the preliminary engineering reports on drainage areas on Jackson Drive, Dorsey Street, and Archer and Ashby Courts, which he said are expected to be submitted by June 20. The mayor asked the reason for the tardiness, and Mr. Dalton said matters had been complicated by a death in the organization. The mayor said that this was the second consecutive contract on which Pennoni had been late. She expressed concern that the delay would prevent the Council from dealing with the matter until after the peak rainy season.

Council member McDonald reiterated the importance of avoiding delays. Council member Harrison said the Town could not act on the study immediately because it was awaiting another one also. Council member Gibson said the funds necessary for proceeding had not yet been appropriated. Council member McDonald asked whether the solution of the drainage problem would guarantee stoppage of house flooding. Mr. Dalton replied that the water table is very high and that the problem is not localized, and said the main objective is to improve surface drainage in specific areas. Council member McDonald said it was important for the public to know that there are no guarantees. Mr. Dalton said the money for the project has not yet been set aside but that the study would provide an indication of the best means and the cost.

Council member Gibson, Mr. Dalton, and Council member McDonald briefly discussed the completion of the new Public Works facility.

17. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointments, and Policy Committee  
Recorder Arnold said that interviews for the hiring of the new treasurer are proceeding.

18. Closed Session

Recorder Arnold moved that the Council move into closed session, seconded by Council member Gibson.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

The Council departed the chamber and went into closed session at 8:57 p.m. and reconvened in open session at 9:33 p.m.

Council member Rodriguez moved that the Council reconvene in open session, certifying that the Council had moved into closed session pursuant to a recorded affirmative vote in accordance with the Virginia Code and the Freedom of Information Act and had discussed only public business lawfully excluded from open meeting requirements and that only those matters identified in the motion convening the closed meeting were heard, discussed, or considered.

Council member McDonald seconded.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

19. Other

Council member Harrison requested that Mr. Dalton formally introduce newly hired Town Clerk Paul Culp. Mr. Dalton complied, stating that Mr. Culp would be especially helpful with regard to correspondence and resolutions.

Mayor Dickinson said that she would step away from Public Safety until matters related to trash were again the topic.

20. Adjourn

There being no further business, Council member Rodriguez made the motion to adjourn the meeting, seconded by Council member Harrison. The motion passed by consensus.

The meeting adjourned at 9:38 p.m.

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

Markup

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**June 11, 2019**  
**7:30 p.m.**

**Town Council:** Present--Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

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

**Press:** Mickey Powell, 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

Mayor Dickinson inquired whether there were any amendments or revisions. Mr. Dalton said that he recommends adding a closed session for personnel purposes.

**Council member Harrison made the motion to approve the amended agenda, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

4. Public Hearing

None scheduled

5. Citizens' Forum

No one came forward to speak.

6. Consent Agenda

Mayor Dickinson said there were three items on the agenda: the regular meeting of May 14, the Water and Sewer work session of May 10, and the Personnel meeting of May 28.

Recorder Arnold made the motion to approve the consent agenda, seconded by Council member Harrison.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

7. Presentations

No presentations were scheduled.

8. Report of Patricia Dickinson, Mayor

Mayor Dickinson discussed her FOIA request sent to Mr. Dalton on May 16, about which she said multiple members of the Council had raised concerns. She presented questions concerning whether Council members should make FOIA requests and, if so, whether the appropriate email account would be Town or private; whether the submission of her FOIA request to the town manager was appropriate; whether a FOIA request from a Council member would create a conflict of interest; the escalation path for resolution of questions regarding responses to FOIA requests; whether her own request constituted a violation of the Town Code; and whether the assignment of the FOIA officer role to the town manager was fiscally responsible. She recommended that the Town immediately appoint a FOIA officer other than the town manager, and an alternate.

Council member Harrison said multiple council members had raised questions about the matter because it appeared to them that it had become a personnel issue. She said the mayor's request for a meeting to address her concerns had not been specific regarding her objectives and that a routine request for information would have sufficed in lieu of a FOIA request. The mayor said she had wanted to be sure of obtaining all of the needed information and that she intended suggested the FOIA request as an example of how the process currently works. She also expressed concerns about the opportunity cost of the manager handling FOIA requests, considering the manager's fiscal compensation, and recommended that the lowest-paid qualified person carry out FOIA responsibilities.

Recorder Arnold affirmed the right of anyone, whether an official or not, to make a FOIA request, but stated that Mayor Dickinson's use of her title in the request, and her follow-up upon receiving information she deemed insufficient, had created complexities and

ambiguities. He said the mayor's objectives in asking for a meeting had been unclear. He said he had no objection to the town manager handling FOIA requests and that a conflict had arisen owing to personnel and processes being questioned.

Council member McDonald expressed bafflement with the amount of time expended on the matter and objected to the use of a FOIA request as an attempt to generate an example of the quality of administrative processes.

The mayor said the Town was losing money and that this was her concern, suggesting that Leslie Kelley in the Police Department would have been the ~~appropriate~~ **most cost-effective** person to act as FOIA officer. Ms. McDonald said the use of a FOIA request as an example was itself costly. She said that Mr. Dalton had acted correctly.

Council member Rodriguez noted the variety of the town manager's responsibilities and suggested designating a FOIA officer and an alternate and moving on.

Council member Gibson noted that the Town has had five clerks in three years, and questioned the appropriateness of a Council member making a FOIA request at a time when Mr. Dalton is preoccupied with more pressing business. She suggested that in the absence of a clerk, Mr. Dalton was possibly the best person to handle FOIA requests.

There was no further discussion. The mayor noted that the Town had recently experienced difficult times owing to the deaths of resident Paul Jones and Town employee Stephen Lilly.

**Council member Gibson made the motion to approve a resolution honoring Paul R. Jones, seconded by Council member McDonald.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

**Council member McDonald made the motion to approve a resolution honoring Dorothy Lee Broy Grubbs, seconded by Council member Gibson.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**

**Dickinson: Aye**  
**Abstain: None**

Mayor Dickinson then referenced a proclamation honoring Paul R. Jones's service on the Council and ordering the Town flag at the Government Center flown at half-staff and the ceremonial drape placed above the entrance from June 5 to June 13.

The mayor said she had also signed a proclamation honoring Stephen Donald Lilly for his service with the Utilities Department and ordering the Town flag at the Government Center flown at half-staff and the ceremonial drape placed above the entrance from May 29 to June 5.

The mayor also recognized Daniel Marsden with a proclamation congratulating him for attaining the rank of Eagle Scout.

Mayor Dickinson asked the Personnel Committee to establish a policy for the issuance of proclamations and present it to the Council for a vote, in order that surprises might be avoided.

The mayor concluded her report by commending everyone who worked on the park for Memorial Day.

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

Recorder Arnold said he had nothing to report.

Council member Harrison inquired whether the mayor had yet drafted a letter about the plaque honoring the veterans that was discussed in the May meeting. Mayor Dickinson said she had not, as she did not yet know how the Town was proceeding in the matter. Recorder Arnold said the mayor had been present at the meeting at which the plaque and the particulars of its size and location were approved.

Mayor Dickinson said that in the last meeting at which she had asked about the status of the plaque, Mr. Dalton had told her that the building manager, Mr. Ash, was working on it. She said she had not heard of the plaque being approved by the County and that she had received no directions concerning the purchase of the plaque. Recorder Arnold said the Building Committee had approved the plaque and that the matter did not require further submission to the Council or the County for approval.

The mayor said she apparently had missed something and that she would notify the Committee that it could purchase the plaque. Recorder Arnold said that he understood from reading the minutes that the Committee had disbanded in December, so there is now no committee to handle the matter. Mayor Dickinson said she was at a loss. She said the VFW is holding the funds and has appointed someone to purchase the plaque for presentation to the Town and County, but that she had not received approval to proceed with the purchase.

Recorder Arnold stated that the mayor had previously said she would be the one to take care of the matter. Mayor Dickinson then read from Item 18, page six of seven in the meeting minutes, in which the record indicates that she had asked about the status of the plaque and that Town Manager Dalton had said he believed the Building Committee had put it in the hands of Mr. Ash as building manager and that he, Mr. Dalton, would follow up with Mr. Ash. The minutes said she wanted to send a letter of thanks to the VFW, American Legion, and Marine Corps League for donating the plaque and that she would draft a letter and send it to Council members for comment. She said that none of the meeting minutes or any emails indicate that she was told to let them know they could purchase the plaque.

Recorder Arnold reiterated that the mayor had placed herself in charge and said that it was impossible to notify a committee that had been disbanded. He said he had stated last month that the County was not purchasing the plaque. He had spoken with Mr. Weiss to see that follow-through occurred. He said the plaque has been approved.

The mayor said that her understanding was that the VFW was holding the funds and awaiting approval from Town and County, but that she had not been notified. The discussion concluded with Mayor Dickinson stating that if the County has approved the project and the funding has been established, and if all that is now necessary is for her to instruct the VFW to purchase the plaque, she will give that instruction.

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

Ms. Dunkle presented a resolution requesting the acceptance of McNeil Drive into the Public Street System. She said that with the completion of McDonald's the street now has three users, which qualifies it for inclusion.

**Council member Gibson made the motion to approve, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

Town Manager Dalton praised McDonald's for its cooperation with the Town in bringing McNeil Drive into the secondary system, and Mayor Dickinson said McDonald's had praised the Town as well.

Ms. Dunkle also presented a motion for approval of a public improvement bond for Coloma River in the amount of \$45,000 for crossing First Street in three locations in order to access a public water main prior to paving scheduled on or after July in association with a Coloma River development

project. Mr. Dalton said the project must proceed promptly if the agreed-upon paving standard and costs are to be maintained.

Council member McDonald asked for clarification about Coloma River and what businesses would be included in the new development. Ms. Dunkle said that Coloma River had purchased the former Smalley Packaging buildings and that a cidery was likely moving into one of the buildings.

Council member Gibson asked how residents would be affected by the project and whether they would receive sufficient notice of inconveniences. Mr. Dalton said that traffic disruptions would occur and that a traffic-control plan is required by the applicant but that no serious interruptions are expected. He said that Code Red would be used for notifications as necessary.

**Council member Gibson made the motion to approve, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**Abstain: None**

**11. Report of Keith Dalton, Town Manager**

Mr. Dalton commended the Town for its handling of the recent Lilly fatality, and praised Lilly's performance during his employ.

Mr. Dalton said that the Town and the company from which it leases copiers have been discussing a lease update and new equipment, and that some agreements require the persons executing them to certify the passage of a resolution authorizing them to do so. Mr. Dalton presented a resolution authorizing the Town Manager to execute such agreements providing for goods and/or services of a value not exceeding \$100,000 over the term of any such agreement.

**Recorder Arnold made the motion to approve, seconded by Council member McDonald.**

Mayor Dickinson asked whether an expiration date was necessary. Mr. Dalton said no, that an agreement could be revoked at any time, but that an expiration date would not be a bad idea. After brief discussion, the mayor concluded that the tracking of such a date would add unnecessary complication.

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

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

**Council member Gibson moved for approval of the fiscal year 2019-2020 budget and appropriations, seconded by Council member Rodriguez.**

**Roll call vote as follows:**

**McDonald: Aye**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**  
**Abstain: None**

Council member Rodriguez proposed that the Committee begin working toward a long-range financial sustainability plan, beginning July or later. Various summer dates were suggested. Ms. Rodriguez said the plan should deal not just with capital expenditures but also with general government expenses and with debt service. She recommended proceeding before the Town addresses next year's budget, but agreed with the mayor that the matter could wait until the new treasurer is on board. Ms. Gibson said that if such a plan probably is desirable, the Town needs a system or tool.

Council Member Rodriguez asked about the status of online bill payment. Ms. Moreland said Heather Halterman is working on it and has obtained additional information on software integration. Mr. Dalton said he would like to move forward by the end of the summer, which Ms. Moreland said is possible. Various dates were discussed, with September being most promising.

The mayor thanked Ms. Moreland for the quantity of data in her ACH transactions report.

Recorder Arnold said the Town needed to reach a decision on water and sewer rates and availability fees as soon as possible. Council member McDonald said that the water and sewer issue should be resolved before the Town addresses online payment, that the Town should give priority to major, critical issues and avoid bogging down in other matters. Council member Gibson said online payment was badly needed and that plans for a September discussion did not constitute an overly aggressive timetable.

13. Report of Kara Rodriguez – Chair, Community Development Committee

Council member Rodriguez said the Committee's next meeting was set for June 24. She said she had consulted with Town Manager Dalton regarding the economic development MOU with the County and that the Town is waiting for the County to put it on the calendar. Mr. Dalton said the County was ready and that all that was needed was to agree upon a time.

Council member Rodriguez said she might sit in on that meeting to listen. Mr. Dalton pointed out that the newly approved budget provides funds for the playground. Council member Rodriguez said the branding and marketing study was also included and requires discussion.

14. Report of Donna McDonald -- Chair, Public Safety Committee

Council member McDonald had nothing to report.

Police Chief White said the next meeting would be June 26.

Mayor Dickinson said the plastic covers on numerous parking meters had become discolored, making the meters difficult for motorists to read. She suggested checking to see whether those meters were still under warranty.

15. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison said the Committee had not met and would next convene on June 25.

Mr. Dalton discussed the preliminary engineering reports on drainage areas on Jackson Drive, Dorsey Street, and Archer and Ashby Courts, which he said are expected to be submitted by June 20. The mayor asked the reason for the tardiness, and Mr. Dalton said matters had been complicated by a death in the organization. The mayor said that this was the second consecutive contract on which Pennoni had been late. She expressed concern that the delay would prevent the Council from dealing with the matter until after the peak rainy season.

Council member McDonald reiterated the importance of avoiding delays. Council member Harrison said the Town could not act on the study immediately because it was awaiting another one also. Council member Gibson said the funds necessary for proceeding had not yet been appropriated. Council member McDonald asked whether the solution of the drainage problem would guarantee stoppage of house flooding. Mr. Dalton replied that the water table is very high and that the problem is not localized, and said the main objective is to improve surface drainage in specific areas. Council member McDonald said it was important for the public to know that there are no guarantees. Mr. Dalton said the money for the project has not yet been set aside but that the study would provide an indication of the best means and the cost.

Council member Gibson, Mr. Dalton, and Council member McDonald briefly discussed the completion of the new Public Works facility.

16. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointments, and Policy Committee  
Recorder Arnold said that interviews for the hiring of the new treasurer are proceeding.

17. Closed Session

Recorder Arnold moved that the Council move into closed session, seconded by Council member Gibson.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

The Council departed the chamber and went into closed session at 8:57 p.m. and reconvened in open session at 9:33 p.m.

Council member Rodriguez moved that the Council reconvene in open session, certifying that the Council had moved into closed session pursuant to a recorded affirmative vote in accordance with the Virginia Code and the Freedom of Information Act and had discussed only public business lawfully excluded from open meeting requirements and that only those matters identified in the motion convening the closed meeting were heard, discussed, or considered. Council member McDonald seconded.

Roll call vote as follows:

McDonald: Aye

Harrison: Aye

Gibson: Aye

Rodriguez: Aye

Arnold: Aye

Dickinson: Aye

Abstain: None

18. Other

Council member Harrison requested that Mr. Dalton formally introduce newly hired Town Clerk Paul Culp. Mr. Dalton complied, stating that Mr. Culp would be especially helpful with regard to correspondence and resolutions.

Mayor Dickinson said that she would step away from ~~Public Safety~~ the Public Safety Committee until matters related to trash were again the topic.

19. Adjourn

There being no further business, **Council member Rodriguez made the motion to adjourn the meeting, seconded by Council member Harrison. The motion passed by consensus.**

The meeting adjourned at 9:38 p.m.

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

**Town Council Agenda Item Report Summary  
September 10, 2019**

**Item Title**

Unfinished Business – Downtown Street Light Pilot

**Prepared by**

Keith Dalton, Town Manager

---

**Background/History/General Information**

On June 25, 2019, the Streets and Utilities Committee discussed lighting issues with officials from Rappahannock Electrical Cooperative. During that discussion, the Committee expressed its concern regarding lighting in Berryville's Downtown, noting that well-lit areas are more inviting to customers. The Committee discussed improving lighting in a few locations in order to evaluate the change.

On July 9, 2019, the Town Council discussed street lighting and directed staff to provide a recommendation regarding a Downtown Street Lighting Pilot for review at the September 10, 2019 Town Council meeting.

**Findings / Current Activity**

After discussing the matter with REC, staff provided their recommendation in this matter to the Council on July 26, 2019.

**Financial Considerations**

REC has agreed to install the lights identified in the Town Manager's email of July 26, 2019 at no cost. If the pilot is expanded, then REC may decide to install the additional lights at no cost or may determine that it must charge for the additional work.

When higher wattage lights are installed, the monthly tariff for the lights in question will be adjusted.

**Schedule/Deadlines**

Once REC is informed of Town Council's decision in this matter, staff expects new light installation to be completed with 45 days.

**Other Considerations**

The Council should consider directing staff to send property owners in the pilot area notice of the project. The notice would inform property owners of the project and request feedback.

**Attachments**

- Email to Town Council from Keith Dalton dated July 26, 2019 and map

**Recommendation**

Approve the Downtown Street Light Pilot locations as provided to the Council on July 26, 2019.

**Sample Motion**

I move that the Council of the Town of Berryville direct staff to contact Rappahannock Electrical Cooperative and request that they begin the Downtown Street Light Pilot, which will include the following changes to the area's lighting:

Pole number N 59259 to a 70 W LED

Pole number N 2634 to a 135 W LED on a 10' arm

Pole number N 2633 to a 135 W LED on a 10' arm

## Keith Dalton

---

**From:** Keith Dalton  
**Sent:** Friday, July 26, 2019 12:11 PM  
**To:** Keith Dalton  
**Cc:** Neal White; Christy Dunkle; Rick Boor; Desi Moreland  
**Subject:** Downtown Street Light Pilot  
**Attachments:** 20190726121320854.pdf

TC:

I propose that we request the following street lighting changes be made as a part of a pilot program to improve lighting in the downtown area:

Pole number N 59259 (Hogan's Alley) to 70W LED

Pole number N 2634 (Bank of Clarke County) to a 135 W LED on a 10' arm

Pole number N 2633 (opposite and east of Berryville Grill) to a 135 W LED on a 10' arm

I have attached a map on which the lights in question are highlighted in green.

With these changes, you will have the following along a two block stretch of Main Street:

HPS Lights (not sure of wattage) on 4' arms

70 W LED lights on 4' arms

135 W LED lights on 10' arms

I think that will give you a good feel for what the different wattages/arm lengths do for you. We can also see how the LED lighting (at a higher wattage) performs in Hogan's Alley.

I know the plan was to have the TC make the call on the pilot light location selection but if you are comfortable with the approach outlined above, I could get REC moving. This would get the lights in much sooner (REC said we should expect about 30-45 day period from request to installation). Jeff was not able to give me a final cost but it is not going to be much.

Let me know if you 1) want me to proceed with the pilot as described above or 2) want the matter placed on the September Town Council agenda. Please let me know something by EOB on 2 August if at all possible.

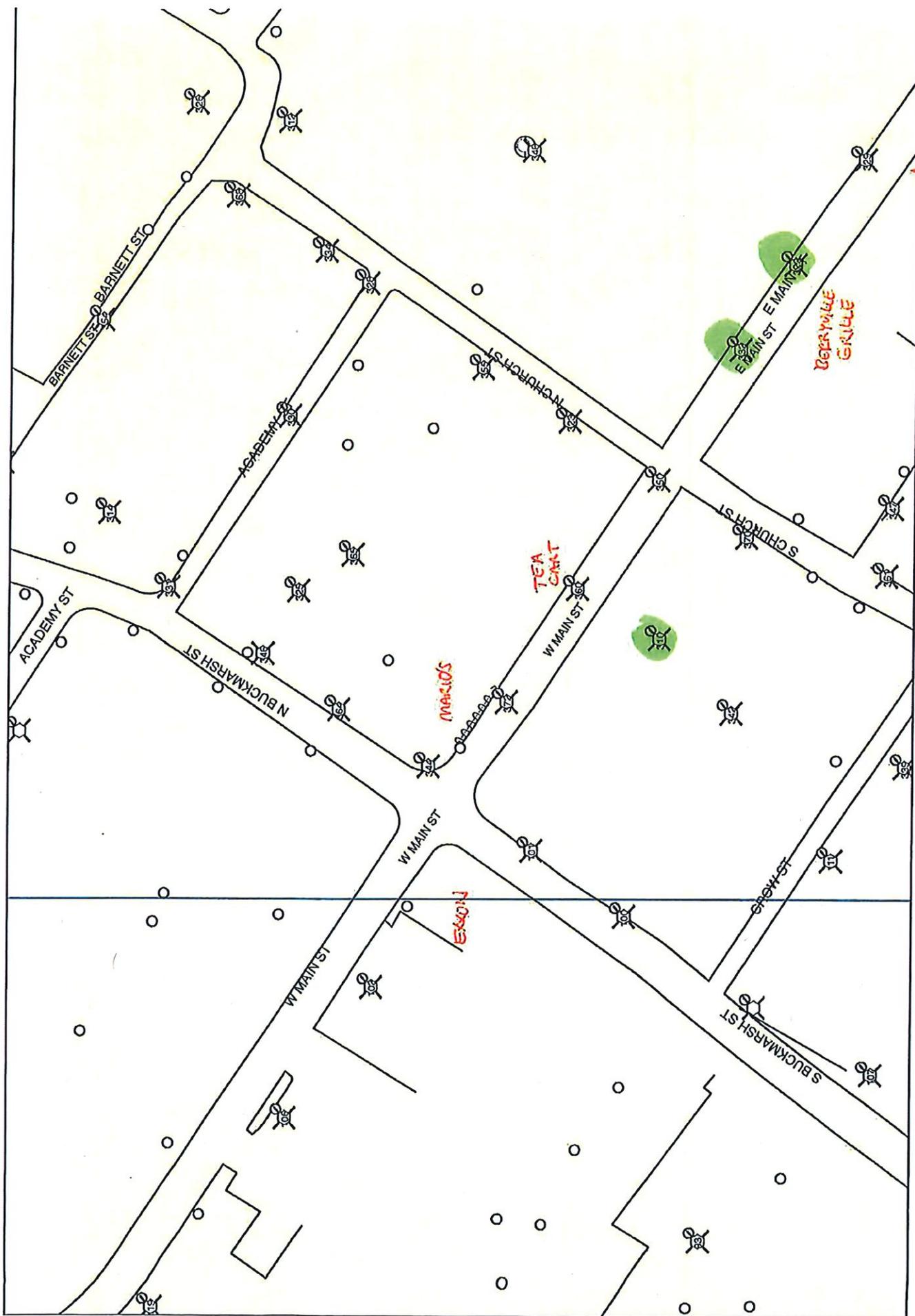
Take care,

Keith

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

V 540.955.1099

F 540.955.4524



## Town Council Agenda Item Report Summary September 10, 2019

### Item Title

Utility Rate Study

### Prepared By

Keith Dalton, Town Manager

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### Background/History/General Information

The Town Council allocated \$40,000 for completion of a Utility Rate Study. The study was to provide the Town with:

Information that it needs operate the water and sewer systems properly over the next two decades. This information includes:

- needed future capital projects and estimated costs, and
- future operational cost estimates

User and Availability fee rates required to meet future expenses.

A fixed asset inventory.

An updated hydraulic model.

Pennoni and Associates was tasked with completing the study. The study was completed in early July.

Pennoni and Associates presented their findings to the Town Council at a work session on July 9, 2019.

At its July work session the Town Council determined that it would provide the public with one preferred option for how it would like to proceed regarding water and sewer user fee rates. The Council also determined that it would receive public comment on the study and preferred approach on September 11, 2019 at 7:00 pm. Town staff was directed to provide water and sewer customers with an executive summary of the study findings and the Town Council's preferred path forward.

### Findings / Current Activity

An executive summary of the study and notice of the Town Council's preferred path forward was included with the August water and sewer bill.

The Town Council will hold a public input session on the matter on September 11, 2019 at 7:00 p.m. in the Main Meeting Room of the Berryville-Clarke County Government Center.

### Financial Considerations

The utility rate study identified projects totaling in excess of \$24,000,000 in the water system and in excess of \$11,000,000 in the sewer system that should be completed over the next twenty years. The rate increases recommended by the engineer are necessary to meet system needs.

### Schedule/Deadlines

After the public input session, the Town Council will provide staff with direction regarding the fee schedule on which a public hearing will be held and set a public hearing. After a public hearing is held the Town Council will likely approve an updated Schedule of Water and Sewer Fees and Charges. The new schedule would become effective as directed by the Council.

**Other Considerations**

None

**Attachments**

- Utility Rate Study Executive Summary
- Water and Sewer Schedule of Fees Public Input Session Notice
- Draft Town of Berryville Schedule of Water and Sewer Fees and Charges

**Recommendation**

Discuss matter at September 11, 2019 public input session

**Sample Motion**

None

## Utility Rate Study Executive Summary

The Town of Berryville recently completed a comprehensive evaluation of its water and sewer systems. The evaluation provides the Town with information such as future operational costs, future capital costs, and water and sewer fund evaluation to determine rate levels necessary to meet system needs.

### *Overview*

The Town of Berryville maintains a water system that includes treatment facilities, transmission facilities, and storage structures. The Town also maintains a sewer system that includes collection facilities, treatment facilities, and treated water transmission facilities. Operational and capital expenses in the water system are paid for with monies from the Water Fund. Operational and capital expenses in the sewer system are paid for with funds from the Sewer Fund. These two funds, known as Enterprise Funds, operate as separate entities that must pay their own way. These two funds receive income from user fees (monthly charges to customers), availability fees (paid by new connections to the systems), and borrowing. Debt is serviced by income from user fees and availability fees.

### *Study Methodology*

Pennoni Associates Inc. (Consultant) examined water system and sewer system needs over the next 20 years. Such needs include operations and maintenance, asset replacement, and changes in the systems necessitated by growth or more stringent regulations.

The Consultant evaluated existing assets in order to determine replacement dates and costs, and also reviewed growth rates over the past 60 years to estimate future system demands and user base.

The Consultant calculated the income required to meet needs of the water system and sewer system. Income needs and user base estimates were used to calculate user and availability fees that would provide income sufficient to operate, maintain, and upgrade both systems.

### *Key Study Conclusions*

- The Town's growth rate was forecast at .5% per year.
- The rated capacity of both the water treatment plant and the wastewater treatment plant will be sufficient to meet average daily demand through the year 2040.
- The projected cost of replacement of both vertical and horizontal assets in the water system through 2040 is estimated at \$24.3 million.
- The Town should increase its water user rate by at least 10.2% annually for the next five years.
- The Town should increase its water availability fee by at least 130%.
- The projected cost of replacement of both vertical and horizontal assets in the sewer system through 2040 is estimated at \$11.3 million.
- The Town should increase its sewer user rate by at least 2.3% each year for the next five years.
- The Town should decrease its sewer availability fee by 42%.

A copy of the complete Utility Rate Study is available at:

<https://www.berryvilleva.gov/DocumentCenter/View/843/Pennoni-Utility-Rate-Study>

Please contact the Town of Berryville Business Office at 540.955.1099 if you have any questions regarding this notice.

The reverse of this notice provides specific rate changes that the Town Council is proposing to address the needs identified in the Utility Rate Study and hearing notices.

**Water and Sewer Schedule of Fees  
Public Input Session Notice**

The Berryville Town Council will hold a public input session regarding proposed changes to water and sewer related fees (including user rates (monthly bills)), from 7:00 pm until 8:30 pm on September 11, 2019. This session will be held in the Main Meeting Room of the Berryville-Clarke County Government Center at 101 Chalmers Court.

**The chart below provides both current and proposed rate information. Rates and availability fees apply to in-town customers and properties (including properties located in an approved annexation area). Rates and availability fees for customers and properties outside town will be charged an additional 25 percent.**

**WATER**

	<b>Current</b>	<b>Proposed</b>	<b>Amt. of Change</b>
Monthly Administrative Fees	\$0	\$2.50	\$2.50
Minimum Monthly Usage Bill	5.00	5.00	0
Charge per 1,000 Gallons of Usage	8.40	8.15	-.25
Availability Fee for Connection Served by a 5/8" meter	5,250.00	13,500.00	8,250.00

**SEWER**

	<b>Current</b>	<b>Proposed</b>	<b>Amt. of Change</b>
Monthly Administrative Fees	\$0	\$2.50	\$2.50
Minimum Monthly Usage Bill	15.00	15.00	0
Charge per 1,000 Gallons of Usage	17.00	17.27	.27
Availability Fee for Connection Served by a 5/8" meter	22,750.00	14,500.00	-8,250.00

The chart below provides a comparison between bills for certain usages under both current and proposed rates.

**WATER AND SEWER MONTHLY BILL**

<b>Usage (Thousands of Gallons)</b>	<b>Current</b>	<b>Proposed</b>	<b>Amt. of Change</b>
<b>0</b>	\$20.00	\$25.00	\$5
<b>1</b>	25.40	30.42	5.02
<b>2</b>	50.80	55.84	5.04
<b>3</b>	76.20	81.26	5.06
<b>4</b>	101.60	106.68	5.08
<b>5</b>	127.00	132.10	5.10

The Council will review the proposed rate adjustments enumerated above and the approach it will take to rate adjustments over the next five years.

A copy of the proposed Water and Sewer Fee Schedule is available at [www.berryvilleva.gov](http://www.berryvilleva.gov).

<https://www.berryvilleva.gov/DocumentCenter/View/858/Schedule-of-Proposed-Water-and-Sewer-Fees-and-Charges>

Please contact the Town of Berryville Business Office at 540.955.1099 if you have any questions regarding this notice or upcoming meetings.

After receiving public comment on the revised rates, the Town Council will finalize its proposal and hold a public hearing on the matter. Please monitor the Town's website for the public hearing date and time.

**TOWN OF BERRYVILLE**  
**SCHEDULE OF WATER AND SEWER FEES AND CHARGES**

Effective November 22, 2019

**I. USER FEES**

**A. WATER**

1. Within corporate limits or the limits of an approved annexation area: \$8.15 per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$10.18 per 1,000 gallons of usage. Minimum charge \$6.25 per month for usage under 1,000 gallons during billing period.

**B. SEWER**

1. Within corporate limits or the limits of an approved annexation area: \$17.27 per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: \$21.58 per 1,000 gallons of usage. Minimum charge \$18.75 per month for usage under 1,000 gallons during billing period.

**II. ADMINISTRATIVE FEES AND DEPOSITS**

**A. ADMINISTRATIVE FEES**

Monthly Administrative Fees, charged with usage:

Water \$2.50

Sewer \$2.50

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

## B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: \$235

Residential: multi-family with master meter: \$188 per unit

Business/Commercial excluding restaurants and laundries: \$235

Restaurant: \$845\*

Laundry: \$4,660\*

Institutional: \$1,610\*

Industrial: \$5,715\*

\*Town Manager may increase or decrease on the basis of actual usage.

Note: Town Manager may establish reasonable deposit amounts for use types not anticipated by this schedule.

## III. AVAILABILITY FEES

### A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 13,500.00	\$ 16,875.00	Meter Fee
3/4	1.5	\$ 20,250.00	\$ 25,312.00	Meter Fee
1	2.5	\$ 33,750.00	\$ 42,187.00	Meter Fee
2	4.375	\$ 59,063.00	\$ 73,828.00	Meter Fee
3	8	\$ 108,000.00	\$ 135,000.00	Meter Fee
4	16	\$ 216,000.00	\$ 270,000.00	Meter Fee
5	25	\$ 337,500.00	\$ 421,875.00	Meter Fee
6	50	\$ 675,000.00	\$ 843,750.00	Meter Fee

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

Notes:

- (a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.
- (b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying the unit charge of \$10,800 for a multi-family residence times the total number of residential and commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.
- (c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

## B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 14,500.00	\$ 18,125.00
3/4	1.5	\$ 21,750.00	\$ 27,187.00
1	2.5	\$ 36,250.00	\$ 45,312.00
1.5	4.375	\$ 63,438.00	\$ 79,297.00
2	8	\$ 116,000.00	\$ 145,000.00
3	16	\$ 232,000.00	\$ 290,000.00
4	25	\$ 362,500.00	\$ 453,125.00
6	50	\$ 675,000.00	\$ 843,750.00

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

## IV. LATERAL OR CONNECTION FEES

Connection to the Town's water distribution and/or/sewer collection system may be completed only if the following conditions are met:

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or other applicable agency.

## V. INSPECTIONS

### A. Sanitary Sewer Camera Service and Storm Sewer Camera Inspection Service

#### 1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: \$300

Camera Fee: \$2.50 per linear foot

#### 2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$150

Laterals 50 Feet in Length or Greater: \$150 plus \$2.50 per linear foot

#### B. Inspections

Town staff: \$65 per hour

Licensed professional engineer or approved third-party inspector: Cost

Notes: Cleaning of lines will be required prior to camera use. Line cleaning is the responsibility of the applicant. If lines are not clean and camera crew must remobilize later to perform the inspection, a second mobilization fee will be charged.

### VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

### VII. WATER METER TESTING

5/8" meter: \$100

All other meters: \$100 + cost

Note: Fee is refunded if meter is found to be over-registering.

### VIII. HYDRANT METERS

Nonrefundable account establishment fee	\$50
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Deposit	\$1,200
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Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

### IX. UNAUTHORIZED USE OF SERVICE

For unauthorized water withdrawals from fire hydrants or any other part of the Town water system, or when a customer willfully takes steps to reactivate service after service has been disconnected by the Town because of nonpayment of any charge owed to the Town, and the Town must take action to discontinue service again by removal of the meter or any other necessary measures, a \$250 charge for unauthorized use of services will be imposed. This charge will be in addition to any other charge for

water and sewer services owed to the town, and in addition to any legal remedies the Town may pursue for unauthorized use of service.

DRAFT