

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
November 9, 2022 (rescheduled from Nov. 8)
6:15 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Diane Harrison; Grant Mazzarino; Kara Rodriguez. Ward 1 seat currently vacant.

Staff: Present--Keith Dalton, Town Manager; Paul Culp, Town Clerk; Chief of Police Neal White

Press: Mickey Powell, *The Winchester Star*

Also present: Robert Mitchell, Town attorney

1. Call to Order and Closed Session

Mayor Arnold called the meeting to order at 6:15 p.m. and requested a motion that the Council enter closed session. Recorder Gibson so moved, and after approval by unanimous voice vote the Council entered closed session immediately.

2. Open Session

At 7:06 p.m. Recorder Gibson read the attached motion and certification of the closed session, with the motion passing by unanimous roll-call vote. Open session began at 7:08 p.m.

Mr. Mitchell explained that the meeting had been rescheduled from the previous day, Election Day, because of a late-afternoon communique sent to some governing bodies in the surrounding area, advising them of the state code stipulation that governing bodies transact no business on holidays. He said a one-day continuance had initially appeared acceptable but that further research had indicated that the Town code would require a continuance to the following Tuesday. Mr. Mitchell said he recommended resuming the meeting, and the scheduled public hearing, at that time.

The Council passed by unanimous voice vote a motion by Ms. Rodriguez that the meeting continue on Tuesday, November 15.

3. Adjournment

The Council adjourned by consensus at 7:09 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: November ⁹ 8, 2022

MOTION BY: Gibson

SECOND BY: _____

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-3 of the Code of Virginia, to discuss the acquisition of real property or disposition of publicly held property, in accordance with §2.2-3711-A-1 to discuss making an appointment to fill a vacancy on the Town Council and prospective candidates for employment, and in accordance with §2.2-3711-A-29 to discuss the award of a public contract involving the expenditure of public funds.

VOTE:

Aye: Unanimous roll-call vote

Nay:

Attest: 

Erecka L. Gibson, Recorder

BERRYVILLE TOWN COUNCIL

MOTION

CLOSED SESSION RESOLUTION

DATE: November 8⁹, 2022

MOTION BY: Gibson

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;

Resolution

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: Unanimous voice vote

Nay:

Absent/Abstain:

ATTEST: 

Erecka L. Gibson, Recorder

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
November 15, 2022 (rescheduled from Nov. 8 and 9)
7:00 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Diane Harrison; Grant Mazzarino; Kara Rodriguez. Vacant—Ward 1

Staff: Present--Keith Dalton, Town Manager; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

Also present: Matt Bass, Clarke County Board of Supervisors

1. Call to Order

Mayor Arnold called the meeting to order at 7:00 p.m., reconvening the meeting begun on November 9, the Council's regular meeting of November 8 having been rescheduled to the 9th because of the Election Day holiday and then adjourned for continuation on the 15th because of Town Code stipulations regarding timing of rescheduled meetings.

Mayor Arnold read the attached tribute to Donna Marie McDonald, who had resigned as Ward 1 representative on October 26 because of ill health and died on October 28.

Ms. Rodriguez said she would miss Ms. McDonald's spirit and her contributions to the Council, that she would serve in Ms. McDonald's honor, and that she hoped the new appointee to the position would represent Ward 1 as well as Ms. McDonald had.

A moment of silence followed.

2. Pledge of Allegiance

3. Approval of Agenda

Recorder Gibson moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations, Awards, and Recognitions

None.

5. Public Hearings

Consideration of withdrawal of an offer to purchase 493 square feet of land from the property located at 16 Virginia Avenue, owned by John M. Hoff and Laurel K. Armacost, and adoption of a resolution initiating condemnation proceedings to secure the property in question, the Town desiring to secure the 493 square feet of property so its contractor can complete along Virginia Avenue a drainage project designed to eliminate ponding by creating a channel and installing piping for conveyance of stormwater to the Town Run.

Mayor Arnold opened the public hearing at 7:06 p.m. and closed it immediately upon determining that no one wished to address the meeting.

6. Discussion of Public Hearing Items

Mr. Dalton explained that in 2021 the Town Council had decided to include drainage work on Virginia Avenue in its package of American Rescue Plan Act of 2021 infrastructure projects and that the Town's engineers had developed appropriate plans. He said discussions with the property owners began in late February 2022 and that the owners of 16 Virginia Avenue had considered the portion of the proposed improvements along the front of their property more problematic than helpful, which resulted in the Town engineer being directed to modify the construction plans to eliminate the improvements along the front of 16 Virginia Avenue. Accordingly, Mr. Dalton said, the planned improvements would address the ponding at the southwest corner of the property in question and call for the paving of the street from the bridge over Town Run to its southern terminus, with the work to eliminate ponding requiring acquisition of 493 square feet of land from the property in question.

Mr. Dalton said that on July 11, 2022, the Town issued an offer to purchase 493 square feet of said property but received no response from the property owners at that time or after re-sending the offer on August 9. He said that on October 6 the Town had reiterated the offer and informed the owners that if the Town did not receive a fully executed deed of easement by October 20, 2022, the Town would advertise a public hearing on condemnation of the property for the November 8, 2022 Town Council meeting. Mr. Dalton said the October 20, 2022 deadline lapsed without a response from the property owners.

Mr. Dalton said the Town had bid the project in question as part of a larger infrastructure improvement package but could remove the Virginia Avenue project from the package if necessary. He said the drainage project and related paving could not be completed without the ability to use the 493-square-foot section of property the Town sought to acquire.

No further discussion occurred.

Ms. Harrison moved that the Council of the Town of Berryville approve the **attached** resolution approving the acquisition of 493 square feet of property from Tax Map Parcel 14A5-2-5 by condemnation. The motion passed by unanimous voice vote.

7. Citizens' Forum

No one addressed the meeting.

8. Consent Agenda

The consent agenda comprised the minutes of the October 11 Town Council regular meeting, the October 24 meetings of the Community Development and Streets and Utilities Committees, and the October 25 meeting of the Budget and Finance Committee.

Ms. Rodríguez moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

9. Unfinished Business

Award of Contract for Engineering Services for Construction of a New Water Treatment Plant and Related Improvements (RFP #2022-03)

Mr. Dalton said the Town's water treatment plant, nearing the end of its useful life, was scheduled for replacement in 2026 and that the Town's capital improvements plan had taken the necessary expenditures into account, the first step being to secure the services of a firm to complete a preliminary engineering report; complete the design; assist with permitting, the bid process, and contract administration; provide inspection services; assist with commissioning and startup; administer and oversee abandonment of facilities, and create conformed plans. He said three firms had responded to the Town's request for proposals, that a work group had ranked the firms, and that Town staff now needed Council approval to negotiate with the top-ranked firm. Mr. Dalton said he anticipated that work would begin by early January.

Ms. Harrison moved that the Council of the Town of Berryville authorize the Town Manager to negotiate with the highest ranked offeror that responded to RFP #2022, end negotiations with the highest-ranked offeror if negotiations do not meet a satisfactory conclusion and begin negotiations with the offeror ranked second, and execute all contract documents required to secure the services of an offeror. The motion passed by unanimous voice vote.

13. New Business

Authorization for Filing Petition for Writ of Election for Council Member

Mr. Dalton said that according to the state code the process for filling the vacancy created by Ms.

McDonald's resignation requires that within fifteen days of the vacancy the Council must petition the Clarke County Circuit Court for a writ of election, that the Council may make an interim appointment to fill the vacancy pending a special election on November 7, 2023, and that the Council must do so within forty-five days or allow the court to do so. He said a petition prepared by legal counsel had been filed with the Circuit Court on November 10 to comply with statutory requirements, and then read the **attached** resolution.

Recorder Gibson moved that the Council of the Town of Berryville approve the resolution confirming approval of the filing of a Petition for *Writ of Election for Member of the Berryville Town Council* with the Circuit Court of Clarke County requesting that a special election be scheduled on election day in November 2023 for the Ward 1 Town Council member seat. The motion passed by unanimous voice vote.

14. Council Member Reports

Mayor Arnold said he had spoken at the Veterans Day ceremony honoring Larry Hardesty as Veteran of the Year.

Ms. Harrison said Mr. Bass of the Board of Supervisors had seen to the creation of a Facebook page for the new program promoting banners honoring veterans.

Ms. Rodriguez congratulated Ms. Harrison and Recorder Gibson on their recent reelection, and Ryan Tibbens on being elected to fill the Ward 4 seat she would be vacating at year's end. She also noted that the recorder's title would change to vice mayor in January.

The other members had nothing to report.

15. Staff Reports

Nothing was added to the written reports for Public Works, Utilities, Police, or Community Development.

Town Manager

Mr. Dalton said Susan French, legal counsel for the owner of the property at 112 Josephine Street, discussed in numerous previous meetings, had expressed concerns in writing about the Council's October 11 approval of a request for modification of the spot blight abatement plan previously approved, saying that the modifications did not conform to the action taken by the Council. Mr. Dalton said he did not understand those concerns inasmuch as the Council had merely changed milestone dates, leaving all other language unmodified.

Mr. Dalton said Ms. French had emailed him shortly before the present meeting to say that inclement weather would prevent her attendance and requesting that the **attached** documents be made part of

the record. The Council agreed to this by consensus, Mayor Arnold saying the inclusion would be reasonable in light of the weather and the rescheduling of the meeting.

16. Committee Updates

Budget and Finance

Recorder Gibson said Town Treasurer Cynthia Poulin and Mr. Dalton would soon update the committee on reserves after completion of the annual audit.

Community Development

Ms. Rodriguez said the committee had met in October to discuss the wayfinding signage project, now underway with Ms. Harrison working closely on it with Community Development Director Christy Dunkle.

Personnel

Mayor Arnold noted the need to fill two vacancies on the Tree Board, and the upcoming appointment of a new Ward 1 representative. Mr. Dalton noted the deadline for Ward 1 applications in three days.

Public Safety

Mr. Mazzarino, assuming the chairmanship after Mrs. McDonald's resignation and demise, said the committee should meet soon for a routine discussion of staffing, personnel retention, equipment status and needs, and departmental successes. He and staff agreed on December 19 at 3:00 p.m.

Streets and Utilities

Ms. Harrison said the committee had met in October to discuss various ongoing projects and that the water/sewer infiltration study seemed promising. Mr. Dalton said weather conditions had been favorable for the collection of useful data and that a report from the Town engineer should be available by the end of January. Ms. Harrison said the new signage indicating the unsuitability of South Church Street for tractor-trailer use should be in place within sixty days.

17. Other

No other business came before the Council.

18. Adjourn

The Council adjourned at 7:23 p.m. by unanimous voice vote on a motion by Recorder Gibson.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

MAYOR ARNOLD'S STATEMENT OF TRIBUTE TO DONNA McDONALD

It is with a great deal of sadness that we meet this evening without one of our own.

Our colleague and friend Donna Marie McDonald, who served on this Council for six years, passed away on October 28.

Donna was a wonderful person who, in her personal, professional, and public life, always put the needs of others first. She was always a true friend.

Donna loved this community and worked to protect it. She always fought for those who seemingly had the least power and influence in our society. Donna was a great proponent of the Berryville Police Department and worked tirelessly to make sure that the department was well-equipped so that it would be ready to serve the people of this community when needed.

On behalf of the Town of Berryville, I want to extend condolences to Donna's daughter Erin and the rest of her family.

I invite other members of the Council to make any statement or special remembrance of Donna.

Motion to approve a resolution approving the acquisition of 493 square feet of property from Tax Map Parcel 14A5-2-5 by condemnation

I move that the Council of the Town of Berryville approve the attached resolution approving the acquisition of 493 square feet of property from Tax Map Parcel 14A5-2-5 by condemnation.

DATE: 15 November 2022

MOTION BY: Harrison

VOTE: Aye: Unanimous voice vote.

Nay:



Erecka L. Gibson, Recorder

11/15/22

Date

RESOLUTION

The Town Council of the Town of Berryville hereby RESOLVES that the Town of Berryville, having held a public hearing to consider a resolution to initiate a condemnation proceeding to secure ownership of 493 square feet of land from a parcel owned by John M. Hoff and Laurel K. Armacost (Tax Parcel 14A5-2-5) for the completion of a drainage project to eliminate ponding along Virginia Avenue by creating a channel and installing piping in order to convey storm water to Town Run, does declare that acquisition of the property is for public use and necessity and Council hereby approves the acquisition of the property by condemnation. A plat showing the area to be acquired is attached to this resolution.



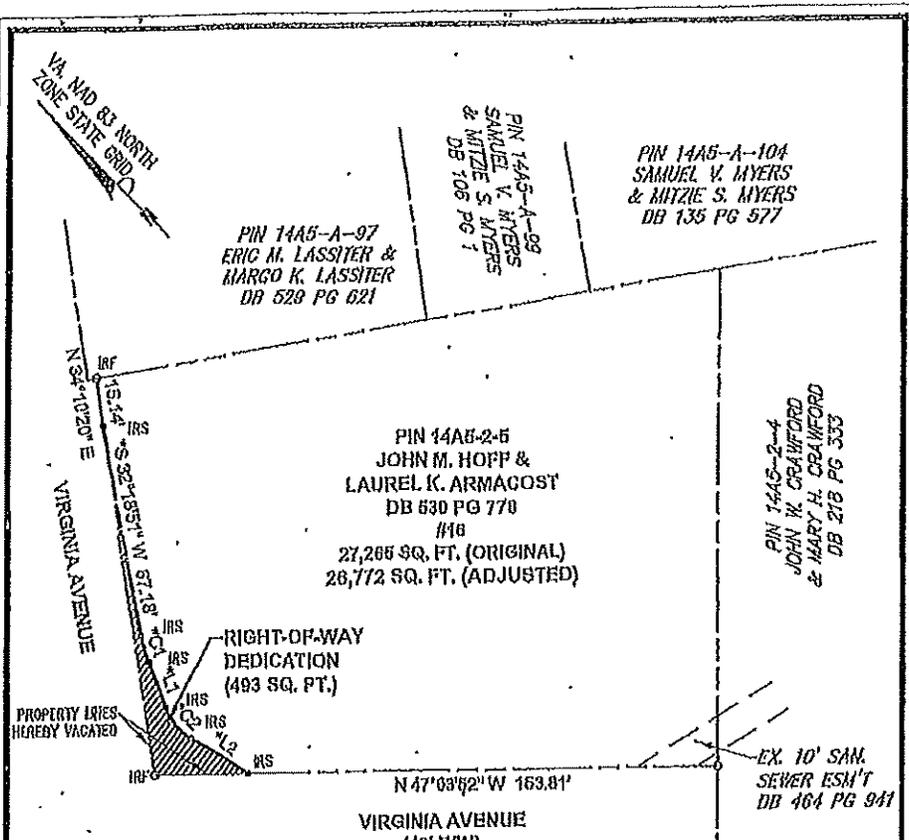
Harry Lee Arnold, Jr., Mayor

11-29-2022
Date



Erecka L. Gibson, Recorder

11/23/2022
Date



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 22°24'59" W	16.33'
L2	S 14°46'50" E	21.46'

CURVE TABLE

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C1	50.00'	8.64'	8.63'	S 27°21'58" W	09°53'51"
C2	20.00'	12.08'	12.75'	S 03°49'30" W	37°10'57"

NOTES:

1. NO TITLE REPORT FURNISHED.
2. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
3. BOUNDARY INFORMATION IS BASED ON A HOUSE LOCATION PLAT DATED SEPTEMBER 10, 2002 MADE BY ELLIOTT RITCHIE, JR., L.S. RECORDED IN DEED BOOK 464 AT PAGE 941 AND ORIENTED TO THE SURVEY BASED ON PROPERTY CORNERS FOUND.

LEGEND

- IRF IRON ROD FOUND
- IRS IRON ROD SET
- * NEW PROPERTY LINE

PLAT SHOWING
RIGHT-OF-WAY DEDICATION
 HEREBY CREATED
 ON THE LAND OF
JOHN M. HOFF & LAUREL K. ARMAGOST
 DEED BOOK 630 PAGE 778
 TOWN OF BERRYVILLE
 CLARKE COUNTY, VIRGINIA



DATE: 04/14/2022 SCALE: 1"=30' SHEET 1 OF 1

Marsh & Legge Land Surveyors, P.L.C.
 560 NORTH LOUDOUN STREET • WINCHESTER, VIRGINIA 22801
 PHONE (640) 687-0468 • FAX (640) 687-0469 • EMAIL office@marshandlegge.com

DRAWN BY: CAJ
 DWG NAME: 011054-14A8-2-S.DH

RESOLUTION

BE IT RESOLVED that Council hereby confirms approval of the filing on November 10, 2022 of a Petition to the Circuit Court, pursuant to Va. Code §24.2-226, for the Court to issue a writ of election to fill the vacancy in the office of Donna M. McDonald as a member of the Town Council, Donna M. McDonald having resigned effective October 26, 2022.

SUSAN L. FRENCH

361 Quiet Meadow Lane
Winchester, VA 22603
Susan@susanlfrench.com

November 15, 2022
Mr. Harry Lee Arnold, Jr.
Mayor
Ms. Erecka L. Gibson
Recorder
Council Members
Town of Berryville
101 Chalmers Court
Berryville, VA 22611

Re: Ms. Donna Richardson: Jacob Nelson Estate - 112 Josephine Street

Mr. Mayor, Ms. Recorder, and Council Members:

I write to provide an update of the rehabilitation of 112 Josephine Street, clarify-correct information presented to the Council at October's Meeting, and briefly outline next steps on behalf of Donna Richardson.

At the outset, Ms. Richardson renews her strong objection to two items on Council's abatement list (back addition and chinking repair) because neither was on the proposed abatement list sent to the Planning Commission ("PC") and Architectural Review Board ("ARB") to consider and advise on. Consequently, neither the PC nor Council's public hearings provided notice to the public that these items were proposed Government actions. Accordingly, neither topic has been subject to the scrutiny the law and process requires and the public and interested parties have been denied the right to be informed and be engaged in the decision making. These two items must be removed from the abatement list for the reasons stated. The legal process has not been followed.

Following is an update regarding rehabilitation, corrective information, and next steps:

- The porch at 112 Josephine Street has been removed and access steps installed. LCW Construction (also known as Lantz Construction) applied for and obtained a permit to perform the porch work on Monday November 7, 2022. The next day, November 8, 2022, Lantz Construction began the removal of the porch and the work was completed by the end of the week. Simple wood access steps to the front door were constructed. The metal from the porch roof was carefully

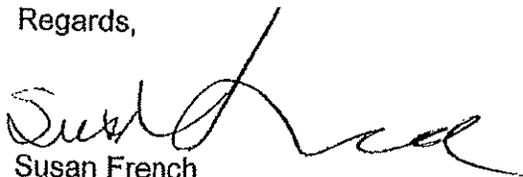
removed and has been saved to allow for the possible reconstruction of the porch. The porch was most likely not part of the original 1885 construction.

- As Winter approaches, Ms. Richardson does not anticipate additional work on 112 Josephine Street this calendar year. She expects the next work on 112 Josephine Street will occur in Spring 2023 and the next activity will be installation of a period appropriate front door and possibly Board and Batten shutters to cover the window openings to protect the actual windows.
- At the Town Council Meeting on October 11, 2022 Council was advised that Ms. Richardson had not complied with the "Milestone" requirement. That is simply not correct. Admittedly, due to our confusion, the September 2022 Milestone request was not submitted by the initial September date but Mr. Dalton, in writing, extended that date to September 26, 2022. On behalf of Ms. Richardson, I submitted that document on September 26, 2022. I believe you all were copied on that communication. For your convenience, I attach the September 26, 2022 "Milestone" submission.
- The September 26, 2022 submission took issue with some items on Council's July 2022 abatement list. First, Ms. Richardson pointed out how she has been receiving continuously changing lists. Second, some items were never discussed by the Architectural Review Board ("ARB"), the Planning Commission ("PC") or the Council. These items include removal of the 1960s back addition and repairing chinking. In the September 26 submission, Ms. Richardson requested that both items be removed from the abatement list as neither were on the list considered by the Architectural Review Board, the Planning Commission, and accordingly Council. You were told by the Town Manager at the October 2022 Council Meeting, that he had never been on 112 Josephine Street. That was not correct. I advised Council, supported by three attached emails, that Mr. Dalton was provided permission for access to 112 Josephine Street by Ms. Richardson and he walked the property January 15, 2021. This was months before Mr. Dalton sent the November 2021 preliminary Blight Notice to Ms. Richardson which did not have the back addition or chinking on the list.
- Ms. Richardson will resubmit the September 26, 2022 "Milestones" with modest revisions. She points out this will be her fourth timeline-milestones submission and that no one from Town administration should be stating that she has been noncompliant with this request. She also reminds Council that she appears to be the sole subject of the Josephine Blight notices that has been actively engaged in rehabilitation efforts. And, that she is actively engaged in attempting to collect funds as described in the past letter to fund rehabilitation efforts.

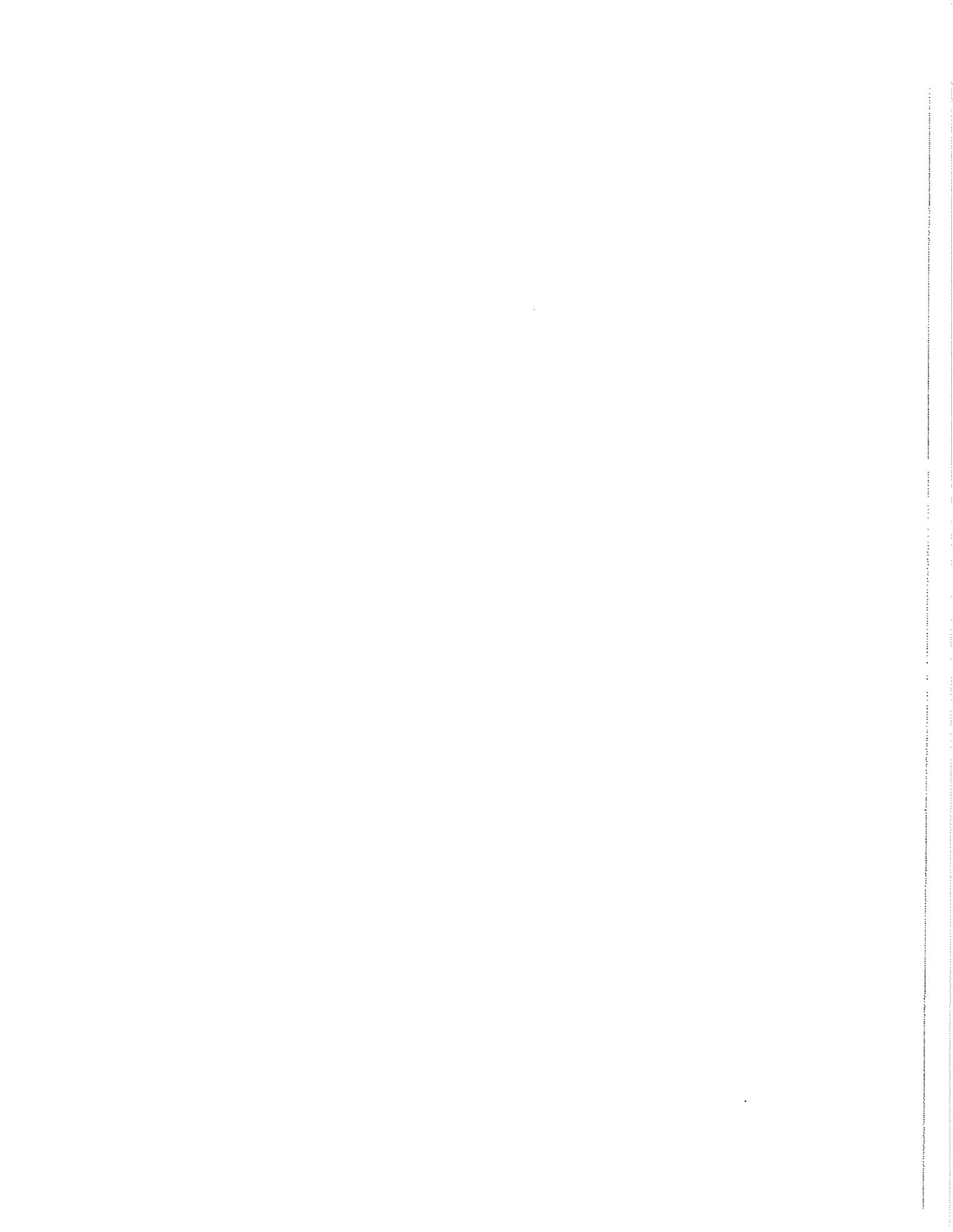
Ms. Richardson and I are baffled why the Town of Berryville, administration and Council, have not been partners in the rehabilitation of Josephine Street. Why is the "Town" not proud of the Josephine City National Historic District - embracing its history

and significance? Why has there been no personal meeting with Ms. Richardson to discuss a viable plan to save 112? This should not be an adversarial process or relationship. We would welcome a partnership and having a representative who has an historic preservation background involved.

Regards,

A handwritten signature in cursive script, appearing to read "Susan French".

Susan French
Counsel for Donna Richardson



SUSAN L. FRENCH

361 Quiet Meadow Lane
Winchester, VA 22603
susan@susanlfrench.com

September 26, 2022
Keith Dalton
Town Manager
Mr. Harry Arnold
Mayor
Council Members
Town of Berryville
101 Chalmers Court
Berryville, VA 22611

Re: Ms. Donna Richardson: Jacob Nelson Estate -112 Josephine Street

Mr. Dalton, Mr. Arnold, Council Members:

This letter is on behalf of my client Donna Richardson in response to Council's Motion, on Mr. Dalton's recommendation and urging, requiring a timeline of "repairs" to 112 Josephine Street. The structure on 112 Josephine Street is an 1885 historic structure in a National Historic District. Josephine Street-City represents a rich history driven by the amazing resourcefulness and initiative of emancipated slaves. Thus, my client's financial investments are not so much "repairs" as actions aimed at restoration. Ms. Richardson's end goal is to obtain clear title, which we are actively pursuing at this time, facilitate a legal status for 112 Josephine Street that allows it to receive funding towards restoration, and ultimately have it function as a mini museum open to the public.

These actions take money and time. Again, I will remind all of you how long "the barns" sat untouched and the manor house burned while owned by the Town of Berryville before it was reconstructed and placed in use about 50 years later. We again request fairness, reasonableness, and acceptance that there is an end goal for 112 Josephine Street with a public benefit. In Mr. Dalton's November 2021 Notice of Blight, he set a 9-month deadline for a list of "repairs" that he surely knew could not be accomplished within that short timeline. We appreciate the extension of time for the "repairs" to be completed although we seek clarification on one item and an extension request on another. We request an adjustment to the December 2022 permit application deadline as it adds an unnecessary financial burden on my client.

To date, for the restoration of the structure's foundation alone, Ms. Richardson's family and other private individuals have invested \$8000. This work was completed in late

Spring 2022, well before Council's July 2022 vote. Moreover, Ms. Richardson, to my knowledge, is the only "Blight Noticed" landowner/heir on Josephine Street who has taken any actions to address the Town of Berryville ("Town") list of "repairs."

The Town Manager's and Council's actions with respect to "Blight" is governed by Section 5.5 "Spot Blight Abatement" of the Berryville, VA Code of Ordinances and reads:

Subsection 5.5 (b) "Blighted property" means...a residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards."

Both the Architectural Review Board and the Planning Commission struggled with the application of this provision as it is nonspecific and vague. Neither body while meeting in my presence mentioned receiving legal advice from a lawyer as to how this Section is interpreted and applied. As I understand the plain language of Subsection (b), any aspect of a structure that Council demands remedying **must meet the language that it** 'endangers the public's health, safety, or welfare.' I respectfully ask that Council explain precisely how the 1960s back addition, completely enclosed at my last inspection, violates Subsection (b)?

Timeline

This is a tentative timeline and begins with an overview of Ms. Richardson's ongoing efforts:

- Ms. Richardson had cleanup, stabilization, building security, and foundation work completed before the July 2022 Council action. Cleanup, including cutting back trees growing close to the foundation and boarding up windows that had been smashed by vandals was completed in September 2021. An orange security fence was placed around the structure in early 2022. In April 2022, Ms. Richardson signed a contract to repair the front left foundation and the work was completed in May (or early June 2022).
- Ms. Richardson, beginning in September 2021, has been researching and consulting with experts regarding appropriate restoration of various aspects of 112 Josephine Street.
- Ms. Richardson has been researching, since early 2022, contractors with specialized expertise to perform work and soliciting estimates for the work to be performed.
- Ms. Richardson has been investigating attorneys to initiate a quiet title action to secure clear title to 112 Josephine Street to enable it to be placed in a legal status that allows for grants and donations to fully restore 112 Josephine Street.

Town Manager-Council "Repair" Requirements

Permitting

Council: Owner will obtain all necessary permits (including building, demolition, and erosion and sedimentation control).

Ms. Richardson: Objects to the date of December 2022 to "pull permits" as it imposes an additional financial burden. It likely will require an extension of six months at an additional fee if the contractor's work is not completed and inspected within the time frame. I propose that the permit requirement be adjusted to allow contractors who will begin working in 2023 to apply for permits when a start date of the work is known.

Utilities

Council: As applicable the owner will: Request disconnection of all non-Town utilities and verify the work has been completed.

- Disconnect sewer service by cutting and capping lateral near the property line at the front of the property.
- Disconnect water service by cutting lateral on the house side of the meter cock. Provide protection for existing water meter cock.

Ms. Richardson: Unlikely that this is applicable as there are no utilities in use (i. e. electric, water, sewage....) or connected at this time. However; I will ensure that if capping is necessary, that will occur no later than 11/30/2023.

Erosion and Sedimentation Control *****

Council: As applicable, owner will have all required erosion and sedimentation controls installed on the property. All such controls will be maintained during the project and removed after the site is stabilized.

Ms. Richardson: There has never been an erosion or sedimentation issue with the property so no action is required.

Repair of a Portion of the Structure/Demolition of a Portion of the Structure/Removal of Debris *****

Council: Owner will cause the front porch of (on southern exposure) and the addition to (northern exposure) the structure to be repaired or demolished. All work must be completed in accordance with provisions of the demolition/building permit.

Ms. Richardson: Front porch: contractor, permit, and work tentatively scheduled to be completed by July, 2023. The porch I am told is original to the house – the railings and roof I understand are architectural features I should attempt to preserve. The supporting posts are not believed to be original and the flooring and foundation probably will need to be reconstructed. This is an expensive restoration action and requires a skilled contractor. I am continuing to identify experienced contractors to provide me with estimates. I have sought referrals from several people and organizations in the historic preservation community and that effort continues by me and Ms. Susan French.

However, I ask for reconsideration of Council's inclusion that the 1960s rear addition be repaired or removed (northern exposure). It should be noted that the Town Manager did not identify the addition as an area of blight on the original Blight Abatement Plan and it does not pose a safety or health risk to the public. Eventually, with funding available, and as it is not original to 112 Josephine Street, I would have it removed for historic preservation purposes. I await your reconsideration of this item.

Owner will Cause Main part of the Structure to be repaired

Council: and rendered secure and weather-tight in accordance with applicable building code and zoning requirements. Owner will: ***cause the structure's door and window openings to be secured, utilizing windows and doors (structure's windows and doors may not be boarded up after project is completed) and repair chinking as needed.*** The expected date of completion with respect to the windows is 12/1/2022 and the door is by the end of the project is 11/15/2023. The door is anticipated to be historically appropriate.

Ms. Richardson: The main structure's front foundation was meticulously restored and the structure's main supports rest on a stabilized and secure foundation. Each stone was numbered upon removal (photos available) and placed back in their original location. This restoration work was performed and completed by Historic Restorations LLC, on or about June 15, 2022. The Project Scope is outlined below:

Repointing and resetting loose and or shifted and fallen stones on the west foundation wall to the right side of the brick chimney. Softened mortar will be used. Mortar will be struck deep to facilitate pointing at a later date. Stones that do not appear to have moved or shifted will remain in their current position. Any portion of the foundation wall that needs to be rebuilt by accessing the interior side of the building.

Abandonment of On-Site Sewer Treatment System and/or Well Cistern

Ms. Richardson: Not applicable

Clearing and Removal of Plant Material*****

Council: Owner will cause the site to be cleared of brush, weeds, and trees as needed to access the site and complete work. Owner will cause any trees that the Town Manager determines to be hazardous to adjoining properties to be removed. Owner will cause all material from clearing and plant material to be removed from the site and disposed of in accordance with applicable regulations and laws

Ms. Richardson: Initial work performed in September 2021 and completed Spring of 2022. However, I will continue maintaining the property.

Other:

Council: If the Town Manager does not approve the repairs and schedule, then the owner must resubmit information to secure approval. Owner remains responsible for meeting deadlines beyond this milestone.

Ms. Richardson: I have had a contentious relationship with the Town Manager. I have continuously been subjected to "add-ons and additions" to my "to do list." Yet, I have been taking actions in advance of the recent deadlines. I am committed to the stabilization and restoration of 112 Josephine Street as an important historic structure in Berryville, Clarke County, Virginia, and this nation. I request fairness, support, and flexibility from Council and Mr. Dalton.

Regards,



Susan French
Counsel for Donna Richardson