

**BERRYVILLE TOWN COUNCIL &
CLARKE COUNTY BOARD OF SUPERVISORS
MEETING AGENDA
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Tuesday, April 12, 2016
7:00 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call the Town Council to Order – Wilson Kirby, Mayor Call the Board of Supervisors to Order – David Weiss, Chairman	
2. Closed Session – The Berryville Town Council will enter closed session in accordance with §2.2-3711-A-5, Code of Virginia, in order to discuss a business that is considering locating in Berryville.	1↓
a. Motion to enter closed session	
b. Reconvene in open session	
c. Closed session certification by roll call	
Closed Session – The Clarke County Board of Supervisors will enter closed session in accordance with §2.2-3711-A-5, Code of Virginia, in order to discuss a business that is considering locating in Berryville.	2↓
a. Motion to enter closed session	
b. Reconvene in open session	
c. Closed session certification by roll call	
 <i>Open Session of the Town Council and Board of Supervisors meeting will begin no earlier than 7:30 p.m.</i>	
3. Pledge of Allegiance	
4. Joint Public Hearing-	
Revised Berryville Area Plan	3
5. Board of Supervisors Adjourn	
6. Public Hearing –	
Proposed Real Estate, Personal Property, and Machinery and Tools Tax Rates for 2016	4

<u>Item</u>	<u>Attachment</u>
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8. Citizens' Forum	
9. Report of Wilson Kirby, Mayor	
Land Use Permit Resolution	8↓
10. Report of Christy Dunkle, Asst. Town Manager for Community Development	
Planning Department Monthly Report	9↓
11. Report of Keith Dalton, Town Manager	
12. Report of H. Allen Kitselman, III - Berryville Area Development Authority Liaison	
13. Report of Harry Lee Arnold, Jr. – Chair, Budget and Finance Committee	
Adopt Tax Rates (Real Estate, Personal Property, and Machinery and Tools) for 2016	10↓
Approve Resolution setting PPTRA Rate	11↓
Set Public Hearing FY2017 Budget	12↓
Discussion – VRS Employer Retirement Contribution Rate Election	13
14. Report of H. Allen Kitselman, III – Chair, Community Improvements Committee	
Approval of Committee Meeting Minutes from 3/29/16	14
15. Report of Douglas A. Shaffer - Planning Commission Liaison	
16. Report of Police and Security Committee	
Police Chief's Monthly Report	15

<u>Item</u>	<u>Attachment</u>
17. Report of Wilson Kirby – Chair, Streets and Utilities Committee	
Approval of Committee Meeting Minutes from 3/24/16	16
Street Work Priorities FY 2017	17↓
Public Utilities Director’s Report	18
Public Works Director’s Report	19
18. Report of Harry Lee Arnold, Jr – Chair, Personnel Committee	
19. Other	
20. Closed Session – The Berryville Town Council will enter closed session in accordance with §2.2-3711-A-6, Code of Virginia, in order to consult with legal counsel and staff regarding probable litigation.	20↓
a. Motion to enter closed session	
b. Reconvene in open session	
c. Closed session certification by roll call	
21. Adjourn	

↓ Denotes an item on where a motion for action is included in the packet

Attachment 1

TOWN OF BERRYVILLE
TOWN COUNCIL
MOTION TO ENTER CLOSED SESSION

DATE: April 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville enter a closed session in accordance with §2.2-3711-A-5, Code of Virginia, in order to discuss a business that is considering locating in Berryville.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: April 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 2

CLARKE COUNTY BOARD OF SUPERVISORS

MOTION TO ENTER CLOSED SESSION

DATE: April 12, 2016

MOTION BY:

SECOND BY:

I move that the Clarke County Board of Supervisors enter a closed session in accordance with §2.2-3711-A-5, Code of Virginia, in order to discuss a business that is considering locating in Berryville.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
David Ash, Clerk of the Board

CLARKE COUNTY BOARD OF SUPERVISORS
MOTION
CLOSED SESSION RESOLUTION

DATE: April 12, 2016

MOTION BY:

SECOND BY:

I move that the Board of Supervisors of Clarke County adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
David Ash, Clerk of the Board

Attachment 3

BERRYVILLE TOWN COUNCIL
Joint Public Hearing – Berryville Area Plan Update
April 12, 2016

The Berryville Town Council and the Clarke County Board of Supervisors will hold a Joint Public Hearing on Tuesday, April 12, 2016 at 7:30PM in the Main Meeting Room, 2nd floor, Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider formal action on a revised Berryville Area Plan.

The public hearing notice was published in the Winchester Star on Tuesday, March 29 and Tuesday, April 5, 2016. No comments were received in the Planning Office.

The Berryville Area Plan serves as the joint land use plan for the Berryville Annexation Area –County lands adjacent to the Town limits that were designated for addition to the Town of Berryville in accordance with the 1988 Town-County Annexation Agreement. The Plan is the primary guidance document for land use decision-making within the Berryville Annexation Area and was developed in coordination with the Berryville and Clarke County comprehensive plans. The Plan identifies five Goals that summarize the Plan's intent, and also includes land use Objectives and Policies for implementing the Goals across eight subject areas including Environment, Transportation, Housing, Land Use, Public Facilities, Economic Development, Urban Design, and Implementation. These Objectives and Policies are used to evaluate new development proposals, make decisions on public infrastructure siting and improvements, and assist in long-range planning and growth management projects.

The Plan was originally adopted in 1992 by the Berryville Town Council and the Clarke County Board of Supervisors. It has been amended several times since its adoption with the most recent amendments occurring in 2010. The revised Plan contains elements to clarify and strengthen the Town's and County's joint vision including a revised chapter format, recommended updates to designated Sub-Areas, revised demographic information, and streamlining and readability edits throughout the document.

The document was distributed to a number of local and state agencies for review and comment. A public input session was held at the Government Center on October 28, 2015. Work sessions were held by the Clarke County Board of Supervisors on March 7, 2016 and by the Berryville Town Council on March 15, 2016. Staff has reviewed three sub-areas that Council member Condrey questioned at the work session and believe that the original numbers are accurate. Staff will discuss the matter with him prior to the final version being published.

Staff will incorporate any changes that are recommended by elected officials into the final Version 5 after the public hearing and distribute the document prior to a decision on the Plan. Staff will assure that the respective governing bodies adopt the same document.

County and Town staff will present an overview of the Plan Update and modifications recommended for the updated document at the public hearing. The most current version of the Berryville Area Plan Update (Version 4) is available at this link:
<http://va-berryville.civicplus.com/DocumentCenter/Home/View/259>.

Attachment 4

The attached ordinance would set the tax levies for 2016.

The proposed real estate rate is \$.19/\$100 (an increase from \$.186/\$100). This rate increase is considered revenue neutral because of the reduction in assessments resulting from the most recent re-assessment. Setting the rate at \$.19/100 provides the Town with approximately \$60.00 more in revenue than last year. Leaving the rate at \$.186/\$100 would reduce revenues (as compared to last year) by approximately \$19,000.

The proposed personal property tax rate is unchanged from last year (\$1.25/\$100). The PPTRA relief rate is proposed to remain at 70%.

The proposed machinery and tools tax rate is unchanged from last year (\$1.30/\$100).

Recommendation:

Approve the attached ordinance setting the tax levies for the tax year 2016.

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2016

Date: April 12, 2016

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2016 there is hereby levied:

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

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

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

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

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____ Date: April 12, 2016
Wilson L. Kirby, Mayor

ATTEST: _____ Date: April 12, 2016
Harry Lee Arnold, Jr., Recorder

Attachment 5

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
March 8, 2016
7:00 p.m.

Town Council: Present-Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; David Tollett; Bryant Condrey; Absent-Doug Shaffer

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Finance; Neal White, Chief of Police; Ann Phillips, Town Clerk

Press: Val Van Meter, Winchester Star

1. Call to Order

Mayor Kirby called the meeting to order at 7:00 p.m.

2. Closed Session

Recorder Arnold moved that the Council of the Town of Berryville enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, in order to consult with legal counsel regarding probable litigation pertaining to FOIA and an administrative determination regarding a special use permit and site plan application. Council member Kitselman seconded the motion which carried on the following vote:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None

Absent – Douglas Shaffer

At 7:43 p.m., the members of the Town Council being assembled within the designated meeting place in the presence of members of the public and/or the media desiring to attend, the meeting was reconvened. **Council member Tollett moved that the following Resolution Concerning Certification of the Closed Session be adopted. Council member Kitselman seconded the motion which carried on the following roll call vote:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None

Absent – Douglas Shaffer

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

Harry Lee Arnold, Jr., Recorder

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3. Pledge of Allegiance

4. Public Hearings

a. **Proposed Special Use Permit for a 120 multifamily apartment complex**

Jon Erickson (MRA Incorporated, Agent) requests a Special Use Permit under Section 614.3(c) of the Berryville Zoning Ordinance in order to construct a 120 unit multifamily apartment complex in the Older Person Residential Zoning District (OPR), on Tax Map Parcel 14-5-251B, zoned OPR. SUP 01-15

The Mayor recognized Alton Echols of 400 Custer Court, Berryville. Mr. Echols said the basic question is regarding the special exception application for the 120 unit project being reduced to a 60 unit project and the authority for allowing the reduction in the Code of Virginia Section 15.2-2285 (C). He read the following: “Before approving and adopting any zoning ordinance or amendment (Special exception) thereof, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.2-2204, after which the governing body may make appropriate changes or corrections in the ordinance or amendment (special exception). In the case of a proposed amendment to the zoning map the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range if any set forth in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing.” Mr. Echols then highlighted plans for the new configuration of his project and concluded by saying the project is the Cadillac model.

b. **Proposed amendment of a water tank site lease agreement**

The proposed amendment of a water tank site lease agreement between the Town of Berryville and New Cingular Wireless PCS, LLC that would permit the lessee to mount additional equipment on the existing corral mounted on the top of the Town of Berryville’s northwest elevated water tank, 201 Tom Whitacre Circle, Tax Map Parcel 14-((A))-6, zoned ITL.

Mayor Kirby noted that no one signed up to speak.

Upon motion of Council member Tollett, seconded by Council member Kitselman, the public hearings were closed.

5. Approval of Minutes

Upon motion of Recorder Arnold, seconded by Council Member Kitselman, the minutes of the February 9, 2016 meeting were approved as follows with the correction of the date:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None
Absent – Douglas Shaffer

6. Citizens' Forum

Mayor Kirby recognized Allan McWilliams of 218 Academy Street who thanked the public works crews for a good job during the snow storms and all year round. He presented an historic 1923 Sanborn Map of Berryville to the Council.

The Mayor recognized Alton Echols of 400 Custer Court, Berryville, who referenced a convenience store near Winchester as being close to what he hopes to construct in Berryville if his requested text amendment increasing square footage is approved.

Mayor Kirby recognized Donna Marie McDonald of 101 Cameron Street, Berryville. She provided an update on the burned home at 203 Moore Drive saying the property has been sold and will go to settlement very soon. She added that the Homeowners Association still needs help making sure the property is repaired by the new owners, and asked the Council not to negate the Blight Abatement Plan just yet.

7. Report of Wilson Kirby, Mayor

The Mayor said the week of April 9-15, 2016, has been suggested as Northern Shenandoah Valley Disability Awareness Week. He asked for a motion adopting the proclamation designating the week as such. **Recorder Arnold moved that the Council of the Town of Berryville adopt the following Proclamation declaring the week of April 9-15, 2016 as Disability Awareness Week, and calling this observance to the attention of all our citizens, and urging all residents to honor this occasion. Council member Condrey seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None
Absent – Douglas Shaffer

Proclamation

WHEREAS, *the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and*

WHEREAS, *the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and*

WHEREAS, *people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and*

WHEREAS, *disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and*

WHEREAS, *the community plays a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of people with disabilities; and*

WHEREAS, *millions of people in the United States have disabilities and we all must make a conscious effort to discover their functional abilities and to remove the barriers met in their effort to acquire independence; and*

WHEREAS, *it is the goal of Access Independence, Inc. to involve the community in all aspects of disAbility Awareness Week and establish an atmosphere that supports awareness and education of on-going initiatives to enhance public understanding of, and appreciation for, abilities possessed by those of us who experience life with disabilities.*

NOW, THEREFORE I (we) _____
do hereby proclaim APRIL 9-15, 2016 as

**NORTHERN SHENANDOAH VALLEY
disABILITY AWARENESS WEEK 2016,**

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

A. Jon Erickson (MRA Inc. Agent) requesting Special Use Permit

Ms. Dunkle said public hearing notices had been published on February 23 and March 1 and adjacent property notices had been sent on February 22. She said comments had been received in the Planning Office from Larry Krasinski and Alton Echols. She further explained that in a letter dated February 19 and updated February 22, 2016, Jon Erickson, Agent for the project, requested that the original Special Use Permit/Preliminary Site Plan application be modified in order to construct a 60-unit multi-family facility with an additional 44 by-right quadruplex units on the same parcel. Ms. Dunkle said he has requested that the application be modified to reflect Mr. Echols as the Agent on the project which has been noted in the file. She said an administrative determination concerning the modification of the existing application was sent to Mr. Echols on February 29, 2016 requesting that should he wish to pursue a different course, the current application be withdrawn and a new application be submitted.

Mayor Kirby asked Town Attorney Robert Mitchell to address the issue and provide his opinion. Mr. Mitchell said the special use permit application, as advertised, is for 120 units and there has been a request to reduce the number of multi-family units to 60. He said the section of code referenced by Mr. Echols, Virginia Code Section 15.2-2204, applies to a proposed amendment of a zoning map and rezoning, but does not apply to amendments to special use permits. Mr. Mitchell said the requested change in this case cannot be done under the Town ordinance. He added that the Town is authorized to put conditions on special use permits to address specific impacts. He said a site plan is required with a special use permit application and that the two documents go forward together. Mr. Mitchell said the Planning Commission makes a recommendation after reviewing the application, and that review of the site plan is also done by the BADA. He said in this case, no site plan review occurred because the application did not conform to the zoning regulations. Mr. Mitchell said it would not be proper to undertake a 60 unit approval when a 120 unit application, as advertised, is in front of the Council. Mr. Mitchell said unless the application is withdrawn, the 120 unit application is what Council would be voting on.

Mr. Echols interjected a request to withdraw his application. **Council member Condrey moved that the Council of the Town of Berryville accept the applicant's withdrawal of the special use permit application. Recorder Arnold seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None
Absent – Douglas Shaffer

Mr. Kitselman reiterated that no one on Council is against senior housing. He encouraged Mr. Echols to follow Town procedures without attempting to change those procedures as he moves forward with his next application.

B. Spot Blight Abatement

Mr. Dalton said he wished to thank Ms. McDonald and Ms. Coumes of the Battletown Homeowners Association for their cooperation dealing with the blighted property at 203 Moore Drive. He said he will follow up with the new owners as to their reconstruction progress.

C. Community Improvements

Ms. Dunkle said the Community Improvements Committee had a meeting scheduled, but since there was not a quorum, they will meet at a later date. She said the work on a Tourism Zone continues.

Mr. Dalton said he has had discussion with Rappahannock Electric Cooperative and they are considering switching to LED lighting for street lights. He said they may be planning a pilot project where they will test LED lights in some areas. Mr. Dalton added that while a cost savings is not expected initially because of the installation expense, overall power consumption will be greatly reduced.

9. Report of Keith Dalton, Town Manager

Mr. Dalton said that in 2001 the Town entered into a water tank lease agreement in order to permit a cellular service provider to locate antennas on the top of the northwest water tank. He said the Town and the provider have had an excellent working relationship for the past 16 years during which the provider has sought to make changes two times. Mr. Dalton noted the lessee currently pays \$2,812.51 per month. He recommended that Council approve the lease and authorize him to execute the lease amendment on behalf of the Town.

Council member Tollett asked if after the addition of this equipment, there would be room for public safety equipment. Mr. Dalton said he would work to find out. **Recorder Arnold moved that the Council of the Town of Berryville approve the attached Second Amendment to Water Tank Site Lease Agreement with New Cingular Wireless PCS, LLC conditioned upon the following:**

- 1) The final lease agreement is reviewed and approved by the Town Manager, and
- 2) The final lease agreement is reviewed and approved by the Town's Attorney

And he further moved that the Town Manager is authorized to execute the finalized amendment on behalf of the Town. Council member Condrey seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None
Absent – Douglas Shaffer

2/16/16 DRAFT

SECOND AMENDMENT TO WATER TANK SITE LEASE AGREEMENT

THIS SECOND AMENDMENT TO WATER TANK LEASE AGREEMENT (“**Second Amendment**”), dated as of the latter of the signature dates below, is by and between **Town of Berryville, VA, a Virginia municipal corporation** having a mailing address of 101 Chalmers Court, Berryville, Virginia, 22611 (“**LESSOR**”) and **New Cingular Wireless PCS, LLC, a Delaware limited liability company**, successor in interest to Triton PCS Property Company, LLC, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 (“**LESSEE**”).

WHEREAS, Lessor and Lessee entered into a Water Tank Site Lease Agreement dated June 29, 2001, whereby Lessor leased to Lessee certain Premises, therein described for the location up to three (3) antennae on the Lessor's water tank, being a portion of the Property situated off Tom Whitacre Circle adjacent to the Town of Berryville, in Clarke County, Virginia (“**Agreement**”); and

WHEREAS, in 2013 Lessor and Lessee approved an amendment (“First Amendment”) to the Agreement that permitted the Lessee to locate nine (9) antenna panels and associated equipment on Lessor’s Property; and

WHEREAS, The Lessee currently has located nine (9) antenna panels on the water tank, and currently pays a monthly rent of \$ 2,812.51; and Lessor and Lessee desire to amend the Agreement to allow for the installation of additional antennas , associated cables, and other communications instruments; and

WHEREAS, Lessor and Lessee desire to adjust the rent in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Lessor and Lessee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the forgoing and other good and valuable consideration, the receipt of sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. **Additional Antennas.** Lessor consents to the installation and operation of three (3) additional antennas, associated cables and equipment as more completely described on attached Exhibit B-2. Exhibit B-2 hereby replaces Exhibit B-1 to the Agreement.

Lessor agrees to the following as a final configuration:

- (12) panel antennas
- (6) TMA
- (6) Duplexers
- (12) 1-5/8” coax cables
- (12) RRH
- (2) DC6
- (6) Junction Boxes
- (2) Fiber Cables
- (4) DC Power Cables

2. **Rent.** Commencing on the first day of the month following the date that the Lessee commences construction (the “Rent Commencement Date”), Rent shall be increased by Two Hundred Dollars (\$200.00) per month, subject to adjustments as provided in the Agreement. Upon Lessee’s removal of all antennae added pursuant to this Second Amendment and thirty (30) days prior written notice to Lessor, rent shall reduce by Two Hundred Dollars (\$200.00) per month.
3. **Memorandum of Lease.** Either party will, at any time upon fifteen (15) days prior written notice form the other, execute, acknowledge, and deliver to the other a recordable Memorandum of Lease substantially in the form of the Attachment 1. Either party may record this memorandum at any time, in its absolute discretion.
4. **Other Terms and Conditions Remain** In the event of any inconsistencies between the Agreement, First Amendment, and this Second Amendment, the terms of the Second Amendment shall control. Except as expressly set forth in this Second Amendment, the Agreement, including the First Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to the First Amendment and this Second Amendment.
5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Second Amendment on the dates set forth below.

“LESSOR”

Town of Berryville

By: _____
Name: _____
Title: _____
Date: _____

“LESSEE”

New Cingular Wireless PCS, LLC

By: _____
Name: _____
Title: _____
Date: _____

[ACKNOWLEDGEMENTS APPEAR ON NEXT PAGE]

LESSEE ACKNOWLEDGEMENT

Limited Liability Company

STATE OF _____
COUNTY OF _____

The forgoing instrument was acknowledged before me on _____ (date) by _____ (name and title of officer or agent) of _____ a _____ (state or place of incorporation) limited liability company, on behalf of the limited liability company.

Notary Public

Printed Name: _____

My Commission Expires: _____

LESSOR ACKNOWLEDGEMENT

Municipal Corporation

COMMONWEALTH OF VIRGINIA
COUNTY OF CLARKE

The forgoing instrument was acknowledged before me on _____ (date) by Keith Dalton, Town Manager of the Town of Berryville, Virginia, municipal corporation, on behalf of the corporation.

Notary Public

Printed Name: _____

My Commission Expires: _____

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Mr. Dalton thanked Allan McWilliams for his kind words about the public works crews, and also for the set of Sanborn maps he had presented the Town.

10. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison
Council member Kitselman had nothing to report.

11. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee
Recorder Arnold noted the draft budget in the agenda packet and said there will be a work session on March 16, 2016. Upon motion of Mayor Kirby, seconded by Recorder Arnold, the minutes of the committee meeting of March 3, 2016 were approved. By consensus, a public hearing on tax rates as presented by the Treasurer was set for April 12, 2016.

12. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee
Council member Kitselman said the committee will meet soon.

13. Report of Douglas A. Shaffer – Planning Commission Liaison
Council member Shaffer was absent.

14. Report – Police and Security Committee
Council member Tollett said the committee met and discussed many topics such as projects for the upcoming year including reviewing the code. Upon motion of Council member Condrey, seconded by Council member Tollett, the minutes of the meeting of March 3, 2016 were approved. Mr. Tollett said the next meeting will be April 28, 2016. Chief White provided an update on the inception of a training academy in Front Royal that will better serve the 15 agency region.

15. Report of Wilson Kirby – Chair, Streets and Utilities Committee
Mayor Kirby thanked Allan McWilliams for his remarks about public works crews.

16. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee
Recorder Arnold reported that all positions are currently filled.

Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Condrey, the meeting was adjourned at 8:52 p.m.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Attachment 6

BERRYVILLE TOWN COUNCIL
Berryville Area Plan Update Work Session
Tuesday, March 15, 2016
Berryville-Clarke County Government Center
5:00 p.m.

MINUTES

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Doug Shaffer; Allen Kitselman; Bryant Condrey; David Tollett

Staff: Keith Dalton, Town Manager; Christy Dunkle, Planner; Ann Phillips, Town Clerk

Press: Val Van Meter

Other: Brandon Stidham, Clarke County Planning Director

1. Call to Order

Mayor Kirby called the meeting to order at 5:00 p.m.

2. Work Session – 2015 Berryville Area Plan Update

Ms. Dunkle introduced Brandon Stidham, Clarke County Planner, who joined her in presenting a PowerPoint presentation. Mr. Stidham and Ms. Dunkle explained the background of the Plan and highlighted major changes in the updated Berryville Area Plan. Ms. Dunkle explained changes in land use designations between 2010 and 2015. Mr. Stidham identified potential future growth areas, and noted the next steps for action include a joint public hearing with the County Board of Supervisors on April 12.

There was general discussion of housing unit types, proffers from developers, re-allocation of dwelling unit rights, affordable housing, and future plans for Jack Enders Blvd. Ms. Dunkle said any further information or comments would need to be received by staff this week.

3. Adjourn

On motion of Council member Shaffer, seconded by Council member Tollett, the meeting was adjourned at 6:34 p.m.

Attachment 7

BERRYVILLE TOWN COUNCIL
Budget and Finance Work Session
Wednesday, March 16, 2016
Berryville-Clarke County Government Center
4:00 p.m.

MINUTES

Town Council:

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Bryant Condrey; David Tollett

Absent: Doug Shaffer

Staff: Keith Dalton, Town Manager; Desiree Moreland, Treasurer; Ann Phillips, Town Clerk

Press: Val Van Meter

1. Call to Order

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

2. Pledge of Allegiance

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

3. Discussion – Proposed Fiscal Year 2017 Budget

Mrs. Moreland provided an overview of the proposed budget and cited the recommendation to raise the real estate tax from \$0.186 to \$0.19 per \$100 of assessed value to stay revenue neutral because of the reduction in real estate valuation. She said while personal property figures are still fluid, no increase is proposed, and she noted an increase in machinery and tools revenue.

Mr. Dalton provided an overview of the proposed capital improvement plan. He distributed a draft of Street Work Priorities for the coming year, noting that the Streets and Utilities Committee's work on the Street Work Priorities continues.

There was discussion of the proposed tax rate change as well as a possible reduction in tax rates.

4. Closed Session

Recorder Arnold moved that the Council of the Town of Berryville enter a closed meeting in accordance with §2.2-3711-A-7, Code of Virginia, in order to discuss a

prospective business interested in locating in within the Town. Council member Kitselman seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None
Absent – Douglas Shaffer

At 5:13 p.m., the members of the Town Council being assembled within the designated meeting place in the presence of members of the public and/or the media desiring to attend, the meeting was reconvened on a motion by Recorder Arnold and seconded by Council member Condrey. **Council member Condrey moved that the following resolution certifying the closed session be adopted. Recorder Arnold seconded the motion which carried on the following roll call vote:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Bryant Condrey
Allen Kitselman
David Tollett

Nay – None
Absent – Douglas Shaffer

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

Harry Lee Arnold, Jr., Recorder

+ + + + + + + + +

5. Other

Recorder Arnold noted that in order to reduce the tax rate to \$0.17, effectively \$70,000 in expenses would need to be cut from the budget.

6. Adjourn

On motion of Council member Condrey, seconded by Recorder Arnold, the meeting was adjourned at 5:20 p.m.

Attachment 8

When a party performs work in the VDOT right-of-way, they are required to provide surety and proof of adequate insurance. If the party performing the work is a local government, then VDOT address this matter in a blanket resolution.

In a recent VDOT audit, Berryville's resolution was not found. A subsequent search of Town records also failed to produce a resolution for this purpose. Accordingly, VDOT requests that the Town Council adopt the attached resolution.

The resolution requires the Town to maintain a certain level of insurance coverage (which you authorize the Town Treasurer to procure and maintain). Further, the Town agrees to complete all work within the right-of-way in accordance with applicable standards (part of permit requirements).

Recommendation:

Approve the attached VDOT Land Use Permit Resolution.

BERRYVILLE TOWN COUNCIL

MOTION TO ADOPT LAND USE PERMIT RESOLUTION

Date: April 12, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached VDOT Land Use Permit Resolution.

VOTE:

Aye:

Nay: None

Absent: None

ATTEST:

Harry Lee Arnold, Jr., Recorder

VDOT Land Use Permit Resolution Town of Berryville

WHEREAS, it becomes necessary from time to time for the Town of Berryville to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Berryville by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Town of Berryville Town Council this 12th day of April 2016:

Section 1 : That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Berryville does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Berryville and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the Public Works Director or designee, be, and hereby is authorized to execute on behalf of the Town of Berryville all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Berryville shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the Town Treasurer or designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The foregoing Resolution was adopted by the Town of Berryville Town Council at its regular meeting held on 12 April 2016 in Berryville, Virginia.

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Attachment 9

Planning and Community Development

Action Items

Set Public Hearing – Special Use Permit for Hip & Humble Interiors

Set Public Hearing – Text Amendment to Article I, Definitions, of the Berryville Zoning Ordinance in Order to Define “Convenience Store”

Action Item - Text Amendment to Article VI, Section 610.2(b) of the Berryville Zoning Ordinance

April 12, 2016

Planning Commission

The Planning Commission held a meeting on Tuesday, March 22, 2016. They held a public hearing for a Special Use Permit for Hip & Humble in order to allow retail sales incidental to a manufacturing, production, or related use per Section 609.3(h) of the Berryville Zoning Ordinance. A full report is included in this agenda packet. Per Council’s request, they continued the discussion on the convenience store use in the BC district and have set a public hearing to consider the updated uses in the Business Commercial Zoning District under Section 610.2(b) and a definition of “convenience store” for their next meeting scheduled for April 26, 2016 at 7:30pm. Please note that the applicant of the original text amendment has requested Town Council action at this meeting for a maximum of 3,000 square feet which was the original recommendation made by Planning Commission in September. A full report is included in this agenda packet.

Berryville Area Development Authority

The BADA did not hold a meeting in March. Their next meeting is scheduled for Wednesday, April 27 at 7:00pm.

Architectural Review Board

The Architectural Review Board held a meeting on Wednesday, April 6. They approved a sign identifying the Josephine City Historic District and for a fence on West Main Street. Their next meeting is scheduled for Wednesday, May 4, 2016 at 12:30pm at the Government Center.

Board of Zoning Appeals

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

BERRYVILLE TOWN COUNCIL

Set Public Hearing – Special Use Permit for Hip and Humble Interiors

April 12, 2016

Hip & Humble Interiors (Tom McFillen, Agent), is requesting a Special Use Permit for retail sales incidental to a manufacturing, production or related use as regulated in Section 609.3(h) of the Berryville Zoning Ordinance for the property located at 401 East Main Street, identified as Tax Map Parcel number 14A6-((1))-3, zoned L-1 Industrial. SUP 01-16

A public hearing was held by the Berryville Planning Commission on Tuesday, March 22, 2016. They recommended that Town Council approve the request with the following conditions:

- The parking is identified on the property as shown on the site plan;
- Signage conforms to zoning regulations and review and approval of the Architectural Review Board;
- Outdoor storage is prohibited; and
- The loading area adjacent to East Main Street is designated on the site.

General Information

Hip & Humble Interiors, Tom McFillen, Agent, is requesting a Special Use Permit in order to allow retail sales incidental to a manufacturing, production or related use as identified in Section 609.3(h) of the Berryville Zoning Ordinance. The property, Aylor's Mill, is located within the L-1 Industrial Zoning District.

Mr. McFillen's letter identifies general information about the business and he has indicated that the present customer base includes wholesale dealers, those selling consignment items on the site, and the general shopping consumer. He said that appointments are now scheduled with respective clients and that they wish to open the showroom to the general public on the first weekend of each month and on extended holiday weekends. The owners also have a site located at 19 First Street that is zoned C-1 General Commercial which allows retail sales by right. The First Street location is currently used for storage, some repurposing, and sales.

Mr. McFillen described the business as follows:

Hip & Humble creates "Farm Fresh" furnishings by bringing new life to discarded and salvaged material.

- An old Radio Flyer wagon becomes a side table when mounted upon the base of an antiquated Singer pedal sewing machine base.
- Discarded wood fence boards become a farm table
- A "'nuts & bolts" bin from a farm shop becomes a curio cabinet
- Cut down porch columns become table base legs or corner post for an entertainment center.

Site Information

The property is owned by Aylor's Mill, LLC. Town staff has met with the property owner on several occasions and discussed permitted uses, options for rezoning, the Special Use Permit process, and other related items. One concern that has been identified is the access to the site. There are several other properties located on Lloyd's Lane that also use this entrance including Lloyd's Transfer. The property owner and his engineer worked with VDOT to identify options for access to the site. The eastbound operational speed on Main Street was reduced from 25 miles per hour to 20 miles per hour by VDOT to create safer access.

This property is located within the Berryville Historic District and is identified as a contributing structure in the District. The original subdivision of these parcels took place in the early 1900's. Modifications to the property, including additions, signage, and fencing, are reviewed and approved by the Berryville Architectural Review Board.

Parking

A site plan identifying the proposed parking is included as part of the application. Section 305.20 addresses parking requirements for retail spaces and for furniture, hardware and home furnishings. The requirements are one space for every 200 square feet for retail and one space for every 400 square feet for furniture, hardware, and home furnishings. With 3,200 square feet of retail space identified on the site plan, the 16 spaces identified on the site plan conform to zoning requirements. The Planning Commission recommended identifying the two parking spaces adjacent to East Main Street as a loading zone.

Special Use Permit

Section 503 of the Berryville Zoning Ordinance regulates Special Use Permits. Special Permit Uses may have conditions imposed by Town Council which are deemed appropriate in the public interest. These conditions may include items such as site requirements (e.g., fencing, landscaping) or hours of operation. Once approved, the use shall be established within two years. Council may approve an additional one year extension if the request is made prior to the two year timeframe and if no elements of the request have been modified. Special Use Permits are tied to the specific property on which the permit was approved, not the owner of the property who made application. The use may not be expanded or increased in intensity unless authorized by Town Council. Items to consider during the process are identified in Section 503.4(d) of the ordinance language as follows:

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.

The following items are included for your review:

- Special Use Permit application;

- A narrative submitted by Mr. McFillen, Agent, concerning the request;
- A site plan identifying parking;
- A site plan identifying proposed areas of the building being used for retail; and
- Section 609, L-1 Industrial and Section 305, Special Use Permits from the Berryville Zoning Ordinance.

Recommendation

Set a public hearing for the May 10, 2016 meeting.

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

SPECIAL USE PERMIT APPLICATION

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

To be completed by Applicant:

Date: February 5, 20 16

Applicant's Name: Hip + Humble Interiors - Julie Ashby / Steve Scott

Applicant's Address: P.O. Box 407, Boyce, VA 22620

Use Applied For: Section 609.3 (H) Retail Sales w/in L-1 District

At the following address: 401 EAST MAIN STREET - Aylon Mill 1st Floor

Special Conditions: _____

Property Owner's Name: Aylon Mill LLC - Jay Holloway Agent

Property Owner's Address: 2770 Kimble Road, 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: Tom W. Felle ^{Don't attached plat} on behalf of Hip + Humble Interiors Date: February 5, 2016

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: Tom W. Felle on behalf of Hip + Humble Interiors Date: February 5, 2016

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: RETAIL 609.3(H) Zone: L-1

Street Address: 401 E. MAIN ST. Tax Map #: 14A6 ((1))3

Special Use Permit Fee: \$2000 Paid: 2.8.16

Site Plan Fee: \$125 Paid: 2.8.16

Signature of Zoning Administrator: _____ Date: _____

Hip & Humble Interiors

P.O. Box 407
Boyce, VA 22620

February 5, 2016

Christy Dunkle, Asst. Town Manager
Town of Berryville
101 Chalmers Court, Suite A
Berryville, VA 22611

Subject: Special Use Permit Application; Aylor Mill, 401 East Main Street

Dear Christy,

Enclosed please find completed Special Use Permit Application, a plat of the Mill property and check in the amount of Two Thousand One Hundred Twenty Five Dollars (\$2,125.00), which to our understanding comprises the total application fees for this submission. The purpose of this application is an approval under Special Use Permit to conduct retail sales from a property located within Zoning District L-1.

As I explained briefly in a letter to you on January 21, 2016, I have been asked by Julie Ashby and Steve Scott to act on their behalf with this submission and to represent the applicant during public hearing process to the Berryville Planning Commission and the Berryville Town Council.

Hip and Humble entered into a lease agreement with Aylor Mill LLC during the second quarter of 2015 for the property located at 401 East Main Street, the Aylor Mill, zoned L-1. The intent was to relocate approximately 3200 square feet of showroom activities to Berryville from the Strasburg Emporium and to compliment the ongoing storefront Hip & Humble operates within the Webb Center at 14 First Street, zoned BP.

The present customer base for Hip & Humble comprises an "extended family" mix of eclectic wholesale dealers, consignment purchasers and the general shopping consumer. Specific to the Mill location, Hip and Humble does not maintain daily business hours. The majority of wholesale dealers want privacy when viewing inventory through arranged appointment. The same may be said for that client wishing to consign for a specific type of furniture construction, fabricating ideas from examples of pieces that may be within current inventory. Beyond the one on one appointment, it is the intent with approved Special Use Permit to open the showroom to the general public on the first weekend of each month and long weekends surround major holidays.

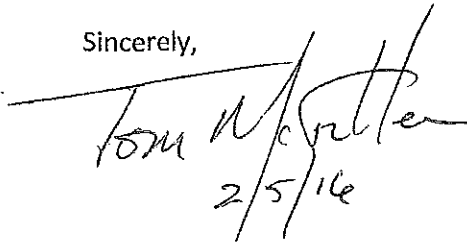
Page two

On the attached plat please note:

- I have, as best to scale as possible, outlined parking spaces adjacent the mill per zoning requirements.
- Within the outline of the building I have provided a delineation line showing the existing segregation wall between the showroom space and that housing milling bins, etc., thereby comprising the square footage of usable showroom space.

On behalf of Hip & Humble I would like to thank you for your assistance in the filing of this application that with approval, can remove any future confusion of how the purchasing public is served. The reception received thus far has been extremely positive, especially to those who follow Hip & Humble but had yet to experience Berryville. For you and Town staff, any member of the Planning Commission or Town Council that may wish to tour either facility, I would be most happy to arrange at the convenience of your schedule.

Sincerely,


Tom McArthur
2/5/16

30' 60'



feet

Showroom @
Approx. 3200 Sq. Ft. +

Approx. Location
of Division Wall
of Milling Facility

1st Floor
Showroom

Alterations

Virginia Route no. 7 (Business)
East Main Street
(40' wide)

Clifford E. L
Shirley, Sr
TM 14A6-1-1
D.B. 262, P. 676

Lloyd & Dellett, Trs
TM 14A6-1-1B
D.B. 455, P. 47
D.B. 8, P. 129 (plat)
D.B. 31, P. 446 (M&E)
6,030 square feet

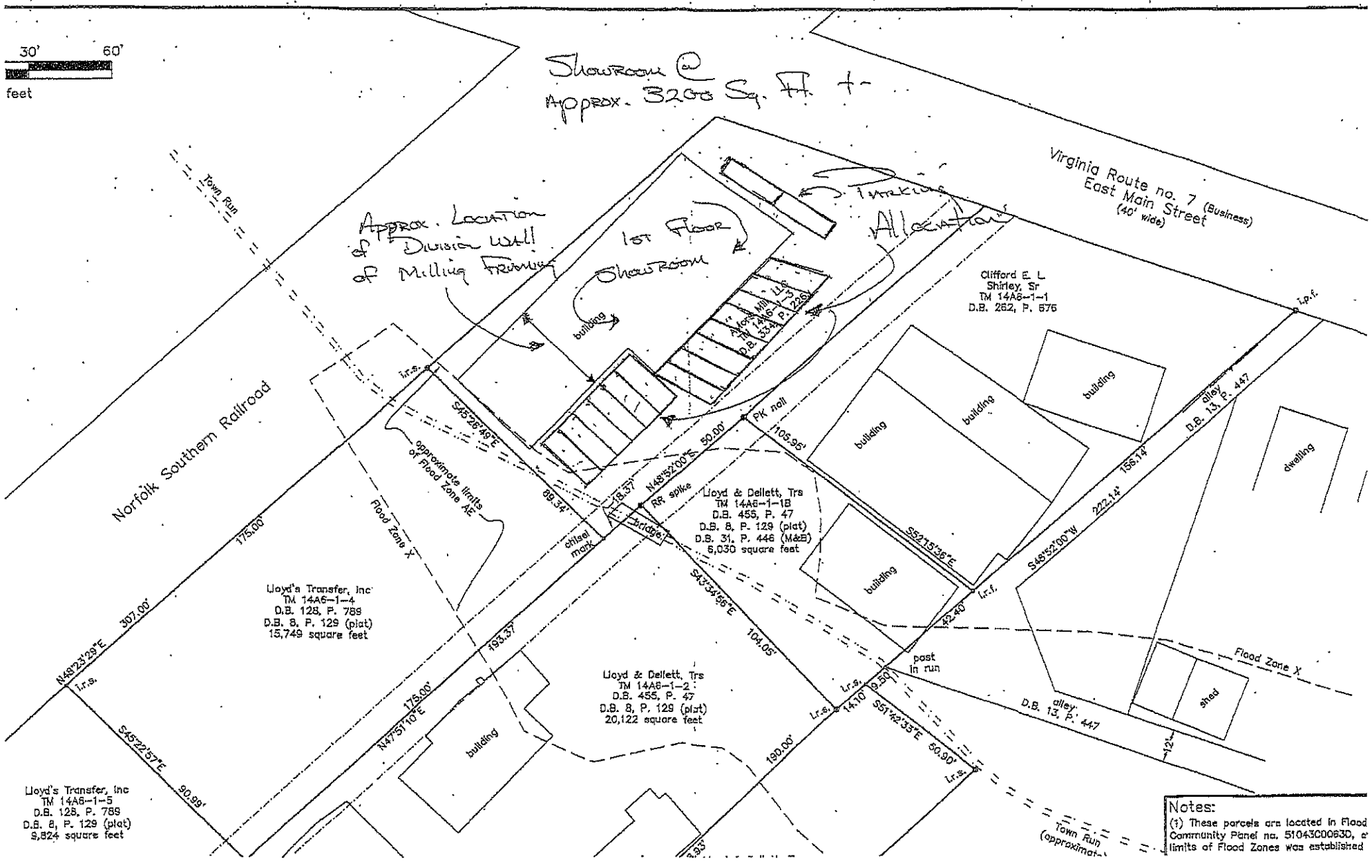
Lloyd's Transfer, Inc
TM 14A6-1-4
D.B. 128, P. 789
D.B. 8, P. 129 (plat)
15,749 square feet

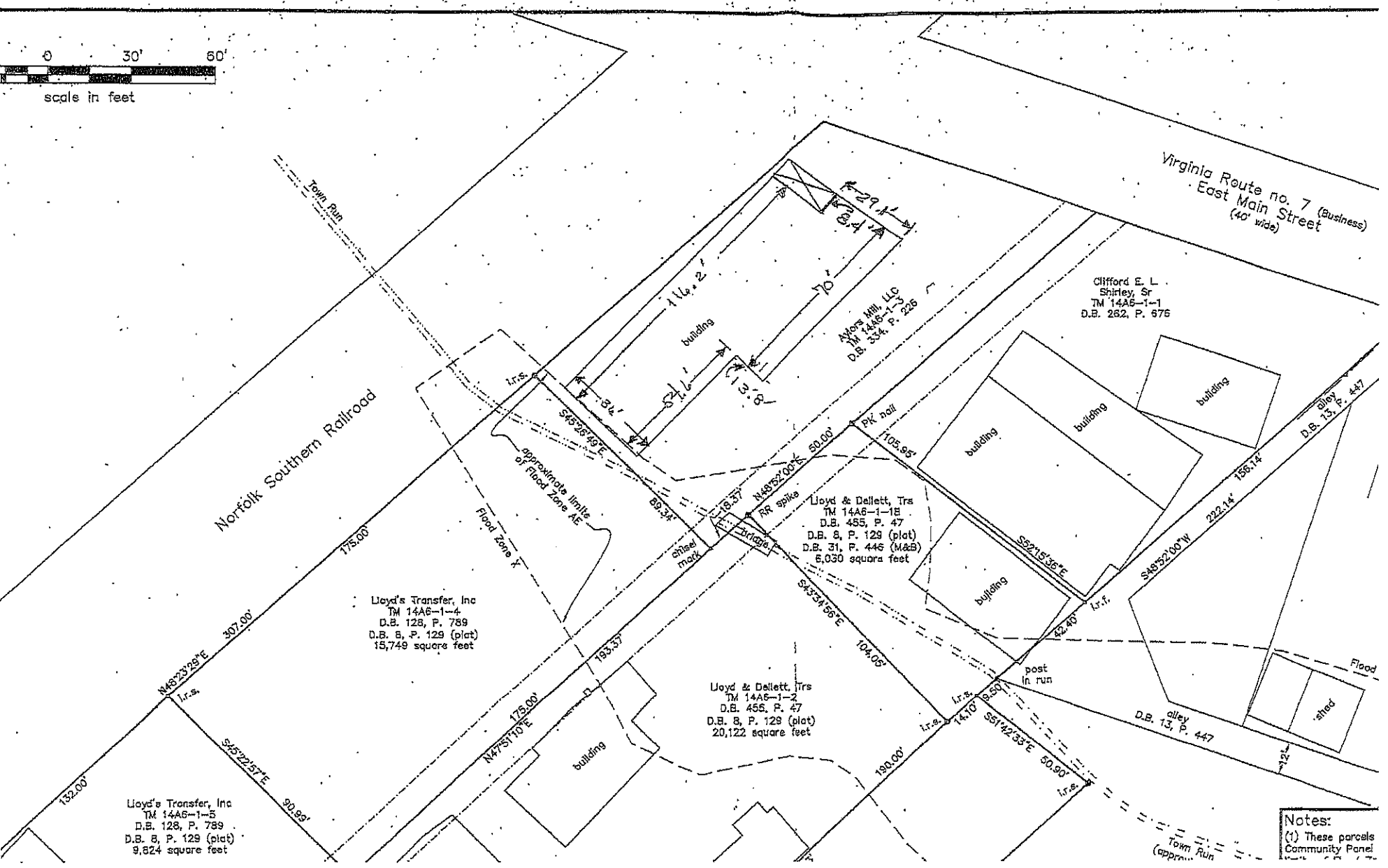
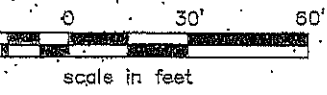
Lloyd & Dellett, Trs
TM 14A6-1-2
D.B. 455, P. 47
D.B. 8, P. 129 (plat)
20,122 square feet

Lloyd's Transfer, Inc
TM 14A6-1-5
D.B. 128, P. 789
D.B. 8, P. 129 (plat)
9,824 square feet

Notes:

(1) These parcels are located in Flood
Community Panel no. 51043C00630, &
limits of Flood Zones was established





Notes:
 (1) These parcels
 Community Panel

Section 609 Industrial (L-1) District

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

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

609.2 PERMITTED USES (12/94)

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

Section 609 Industrial (L-1) District

609.3 SPECIAL PERMIT USES

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

609.4 PROHIBITED USES

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

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

609.5 MAXIMUM LOT COVERAGE

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

Section 609 Industrial (L-1) District

609.6 MINIMUM DISTRICT SIZE

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

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

609.8 OPEN SPACE

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

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

609.10 SETBACK, BUFFERING AND LANDSCAPING

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

Section 609 Industrial (L-1) District

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

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

609.12 STREET ENTRANCES

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

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

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

609.14 ADDITIONAL REQUIREMENTS

- (a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.

Section 609 Industrial (L-1) District

- (b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

Section 502 – Certificate of Occupancy

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

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

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

Section 503 – Special Use Permit

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

503.2 APPLICATIONS

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

503.3 APPLICATION REQUIREMENTS

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

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

503.4 APPLICATION PROCEDURE

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

BERRYVILLE TOWN COUNCIL

Set Public Hearing – Text Amendment to Article I, Definitions, of the Berryville Zoning Ordinance in Order to Define “Convenience Store”

Action Item - Text Amendment to Article VI, Section 610.2(b) of the Berryville Zoning Ordinance

April 12, 2016

Per Town Council’s request at their February 9, 2016 meeting, the Planning Commission discussed the A.C. Echols’ request for an increase of square footage (from 2,000 square feet to 5,500 square feet) for convenience stores as an accessory use in the BC zoning district. It was recommended by Planning Commission at their March meeting that Section 610.2(b) be modified to allow no more than 4,000 square feet for a convenience store as an accessory use with no more than 2,000 square feet to be used for retail. Additionally, the Planning Commission recommended the removal of “automobile service and repair establishments” thereby allowing convenience stores to be a principal use. They have set a public hearing on this matter, as well as for a definition for “convenience store”, for their April 26, 2016 meeting.

Overview of Previous Activity

Planning Commission originally held a public hearing on the matter at their October 27, 2015 meeting and continued the hearing to their November meeting. The following action occurred at their November 17, 2015 meeting:

There being no further discussion, Vice Chair Kemp moved to recommend the adoption of a text amendment to Section 610.2 of the Berryville Zoning Ordinance to Town Council allowing up to 3,000 square feet of gross floor area for a convenience store as an accessory use to auto service and repair including gas stations, seconded by Ms. Marino, the motion passed by voice vote.

Town Council held a public hearing on the matter at their January 12, 2016 meeting. In an attempt to work with the applicant, they forwarded the matter back to the Planning Commission for additional review and discussion. As referenced above, the Planning Commission recommended a maximum of 4,000 square feet with no more than 2,000 square feet of retail at their March meeting.

Definition of Convenience Store

The Planning Commission has recommended the following definition for “convenience store” to be included in Article I Definitions:

“A retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from an array of consumable products including food, gasoline, and other convenience items. A convenience store may include prepared food and consumption of prepared food on site. A drive-through facility may also be included.”

Staff is requesting Council to set a public hearing on this proposed amendment for their May 10, 2016 meeting.

Updated Applicant Request

In an email dated April 5, 2016, the applicant has requested that Council take action at this meeting on the initial recommendation by Planning Commission as follows:

Article VI, Additional Regulations

Section 610 Business Commercial (BC) Zoning District

610.2 PERMITTED USES

- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than ~~2,000~~ **3,000** square feet of gross floor area, ~~excluding storage~~) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.

Recommendation

Approve a maximum of 3,000 square feet for convenience store use as requested. A motion and ordinance follow this report. Staff is also requesting that Council set a public hearing for a text amendment in order to establish a definition in Article I of the Berryville Zoning Ordinance for “convenience store” for the May 10, 2016 meeting.

Section 610 Business Commercial (BC) District

(3/92) SECTION 610 BC BUSINESS COMMERCIAL

610.1 PURPOSE AND INTENT

The Business Commercial (BC) District is established to provide locations for highway commercial uses (such as retail uses dependent on automobile access, restaurants, motels), offices, and employment-related businesses within the precincts of the Berryville Area Plan. The BC District is further established to encourage innovative design of office, employment and retail-related development; and to these ends, development under this district is permitted only in accordance with a site plan.

The application of this district is intended for newly developing locations in the Berryville Area where office, retail, and similar activities are the principal use. High-quality business park and commercial site design principles are to be incorporated into the BC District uses. Highway-oriented commercial uses shall be located where they are pre-planned and creatively grouped in an efficient manner meeting the comprehensive planning objectives.

The specific uses permitted within the BC District must be in harmony with the cultural and environmental character of the Berryville Area. No use should be permitted which might be harmful to the adjoining land uses and the residential ambience of the community at large. Adequate transportation and site planning of all land uses shall have the goal of minimizing traffic conflicts with all other activities within the Berryville Area.

610.2 PERMITTED USES

- (a) Antique sales (indoor only)
- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than ~~2,000~~ **3,000** square feet of gross floor area, ~~excluding storage~~) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.
- (c) Automobile sales
- (d) Broadcast stations, studios, and offices for radio and television
- (e) Car washes
- (f) Churches and other places of worship
- (g) Clubs or Lodges (including civic and public benefit organizations)
- (h) Day care centers
- (i) Financial institutions (with or without drive-through windows)
- (j) Funeral homes
- (k) Government and other public buildings (including police, fire, library, museum, and postal facilities; excluding retail and service uses except as provided in Section 610.2(u))
- (l) Grocery store (with at least 25,000 square feet gross floor area)
- (m) Hotels and motels
- (n) Laundromats
- (o) Medical care facilities, licensed
- (p) Offices, business or professional
- (q) Plant nurseries
- (r) Public utilities and related easements
- (s) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.

Section 610 Business Commercial (BC) District

- (t) Restaurants with or without drive-through
- (u) Retail stores and shops as an accessory use to the primary permitted use on the parcel, provided:
 - (1) the retail store or shop is directly related, ancillary, subordinate, and incidental to the primary permitted use;
 - (2) the gross floor area of the retail store or shop (excluding storage) does not exceed ten (10) percent of the gross floor area of the primary permitted use;
 - (3) the gross floor area of the retail store or shop (excluding storage) does not occupy more than 1,500 square feet; and
 - (4) the gross floor area for storage related to the retail store or shop does not exceed 500 square feet. **(8/01)**
- (v) Schools, public and private
- (w) Veterinary hospitals (small animals), exclusive of outdoor boarding kennels

610.3 SPECIAL PERMIT USES

- (a) Conference centers
- (b) Pharmaceutical centers **(5/06)**
- (c) Scientific research and development establishments
- (d) Theatres, indoor

610.4 MAXIMUM DENSITY

The maximum density shall not exceed a floor area ratio (FAR) of .30, based on the net developable area of the lot.

610.5 MINIMUM DISTRICT SIZE

Minimum District size is four (4) acres.

610.6 LOT REQUIREMENTS

- (a) Minimum lot area: 20,000 square feet
- (b) Minimum lot width: 100 feet

610.7 BUILDING HEIGHT AND SETBACK REGULATIONS

- (a) Maximum building height: 40 feet
- (b) Minimum yard requirements:
 - (1) Front yard: 40 feet
 - (2) Side yard: 25 feet (40 feet on street side corner lot)
 - (3) Rear yard: 25 feet
 - (4) Where a lot is contiguous to property located in any residential district, all buildings shall have a minimum setback of 40 feet from common property lines.

610.8 OPEN SPACE

- (a) A landscape and buffer plan shall be submitted with any application for site plan approval.
- (b) Twenty (20) percent of the gross site area shall be landscaped open space.

610.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

- (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
- (2) The location, spacing and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
- (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.

(b) Buffering and Landscaping

- (1) Where a parcel in the BC District is contiguous to a residential zoning district or public right-of-way with limited access, a landscaped buffer strip fifteen (15) feet in width shall be provided.
- (2) Landscape materials and their placement shall be subject to final site plan approval. With the approval of the administrative body, walls, fences or wider buffer strips may be used in lieu of landscaping.

(c) Storage of Materials and Refuse

- (1) All refuse containers shall be screened by a solid wall or fence.
- (2) Any establishment involved with the storage of any fuel for sale, for on-site use, or for any other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and stipulations required by the administrative body.
- (3) All storage shall be conducted within the principal structure, which is to be completely enclosed.
- (4) There shall be not outdoor storage and/or display of goods with the exception of plant materials associated with nurseries.

(d) Uses, Facilities and Improvements

- (1) All business services (and storage) shall be conducted within the principal structure, which is to be completely enclosed.
- (2) Signing, mailboxes, site lighting and architectural materials shall be provided and installed by the property's owner-developer and shall be consistent and compatible with the scale and character of the development.
- (3) Private streets, street lighting, sidewalks, curbing and gutters, and parking bays shall be constructed to standards specified by the administrative authority or its agents.

(e) Site Plan

- (1) A site plan, which shall govern all development, shall be submitted for approval.
- (2) Site plans shall include provisions for the following:
 - (A) adequate public facilities;
 - (B) development phasing;
 - (C) stormwater management facilities to address the ultimate development coverage within the district;
 - (D) lighting and signing;
 - (E) building placement and lot configuration; and

Section 610 Business Commercial (BC) District

- (F) Other special site features and land use considerations deemed necessary to serve the district.
 - (G) Any site plan application which is not in strict conformance with the pre-existing approved site plan for the District shall require an amendment to that site plan and preliminary plat prior to site plan approval of the specific use.
- (3) All uses shall be subject to final site plan approval.

AN ORDINANCE AMENDING
ARTICLE VI, SECTION 610.2(b)
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article VI, Additional Districts, Business Commercial (BC) Zoning District, Section 610.2(b), of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE VI

610.2 PERMITTED USES

- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than ~~2,000~~ **3,000** square feet of gross floor area, ~~excluding storage~~) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building.

SIGNED: _____
Wilson Kirby, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL
MOTION TO ADOPT A TEXT AMENDMENT TO
ARTICLE VI OF THE BERRYVILLE ZONING ORDINANCE

Date: April 12, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the attached amendment to Article VI, Section 610.2(b) of the Berryville Zoning Ordinance in order to allow up to **3,000** square feet of gross floor area for a convenience store as an accessory use to auto service and repair (including gas stations).

VOTE:

Aye:

Nay:

Absent:

BERRYVILLE TOWN COUNCIL

Tourism Zone Update

April 12, 2016

The Town Council Community Improvements Committee met on March 29, 2016 and discussed the Tourism Zone information that was previously presented to Council.

Several updates to the Tourism Zone maps and proposed Town Code Section 6-19 have been made since the Committee's March 1, 2016 meeting. Recreation is now included in all three proposed Tourism Zones as an eligible land use. Additional eligible land uses have also been added to the Community Business Tourism Zone including loft apartments, food hubs, and community kitchens. As defined by the National Food HubCollaboration, "a food hub is a business or organization that actively manages the aggregation, distribution, and marketing of source-identified food products primarily from local and regional producers in order to satisfy wholesale, retail, and institutional demand."

While the western Entrance Corridor Tourism Zone is located in Annexation Area B, these properties have not been annexed into the Town. Future consideration for these parcels should be discussed at the time of annexation.

L-1 Industrial Zoning

The Community Business Tourism Zone incorporates L-1 Industrial zoning along First Street and Station Road. In response to interest in redevelopment of these areas over the past year, and national trends allowing for adaptive reuse and redevelopment of urban industrial areas, staff has been reviewing Section 609 and will be making recommendations for modifications to district uses. At the March 29 Community Improvements meeting, additional uses were recommended to the L-1 Zoning District (Section 609) including loft apartments/condominiums; expanding the current "eating establishments" (Special Permit Use under Section 609.3 of the Berryville Zoning Ordinance) to include microbreweries, distilleries, and cideries; and the inclusion of food hubs and community kitchens which would further facilitate the community's agricultural business and tourism base.

While a significant number of jobs in Clarke County are manufacturing, as identified on the Virginia Employment Commission's Employment by Industry chart included after this report, the second chart (New Hires by Industry) shows a significant drop in future manufacturing jobs. Today, growing trends for "postindustrial" urban areas emphasize tourism, revitalized downtowns and efforts to attract a "creative class" of workers. Industrial zoning should allow for redevelopment of infill areas, adaptive reuse of structures, and uses that encourage both. A balance of industrial/manufacturing employment opportunities should remain in Berryville which allow for living wages for workers with limited formal education. The Business Park (BP) zoning district in Annexation Area B and proposed in areas identified in the update of the Berryville Area

Plan maintains a number of manufacturing uses as identified in Section 612 of the Berryville Zoning Ordinance.

Sensitivity to residential zoning districts along First Street and potential impacts of uses should be considered when discussing the opportunity for proposed new uses in the L-1 zoning district. Transportation links should also be discussed, particularly the intersection of First Street and East Main Street. Water and sanitary sewer facilities are located in this area with natural gas close by.

Staff has discussed the proposed additions with several property owners in this area. Their main concern was how changes may affect existing businesses in this district. Staff will not propose any text amendments that would remove current uses.

A final draft of Tourism Zone documents and first draft of proposed modifications to Section 609 L-1 Industrial of the Berryville Zoning Ordinance and recommendation for action to Council will be presented at the May 10, 2016 meeting.

DRAFT AMENDMENT 040716

Incentives

NOTE: This draft amendment to the Town Code proposes the establishment of tourism zones with incentives. This draft amendment proposes to maintain the existing historic district partial tax incentives under Sec. 16-7 creating a broader incentive for business development.

Sec. 16-9 Tourism Zone Incentives

- (a) Purpose: The purpose for creating tourism zones is to encourage certain types of business growth in the Town that will attract visitors to the Town, increase tax revenue, and enhance the general welfare of Town residents. Virginia Code § 58.1-3851 grants towns the legal authority to establish one or more tourism zones and grant tax incentives and regulatory flexibility therein.
- (b) Establishment of Tourism Zones
- (1) Downtown Business Tourism (DBT) Zone Created. There is hereby established the "Downtown Business Tourism Zone," consisting of the areas zoned C General Commercial and designated on the map entitled "Town of Berryville Tourism Zones," dated _____, attached hereto and incorporated herein. The intent of the Downtown Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the downtown area.
 - (2) Entrance Corridor Tourism (ECT) Zone Created. There is hereby established the "Entrance Corridor Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zones," dated _____, attached hereto and incorporated herein. The intent of the Entrance Corridor Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging business growth that enhances the unique character and assets of the entrance corridor area.
 - (3) Community Business Tourism (CBT) Zone Created. There is hereby established the "Community Business Tourism Zone," consisting of the areas designated as such on the map entitled "Town of Berryville Tourism Zones," dated _____, attached hereto and incorporated herein. The intent of the Community Business Tourism Zone is to achieve the overall purpose of Sec. 16-9(a) by encouraging general business growth in the Town of Berryville that supports tourism.
- (c) Eligibility Requirements
- (1) **ELIGIBLE USES BY TOURISM ZONE**. The following land uses, as categorized within each tourism zone, are eligible to receive the

tourism zone incentives of Sec. 16-9(d), subject to compliance with all other code requirements of the Town of Berryville Code and Town of Berryville Zoning Ordinance.

TABLE 16-9(c)(1)

SPECIFIC TOURISM ZONE	ELIGIBLE TYPES OF LAND USES
Downtown Business Tourism (DBT)	Retail Dining Lodging Entertainment* Culture & Arts Personal Services & Offices Recreation Second story apartments/condominiums
Entrance Corridor Tourism (ECT)	Retail Dining Lodging Entertainment* Culture & Art Personal Services & Offices Agritourism Recreation
Community Business Tourism (CBT)	Retail Dining Lodging Entertainment* Personal Services & Offices Recreation Loft apartments/condominiums Wholesale/Retail Food Hub Community Kitchens

*Including both outdoor and indoor uses, but excluding adult entertainment uses.

(2) INVESTMENT CRITERIA. Eligible land uses, as specific under Sec. 16-9(c)(1), shown above, are eligible to receive the tourism zone incentives of Sec. 16-99(d) shown below, only if all of the following criteria is met:

- (a) A minimum new capital investment of \$25,000.
- (b) A minimum creation of one (1) new job.

- (c) Conformance with the Town's Comprehensive Plan.
- (d) Conformance with the Town's Zoning Ordinance.
- (e) Conformance with the Town Code.

(d) Incentives.

(1) BPOL Tax Incentive. BPOL Tax may be reduced for eligible land uses that meet the investment criteria as specified under 16-9(c)(2).

(a) Eligible land uses shall be categorized into one of the following three (3) tier groups, depending on the amount of capital investment and quantity of jobs created.

Table 16-9(d)(1)(a)

Tier Group	Capital Investment	Jobs Created
Tier 1	\$25,000 - \$99,999	1 – 3
Tier 2	\$100,000 - \$499,999	4 – 10
Tier 3	\$500,000 +	11 +

(b) The following table illustrates the duration that eligible land uses may receive BPOL tax reduction based on the qualifying tier group.

Table 16-9(d)(1)(b)

Year	1	2	3	4	5	6	7	8	9	10	11+
Tier 1	✓	✓	✓	✓	X	X	X	X	X	X	X
Tier 2	✓	✓	✓	✓	✓	✓	✓	X	X	X	X
Tier 3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X

(c) Eligible land uses may receive up to 100% BPOL tax reduction for the number of specified years they qualify for under Table 16-9(d)(1)(b).

(d) BPOL tax reduction is based on the estimated increase in BPOL tax as calculated from estimated increased revenue after the proposed investment. BPOL tax reduction shall not apply to existing BPOL tax prior to the specific investment.

(2) Permit Fee Incentive. All eligible land uses may receive up to 100% reduction in permit fees with the Town of Berryville as identified in the Planning and Zoning Fee Schedule, as amended.

(3) Availability Fee Incentive. Eligible commercial land uses may be allowed to make payment of required availability fees over a period of

time that does not exceed ten (10) years, without interest or fees, subject to a lien on the property, or other guarantee, for the specified time period.

(e) Administration & Interpretation.

- (1) The Town Manager, or designee, is authorized to administer tourism zones.
- (2) Interpretations of this section shall be determined by the Town Manager after consultation with the Town Attorney.
- (3) All eligible businesses must submit an application for tourism incentives to the Town Business Office.
- (4) The Town Manager, or designee, shall draft a performance agreement for applicants that qualify for incentives. The performance agreement shall be reviewed by the Town Attorney, Assistant Town Manager/Treasurer, Assistant Town Manager/Planner, and other departments, authorities, committees, commissions or agencies as determined appropriate by the Town Manager.
- (5) Performance agreements shall specify all incentives that are to be authorized and may include conditions of approval including but not limited to requirements that the applicant maintain certain hours of operation, site improvement requirements, or reduction of incentives from their maximum levels authorized by this section.
- (6) Incentives are not authorized until a performance agreement is approved by Town Council and nothing herein shall be interpreted to require or obligate the Town to approving any incentives until a performance agreement is approved by Town Council.
- (7) Town Council may revoke, reduce, or suspend incentives after approval of the performance agreement if the conditions, or other terms, of the performance agreement are not in compliance.

Code of Virginia
Title 58.1. Taxation
Chapter 38. Miscellaneous Taxes

§ 58.1-3851. Creation of local tourism zones.

- A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.
- B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.
- C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), or the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.
- D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.
- 2006, c. 642; 2008, c. 462; 2013, cc. 756, 793.

TOURISM ZONE APPLICATION

TOWN OF BERRYVILLE | 101 Chalmers Court, Ste. A | Berryville, VA 22611 | 540 955-1099

APPLICANT

PROPERTY OWNER (if different)

APPLICANT'S NAME:	PROPERTY OWNER'S NAME:
ADDRESS:	OWNER'S ADDRESS:
PHONE NUMBER:	PHONE NUMBER:
EMAIL:	EMAIL:

SECTION A - Property Information

Tax Map No. _____	Zoning District: _____
Site Address: _____	
Tourism Zone (check one): <input type="checkbox"/> Downtown Business <input type="checkbox"/> Entrance Corridor <input type="checkbox"/> Community Business	

SECTION B - Project Details

Project Name: _____

Describe the project, including a description of the proposed or expanded use.

What dollar amount of capital investment is proposed (\$25,000 minimum)? _____

How many jobs will be created (1 minimum)? _____

Please attach supporting documents with this application, including plats, plans, invoices, quotes, or other details that verifies the above information.

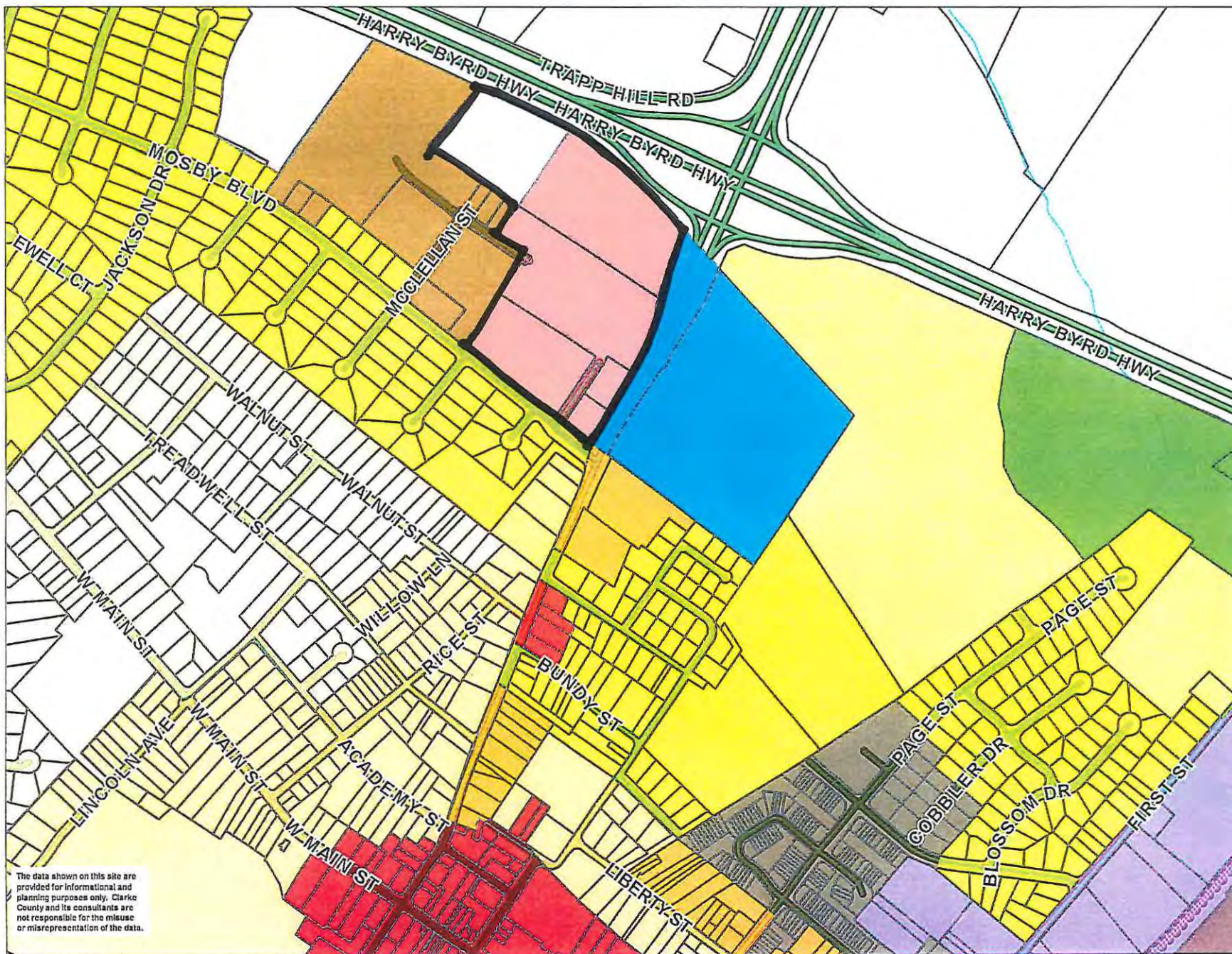
Signature of Applicant: _____ Date: _____

Name of Lot Owner (PRINTED): _____

Signature of Lot Owner: _____ Date: _____

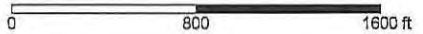
By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application. The Applicant will be the designated contact person for this permit application.

ENTRANCE CORRIDOR TOURISM ZONE



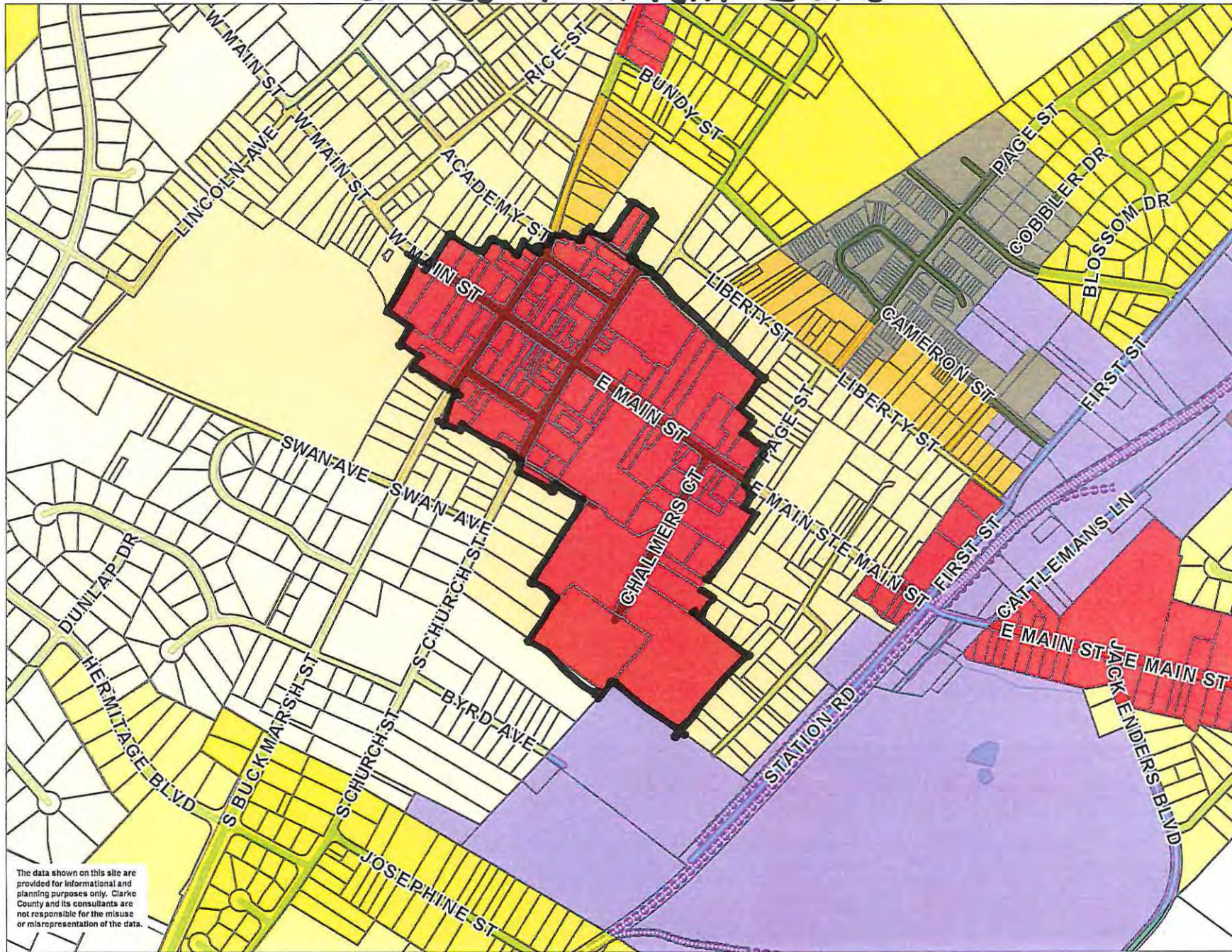
- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)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

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



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DOWNTOWN BUSINESS TOURISM ZONE



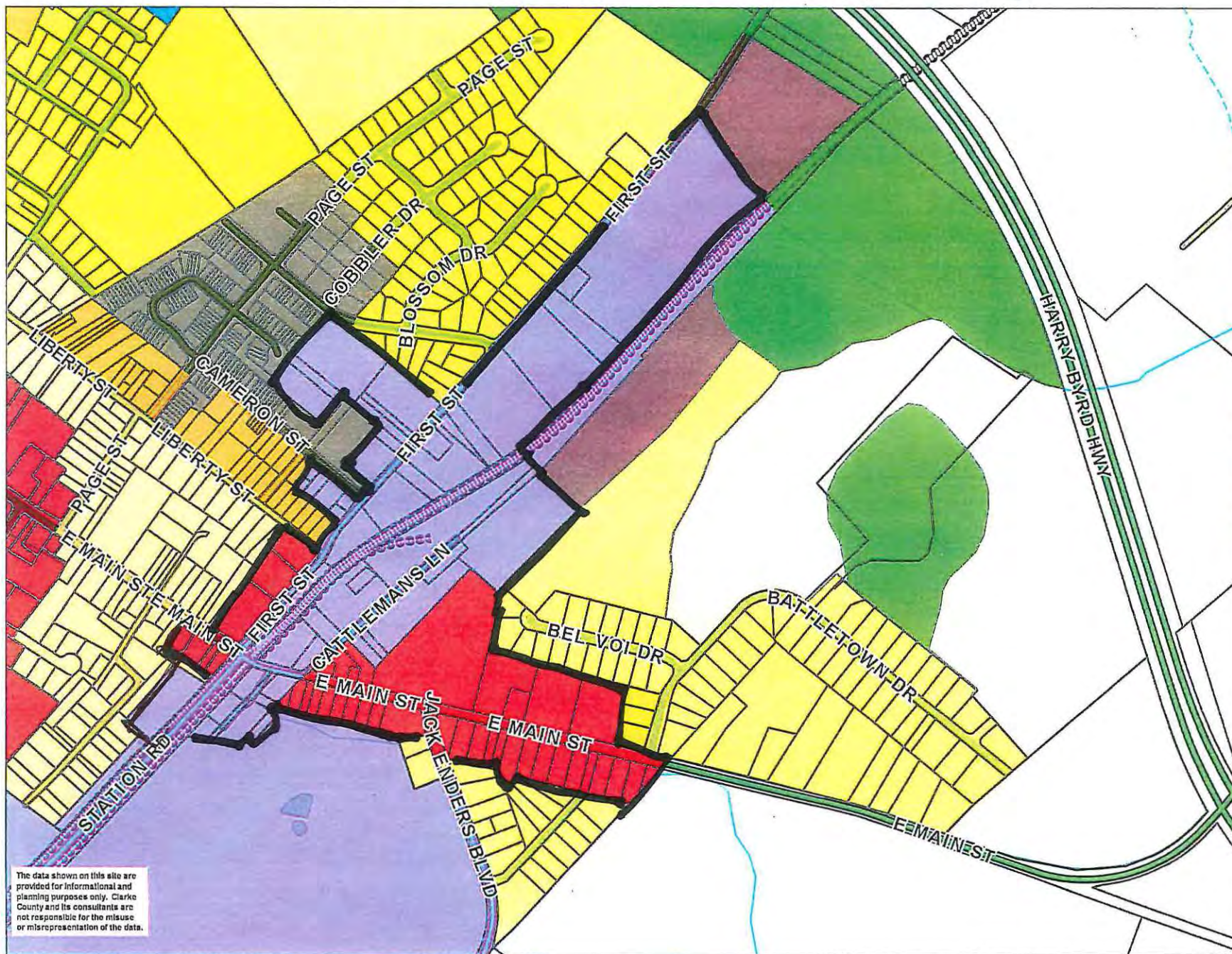
- Points of Interest
- Parcels
- Barryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)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

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



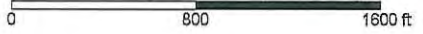
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COMMUNITY BUSINESS TOURISM ZONE

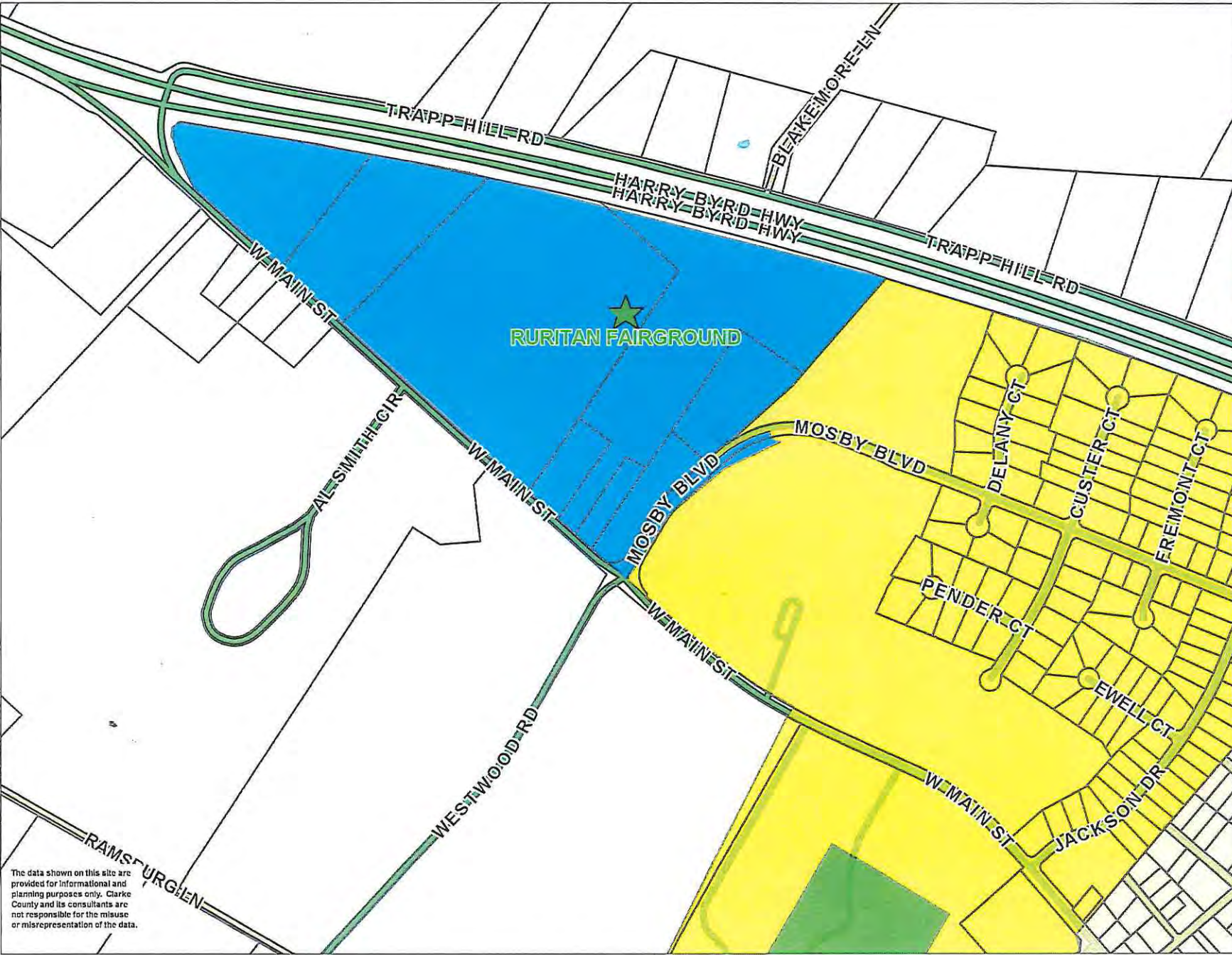


- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
 - Open Space Res (OSF)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (C-1)
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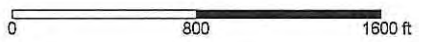


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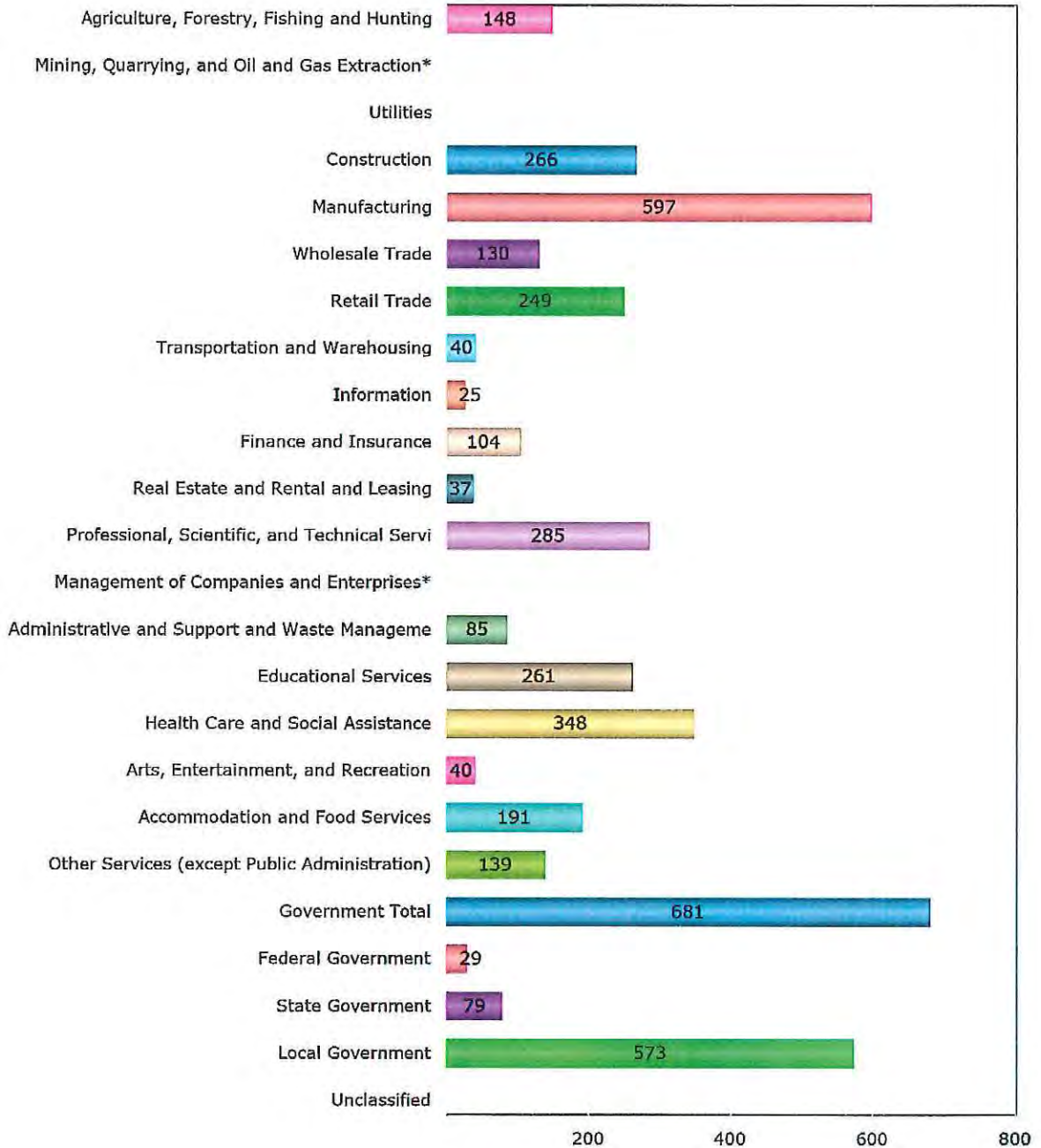
- Points of Interest
- Percels
- Berryville Zoning
 - Detached Res-1 (DR-1)
 - Detached Res-2 (DR-2)
 - Detached Res-4 (DR-4)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OP)
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- Rivers

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Employment by Industry

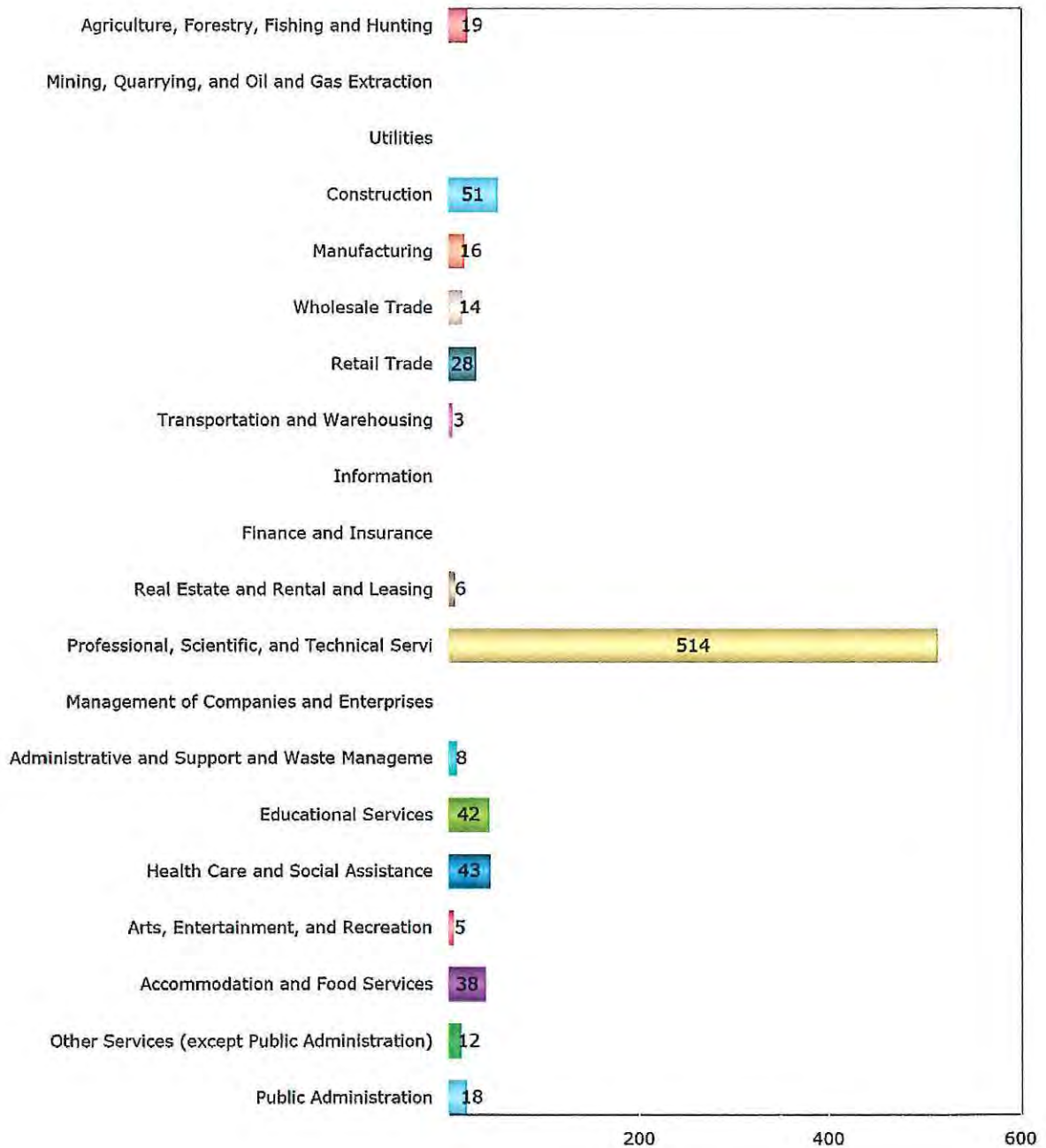


Total: 3,740

Note: Asterisk (*) indicates non-disclosable data.

Source: Virginia Employment Commission, Quarterly Census of Employment and Wages (QCEW), 2nd Quarter (April, May, June) 2015.

New Hires by Industry



Total: 817

Source: U.S. Census Bureau, Local Employment Dynamics (LED) Program, 1st Quarter (January, February, March) 2014, all ownerships.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

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

609.2 PERMITTED USES (12/94)

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

Section 609 Industrial (L-1) District

609.3 SPECIAL PERMIT USES

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

609.4 PROHIBITED USES

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

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

609.5 MAXIMUM LOT COVERAGE

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

Section 609 Industrial (L-1) District

609.6 MINIMUM DISTRICT SIZE

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

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

609.8 OPEN SPACE

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

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

609.10 SETBACK, BUFFERING AND LANDSCAPING

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

Section 609 Industrial (L-1) District

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

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

609.12 STREET ENTRANCES

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

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

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

609.14 ADDITIONAL REQUIREMENTS

- (a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.

Section 609 Industrial (L-1) District

- (b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

Section 612 Business Park (BP) District

SECTION 612 BI BUSINESS INDUSTRIAL (Deleted 7/99)

SECTION 612 BUSINESS PARK (BP) (Adopted 7/99)

612.1 INTENT

The Business Park (BP) District is established to provide locations within the Berryville Area for a broad range of light industrial and business uses. Such uses should be capital intensive (rather than labor intensive), having a significant investment in machinery and tools that should generate maximum revenue for local government. Such uses should promote horizontal and vertical integration of industrial and business activities, so that new businesses enhance and expand the base of existing businesses. All uses shall be in harmony with the cultural and environmental character of the Berryville Area and conform to all Federal, State, and local environmental performance standards. Transportation and site planning of all land uses shall have the goal of minimizing traffic congestion. The application of this district is intended for those locations within the Berryville Area which are planned for Light Industrial/Research uses.

The following list of Permitted Uses, Accessory Uses, Uses allowed by Special Permit, and Prohibited Uses comprehensively addresses every use defined by the North American Industrial Classification System (NAICS) Codes as contained in the NAICS Manual, U.S. Office of Management and Budget, 1997. This Manual shall be used to define the uses listed and assist in the determination of the status of proposed uses. The three-, four-, or five-digit categories listed below include all sub-categories except as noted; for example, 3121 includes 31211, 312111, but does not include 3122.

612.2 PERMITTED USES

The following uses are permitted by right unless subsequently listed as an Accessory Use, a Use allowed by Special Permit, or as a Prohibited Use.

NAICS Code

- (a) 22112 Utilities - Electric Power Transmission, Control, & Distribution
- (b) 2212 Natural Gas Distribution
- (c) 2213 Water, Sewage, & Other Systems
- (d) 233 Building, Developing & General Contracting
- (e) 234 Heavy Construction
- (f) 235 Special Trade Contractors
- (g) 311 Food Manufacturing (except 3116 Animal Slaughtering & Processing and 3117 Seafood Product Preparation & Packaging)
- (h) 3121 Beverage Manufacturing
- (i) 314 Textile Product Mills
- (j) 315 Apparel Manufacturing
- (k) 316 Leather and Allied Product Manufacturing (except 3161 Leather & Hide Tanning & Finishing)
- (l) 321 Wood Product Manufacturing (except 3211 Sawmills & Wood Preservation)
- (m) 3222 Converted Paper Product Manufacturing
- (n) 323 Printing & Related Support Activities
- (o) 3261 Plastics Product Manufacturing

Section 612 Business Park (BP) District

- (p) 332 Fabricated Metal Product Manufacturing (except 3328 Coating/Engrave/Heat Treating & Other Activity and 33292,3,4,5 Small Arms Ammunition, Other Ammunition, Small Arms, and Other Ordnance & Accessories Manufacturing)
- (q) 334 Computer & Electronic Product Manufacturing
- (r) 335 Electrical Equipment, Appliance, & Component Manufacturing (except 335911 Storage Battery and 335912 Primary Battery Manufacturing)
- (s) 337 Furniture and Related Products Manufacturing
- (t) 339 Miscellaneous Manufacturing
- (u) 421 Wholesale Trade, Durable Goods (except 42152 Coal & Other Mineral & Ore Wholesale)
- (v) 422 Wholesale Trade, Non-durable Goods (except 42244 Poultry & Poultry Product Wholesale, 42252 Livestock Wholesale, 4226 Chemical & Allied Products Wholesale and 4227 Petroleum & Petroleum Products Wholesale)
- (w) 454 Non-store Retailers
- (x) 4885 Freight Transportation Arrangement
- (y) 488991 Packing & Crating
- (z) 493 Warehousing & Storage
- (aa) 511 Publishing Industries
- (bb) 512 Motion Picture & Sound Recording Industries
- (cc) 513 Broadcasting & Telecommunications
- (dd) 514 Information & Data Processing Services
- (ee) 5324 Commercial/Industrial Equipment Rental & Leasing
- (ff) 5417 Scientific Research and Development Services
- (gg) 561 Administrative & Support Services (except 5615 Travel Arrangement & Reservation Services)
- (hh) 811 Repair & Maintenance

612.3 ACCESSORY USES

Uses that are customarily accessory and clearly incidental and subordinate to the permitted uses:

NAICS Code

- (a) 6244 Child Day Care Services
- (b) 7222 Limited Service Eating Places

612.4 SPECIAL PERMIT USES

NAICS Code

- (a) 3116 Animal Slaughtering & Processing
- (b) 3117 Seafood Product Preparation & Packaging
- (c) 321114 Wood Preservation
- (d) 3254 Pharmaceutical & Medicine Manufacturing
- (e) 32591 Printing Ink Manufacturing
- (f) 327991 Cut Stone & Stone Product Manufacturing
- (g) 333 Machinery Manufacturing

Section 612 Business Park (BP) District

- (h) 336 Transportation Equipment Manufacturing
- (i) 484 Truck Transportation
- (j) 6215 Medical & Diagnostic Laboratories
- (k) 81233 Linen & Uniform Supply
- (l) 71394 Recreation, commercial indoor **(06/10)**
- (m) 424710 Petroleum Bulk Stations and Terminals* **(9/12)**

612.5 PROHIBITED USES

Uses not listed above (either as permitted uses, accessory uses, or special permit uses) are prohibited, specifically including the following:

NAICS Code

- (a) 11 Agriculture, Forestry, Fishing, & Hunting
- (b) 21 Mining
- (c) 2211 Electric Power Generation
- (d) 3122 Tobacco Manufacturing
- (e) 313 Textile Mills
- (f) 3161 Leather & Hide Tanning & Finishing
- (g) 3211 Sawmills & Wood Preservation
- (h) 3221 Pulp, Paper & Paperboard Mills
- (i) 324 Petroleum & Coal Products Manufacturing
- (j) 325 Chemical Manufacturing
- (k) 3262 Rubber Product Manufacturing
- (l) 327 Nonmetallic Mineral Product Manufacturing (except 327991 Cut Stone & Stone Product Manufacturing)
- (m) 331 Primary Metal Manufacturing
- (n) 3328 Coating/Engraving/Heat Treating & Other Activity
- (o) 33292 Small Arms Ammunition Manufacturing
- (p) 33293 Ammunition (excluding Small Arms) Manufacturing
- (q) 33294 Small Arms Manufacturing
- (r) 33295 Other Ordnance & Accessories Manufacturing
- (s) 335911 Storage Battery Manufacturing
- (t) 335912 Primary Battery Manufacturing
- (u) 42152 Coal & Other Mineral & Ore Wholesale
- (v) 42244 Poultry & Poultry Product Wholesale
- (w) 42252 Livestock Wholesale
- (x) 4226 Chemical and Allied Products Wholesale
- (y) 4247 Petroleum & Petroleum Products Merchant Wholesalers except 42471 Petroleum Bulk Stations and Terminals* **(9/12)**
- (z) 441 Motor Vehicle & Parts Dealers
- (aa) 442 Furniture & Home Furnishings Stores
- (bb) 443 Electronics & Appliance Stores
- (cc) 444 Building Material & Garden Equipment and Supply Dealers
- (dd) 445 Food & Beverage Stores
- (ee) 446 Health & Personal Care Stores
- (ff) 447 Gasoline Stations
- (gg) 448 Clothing & Clothing Accessories Stores
- (hh) 451 Sporting Goods, Hobby, Book & Music Stores
- (ii) 452 General Merchandise Stores

Section 612 Business Park (BP) District

(jj)	453	Miscellaneous Store Retailers
(kk)	481	Air Transportation
(ll)	482	Rail Transportation
(mm)	483	Water Transportation
(nn)	485	Transit & Ground Passenger Transportation
(oo)	486	Pipeline Transportation
(pp)	487	Scenic & Sightseeing Transportation
(qq)	488	Transportation Support Activities (except 4885 Freight Transportation Arrangement and 488991 Packing & Crating)
(rr)	491	Postal Service
(ss)	492	Couriers & Messengers
(tt)	521	Monetary Authorities - Central Bank
(uu)	522	Credit Intermediation & Related Activities
(vv)	523	Security, Commodity Contracts & Like Activity
(ww)	524	Insurance Carriers & Related Activities
(xx)	525	Funds, Trusts & Other Financial Vehicles
(yy)	531	Real Estate
(zz)	5321	Automotive Equipment Rental & Leasing
(aaa)	5322	Consumer Goods Rental
(bbb)	5323	General Rental Centers
(ccc)	533	Lessors of Other Non-financial Intangible Asset
(ddd)	541	Professional, Scientific & Technical Services
(eee)	551	Management of Companies & Enterprises
(fff)	5615	Travel Arrangement & Reservation Services
(ggg)	562	Waste Management & Remediation Services
(hhh)	611	Educational Services
(iii)	621	Ambulatory Health Care Services
(jjj)	622	Hospitals
(kkk)	623	Nursing & Residential Care Facilities
(lll)	624	Social Assistance
(mmm)	711	Performing Arts, Spectator Sports & Related Industries
(nnn)	712	Museums, Historical Sites & Like Institutions
(ooo)	713	Amusement, Gambling & Recreation Industries
(ppp)	721	Accommodation
(qqq)	722	Food Services & Drinking Places
(rrr)	812	Personal & Laundry Services
(sss)	813	Religious, Grant-making, Professional, and Like Organizations
(ttt)	814	Private Households
(uuu)	921	General Government Administration
(vvv)	922	Justice, Public Order & Safety Activities
(www)	923	Administration of Human Resource Programs
(xxx)	924	Administration of Environmental Quality Programs
(yyy)	925	Administration of Housing, Urban Planning, Community Development
(zzz)	926	Administration of Economic Programs
(aaaa)	927	Space Research & Technology
(bbbb)	928	National Security & International Affairs

*Reflects 2007 NAICS Code (replaces 1997 NAICS Code 4227) (9/12)

Section 612 Business Park (BP) District

612.6 MAXIMUM DENSITY

The maximum floor area ratio shall not exceed 0.35, based on net developable area of lot.

612.7 LOT SIZE REQUIREMENTS

- (a) Minimum district size: Not regulated
- (b) Minimum lot area: 60,000 square feet
- (c) Minimum lot width: 100 feet

612.8 BULK REGULATIONS

- (a) Maximum building height: 40 feet
- (b) Minimum yard requirements
 - (1) Front yard: 40 feet
 - (2) Side yard: 25 feet
 - (3) Rear yard: 25 feet
 - (4) Side and rear yard requirements may be waived where that side or rear yard abuts a railroad right-of-way.
 - (5) Where a lot is contiguous to property located in any zoning district whose permitted uses are not of a business, office, commercial, or industrial nature, all buildings shall have a minimum setback of sixty (60) feet from common property lines.

612.9 OPEN SPACE

- (a) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.
- (b) Fifteen (15) percent of the site shall be landscaped open space.

612.10 ADDITIONAL REGULATIONS

- (a) Parking
 - (1) All parking requirements shall be met by off-street, on-site spaces and shall include designated spaces for the handicapped.
 - (2) The location, spacing, and number of private driveway entrances shall comply with Virginia Department of Transportation standards and shall be subject to final site plan approval.
 - (3) Off-street parking spaces shall be accessed via private driveways and shall not be directly accessed from public rights-of-way.
 - (4) Public streets within or immediately adjacent to the BP zoning district shall be constructed to industrial road standards if determined necessary by the administrative body. Sidewalks may be required on such streets if determined necessary by the administrative body.
- (b) Buffering and Landscaping
 - (1) Where a parcel in the BP district is contiguous to property located in any residential or institutional district, a landscaped buffer strip of twenty-five (25) feet in width shall be provided.
 - (2) Where a lot is contiguous to property located in any business, office, or commercial district, a landscaped buffer strip of ten (10) feet in width shall be provided.

Section 612 Business Park (BP) District

- (3) Where a lot is contiguous to property located in any industrial district, a landscaped buffer strip of five (5) feet in width shall be provided.
 - (4) Landscape materials and placement subject to site plan approval in all landscaped buffer strips.
- (c) Storage of Materials and Refuse
- (1) All refuse containers shall be screened by a solid and opaque wall or fence.
 - (2) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except as otherwise approved by the Town of Berryville by Special Use Permit.
 - (3) The outdoor area devoted to storage, loading, and display of goods shall be limited to that area so designated on an approved site plan.
 - (4) All equipment and materials shall be contained entirely within a building or screened from public rights-of-way and contiguous parcels, which are zoned for residential or institutional uses.
- (d) Site Plans and Special Use Permits
- (1) All uses shall be subject to final site plan approval.
 - (2) Final site plans shall include a report indicating compliance with any locally adopted performance standards and land use criteria.
 - (3) Applications for all uses subject to special use permits shall be accompanied by an environmental impact assessment addressing land use compatibility issues related to locally adopted performance standards.
 - (4) Any BP Business Park District land use application which is not in strict conformance with the pre-existing approved master site plan and preliminary plat for the district shall require an amendment to that master site plan and preliminary plat prior to site plan approval of the specific use.
 - (5) Site plans for development in BP Business Park District shall include provisions for (a) adequate public facilities, (b) development phasing, (c) stormwater management facilities to address the ultimate development coverage within the district, (d) lighting and signing, and (e) other special site features and land use considerations deemed necessary to serve the industrial district.
- (e) Covenants
- (1) Common property ownership agreements and covenants for BP Business Park District developments shall be reviewed and approved by the governing body or its agent.

BERRYVILLE TOWN COUNCIL
Spot Blight Abatement Update
April 12, 2016

A public hearing on a spot blight abatement plan and to make findings and recommendations that shall be reported to Town Council concerning the repair or other disposition of a blighted property pursuant to Section 5-5. Spot blight abatement of the Code of the Town of Berryville for the structure(s) and property located at 203 Moore Drive (Tax Map Parcel #14A2-((10))-B-30).

The sale of the property referenced above was finalized on Friday, March 18 and the owner obtained a zoning permit from the Town to conduct their renovation on Monday, March 21. Staff discussed the progress with the property owner on Wednesday, April 6. He indicated that the interior has been demolished and the structure secured from weather. He said truss measurements will be done on Tuesday, April 12 with delivery within two weeks. He has scheduled a walk-through with the County Building Official.

March 8, 2016 Staff Report

Mr. Dalton contacted the broker representing FNMA and she said that an offer has been made, accepted and ratified on the property identified above. The broker indicated that closing on the property should occur on or before March 18, 2016. By all indications, work to repair the structure will begin soon after the closing. Staff will monitor the progress and update Council on construction activity.

Attachment 10

TOWN COUNCIL
MOTION FOR APPROVAL: ORDINANCE SETTING TAX LEVIES FOR TAX
YEAR 2016

Date: April 12, 2016

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Ordinance setting the tax levies for tax year 2016 amending the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2016

Date: April 12, 2016

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2016 there is hereby levied:

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

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

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

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

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____ Date: April 12, 2016
Wilson L. Kirby, Mayor

ATTEST: _____ Date: April 12, 2016
Harry Lee Arnold, Jr., Recorder

Attachment 11

TOWN COUNCIL
MOTION FOR APPROVAL: RESOLUTION TO PROVIDE FOR THE
IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL
PROPERTY TAX RELIEF ACT OF 1998 FOR THE TAX YEAR 2016

Date: April 12, 2016

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2016.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Town of Berryville

Resolution

**To Provide for the Implementation of the 2004-2005
Changes to the Personal Property Tax Relief Act of 1998
For the Tax Year 2016**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2016, shall receive personal property tax relief in the following manner:

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

PASSED THIS 12th DAY OF APRIL 2016.

Wilson L. Kirby, Mayor

ATTEST:

Harry L. Arnold, Jr., Recorder

Attachment 12

TOWN COUNCIL
MOTION TO SET PUBLIC HEARING
FOR FY 16-17 BUDGET

Date: April 12, 2106

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville set a Public Hearing on the FY 16-17 Budget for May 10, 2016.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 13

STAFF REPORT

TO: KEITH DALTON, TOWN MANAGER
FROM: DESIREE MORELAND, TREASURER
SUBJECT: VRS RATE – TAX PUBLIC HEARING
DATE: 4/4/2016
CC: TOWN COUNCIL

Attached are instructions for electing an employer retirement contribution rate. Originally, local governments paid the retirement contribution rates certified by the VRS Board of Trustees. The Appropriation Act from prior years allowed localities to pay either the certified rate or an alternate rate. Over the long term, the alternate rate increases local government costs, but for the short term, it would provide some relief from increases in employer contribution rates. Using the alternate rate would reduce contributions to our employer account which means there will be fewer assets available for benefits. This would result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time. We have always elected to pay the certified rate and the proposed FY 16-17 Budget includes the certified contribution rate

The 2016 Appropriations Act sets the certified rate as the employer default rate. If you wish to continue to pay the certified rate no action is needed. If you wish to pay the alternate rate Council must pass the attached resolution electing the alternate rate.

At the April 12, 2016 meeting we need to:

- Set Real Estate, Personal Property and Machinery & Tools tax rates for 2016
- Set PPTRA rate for 2016
- Set a Public Hearing for May 10, 2016 for the FY16-17 Budget



P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

March 24, 2016

Town of Berryville – 55368

As you are aware, the Appropriation Act from prior years allowed political subdivisions to elect to pay either the employer contribution rate certified by the Virginia Retirement System (“VRS”) or to pay an alternate rate. However, the language was slightly modified in the **2016 Appropriation Act, Item 475(I)**. Let me take this opportunity to share information regarding this modification.

The modified 2016 Appropriation Act language establishes the certified rate as the default employer contribution rate. Political subdivisions may still make an election between the certified employer contribution rate and the alternate employer contribution rate for the next biennium beginning July 1, 2016. **If your political subdivision wishes to pay the certified rate, no further action is needed and you are not required to send VRS any documents affirming this decision.** Your rate will be the new certified rate, effective July 1, 2016.

If your political subdivision wishes to pay the alternate rate, your governing body must pass the attached resolution stating that it elects the alternate rate, beginning July 1, 2016. In addition, the Appropriation Act requires school divisions to obtain the concurrence of the local governing body if electing to pay the alternate contribution rate. Such concurrence must be documented by the attached resolution from the local governing body and sent to VRS.

Please note, the Appropriation Act will not be finalized until signed by the Governor, which occurs after the reconvened session of the General Assembly. VRS does not anticipate any further changes to this language modification; however, we will keep you apprised of any amendments that would change these options.

To assist you in your decision, please find below the certified and alternate contribution rates. Again, you only need to send VRS a resolution if your political subdivision elects the alternate employer contribution rate.

Employer Retirement Contribution Rate Election

- 11.05% – The employer contribution rate certified by the VRS Board of Trustees for the fiscal years 2017-2018.
- 9.95% – The alternate employer contribution rate, which is the higher of the rate certified by the VRS Board for fiscal year 2012 or 90 percent of the VRS Board-certified rate for fiscal years 2017-2018.

Considerations in Electing Your Contribution Rate

The 2016 Appropriation Act, Item 475(I) offers political subdivisions and schools the opportunity to elect an alternate lower employer contribution rate for budget considerations. However, this does not change the Board-certified employer contribution rate. Therefore, if you are considering using the alternate rate, please be aware that doing so will:

- Reduce contributions to your employer account and the investment earnings they would have generated, which will mean there will be fewer assets available for benefits.
- Result in a lower funded ratio when the next actuarial valuation is performed and, thus, a higher certified contribution rate at that time.
- GASB required supplementary information will need to include disclosure of contribution deficiency for the amount by which the alternate contributions are less than the actuarially determined contribution.

Deadline for Alternate Rate Resolutions

If your governing body elects to pay the alternate rate, the resolution must be passed on or before July 1, 2016 and mailed to VRS **postmarked no later than July 5, 2016**. The resolutions received by VRS must be the certified original document. Please send all resolutions to Ms. ZaeAnne Allen, employer coverage coordinator, at P.O. Box 2500, Richmond, VA 23218-2500.

If you have any questions about the information in this packet, please contact Ms. ZaeAnne Allen, employer coverage coordinator, at zallen@varetire.org or (804) 775-3514.

Sincerely,



Patricia S. Bishop
VRS Director

(Enclosure)

Item 475(I) of the Proposed 2016 Appropriation Act

I.1. Except as authorized in Paragraph I.2. of this Item, rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.

2. Rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, unless the participating employer notifies VRS that it has opted to base the employer contribution rate on the higher of: a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium, eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium, ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium, and one-hundred percent of the results of the June 30, 2017 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2018-20 biennium.

3. Every participating employer that opts not to use the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, must certify to the board of the Virginia Retirement System by resolution adopted by its local governing body that it: has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of electing or not electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as provided for in paragraph I.1.

4. Local public school divisions must receive the concurrence of the local governing body if electing to pay the alternate contribution rate set out in paragraph I.2. Such concurrence must be documented by a resolution of the governing body.

5. The board of the Virginia Retirement System shall provide all employers participating in the Virginia Retirement System with a summary of the implications inherent in the use of the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees set out in paragraph I.1, and the alternate employer contribution rates set out in paragraph I.2.



VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2016 Appropriation Act Item 475(I))

Resolution to Elect the Alternate Rate

WHEREAS, the 2016 Appropriation Act Item 475(I)(1) requires that an employer pay the contribution rate certified by the VRS Board of Trustees (“Certified Rate”), unless the employer elects to pay an alternate rate as described in Item 475(I)(2) (“Alternate Rate”); and

WHEREAS, if an employer wishes to pay the Certified Rate, then the employer need not take action on this resolution; and

WHEREAS, if an employer wishes to pay the Alternate Rate established in the 2016 Appropriation Act, then the employer must pass this resolution on or before July 1, 2016, to elect the Alternate Rate; and

WHEREAS, any local public school division that elects to pay the Alternate Rate must receive a concurrence of its local governing body documented by a resolution of the governing body on or before July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the [insert Locality, School Division, or Other Political Subdivision Name] _____ (“the Employer”) [insert employer code] _____, does hereby elect to pay the Alternate Rate and acknowledges that its contribution rate effective July 1, 2016 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium; and

BE IT FURTHER RESOLVED, that the Employer does hereby certify to the Virginia Retirement System Board of Trustees that it agrees to pay the Alternate Rate of [insert Alternate Rate provided in the attached cover letter] _____% effective July 1, 2016; and

BE IT FURTHER RESOLVED, that the Employer does hereby acknowledge that, if it is a school division, this resolution shall not become effective unless the Virginia Retirement System receives a concurrence of its local governing body documented by a resolution of the local governing body dated on or before July 1, 2016; and

BE IT FURTHER RESOLVED, that the Employer does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution.

NOW, THEREFORE, the officers of the Employer are hereby authorized and directed in the name of the Employer to carry out the provisions of this resolution, and said officers of the Employer are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Employer for this purpose.

Governing Body/School Division Chairman

CERTIFICATE

I, [insert name] _____, [insert title] _____ of the Employer, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Employer held at [insert county/city/town] _____, Virginia at [insert time] _____ on [insert date] _____, 2016. Given under my hand and seal of the Employer this ____ day of _____, 2016.

(signature)

**This resolution must be passed on or before July 1, 2016 and
mailed to VRS postmarked no later than July 5, 2016.**

Attachment 14

**BERRYVILLE TOWN COUNCIL
COMMUNITY IMPROVEMENTS COMMITTEE
Tuesday, March 29, 2015
Berryville-Clarke County Government Center
Called Meeting
5:00pm**

MINUTES

Roll:

Town Council:

Present: Allen Kitselman, Chair; Bryant Condrey

Absent: no one

Staff: Christy Dunkle, Assistant Town Manager/Planner

Press: Val VanMeter

1. Call to Order: Allen Kitselman
Chair Kitselman called the meeting to order at 5:00pm.

2. Discussion – Tourism Zones
Ms. Dunkle reviewed the draft amendment and recent proposed changes that were made since the last review. She said the map had been modified to include portions of the L-1 zoning district on the west side of First Street. She added that the properties within the western Entrance Corridor Tourism Zone are in Annexation Area B but are not annexed into Town at this time and have been removed. She said this area should be considered for this designation in the future once the properties are annexed into the Town. Mr. Condrey requested specific figures for the amount of BPOL taxes potential businesses could be looking at for reductions. Ms. Dunkle said she had discussed the matter with Town Clerk Phillips who said she would be able to have general numbers after the business licenses had been updated in April. Mr. Condrey asked about second story apartments identified in the Downtown Tourism Zone. Chair Kitselman said downtown apartments create synergy and more activity in downtown areas. Ms. Dunkle added that Council had made some text amendments to the C General Commercial zoning district in 2014 to facilitate second story apartments by making them a use by right while continuing to require a Special Use Permit for first story storefront and basement apartments.

There was a discussion about the map. Committee members requested the addition of the L-1 zoned property on the west side of the railroad tracks where Crawford Electronics is located.

3. Discussion – Tourist Oriented Directional Signage

Attachment 15



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

MEMO

DATE: 04/05/2016

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 04/12/2016

Monthly Activity Report

The activity report for the month of March 2016 is attached to this memo.

Police and Security Committee

A meeting of the Police and Security Committee is scheduled for April 28, 2016 at 6:00 pm.

Staffing

Brandon Piper has been hired to join the Berryville Police Department and began working on April 5, 2016. He fills the position vacated by Officer Graham. Officer Piper is already a Virginia certified law enforcement officer and most recently worked for the Town of Warrenton. Over the next several weeks he will be working with a field training officer to get acquainted with the town.

Investigator Greg Frenzel has advised the department that he will be retiring effective June 1, 2016. Greg joined the department in 1997 after beginning his career with the Strasburg Police Department. Greg has served the department in many capacities as a firearms instructor, evidence officer, and most recently investigator.



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policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

POLICE AND SECURITY REPORT

Month: March	Year To Date	March	February
Year: 2016	2016	2016	2016
Total Miles Traveled:	9,061	3,474	2,707
Total Man Hours:	3,177	1,010	954
<u>Complaints Answered</u>			
911 Hang Up:	6	3	1
Alarms:	23	10	9
Animal Complaint:	20	6	8
Assault And Battery:	5	2	2
Assist County:	2	0	1
Auto Larceny:	2	1	0
Burglary:	1	0	0
Civil Complaints:	23	8	6
Disturbance (Non Violent):	14	4	3
Domestic Disturbance:	0	0	0
Drunk In Public:	3	1	1
Forgery & Uttering:	0	0	0
Fraud:	1	0	0
Grand Larceny:	0	0	0
Harassment/Intimidation:	7	0	3
Homicide:	0	0	0
Juvenile Related:	10	3	3
Noise:	11	0	7
Petty Larceny:	2	1	1
Public Service:	10	5	2
Rape:	0	0	0
Robbery:	0	0	0
Runaway:	1	0	1
Shoplifting:	0	0	0
Suspicious Activity:	42	17	13
Trespassing:	2	1	0
Vandalism:	5	2	0
Welfare Check:	31	13	10
Miscellaneous Complaints:	59	14	20
Total Complaints Answered:	280	91	91



Berryville Police Department

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

policeadmin@berryvilleva.gov

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

W. Neal White – Chief of Police

Traffic

Accidents Investigated:	4	2	0
Assist Motorist:	9	1	5
Child Safety Seat Install:	9	5	4
Funeral Escort:	6	1	3
Hit & Run:	2	1	0
Parking Tickets:	19	3	10
Traffic Warnings:	61	24	24

Traffic Summons Issued

Defective Equipment:	0	0	0
Driving Suspended:	5	3	1
Expired Inspection:	0	0	0
Expired Registration:	1	1	0
Fail To Obey Highway Sign:	27	8	13
Fail To Obey Traffic Signals:	0	0	0
Fail To Stop/Lights & Siren:	0	0	0
Fail To Yield Right Of Way:	1	1	0
Hit And Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	1	1	0
No Seat Belt:	0	0	0
Reckless Driving:	3	1	0
Speeding:	15	5	6
Miscellaneous Summons:	1	1	0
Total Traffic Summons Issued:	55	21	20



Berryville Police Department

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

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

W. Neal White – Chief of Police

Criminal Arrests Made

Abduction:	0	0	0
Arson:	0	0	0
Assault And Battery:	3	0	1
A & B On Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking And Entering:	1	0	0
Capias:	4	4	0
Disorderly Conduct:	0	0	0
Driving While Intoxicated:	1	1	0
Drunk In Public:	2	0	1
Fail To Obey Police Officer:	0	0	0
Fail To Pay Parking Ticket:	0	0	0
Forgery:	0	0	0
Fraud:	0	0	0
Grand Larceny:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia	6	6	0
Petty Larceny:	0	0	0
Possess Alcohol Underage:	0	0	0
Protective Order:	8	1	5
Rape:	0	0	0
Resisting Arrest:	1	1	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	0	0	0
Weapons Violation	0	0	0
	6	3	2
Miscellaneous Criminal Arrests:			
Juvenile Arrest Total:	0	0	0
Total Criminal Arrests:	32	16	10

Found Open At Business In Town

Doors:	9	4	1
Windows:	0	0	0
Garage Doors Found Open:	0	0	0

Attachment 16

BERRYVILLE TOWN COUNCIL
Streets and Utilities Committee
Thursday, March 24, 2016
Berryville-Clarke County Government Center
9:00 a.m.

MINUTES

Roll:

Town Council:

Present: Wilson Kirby, Chair; Doug Shaffer

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

Press: None

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

Mr. Dalton reviewed the additional projects that staff recommends be completed with funds remaining in the VDOT reimbursement. These projects include paving work on Ashby Court, Lincoln Avenue, South Church Street from Swan Avenue to Taylor Street, Byrd (small portion near Church Street), and Stuart Court. After discussion, the committee agreed with staff's recommendation for expenditure of the street funds for this fiscal year.

Mr. Dalton reviewed the proposed Street Work Priorities FY 2017. After discussion, the committee agreed to forward these priorities to the Town Council.

The committee discussed water projects on Academy Street, Academy Court, and Battletown Drive with staff.

Mr. Dalton informed the committee that he would be meeting with the Battletown Homeowners Association to discuss methods of improving snow removal on Ritter Place.

The committee discussed drinking water quality and maintenance costs at the wastewater treatment plant with Mr. Tyrrell.

The committee adjourned at 10:04 a.m.

Attachment 17

The Streets and Utilities Committee worked with staff to develop the attached Street Work Priorities for FY 2017. Final review by the Streets and Utilities Committee occurred at their 3/24 meeting.

Significant Non-street Expenditures

Public Works Building Expansion

Prior to assuming responsibility for secondary street maintenance, the Town completed two of three phases of improvements to the Public Work Facility (Tom Whitacre Circle). Phase 3 was not completed because of funding and the presence of a drainfield in the expansion area. The Town prepared for the possibility of connecting into the Town's sewer collection system and that connection was made during the construction of the Clarke County High School. The drainfield was subsequently abandoned in accordance with VDH requirements.

VDOT has agreed to permit the expenditure of 75% of the cost of the work in question. The other 25% will come from Town funds (GF).

The project will provide a three-sided building with five or six bays.

This expansion will permit certain equipment and material to be stored under-cover. It is also planned that once this project is completed, one bay of the existing building can be dedicated to use by the Police Department.

This work is the final phase of planned improvements to the site.

Equipment Purchase

At present the Town maintains three large dump trucks. While they at times have a small role in town utility maintenance, their principal use is for street maintenance.

The oldest of the large dump trucks has been programmed for replacement and will be sold at auction. A new large dump truck (with ten-foot snow plow) will be purchased in FY 17.

An eight-foot snow plow for the truck driven by the Public Works Director will be purchased in FY 17.

A replacement dump bed for a small dump truck (1 ton) will be purchased in FY 17.

Scheduled Street Projects

As you will recall, a consulting engineer inspected and evaluated every street in town in 2013. The following streets were identified as being in poor condition (in italics following the street provides action, if any, to address pavement condition):

- Cameron Street – *paved 8/14*
- Ritter Place (portion) – *paved 8/14*
- Battletown Drive (portion) – *paved 8/14*
- Page Street (portion) – *paved 5/14*
- Bundy Street – *paved 10/13*

- Jack Enders Boulevard (portion)
- Willow Lane – *paved 10/13*
- Academy Street (portion)
- Smith Street (portion)
- Dorsey Street (portion) – *paved 6/14*

Academy Street and Smith Street (between Main Street and Academy Street) are scheduled to be paved before the end of the current fiscal year; therefore, only one street listed above remains to be paved.

The proposed Street Work Priorities include \$ 110,000 for the paving of Jack Enders Boulevard from Williamstead Lane to the end of Town maintenance.

The only other paving project scheduled in the proposed Street Work Priorities is work on Academy Court. The court is in poor condition (particularly at the cul-de-sac) and the Town is planning to replace a waterline (and associated water laterals) sometime in calendar 2016. Town crews will patch their work with base asphalt and allow the patches to winter over before the entire street is paved in the spring/summer of 2017.

Re-evaluation of street work priorities in spring

It is the practice of the Streets and Utilities Committee to review expenditures in the spring to determine whether additional funds are available for other projects. The level of funds available for additional projects is generally determined by snow removal and maintenance costs.

The Streets and Utilities Committee has reviewed the funding available for additional projects this spring (FY16) and determined that the following projects will be completed:

- Ashby Court
- Stuart Court
- Lincoln Avenue
- South Church Street (between Swan Avenue and Taylor Street)
- Byrd Avenue (between Church Street and western limits of 2012 paving project)

The Streets and Utilities Committee is working with staff and their engineer to update the street assessment.

Lastly, the Streets and Utilities Committee and staff are beginning the work of setting priorities for FY18.

Recommendation:

It is recommended that the Town Council approve the attached motion approving the attached street work priorities for FY 17 and authorizing the Streets and Utilities Committee to amend the priorities as needed throughout the year.

BERRYVILLE TOWN COUNCIL

MOTION TO APPROVE ATTACHED STREET WORK PRIORITIES

Date: April 12, 2016

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached street work priorities for FY 17 and authorize the Streets and Utilities Committee to make adjustments as needed throughout the year.

VOTE:

Aye:

Nay: None

Absent: None

ATTEST:

Harry Lee Arnold, Jr., Recorder

Street Work Priorities FY 2017
3/15/16 Draft

<u>VDOT Reimbursement Limit</u>	\$ 474,787
<u>Work Items</u>	
Patch/Repair trouble areas in streets	\$ 20,000
Sidewalk repair	\$ 10,000
Engineering	\$ 5,000
Public Works Improvements	\$ 63,563
Equipment Purchase/Maintenance/Repair (purchase dump truck & 10' Plow (115,000), 8' plow (6,000), and dump bed (4,500). Maintenance (23,500)	\$ 150,000
Routine Maintenance (snow removal, tree trimming, drainage ditch cleaning, street cleaning etc.)	\$ 100,000
<u>Subtotal</u>	\$ 348,563
<u>Available within Reimbursement (\$474,787 – 348,563)</u>	\$ 126,224
<u>Specific Repair Work Priorities</u>	
<i>Summer and fall (2016)</i>	
Academy Court	\$ 16,224
Total Summer/Fall (2016)	\$ 16,224
<i>Spring and summer (2017)</i>	
Jack Enders Blvd. (Williamstead Lane to ETM)	\$ 110,000
Total Spring/Summer (2015)	\$ 110,000
<u>Remaining within Reimbursement</u>	\$ 0

Note: Proceeds from sale of three Public Works trucks will return to the General Fund.

Attachment 18

Memo

To: Town Council
From: David Tyrrell
Date: April 6, 2016
Re: March 2016 Operations Report

The water treatment plant is in compliance for March 2016 with its monthly parameters. We sent a total of 9.313 MG water to the system with a daily average production of 0.358 MGD and a daily max of 0.488 MG.

Plant operations for March have been fairly routine. We are seeing an increase in demand which I believe is mostly coming from the Berryville Glen Subdivision as many new sodded lawns are being installed.

The 2015 Consumer Confidence Report is in and is being prepared for distribution and it will go out to our customers this month. A copy is attached for your review. Our Bacterial Site Plan was updated and approved by VDH to reflect changes in regulations as to how we collect repeat samples should we have a positive bacteriological test result. A designated location was set both upstream and downstream of each testing location for retesting should it be needed.

Drought Conditions: Water levels in the Shenandoah River have run above historical averages for the month of February. There is no concern for drought in our area at this time.

The wastewater plant is in compliance with its discharge permit for March per data received to date with our nutrient removal continuing to do very well. We treated a total of 11.38 MG with a daily average of 0.37 MGD and a daily max of 0.52 MG discharged to the river. Influent flow rates continue to run slightly above dry weather rates. We are watching the process temperatures which have risen to 48° F. Once they hit 50° F we will start to adjust the biosolids inventory to summer operations.

Acid cleans of the membrane trains have been started this month with Trains #1 and #2 being completed in March. Trains #3 and #4 will be completed the first of April. Both scum pump pits have been cleaned and the pumps inspected. All working as it should. We have had a problem develop with one of our alum feed lines. It is not delivering alum to the chemical mixing chamber. Somewhere in the line a small leak

must have developed but we have not been able to trace it down as of yet. We were able to switch to the alternative site for alum feed and are looking into possibilities for where the issue lies. We are able to connect a hose to the failing line and get flow through it. We will keep you informed as to what we find.

Attached for review is the data report for the wastewater plant, latest InSight report for the membrane performance from GE, and the water plant page 1 operations report for VDH. Also as mentioned earlier is the 2015 Consumer Confidence Report.

FLOWS AND CHEMICAL DOSAGES

March 2016

No. Connections Served: 1610
Population Served: 4185

DATE	Raw Water Treated MGD	Finished Water Produced MGD	Finished Water Delivered MGD	Hours in Service	Raw Water Chemicals										Finished Water Chemicals							
					Alum		Carbon		Chlorine		Fluoride		Polymer		KMnO4		Soda Ash		Chlorine		Corr Inhibitor	
					Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L	Lbs per Day	mg/L
1	0.427		0.390	12.8	41	11.4	3	0.9			3.6	1.00	0.097	0.027	0	0.0			10.6	3.0		
2	0.383		0.342	11.3	30	9.5	3	0.8			6.6	2.06	0.079	0.025	4.0	1.3			8.9	2.8		
3	0.432		0.391	12.5	41	11.3	3	0.8			3.6	0.99	0.099	0.027	0.0	0.0			9.9	2.7		
4	0.303		0.331	9.5	25	10.0	2	0.6			3.5	1.37	0.074	0.029	0.0	0.0			7.5	3.0		
5	0.241		0.214	7.0	15	7.6	2	0.8			3.3	1.66	0.052	0.026	4.0	2.0			5.5	2.8		
6																						
7	0.52		0.467	15.3	41	9.4	4	0.8			6.7	1.54	0.112	0.026	3.0	0.7			12.1	2.8		
8	0.531		0.477	15.5	41	9.2	4	0.8			6.8	1.53	0.099	0.022	2.0	0.5			12.3	2.8		
9	0.53		0.478	15.5	35	8.0	4	0.9			19.8	4.48	0.103	0.023	3.0	0.7			12.3	2.8		
10	0.43		0.386	12.5	41	11.3	4	1.0			9.9	2.76	0.081	0.023	2.0	0.6			9.9	2.8		
11	0.223		0.208	7.0	15	8.2	2	1.1			3.3	1.79	0.052	0.028	0.0	0.0			2.6	1.4		
12																						
13																						
14	0.429		0.381	12.3	30	8.5	3	1.0			3.6	1.00	0.106	0.030	0.0	0.0			9.7	2.7		
15	0.439		0.409	13.0	35	9.7	3	0.9			6.7	1.82	0.079	0.022	3.0	0.8			10.8	2.9		
16	0.482		0.440	14.0	30	7.6	4	1.1			3.6	0.90	0.088	0.022	3.0	0.7			11.1	2.8		
17	0.477		0.436	14.0	35	8.9	4	1.1			6.7	1.68	0.099	0.025	2.0	0.5			11.1	2.8		
18	0.352		0.326	10.3	30	10.4	3	1.0			3.4	1.16	0.068	0.023	2.0	0.7			8.1	2.8		
19	0.271		0.241	7.8	20	9.0	2	0.9			3.3	1.47	0.053	0.023	0.0	0.0			6.1	2.7		
20																						
21	0.425		0.386	12.5	30	8.6	2	0.7			7.0	1.97	0.071	0.020	4.0	1.1			9.9	2.8		
22	0.415		0.371	12.3	35	10.3	4	1.0			3.2	0.91	0.075	0.022	0.0	0.0			9.7	2.8		
23	0.259		0.231	7.5	10	4.7	2	0.7			3.5	1.61	0.048	0.022	0.0	0.0			5.9	2.7		
24	0.107		0.070	2.3	5	5.7	1	1.3			3.5	3.89	0.022	0.025	0.0	0.0			1.8	2.0		
25	0.415		0.377	12.0	41	11.7	3	0.9			3.6	1.03	0.074	0.021	8.0	2.3			9.5	2.7		
26	0.278		0.253	8.0	20	8.7	2	0.9			3.4	1.45	0.057	0.025	0.0	0.0			6.3	2.7		
27																						
28	0.425		0.372	12.5	35	10.0	2	0.7			6.5	1.84	0.083	0.023	8.0	2.3			9.9	2.8		
29	0.45		0.421	13.0	35	9.5	4	1.0			3.6	0.95	0.105	0.028	0.0	0.0			10.3	2.7		
30	0.466		0.427	13.8	41	10.4	3	0.8			6.6	1.71	0.110	0.028	8.0	2.1			10.9	2.8		
31	0.532		0.488	15.8	41	9.1	4	0.9			3.7	0.83	0.105	0.024	8.0	1.8			13.1	3.0		
Total	10.242	0.000	9.313	299.5	801	238.5	76	23.4	0.0	0.00	138.7	43.4	2.09	0.639	64	17.9	0.0	0.00	235.8	70.53	0.0	0.00
Maximum	0.532	0.000	0.488	15.8	41	11.7	4	1.3	0.0	0.00	19.8	4.5	0.11	0.030	8	2.3	0.0	0.00	13.1	2.98	0.0	0.00
Minimum	0.107	0.000	0.070	2.3	5	4.7	1	0.6	0.0	0.00	3.2	0.8	0.02	0.020	0	0.0	0.0	0.00	1.8	1.41	0.0	0.00
Average	0.394	0.000	0.358	11.5	31	9.2	3	0.9	#####	####	5.3	1.7	0.08	0.025	2	0.7	#####	#DIV/0!	9.1	2.71	####	#####

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE) _____

PRINTED NAME David A Tyrrell

TITLE: OPERATOR CLASSIFICATION Class 1

DPOR CERTIFICATION NO. 1955002813

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

Shenandoah River - Entire Month

Berryville STP Monthly DMR Data

March 2016

Date	Effluent Flow MCD	Eff pH SU	Eff Temp Deg C	Eff CBOD mg/l	Eff CBOD KG/D	Eff TSS mg/l	Eff TSS KG/D	Effluent DO River mg/l	Effluent DO WWTP mg/l	Eff NO2 / NO3 mg/l	Eff TKN mg/l	Eff TKN KG/D	Eff Total N mg/l
3/1/2016	0.47	7.6	13.6	0.00	0.00			12.5	10.8				
3/2/2016	0.52	7.7	14.9	0.00	0.00			12.6	11.9				
3/3/2016	0.46	7.8	13.2	0.00	0.00			12.2	11.7				
3/4/2016	0.43	7.6	14.0					12.6	11.8				
3/5/2016	0.42	7.8	15.2					13.0	11.3				
3/6/2016	0.43	7.5	13.8					11.6	10.9				
3/7/2016	0.43	7.7	17.5					11.9	11.5				
3/8/2016	0.41	7.7	15.1	0.00	0.00	0.00	0.00	11.8	11.4	0.51	0.62	0.95	1.13
3/9/2016	0.40	7.7	15.2	1.00	1.51			12.0	11.7				
3/10/2016	0.40	7.7	15.1	0.00	0.00			11.5	11.1				
3/11/2016	0.39	7.2	15.7					10.0	10.0				
3/12/2016	0.38	7.2	15.5					11.3	10.5				
3/13/2016	0.39	7.0	16.0					11.7	10.5				
3/14/2016	0.29	7.2	16.5					11.6	10.9				
3/15/2016	0.49	7.3	15.9	0.00	0.00			10.9	10.0				
3/16/2016	0.39	7.4	16.4	2.00	2.93			11.8	10.6				
3/17/2016	0.33	7.2	16.3	0.00	0.00			11.9	11.0				
3/18/2016	0.33	7.7	17.4					12.3	11.8				
3/19/2016	0.33	7.4	16.2					11.8	11.1				
3/20/2016	0.32	7.4	15.9					12.1	11.6				
3/21/2016	0.34	7.7	15.2					12.8	11.9				
3/22/2016	0.28	7.4	15.0	6.00	6.36			12.0	11.7	1.19	0.55	0.58	1.74
3/23/2016	0.29	7.5	14.7	0.00	0.00			11.0	10.9				
3/24/2016	0.29	7.3	14.6	0.00	0.00			10.3	10.0				
3/25/2016	0.27	7.5	16.3					9.0	10.2				
3/26/2016	0.30	7.6	15.9					11.1	10.5				
3/27/2016	0.28	7.6	16.7					10.5	10.1				
3/28/2016	0.38	7.7	16.3					10.4	10.3				
3/29/2016	0.30	7.7	16.8	0.00	0.00			11.2	10.8				
3/30/2016	0.33	7.6	17.2					10.3	10.0				
3/31/2016	0.33	7.7	16.9					10.0	9.9				
Minimum	0.27	7.0	13.2	0.00	0.00	0.00	0.00	9.0	9.9	0.51	0.55	0.58	1.13
Maximum	0.52	7.8	17.5	6.00	6.36	0.00	0.00	13.0	11.9	1.19	0.62	0.95	1.74
Total	11.38	233.1	485.0	9.00	10.80	0.00	0.00	355.7	338.4	1.70	1.17	1.53	2.87
Average	0.37	7.5	15.6	0.69	0.83	0.00	0.00	11.5	10.9	0.85	0.59	0.77	1.44
Geo Mean	0.36	7.5	15.6	1.21	1.29	1.00	1.00	11.4	10.9	0.78	0.6	0.74	1.40

Berryville STP Monthly DMR Data

March 2016

Date	Eff Total N KG/D	Eff Total P mg/l	Eff Total P KG/D	E-Coli No/100ml
3/1/2016				1
3/2/2016				
3/3/2016				
3/4/2016				
3/5/2016				
3/6/2016				
3/7/2016				
3/8/2016	1.73	0.14	0.21	1
3/9/2016				
3/10/2016				
3/11/2016				
3/12/2016				
3/13/2016				
3/14/2016				
3/15/2016				1
3/16/2016				
3/17/2016				
3/18/2016				
3/19/2016				
3/20/2016				
3/21/2016				
3/22/2016	1.85	0.07	0.07	1
3/23/2016				
3/24/2016				
3/25/2016				
3/26/2016				
3/27/2016				
3/28/2016				
3/29/2016				1
3/30/2016				
3/31/2016				
Minimum	1.73	0.07	0.07	1
Maximum	1.85	0.14	0.21	1
Total	3.58	0.21	0.29	5
Average	1.79	0.11	0.14	1
Geo Mean	1.79	0.10	0.13	1



Berryville Biweekly InSight Report

Date: 3/31/2016

From: Jeny Chacko - GE Water & Process Technologies

To: David Tyrrell, Jeff Cappel - Town of Berryville

cc: Phil Lander, Al Farrell, Matthew Stapleford - GE Water & Process Technologies

System Equipment

4 × ZW trains, each 3 cassettes, 2x48/1x42 500D (surface area 46920 sq. ft. per train)

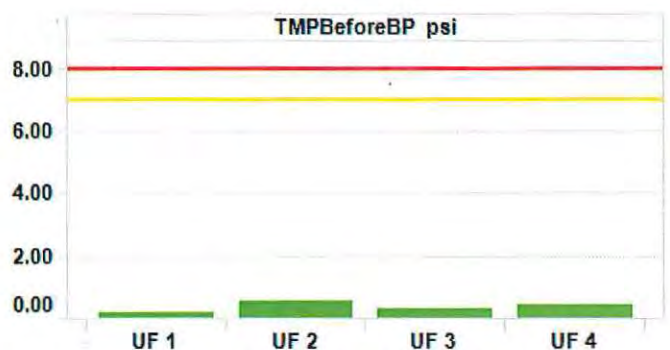
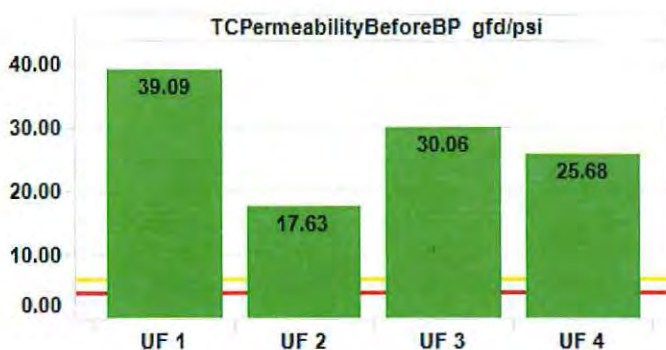
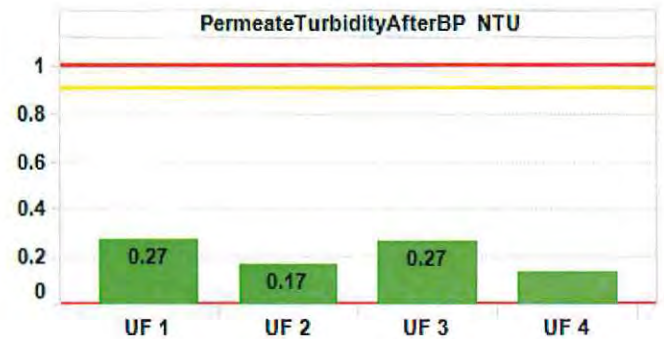
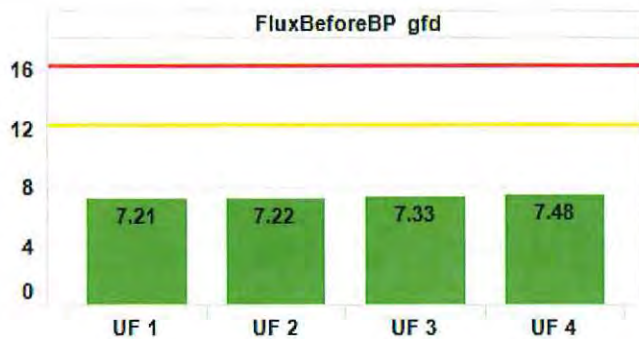
Cleaning Strategy

Maintenance clean dose concentrations - 2 NaOCl/ Hypo @ 200 ppm per week, 1 Citric acid @ 2000 ppm per week

Recovery clean soak concentrations - 2 NaOCl/ Hypo @ 1000 ppm per year, 2 Citric acid @ 2000 ppm per year

KPI Dashboard – Avg values through reporting period

- Action Required
- Caution
- No Limits
- Normal





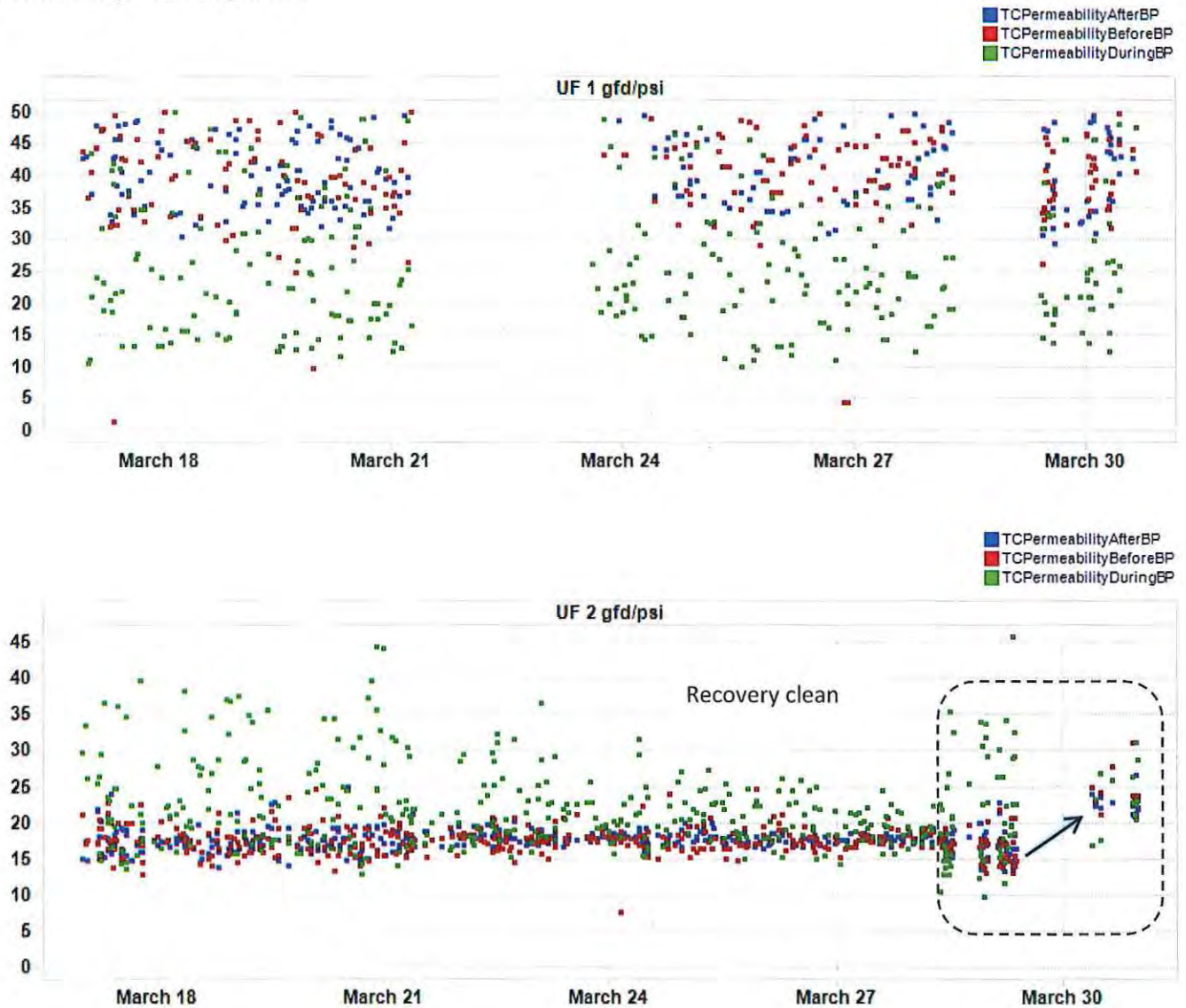
Plant Summary

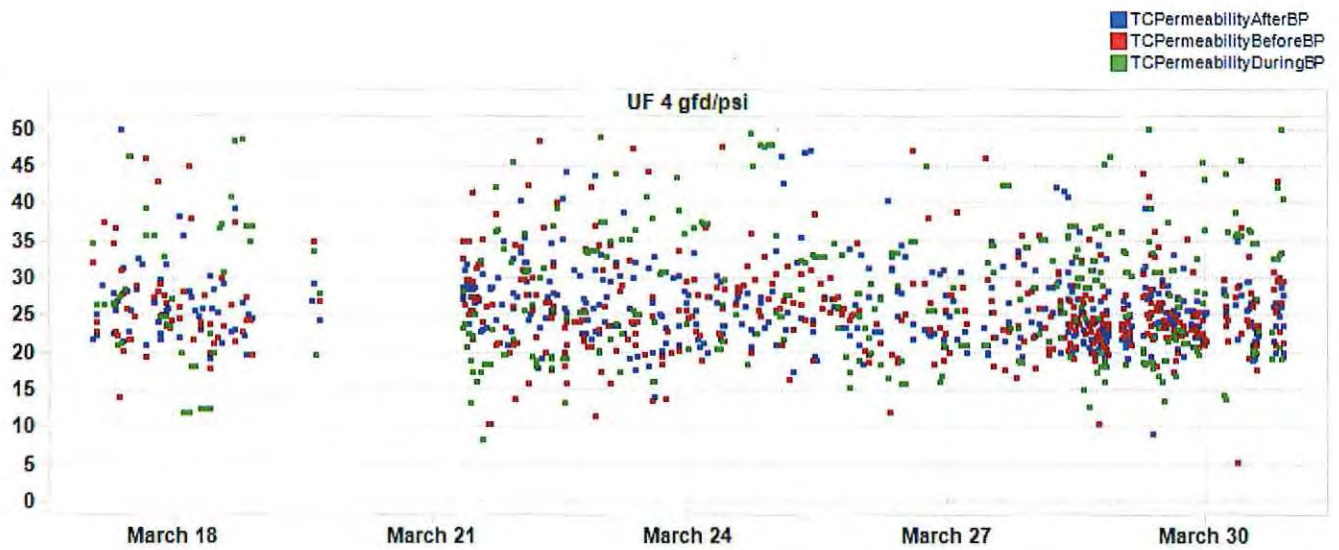
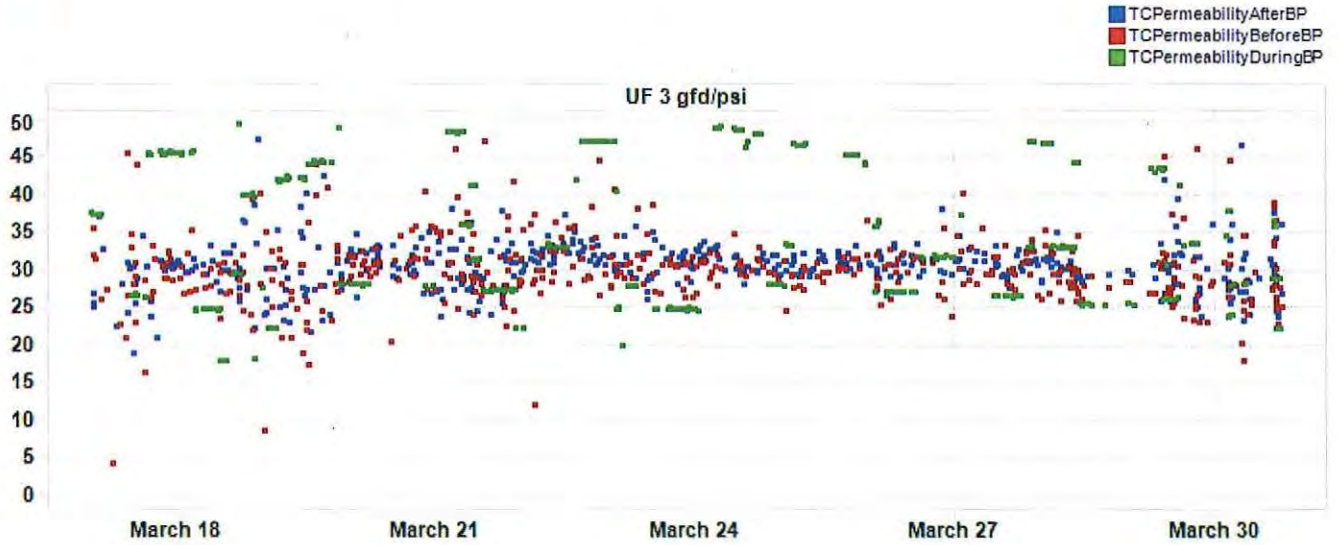
Production TMPs on Train 2 have been increasing at a slightly faster pace compared to other trains, however still much lower than TMP control limits.

A recovery clean was carried out on Trains 1 and 2 in the last few days. The drop in Production TMPs was higher on Trains 2 as it was dealing with a higher pressure of 0.8 psi to 1.2 psi to begin with. TMPs fell to 0.5- 0.6 psi after the recovery clean. David – Were these hypo recovery cleans? I also recommend performing a short 4-5 hour acid clean on these membranes to remove any inorganic buildup.

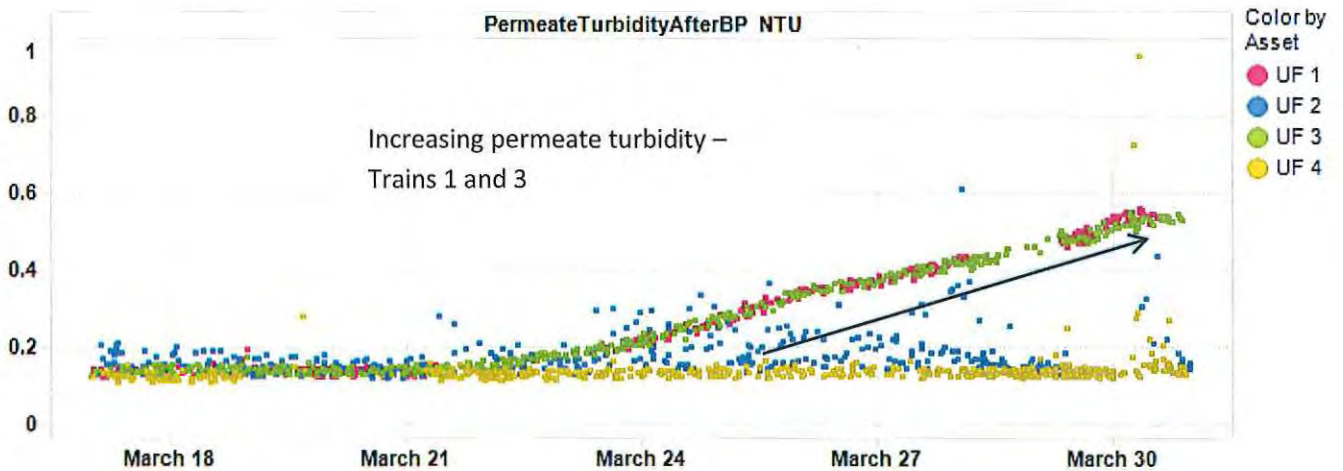
Permeate turbidity went up from 0.1 NTU – 0.5/0.6 NTU on Trains 1 and 3 in the last few days. David/ Jeff – Can you please clean and calibrate the turbidimeter and confirm if this is an instrument issue? Readings from Trains 2 and 4 were <0.2 NTU.

TC Permeability Trends By Train



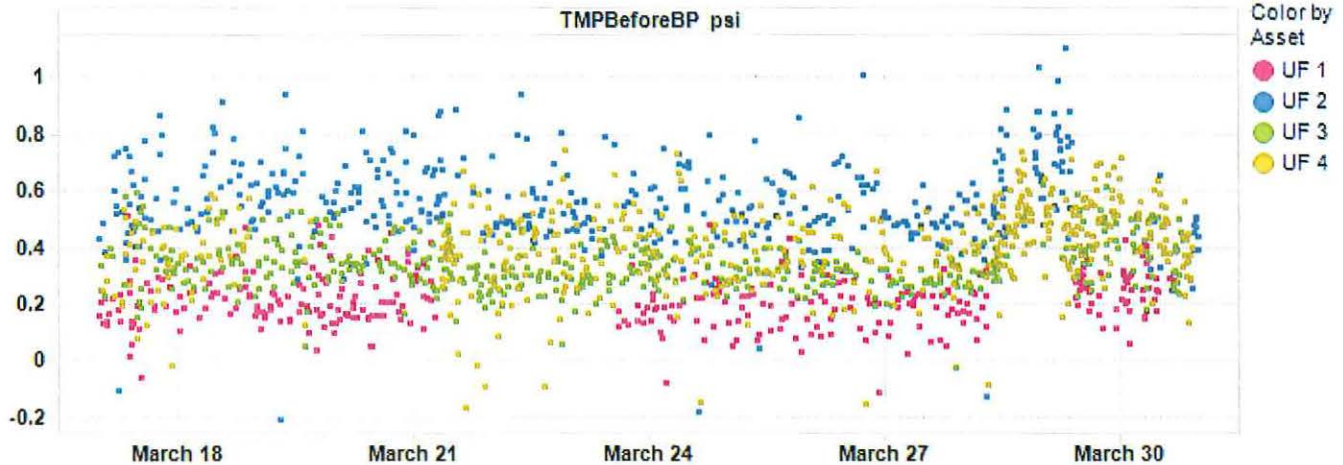


Permeate Turbidity Trend

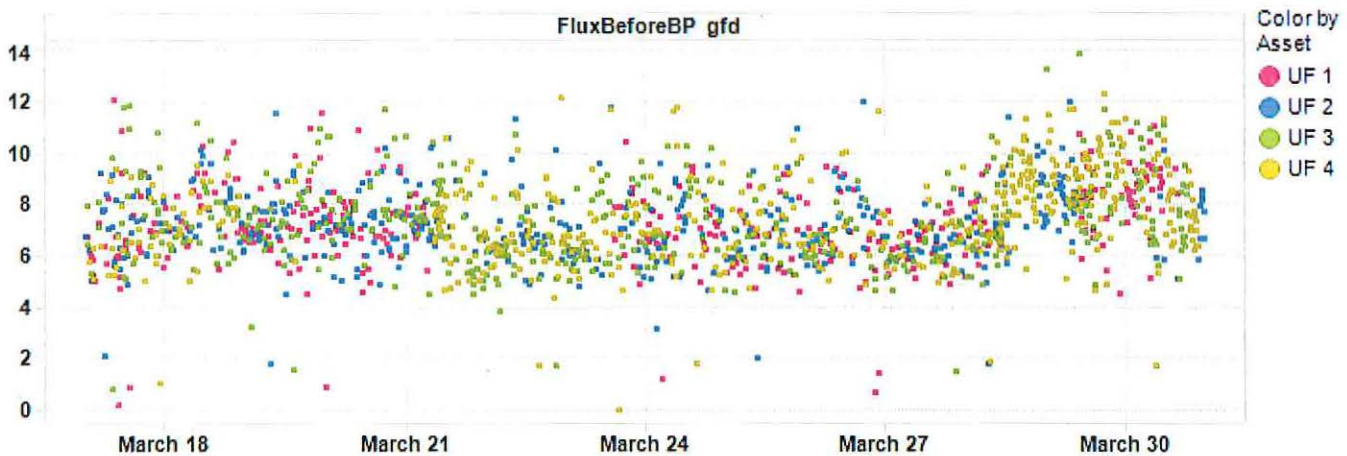




Before BPTMP Trend

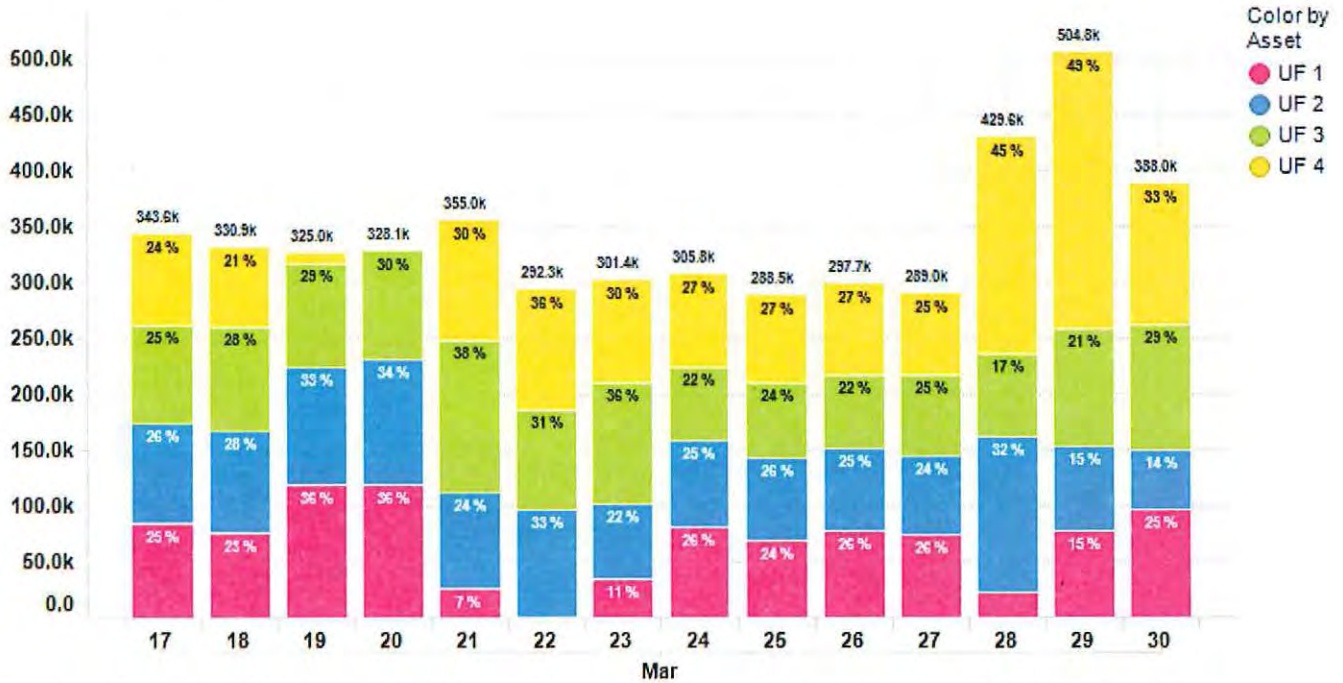


Before BP Flux Trend





Daily Permeate Flow



Average Daily permeate flow from 3/17/2016 to 3/30/2016 is 341.4k gal with a maximum daily flow of 504.8k gal.

Asset Summary

KPI Parameters	Value/Change	UF 1	UF 2	UF 3	UF 4
FluxBeforeBP gfd	Value	7.21	7.22	7.33	7.48
	Change	-8.46 %	-10.14 %	-5.82 %	-4.31 %
PermeateTurbidityAfterBP NTU	Value	0.27	0.17	0.27	0.14
	Change	48.37 %	20.19 %	45.82 %	11.68 %
TCPermeabilityBeforeBP gfd/psi	Value	39.09	17.63	30.06	25.68
	Change	-0.39 %	-5.81 %	0.94 %	-0.92 %
TMPBeforeBP psi	Value	0.21	0.57	0.34	0.40
	Change	-25.47 %	-12.83 %	-11.74 %	-7.88 %
TotalPermeateFlowDaily gal	Value	68.17k	86.53k	90.61k	96.11k
	Change	-57.24 %	-39.07 %	1.07 %	-15.29 %



Plant Summary

KPI Parameters	Value/Change	UF Plant
PermeateTemperature °F	Value	47.16
	Change	5.73 %
TotalPermeateFlowDaily gal	Value	341.42k
	Change	-25.35 %

Contract Expiry Date : 09/26/2018

For InSight technical assistance please email insightsupport@ge.com or please call technical support at 1 866 271 5425 or 905 469 7723 and follow the prompts, if you require after hours assistance please contact the 24/7 Emergency number provided in your plant documentation. This email is a summary of issues identified during a manual review of InSight data from the time period above. This review is an analysis of data that is logged by InSight and identifies key plant performance issues determined from this data. This data review was not focused on minor data issues but on identifying possible existing and/or upcoming critical operational issues.

This review was prepared by GE Water & Process Technologies solely to assist water treatment plant owners and/or operators in analyzing and optimizing plant performance and is not intended to be used or relied upon for regulatory compliance or any other purpose. The content of this review is based in whole or in part on operation data obtained from the plant using InSight software. GE Water & Process Technologies makes no representations or warranties as to the accuracy of the plant data utilized in the preparation of this review. GE Water & Process Technologies accepts no liability for consequences or actions taken in whole or in part by any person on the basis of this review or its contents

Annual Drinking Water Quality Report

Town of Berryville

INTRODUCTION

This Annual Drinking Water Quality Report for calendar year 2015 is designed to provide you with valuable information about your drinking water quality. We are committed to providing you with a safe and dependable supply of drinking water, and we want you to understand the efforts we make to protect your water supply. The quality of your drinking water meets all state and federal requirements administered by the Virginia Department of Health (VDH), Office of Water Programs.

If you have questions about this report, want additional information about any aspect of your drinking water, or want to know how to participate in decisions that may affect the quality of your drinking water, please contact:

Mr. David Tyrrell at (540) 955-1982

GENERAL INFORMATION

As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and can pick up substances resulting from the presence of animals or from human activity. Substances (referred to as contaminants) in source water may come from septic systems, discharges from domestic or industrial wastewater treatment facilities, agricultural and farming activities, urban storm water runoff, residential uses, and many other types of activities. Water from surface sources is treated to make it drinkable while groundwater may or may not have any treatment.

All drinking water, including bottled drinking water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline (800-426-4791).

Some people may be more vulnerable to contaminants in drinking water than the general population. Immune-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by cryptosporidium and other microbiological contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

SOURCES AND TREATMENT OF YOUR DRINKING WATER

Your drinking water is surface water obtained from the Shenandoah River. Water is distributed throughout the town by pumps at the water treatment plant, one booster pump station, one ground storage tank and two elevated storage tanks.

Water treatment includes pre-sedimentation, the addition of liquid alum and a polymer for coagulation, the addition of carbon for absorption, the addition of potassium permanganate as a pre-oxidant, and the addition of chlorine to disinfect the finished water. Sodium fluoride is also added to help prevent dental caries. The water is mixed with the coagulant, allowed to settle, and is filtered through two sand filters.

SOURCE WATER ASSESSMENTS

A source water assessment has been completed by the Virginia Department of Health (VDH). The assessment determined that the Shenandoah River serving our community is surface water exposed to an inconsistent array of contaminants at varying concentrations due to changing hydrologic, hydraulic and atmospheric conditions with land use activities of concern. More specific information may be obtained by contacting the water system representative referenced within this report.

QUALITY OF YOUR DRINKING WATER

Your drinking water is routinely monitored according to Federal and State Regulations for a variety of contaminants. The table on the next page shows the results of our monitoring for the period of January 1st to December 31st, 2015.

Most of the results in the table are from testing done in 2015. However, the state allows us to monitor for some contaminants less than once per year because the concentrations of these contaminants do not change frequently. Some of our data, though accurate, is more than one year old.

DEFINITIONS

In the table and elsewhere in this report you will find many terms and abbreviations you might not be familiar with. The following definitions are provided to help you better understand these terms:

Non-detects (ND) - lab analysis indicates that the contaminant is not present

Parts per million (ppm) or Milligrams per liter (mg/l) - one part per million corresponds to one minute in two years or a single penny in \$10,000.

Parts per billion (ppb) or Micrograms per liter - one part per billion corresponds to one minute in 2,000 years, or a single penny in \$10,000,000.

Parts per trillion (ppt) or Nanograms per liter (nanograms/l) - one part per trillion corresponds to one minute in 2,000,000 years, or a single penny in \$10,000,000,000.

Picocuries per liter (pCi/L) - Picocuries per liter is a measure of the radioactivity in water.

Nephelometric Turbidity Unit (NTU) - nephelometric turbidity unit is a measure of the clarity of water. Turbidity in excess of 5 NTU is just noticeable to the average person.

Action Level - the concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Treatment Technique (TT) - a required process intended to reduce the level of a contaminant in drinking water.

Maximum Contaminant Level, or MCL - the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal, or MCLG - the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Variations and exemptions - state or EPA permission not to meet an MCL or a treatment technique under certain conditions.

WATER QUALITY RESULTS

We constantly monitor for various contaminants in the water supply to meet all regulatory requirements. The tables list only those contaminants that had some level of detection. Many other contaminants have been analyzed but were not present or were below the detection limits of the lab equipment.

Maximum Contaminant Levels (MCL's) are set at very stringent levels by the U.S. Environmental Protection Agency. In developing the standards EPA assumes that the average adult drinks 2 liters of water each day throughout a 70-year life span. EPA generally sets MCL's at levels that will result in no adverse health effects for some contaminants or a one-in-ten-thousand to one-in-a-million chance of having the described health effect for other contaminants.

Microbiological

Contaminant	MCLG	MCL	Level Found	Unit Measurement	Violation	Date of Sample	Typical Source of Contamination
Total Coliform Bacteria (1)	0	Presence of Coliform bacteria in > 1 sample per month	1	Presence or Absence	NO	06/2015	Naturally present in the environment

(1) Total Coliform: Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Total Coliform bacteria were found in more samples than allowed and this was a warning of potential problems.

Turbidity

Contaminant	MCLG	MCL	Highest Single Level Found	Unit Measurement	Lowest Monthly % <0.3 NTU	Violation	Date of Sample	Typical Source of Contamination
Turbidity (2)(3)	NA	TT	0.75	NTU	99.8	NO	07/2015	Soil Runoff

(2) Turbidity is measure of the cloudiness of the water. We monitor it because it is a good indicator of our water quality and the effectiveness of filtration process.

(3) Turbidity Treatment Technique (TT) MCL: 1 NTU max; ≤ 0.3 NTU in at least 95% of all samples tested.

Inorganic Contaminants

Contaminant	MCLG	MCL	Level Found	Unit Measurement	Violation	Date of Sample	Typical Source of Contamination
Nitrate	10	10	1.3	mg/l	NO	01/2015	Runoff from fertilizer use; leaching from septic tanks, sewage; Erosion of natural deposits
Fluoride	4	4	0.74	mg/l	NO	01/2015	Erosion of natural deposits; Discharge from fertilizer and aluminum factories; Water additive which promotes strong teeth
Barium	2	2	0.028	mg/l	NO	01/2015	Discharge from drilling wastes; discharge from metal refineries; erosion of natural deposits

Disinfection Residual Contaminants

Contaminant	MRDLG	MRDL	Level Found	Unit Measurement	Violation	Date of Sample	Typical Source of Contamination
Chlorine (4)	4	4	2.42 (avg.) Range 0.68 – 4.90	mg/l	NO	Daily	Water additive to control microbes

(4) Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water in excess of the MRDL could experience stomach discomfort.

Disinfection Byproduct Contaminants

Contaminant	MCLG	MCL	Level Found	Unit Measurement	Violation	Date of Sample	Typical Source of Contamination
Total Trihalomethanes (TTHM) (5)	0	80	70.8 (avg.) Range 34 -130	ppb	NO	08/2015	By-product of drinking water chlorination
Haloacetic Acid (HAA5) (6)	0	60	48.8 (avg.) Range 40 - 57	ppb	NO	05/2015	By-product of drinking water chlorination

- (5) Some people who drink water containing Total Trihalomethanes in excess of the MCL over many years could experience problems with their liver, kidneys, or central, nervous systems, and may have increased risk of getting cancer.
- (6) Some people who drink water containing haloacetic acids in excess of the MCL over many years may have increased risk of getting cancer.

Total Organic Carbon

Contaminant	MCLG	MCL	Level Found	Unit Measurement	Violation	Date of Sample	Typical Source of Contamination
Total Organic Carbon (7)	NA	TT	1.1 (avg.) Range 0.3 – 1.7	Ratio of Actual to Required Removals	NO	Monthly	Naturally present in the environment

(7) Total Organic Carbon (TOC) has no health effects but provides formation medium for disinfection byproducts. These byproducts include trihalomethanes (TTHM) and haloacetic acids (HAA5).

Radiological Contaminants

Contaminant	MCLG	MCL	Level Found	Unit Measurement	Violation	Date of Sample	Typical Source of Contamination
Alpha Emitters	0	15	<1.1	pCi/l	NO	01/2014	Erosion of natural deposits
Beta Emitters	0	50	2.2	pCi/l	NO	01/2014	Decay of natural or manmade deposits
Combined	0	5	<0.6	pCi/l	NO	01/2014	Erosion of natural deposits

Lead and Copper (Most Recent Monitoring Period – September 2014)

Contaminant	MCLG	MCL	Level Found	Unit Measurement	AL Exceeded	Samples > AL	Typical Source of Contamination
Lead (8)	0	AL = 15	7.3	ppb	NO	1	Corrosion of household plumbing systems; Erosion of natural deposits
Copper	1.3	AL = 1.3	0.164	mg/l	NO	0	Corrosion of household plumbing systems; Erosion of natural deposits

(8) Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.

Lead Contaminants

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The Town of Berryville is responsible for providing high quality drinking water, but cannot control the variety of materials used in the plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on the lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>

VIOLATION INFORMATION

We were in full compliance with all water quality, monitoring, and reporting requirements and no violations occurred during the calendar year 2015.

The waterworks owners prepared this Drinking Water Quality Report with the assistance and approval of the Virginia Department of Health (VDH). Please call if you have questions.

Signature: 

Date: April 6, 2016

Attachment 19

Report of the Department of Public Works April 7, 2016

During the past month we experienced no water breaks or any water related problems.

Public Works has been busy replacing the galvanized water services on Academy Street. Since Academy Street is on schedule to be paved this year, we planned to up-grade the laterals prior to the paving project. Culvert replacement is also scheduled prior to paving.

Our next water project will be to install a new eight-inch water main on Academy Court. We will connect it to the eight inch main on Treadwell Street and extend it through Academy Court and connect it to the four inch line on Academy Street and install a new fire hydrant near the intersection of Academy Court and Academy Street. This project will greatly improve fire protection for this area. This project will be done in house with limited assistance from a sub-contractor. We hope to have the project plan hammered out soon so we can schedule a meeting with local residents to discuss the project.

We advertised bids for the Battletown Drive water main up-grade and the bid opening is scheduled for Friday April 8th. As you recall, we put this project out for bid year ago and only had two bidders and the number came in higher than anticipated. This year we had eight companies attend the pre-bid meeting and five of the eight have shown strong interest in the project. We are hoping the numbers will come in near our projected cost.

Public Works has nearly completed the annual street sweeping and curb cleaning; the only area left to clean is the town house area. Town crews assisted VDOT with the cleaning of Rt. 7 and Rt. 340 and the business district.

The utilities for section 5 of Berryville Glen now complete. Base asphalt has been applied to McGuire Circle and construction is under way on various lots throughout the Circle.

Attachment 20

TOWN OF BERRYVILLE
TOWN COUNCIL
MOTION TO ENTER CLOSED SESSION

DATE: April 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville enter a closed session in accordance with §2.2-3711-A-6, Code of Virginia, in order to consult with legal counsel and staff regarding probable litigation.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: April 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder