

Employee Manual Report
9 May 2023

Item Title:

Employee Manual revisions

Prepared By:

Jean Petti

Background/History General Information

Berryville Town Council adopted an update Employee Manual on 12 April 2023. Following adoption, review by all employees brought to light some desired revisions

Findings/Current Activity

- Meal breaks for Public Works department were listed incorrectly, with exempt and nonexempt switched
- Holiday pay contributes to hours worked when calculating overtime pay
- Page 45 referenced the incorrect Appendix
- Short-term Disability benefits was altered to reflect that “sick leave must be exhausted before an employee is eligible” to align with VRS requirement
- Page 54 had a wrong phone number
- The sections prohibiting Sexual Harassment and Harassment did not include direction for reporting allegations

In addition, employees and Department Heads have requested an extension to allow for responsible use of PTO until the total accrued PTO cap is lowered. Staff suggests:

“Employees as of 12 April 2023 may accumulate up to 320 hours of PTO. If the total amount of unused PTO reaches 320 hours, further accrual will stop. Beginning 1 January 2025, these employees will be limited to 240 PTO hours and any hours remaining in excess of 240 hours will be lost.

Beginning 1 January 2025, all employees will be limited to 240 hours of total PTO accrual. PTO in excess of this will not be accrued and a “payout option” is not available. The Town Manager may, at their sole discretion, permit employees to accumulate more than 240 hours of PTO if provisions are made for the employee to use the leave within a reasonable timeframe.”

Attachments

Excerpts from Employee Manual reflecting revisions

Recommendation

Move to adopt revisions as presented

BERRYVILLE TOWN COUNCIL

MOTION TO ADOPT REVISIONS TO EMPLOYEE MANUAL

Date:

Motion By:

Second By:

I move that the Council of the Town of Berryville adopt the revisions to 2023 Employee Manual as presented.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Erecka L Gibson, Vice Mayor



Meals and break frequency, schedule, and duration will be established by department (Appendix IX) and will abide by all applicable federal and state restrictions. If a nonexempt employee cannot observe a scheduled meal break during their normal shift, they will be compensated for that time at their regular rate of pay.

Certain personnel may be required to regularly serve in an on-call status. These employees may report to work after hours, on weekends, and on holidays to perform emergency work. On-call employees are expected to provide contact information to their supervisor. Public Works personnel may be scheduled to work alternating day and night shifts for the purpose of snow removal. These shifts may reflect Virginia Department of Transportation (VDOT) responsibilities and restrictions. Time spent on-call is not compensated. When an employee serving in an on-call status is called to work, they will be compensated at their regular rate of pay for no less than (2) hours' work: (1) hour reflecting travel time and (1) hour of work, even if the request to report to work is cancelled. For time worked in excess of (1) hour, the (1) hour compensated travel time will be added to the actual number of hours worked.

In addition, scope of work may require employees to serve in an "engaged to wait" status. During this time, employees are expected to abstain from intoxicants, to remain fit for duty and within a reasonable distance from work, and to report promptly. Time spent "engaged to wait" is compensated at regular rate of pay.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization.

Overtime assignments will be distributed impartially to all employees qualified to perform the required work. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked.

Holiday pay will be counted as hours worked for the purposes of determining whether overtime pay is owed. Nonexempt employees called in outside of a regular work shift will be paid overtime pay if they work in excess of (40) hours per work week, or work period for members of Police Department.

Paydays

Exempt employees are paid semimonthly on the 15th and 30th or 31st days of the month. Nonexempt employees are paid biweekly on every other Friday. Each pay distribution will include earnings for all work performed through the end of the previous payroll period and be made via direct deposit to a financial institution designated by the employee as described in Va. Code §40.1-29.

In the event that a regularly scheduled payday falls on a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's pay will be available on their regular pay date.





Holidays

The Town of Berryville will grant holiday time off to all employees on the holidays listed below. In addition, any other day so declared by the President, Governor of Virginia, or the Town Council, provided that any declaration made by the President or Governor within 15 days of the holiday to be observed must be approved by either the Town Council or the Town Manager.

The Town of Berryville will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification.

An unexcused absence, administrative leave status, or taking leave without pay the day immediately preceding and/or the first scheduled day following the holiday may make an employee ineligible for holiday pay.

- New Year’s Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents’ Day (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans Day (November 11)
- Election Day (first Tuesday in November)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Day (December 25)

If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday; or if a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

Paid Time Off

The amount of paid time off (PTO) that employees receive each year increases with the length of their employment as shown in the following schedule:

Years of Service	Hours Earned Per Month
1-5	12.5 hours / 18.75 days annually
5-10	14.5 hours / 21.75 days annually
10-15	16.5 hours / 24.75 days annually
15+	20.5 hours / 30.75 days annually

Employees as of 12 April 2023 may accumulate up to 320 hours of PTO. If the total amount of unused PTO reaches 320 hours, further accrual will stop. Beginning 1 January 2025, these





employees will be limited to 240 PTO hours and any hours remaining in excess of 240 hours will be lost.

Beginning 1 January 2025, all employees will be limited to 240 hours of total PTO accrual. PTO in excess of this will not be accrued and a “payout option” is not available. The Town Manager may, at their sole discretion, permit employees to accumulate more than 240 hours of PTO if provisions are made for the employee to use the leave within a reasonable timeframe.

Introductory employees are not entitled to payout of any unused PTO. In the event of the death of an employee, the employee’s estate shall be entitled to payout for any unused balance of PTO at the time of death.

Holiday Pay

Scenario		Department			
		Administration	Public Works	Utilities	Police
Holiday Worked	Hours Worked + Holiday Compensation	Regular Pay + 8 hours paid	Regular Pay + 8 hours paid	Regular Pay + 8 hours accrued	Regular Pay + 8 hours accrued
Holiday NOT worked	No regular Pay or Accrual + Holiday Compensation	None + 8 hours paid	None + 8 hours paid	None + 8 hours paid	None + 8 hours accrued
Christmas/ New Years Worked	Hours Worked + Holiday Compensation	Regular Pay + 8 hours paid	Regular Pay + 8 hours paid	Regular Pay + 8 hours paid	Paid 2 times regular rate of pay
Christmas/ New Years NOT Worked	No regular Pay or Accrual + Holiday Compensation	None + 8 hours paid	None + 8 hours paid	None + 8 hours paid	None + 8 hours accrued

Holiday pay will be counted as hours worked for the purposes of determining whether overtime pay is owed.





Life Insurance

The Town of Berryville provides a basic life insurance plan for eligible employees. This program is an adjunct program of the Virginia Retirement System. VRS Optional Life Insurance is available through payroll deduction and allows active employees to enroll themselves, their spouses, or their children.

Health Insurance

The Town of Berryville's health insurance plan provides employees and their dependents access to medical, dental, and vision care insurance benefits. Questions should be directed to supervisor, Department Head, Director of Finance/Treasurer, or Town Manager.

Medical Information Privacy

Medical information on individual employees is treated confidentially. The Town of Berryville will take reasonable precautions to protect such information from inappropriate disclosure. Department Heads and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment. Unauthorized access to, or dissemination of, employee personal medical information is strictly prohibited except as required by enrollment, administration, and participation in benefit plans and public health reporting and oversight.

Short-Term Disability

The Town of Berryville provides a short-term disability benefits plan to eligible nonexempt employee participants in the Virginia Retirement System Hybrid Retirement Plan who are unable to work because of a qualifying disability as a result of injury or illness. An employee must first use (40) hours of PTO before becoming eligible for short-term disability. Sick leave accrued prior to 1 January 2014 must be exhausted before an employee is eligible for short-term disability.

Long-Term Disability

The Town of Berryville provides a long-term disability benefits plan to help eligible employees cope with illness or injury that results in a long-term absence from employment.

Military Leave Without Pay

An employee who leaves the employ of the Town of Berryville to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay, commencing on the first business day following the last day of active employment with the Town of Berryville. The employee on such leave is entitled to be restored to the position they vacated, provided the employee makes application to the Town not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable





Disciplinary Procedure

Investigations: Upon receiving a report of violation of the law or a departmental or disciplinary regulation, as set forth in these regulations, the Town Manager will conduct an investigation with the purpose of ascertaining the facts relative to the circumstances surrounding the alleged offense. Violation or alleged violation of law will be reported in accordance with the law.

Reports: Any disciplinary action proposed by any department head shall be reported in full immediately to the Town Manager. A copy of same disciplinary report will become a permanent part of employee personnel record and will be maintained as part of confidential employee records.

Sexual Harassment

The Town of Berryville is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes gender-based harassment of a person of the same sex as the harasser and intentional exposure of a third party to sexual conduct, imagery, etc.

Verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

All allegations of sexual harassment must be reported to supervisor, Deputy Town Manager, or Town Manager, and will be quickly and discreetly investigated. To the extent possible, confidentiality of the complainant and/or potential victim, witnesses, and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, all subject parties will be informed of the outcome of the investigation.

A non-employee who subjects an employee to harassment in the workplace will be informed of the Town of Berryville's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

No-Harassment/No-Discrimination Policy

The Town of Berryville will not tolerate any form of harassment, discrimination, or retaliation. In accordance with Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, Town policy prohibits harassment, discrimination, or intimidation of others based on age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, gender, gender identity/expression, sexual orientation, ethnicity, pregnancy, disability, political affiliation,





marital status, military/veteran status, genetic information, status in any other group protected by federal or local law or for any other reason.

Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean, or belittle a person because of their age, sex, color, race, (including traits historically associated with race, including hair texture, hair type, and protective hairstyles), creed, religion, national origin, ethnicity, pregnancy, disability, gender, gender identity/expressions, sexual orientation, political affiliation, marital status, military/veteran status, genetic information, or status in another group protected by federal, state or local law. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time while conducting Town business, or when representing the Town either on or off premises, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law. **Harassment must be reported to supervisor, Deputy Town Manager, or Town Manager.**

A non-employee who subjects an employee to harassment or discrimination in the workplace will be informed of the Town of Berryville's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

Workplace Violence

The Town of Berryville is committed to preventing workplace violence and to maintaining a safe work environment and has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, must be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. The Town of Berryville encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Town Manager before the situation escalates into potential violence.

All threats of (or actual) violence, both direct and indirect, must be reported as soon as possible to your immediate supervisor or another member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you must be as specific and detailed as possible.

The Town of Berryville will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town of Berryville may suspend employees, either with or without pay, pending investigation. At no time will any employee be subjected to retaliation for reporting any threat or perceived threat, regardless of the outcome of the investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in



Report of the Department of Public Works

May 1, 2023

General Information

Seven asphalt companies attended the pre-bid meeting for this year's milling and paving offering. The bids will be opened on Tuesday May 2, 2023.

We started our annual street sweeping last month. We have completed Hermitage Subdivision and are now sweeping Battlefield Estates. Once Battlefield is completed, we will sweep Jack Enders Blvd. and Berryville Glen Subdivision. We plan on having all sweeping done by May 19.

The utility improvement project for Josephine Street is moving along at a good rate. The railroad has informed the contractor that the bore under the tracks at the Josephine Street crossing is scheduled for the week of May 7. This has been a moving target and is still subject to change.

Water

The new water line for Crown Street will be installed this week. We were delayed a week due to a conflict in scheduling.

Work to replace water meters continues.

Sewer

With the assistance of a contractor, we completed some upgrades on the Josephine East Pump Station and connected the force main to the newly installed force main installed by GEI.

We had no sewer problems or blockages this past month.

**Berryville Town Council Item Report Summary
May 9, 2023**

Item Title

Staff Reports - Public Utilities

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611
(T) 540.955.3863 (F) 540.955.0207
policeadmin@berryvilleva.gov
W. Neal White – Chief of Police

MEMO

DATE: 05/01/2023
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 05/09/2023

Monthly Activity Report

The activity report for the month of April 2023 is attached to this document.

Public Safety Committee

The Public Safety Committee did not meet in April.



BERRYVILLE POLICE DEPARTMENT

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W. Neal White – Chief of Police

Police and Security Report

Month/Year: April	Year To Date 2023	April 2023	March 2023
<u>Complaints Answered</u>			
911 Hang Up:	2	1	0
Alarms:	30	8	9
Animal Complaint:	40	12	8
Assault:	9	1	2
Assist County:	43	23	5
Assist EMS and Fire:	44	9	19
Auto Larceny:	0	0	0
Burglary:	1	0	1
Civil Complaints:	32	7	14
Disturbance:	10	3	1
Domestic Disturbance:	13	5	3
Driving Under the Influence	2	0	2
Drunk In Public:	0	0	0
Fraud:	11	3	4
Larceny:	14	0	6
Harassment/Intimidation:	4	1	2
Homicide:	0	0	0
Identity Theft	2	1	1
Juvenile Related:	15	3	3
Mental Health Crisis:	43	5	12
Narcotics Related:	1	0	0
Noise:	13	3	2
Public Service:	1	1	0
Sexual Assault:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	39	8	9
Trespassing:	1	0	1
Vandalism:	13	3	2
Welfare Check:	39	13	8
Miscellaneous Complaints:	209	49	63
Total Complaints Answered:	631	159	177



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Police and Security Report (Continued)

	Year To Date 2023	April 2023	March 2023
<u>Traffic</u>			
Accidents Investigated:	16	3	1
Assist Motorist:	0	0	0
Child Safety Seat Install:	1	0	0
Funeral Escort:	11	2	2
Hit & Run:	3	1	0
Parking Tickets:	98	6	29
Traffic Warnings:	71	27	26
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	0	0	0
Expired Inspection:	1	1	0
Expired Registration:	1	0	0
Fail to Obey Highway Sign:	21	5	7
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	1	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	2	1	0
No Seat Belt:	0	0	0
Reckless Driving:	1	0	0
Speeding:	22	8	10
Miscellaneous Summons:	4	0	1
Total Traffic Summons Issued:	54	16	18
<u>Found Open at Businesses in Town</u>			
Doors:	3	0	1
Windows:	0	0	0
Garage Doors:	0	0	0



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Police and Security Report (Continued)

	Year To Date 2023	April 2023	March 2023
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	9	2	0
Assault and Battery on Police Officer:	2	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	1	0	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	0	0	0
Drunk In Public:	0	0	0
Fail to Obey Police Officer:	1	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	1	1	0
Fraud:	4	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	0	0	0
Larceny:	1	0	1
Possess Alcohol Underage:	1	1	0
Protective Order Violations:	4	0	4
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	19	0	0
Trespassing:	0	0	0
Vandalism:	3	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	16	4	3
		0	
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	62	8	8



BERRYVILLE POLICE DEPARTMENT

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Police and Security Report (Continued)

	Year To Date 2023	April 2023	March 2023
<u>Response to Resistance</u>			
Total Community Interface	837	214	230
Total Enforcement Contacts	188	51	53
Physical Custody	8	2	0
Reported Force Involved	1	0	0
Administrative Review - Justified	1	0	0
Administrative Review - Not Justified	0	0	0
Complaint of Injury - Arrestee	0	0	0
Medical Treatment for Injury - Arrestee	0	0	0
Complaint of Injury - Officer	0	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	1	0	0
Takedown	0	0	0
Strikes (Hands / Knees)	0	0	0
Chemical Sprays (O.C.)	0	0	0
Impact Weapon (Baton)	0	0	0
Mechanical Non-Lethal	0	0	0
Firearm	0	0	0
<u>Arrestee Demographics</u>			
White Male	3	1	0
Black Male	3	0	0
Other Male	0	0	0
White Female	2	1	0
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary

May 9, 2023

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission did not hold an April meeting. Their next meeting is scheduled for Tuesday, May 23, 2023 at 7:00 p.m.

Berryville Area Development Authority

The BADA did not hold a meeting in April. Their next meeting is scheduled for Wednesday, May 31, 2023 at 6:00 p.m.

Architectural Review Board

The ARB met on Wednesday, April 5, 2023 and discussed the following item:

Sign Review

Vincent Petti, Owner, Petti Pest Control, LLC, is requesting a Certificate of Appropriateness in order to install a 12 square foot wall sign on the building located at 310 N. Buckmarsh Street, identified as Tax Map Parcel number 14A2-((A))-4, zoned C-1 Commercial. *Approved as presented.*

Their next meeting is scheduled for Wednesday, May 10, 2023 at 12:30 p.m.

Tree Board

The Tree Board has not met since the last Council meeting.

Board of Zoning Appeals

The BZA has not held a meeting since the last Council meeting.

Berryville Celebrates 225 Committee

A parade will be held on Saturday, June 3, 2023.

Town Council Agenda Item Report Summary

May 9, 2023

Item Title

Construction Project Update

Prepared By

Christy Dunkle

Shenandoah Crossing Subdivision

- 82 single-family homes
- Developed by D.R. Horton, Inc.
- Zoned DR-2 Detached Residential
- Cluster layout
- HOA-maintained facilities
- Town staff identified concrete repairs needed prior to street acceptance
- Final paving has not occurred, snow removal will be the responsibility of the developer until the streets become part of the public road system
- All homes have been completed
- Staff continues to meet with the developer to discuss sidewalk repairs and bond reduction

Fellowship Square Subdivision

- 50 single-family homes
- Zoned DR-4 Detached Residential
- Cluster layout
- HOA-maintained facilities
- All 50 lots are constructed

Hermitage Phase V

- 71 single-family homes
- Final phase of Hermitage subdivision (started 2000)
- Zoned R-1 and DR-1
- Phase V will have HOA oversight, other phases will not be affected
- Staff continues to meet with the contractors to assure state and local compliance

Commercial Site Plan – 410 Jack Enders Boulevard

- LGV Group, LLC began site work for two warehouse buildings approved by the BADA in May, 2022
- The ribbon cutting is scheduled for May 15, 2023

Administration/Finance

Cash Balance Report

Period Ending 4/30/2023

Town of Berryville

5/2/2023 12:34 PM

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Bank 1	Bank of Clarke Operating Acct#- 1138499	Balance
	Account	
	100-1140000-0000 B/C OPR	-\$10,958.04
	501-1140000-0000 B/C OPR	-\$23,279.75
	502-1140000-0000 B/C OPR	-\$16,653.46
	Bank 1	Total:
		-\$50,891.25
Bank 2	Bank of Clarke NOW Acct#- 1138502	Balance
	Account	
	100-1149000-0000 B/C NOW	\$9,375,204.68
	501-1149000-0000 B/C NOW	\$1,311,583.93
	502-1149000-0000 B/C NOW	\$6,220,428.49
	Bank 2	Total:
		\$16,907,217.10
Bank 3	Bank of Clarke Payroll Acct#- 1139510	Balance
	Account	
	100-1121000-0000 CASH/ BC PAYROLL	\$39,622.61
	501-1121000-0000 CASH/BC PAYROLL	\$461.65
	502-1121000-0000 CASH/BC PAYROLL	\$0.00
	Bank 3	Total:
		\$40,084.26
Bank 4	Bank of Clarke CIP Acct#- 1138406	Balance
	Account	
	100-1123000-0000 BC/CIP CD	\$602,579.94
	501-1123000-0000 BC/CIP	\$3,602,902.76
	502-1123000-0000 BC/CIP	\$3,992,740.10
	Bank 4	Total:
		\$8,198,222.80
Bank 5	Bank of Clarke SW Acct#- 1138413	Balance
	Account	
	100-1128000-0000 BC/SWMGT CD	\$471,373.64
	Bank 5	Total:
		\$471,373.64
Bank 6	Bank of Clarke PDAF Acct#- 1138421	Balance
	Account	
	100-1131000-0000 PD ASSET FORFEITURE	\$27,297.64
	Bank 6	Total:
		\$27,297.64
Bank 7	Bank of Clarke DSR Acct#- 1138466	Balance
	Account	
	100-1124000-0000 BC/RDA DEBT SER RES	\$111,725.58
	Bank 7	Total:
		\$111,725.58
Bank 8	Bank of Clarke PPTRA Acct#- 1138464	Balance
	Account	

Cash Balance Report

Period Ending 4/30/2023

Town of Berryville
5/2/2023 12:34 PM

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	100-1125000-0000 BC/PPTRA RES	\$42.29
	501-1125000-0000 BC/PPTRA RESERVE	\$0.00
	502-1125000-0000 BC/PPTRA RESERVE	\$0.00
	Bank 8 Total:	\$42.29
Bank 9	Bank of Clarke RAU Acct#- 1138472 Account	Balance
	100-1145000-0000 BCC Rau Account	\$947.15
	Bank 9 Total:	\$947.15
Bank 10	Bank of Clarke VRA Reserve Acct#- 6041647 Account	Balance
	502-1155000-0000 BC/VRA Reserve Account	\$470,000.00
	Bank 10 Total:	\$470,000.00
Bank 11	Bank of Clarke Proffer Reserve Acct#- 1897098 Account	Balance
	100-1126000-0000 Cash BC/Proffers Reserve	\$90,556.69
	501-1126000-0000 CASH/BC Proffers Reserve	\$0.00
	502-1126000-0000 CASH/BC Proffers Reserve	\$0.00
	Bank 11 Total:	\$90,556.69
Bank 12	Bank of Clarke Performance Bonds Acct#- 1910841 Account	Balance
	100-1135000-0000 B/C PERFORMANCE BONDS	\$11,292.25
	Bank 12 Total:	\$11,292.25
Bank 13	BB&T Acct#- 5137529525 Account	Balance
	100-1130000-0000 CASH/BB&T MM+	\$68,530.51
	501-1130000-0000 CASH/BB&T MM+	\$0.00
	502-1130000-0000 CASH/BB&T MM+	\$0.00
	Bank 13 Total:	\$68,530.51
Bank 14	Bank of Clarke PD Contributions Acct#- 5759859 Account	Balance
	100-1133000-0000 PD Contributions	\$4,751.58
	Bank 14 Total:	\$4,751.58
Bank 15	Bank of Clarke PSN Refund/Pmt. Acct. Acct#- 6079334 Account	Balance
	100-1146000-0000 BC PSN Refund Acct	\$0.00
	Bank 15 Total:	\$0.00
Bank 16	Bank of Clarke PSN Dep Acct Acct#- 6079326 Account	Balance

Check Listing

Date From: 4/1/2023 Date To: 4/30/2023
Vendor Range: 4IMPRINT, INC. - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
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Check Number	Bank	Vendor	Date	Amount
8016	1	ABIGAIL PIERSON	04/05/2023	\$140.80
8017	1	ALEXIS HYRE	04/05/2023	\$216.86
8018	1	CALLAHAN WILLIAM PATRICK 4939	04/05/2023	\$125.31
8019	1	CALVIN M GRADY	04/05/2023	\$9.10
8020	1	D R HORTON INC	04/05/2023	\$3.96
8021	1	D R HORTON INC	04/05/2023	\$3.96
8022	1	D R HORTON INC	04/05/2023	\$3.96
8023	1	DEMETRIUS G SIMON	04/05/2023	\$136.02
8024	1	DOWDY NAUMANN S III 2950	04/05/2023	\$164.39
8025	1	DR HORTON INC	04/05/2023	\$3.96
8026	1	DR HORTON INC	04/05/2023	\$3.96
8027	1	DR HORTON INC	04/05/2023	\$22.29
8028	1	DR HORTON INC	04/05/2023	\$3.96
8029	1	DR HORTON INC	04/05/2023	\$3.96
8030	1	EMILY JOHNSON	04/05/2023	\$207.28
8031	1	EMMA RUTH ELLEN RHODES 7828	04/05/2023	\$223.89
8032	1	GLEN POE	04/05/2023	\$9.12
8033	1	HAMILTON MANAGEMENT LLC	04/05/2023	\$111.85
8034	1	INNOVATIVE ACCESS TECHNOLOGIES	04/05/2023	\$252.00
8035	1	KRISTINA ZIENCIUK	04/05/2023	\$14.62
8036	1	LAWRENCE BOYD W 10146	04/05/2023	\$301.00
8037	1	MARIA MONTOYA	04/05/2023	\$47.98
8038	1	MATTHEW MCCOMAS	04/05/2023	\$180.24
8039	1	MAUREEN ADAMSKI	04/05/2023	\$30.06
8040	1	MID ATLANTIC CRANE AND EQUIPMENT CO	04/05/2023	\$43,539.12
8041	1	SANDRA HARE	04/05/2023	\$124.03
8042	1	SIGLER MICHAEL D 7629	04/05/2023	\$17.80
8043	1	SIGLER MICHAEL D & LOUANNE M 8425	04/05/2023	\$427.90
8044	1	SMALLEY PACKAGE CO INC	04/05/2023	\$5.00
8045	1	THOMSON REUTERS	04/05/2023	\$104.00
8046	1	COMBS WASTEWATER MANAGEMENT LLC	04/12/2023	\$75.00
8047	1	FRAZIER & FRAZIER INC	04/12/2023	\$1,650.00

Check Listing

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Check Number	Bank	Vendor	Date	Amount
8048	1	H2O Pipe Cleaning LLC	04/12/2023	\$2,750.00
8049	1	Hall, Monahan, Engle, Mahan & Mitchell	04/12/2023	\$2,155.00
8050	1	HIGHWAY MOTORS INC	04/12/2023	\$2,005.54
8051	1	Indian River Equipment Co.	04/12/2023	\$1,409.22
8052	1	Keith Dalton	04/12/2023	\$50.00
8053	1	Michelle M. Jones	04/12/2023	\$940.00
8054	1	Northern Virginia Daily	04/12/2023	\$936.00
8055	1	PENNONI ASSOCIATES INC	04/12/2023	\$2,486.75
8056	1	QUAD CONTRACTING TOWERS LLC	04/12/2023	\$98.95
8057	1	Select Specialty Products	04/12/2023	\$402.75
8058	1	Stuart M. Perry, Inc	04/12/2023	\$443.40
8059	1	The Hall Company	04/12/2023	\$1,490.33
8060	1	The Winchester Star	04/12/2023	\$984.47
8061	1	Treasurer of Clarke County	04/12/2023	\$28,955.04
8062	1	VALLEY ICE LLC	04/12/2023	\$53.80
8063	1	VUPS	04/12/2023	\$120.75
8064	1	Carmeuse Lime, Inc	04/18/2023	\$5,629.85
8065	1	Nationwide Retirement Solutions	04/18/2023	\$575.00
8066	1	PENNONI ASSOCIATES INC	04/18/2023	\$3,821.00
8067	1	UBEO MIDCO LLC	04/18/2023	\$596.85
8068	1	VIRASEC IT Support Services, Inc.	04/18/2023	\$2,450.90
8069	1	ANDERSON LAWN CARE, INC.	04/27/2023	\$2,753.97
8070	1	CIVICPLUS	04/27/2023	\$650.00
8071	1	COPPAGE RYAN P & KRISTA R 917	04/27/2023	\$420.60
8072	1	Dunn Land Surveys, Inc.	04/27/2023	\$450.00
8073	1	ERIN MCLAUGHLIN	04/27/2023	\$59.68
8074	1	FOSTER DONNA ELIZABETH 10765	04/27/2023	\$37.23
8075	1	HARI KRISHNA NEELI	04/27/2023	\$181.86
8076	1	HARRIS TAYLOR TESSA 10575	04/27/2023	\$61.64
8077	1	JOHNSON JOSHUA ELI & EMILY WEBER 11080	04/27/2023	\$41.98
8078	1	KING KEVIN MICHAEL 8734	04/27/2023	\$20.94
8079	1	Minnesota Life Insurance Co.	04/27/2023	\$194.13

Check Listing

Date From: 4/1/2023 Date To: 4/30/2023
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Check Number	Bank	Vendor	Date	Amount
8080	1	MORTON WALTER FRANK JR 7935	04/27/2023	\$23.65
8081	1	Natlonwide Retirement Solutions	04/27/2023	\$575.00
8082	1	PENNONI ASSOCIATES INC	04/27/2023	\$28,218.05
8083	1	PHOENIX DISTRIBUTORS	04/27/2023	\$975.00
8084	1	PLUMMER CHRISTIAN DAVID 7955	04/27/2023	\$60.00
8085	1	Treasurer of Frederick County	04/27/2023	\$5,330.74
8086	1	UBEO MIDCO LLC	04/27/2023	\$251.20
8087	1	VALLEY REGIONAL ENTERPRISES, INC.	04/27/2023	\$50.00
8088	1	PENNONI ASSOCIATES INC	04/27/2023	\$135.00
73	Checks Totaling -			\$147,009.65

Totals By Fund

	Checks	Voids	Total
100	\$56,580.74		\$56,580.74
501	\$33,082.57		\$33,082.57
502	\$57,346.34		\$57,346.34
Totals:	\$147,009.65		\$147,009.65



BERRYVILLE TOWN OF
 [Redacted]
 April 01, 2023 - April 30, 2023

Purchasing Card

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO Box 660441 Dallas, TX 75266-0441 TTY Hearing Impaired: Dial *711* Outside the U.S.: 1.609.363.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 04/30/23 Payment Due Date 05/23/23 Days in Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$87,815.55	Previous Balance \$103,100.39 Payments -\$103,100.39 Credits -\$69.00 Cash \$0.00 Purchases \$87,884.55 Other Debits \$0.00 Overlimit Fee \$0.00 Late Payment Fee \$0.00 Cash Fees \$0.00 Other Fees \$0.00 Finance Charge \$0.00 Current Balance \$87,815.55

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 05/23/23.

Global Card Access - your card information whenever, wherever and however you need it. From the dashboard, you can quickly check your credit limit, balance, available credit and recent card activity. Other features like View PIN, Change PIN, Lock Card and Alerts help you keep your card secure. For added convenience, you can easily view or download your current statement up to 12 months of past statements. Visit www.bofa.com/globalcardaccess to register your card and start using Global Card Access today.

Cardholder Activity Summary

Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
Credit Limit				

0318039 8781555 8781555 4715291201837237

Account Number: [Redacted]
 April 01, 2023 - April 30, 2023

Total Payment Due \$87,815.55
 Payment Due Date 05/23/23

Enter payment amount

\$

BANK OF AMERICA
 PO BOX 15731
 WILMINGTON, DE 19808-5731

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

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

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.

Service for the hearing impaired (TTY/TDD): We accept calls made through relay services (dial 711).

Telephone monitoring: For the purposes of monitoring and improving the quality of service, Bank's supervisory personnel may listen to and/or record telephone calls between Bank employees and any person acting on Company's behalf.

In case of errors or questions about your bill: Errors or questions about your bill must be received in writing no later than 60 days after we sent you the first statement on which the error or problem appeared. Please mail this information to BANKCARD CENTER, PO BOX 660441, DALLAS, TX 75266-0441. Your letter must include the following information:

- . The company name, cardholder name and account number in question.
- . The dollar amount of the suspected error.
- . A written description of the error and why you believe there is an error. If you need more information, describe the item you are unsure about.

Customer Service:	For questions regarding transactions, general assistance, and reporting lost and stolen cards, call:	
	<u>Within the U.S.</u> 1.800.449.2273	<u>Outside the U.S.</u> 1.609.353.6656 (collect calls accepted)

Thank you for your business.

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.



BERRYVILLE TOWN OF
 April 01, 2023 - April 30, 2023
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Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK [REDACTED]				
15,000	0.00	0.00	2,888.18	2,888.18
BOOTH, KEVIN [REDACTED]				
1,000	0.00	0.00	222.87	222.87
BRAITHWAITE, JAY [REDACTED]				
500	0.00	0.00	126.22	126.22
BÜSSERT, ERNIE [REDACTED]				
50,000	0.00	0.00	24,057.57	24,057.57
CULP, PAUL [REDACTED]				
5,000	0.00	0.00	983.17	983.17
DALTON, KEITH [REDACTED]				
50,000	0.00	0.00	10,000.00	10,000.00
DORSEY, DANIEL [REDACTED]				
600	0.00	0.00	36.73	36.73
ELLIOTT, RALPH [REDACTED]				
5,000	0.00	0.00	62.98	62.98
FERREBEE, DARRELL [REDACTED]				
500	0.00	0.00	73.88	73.88
GRIFFITH, RICHARD A [REDACTED]				
500	0.00	0.00	39.60	39.60
JOHNSON, KAREN [REDACTED]				
1,000	0.00	0.00	0.61	0.61
KERN, JODI [REDACTED]				
5,000	0.00	0.00	727.00	727.00
LAMBERT, TRAE [REDACTED]				
500	0.00	0.00	24.41	24.41
LINK, BRIAN [REDACTED]				
5,000	0.00	0.00	685.24	685.24
MCCORMICK, HARRY [REDACTED]				
500	0.00	0.00	224.89	224.89
MILLER, TAMARA [REDACTED]				
50,000	0.00	0.00	44,900.64	44,900.64
POULIN, CYNTHIA [REDACTED]				
1,000	0.00	0.00	59.00	59.00
STOVER, KEITH [REDACTED]				
5,000	69.00	0.00	906.64	837.64
WHITE, NEAL [REDACTED]				
15,000	0.00	0.00	1,884.92	1,884.92

Transactions

Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
						Total Activity
BERRYVILLE TOWN OF						-\$103,100.39
Account Number: [REDACTED]						
04/26	04/25	AUTO PAYMENT DEDUCTION		0071		103,100.39

Transactions						
Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
BOOR, RICK						Total Activity
Account Number: [REDACTED]						2,808.18
04/17	04/14	SHENANDOAH SAND LLC	540-6671660 VA	24013393104001498038766	5099	2,278.20
04/20	04/19	TRACTOR-SUPPLY-CO #0697	WINCHESTER VA	24137463110001505542770	6599	609.98
BOOTH, KEVIN						Total Activity
Account Number: [REDACTED]						222.87
04/03	03/31	GIANT MARTINS #6558	BERRYVILLE VA	24692163090102815103795	5411	20.16
04/03	03/31	LOWES #02724*	Winchester VA	24092163090102901247936	5200	183.36
04/27	04/26	GIANT MARTINS #6558	BERRYVILLE VA	24692163116103333837005	5411	19.35
BRAITHWAITE, JAY						Total Activity
Account Number: [REDACTED]						126.22
04/19	04/18	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973109091400000030	6251	58.42
04/26	04/25	7-ELEVEN 34514	BERRYVILLE VA	24003223116752011726934	8542	67.80
BUSSERT, ERNIE						Total Activity
Account Number: [REDACTED]						24,057.57
04/03	03/31	IN JOINER LABS, LLC	540-3477212 VA	24692163090102981797669	8734	2,734.50
04/03	03/31	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973091091406000172	5251	20.95
04/04	04/03	AMZN MKTP US*HY0IN97C2	AMAMZN.COM/BILLWA	24431063094003348504903	5942	23.94
04/05	04/04	CARQUEST 1217	WINCHESTER VA	24431053094836000020998	5533	79.96
04/05	04/04	JNO. S SOLENBERGER AND C	WINCHESTER VA	24138293095400009937609	6251	188.31
04/10	04/07	LOWES #02724*	Winchester VA	24692163097108293330092	5200	4.34
04/12	04/10	HILTON ADVPURCH8002367113	MEMPHIS TN	24755423101261017699361	3504	149.07
Arrival: 04/09/23						
04/14	04/13	COYNE CHEMICAL	CROYDON PA	24137463103300780735557	5169	7,017.96
04/17	04/13	MCMaster-CARR	630-834-8600 IL	24789303104693800100234	5085	208.47
04/18	04/17	USA BLUE BOOK	800-548-1234 IL	24940453107636000046300	5085	1,046.12
04/26	04/24	IN DENNIS INSPECTION, IN	540-5355170 VA	24692163114101829202488	7289	1,500.00
04/26	04/25	COYNE CHEMICAL	CROYDON PA	24137463115300743672588	5169	7,558.26
04/26	04/25	COYNE CHEMICAL	CROYDON PA	24137463115300743672661	5169	2,644.90
04/26	04/25	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973116091404000100	5251	80.79
OULP, PAUL						Total Activity
Account Number: [REDACTED]						993.17
04/03	03/31	AMZN Mktpl US*HY6AS4A22	Amzn.com/billWA	24692163090102744255005	5942	52.68
04/03	03/31	STAPLS7375546306000001	877-8267765 NJ	24164073090105300159065	5111	146.26
04/03	04/01	STAPLS7607219501000001	877-8267765 NJ	24164073092105310151621	5111	67.84
04/03	04/02	AMZN Mktpl US*HY7GV5IE1	Amzn.com/billWA	24692163092104518844541	6942	87.96
04/10	04/08	AMZN Mktpl US*HS49X7892	Amzn.com/billWA	24692163098109330149510	5942	29.95
04/19	04/18	STAPLS7608104965000001	877-8267765 NJ	24164073108105170304826	5111	39.48
04/26	04/25	VCU WEB CENTER PUBLIC	POL004-8282292 VA	24755423116121185368263	8220	550.00
DALTON, KEITH						Total Activity
Account Number: [REDACTED]						10,000.00
04/24	04/21	REPUBLIC SERVICES TRASH	066-576-5548 AZ	24941663111083717327000	4800	10,000.00
DORSEY, DANIEL						Total Activity
Account Number: [REDACTED]						36.73
04/12	04/11	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973102091406000211	5251	36.73
ELLIOTT, RALPH						Total Activity
Account Number: [REDACTED]						62.98
04/19	04/18	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973109091400000170	5251	62.98
FERREBEE, DARRELL						Total Activity
Account Number: [REDACTED]						73.88
04/03	03/31	GIANT MARTINS #6558	BERRYVILLE VA	24692163090102934340807	5411	15.12
04/28	04/27	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973118091408000062	5251	58.76
GRIFFITH, RICHARD A						Total Activity
Account Number: [REDACTED]						89.60
04/12	04/11	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973102091406000021	5251	24.48
04/17	04/14	GIANT MARTINS #6558	BERRYVILLE VA	24692163104103790305896	6411	15.12
JOHNSON, KAREN						Total Activity
Account Number: [REDACTED]						0.61
04/03	04/02	Amazon web services	aws.amazon.coWA	24692163092104301393292	7399	0.61
KERN, JODI						Total Activity
Account Number: [REDACTED]						727.00
04/04	04/03	VA DMV ONLINE BILLING	PAY004-4977100 VA	24755423094130949978145	9399	475.00
04/24	04/22	MSFT * E0100N0ZHA	MSBILL.INFO WA	24430993112400811011439	5045	6.00
04/24	04/22	MSFT * E0100N1A3R	MSBILL.INFO WA	24430993112400811089385	5045	246.00
LAMBERT, TRAE						Total Activity
Account Number: [REDACTED]						24.41
04/20	04/19	GIANT MARTINS #6558	BERRYVILLE VA	24692163109107685481782	5411	24.41

BERRYVILLE TOWN OF
 [REDACTED]
 April 01, 2023 - April 30, 2023
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Transactions

Posting Transaction				Reference Number	MCC	Charge	Credit
Date	Date	Description					
LINK, BRIAN							Total Activity
Account Number: [REDACTED]							686.24
04/18	04/17	LOWES #02724*	Winchester VA	24692163107106130829542	5200	240.00	
04/24	04/20	GRAND RENTAL STATION	WINCHESTER VA	24073143111900012700081	7394	445.24	
MCCORMICK, HARRY							Total Activity
Account Number: [REDACTED]							224.89
04/03	04/02	TOTAL IMAGE WORKINGMANS	SWINCHESTER VA	24765423093130933725834	5699	176.89	
04/26	04/25	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973116091404000225	6251	48.00	
MILLER, TAMARA							Total Activity
Account Number: [REDACTED]							44,900.64
04/03	04/03	COMCAST	800-COMCAST MD	24692163093104806472734	4899	122.91	
04/04	04/03	RAPPAHANNOCKELECTRICCOOP	EBILL.MYREC.CVA	24231683093747006973521	4900	5,009.68	
04/07	04/05	RAPPAHANNOCKELECTRICCOOP	EBILL.MYREC.CVA	24231683096747007113157	4900	289.53	
04/07	04/05	RAPPAHANNOCKELECTRICCOOP	EBILL.MYREC.CVA	24231683096747007113223	4900	6,569.61	
04/07	04/05	RAPPAHANNOCKELECTRICCOOP	EBILL.MYREC.CVA	24231683096747007113264	4900	7,453.41	
04/07	04/05	RAPPAHANNOCKELECTRICCOOP	EBILL.MYREC.CVA	24231683096747007113298	4900	10,000.00	
04/10	04/07	VIRGINIA STATE POLICE	804-2785305 VA	24755423098120985668813	9399	15.00	
04/17	04/15	VERIZONWRLSS*RTCCR VB	800-922-0204 FL	24692163105104183481921	4814	1,084.98	
04/17	04/15	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24941663105083741611732	4900	3,841.88	
04/19	04/18	USPS PO 5107560300	BERRYVILLE VA	24137463109001544222650	9402	4.78	
04/21	04/20	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24941663110083724752415	4900	1,675.00	
04/21	04/20	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24941663110083728148184	4900	8,028.16	
04/25	04/25	COMCAST	800-COMCAST MD	24692163115102063514785	4899	159.43	
04/26	04/25	VERIZON BILL PAYMENT	800-VERIZON FL	24692163115102153071316	4814	447.10	
04/28	04/25	VERIZON BILL PAYMENT	800-VERIZON FL	24692163115102153071324	4814	189.17	
POULIN, CYNTHIA							Total Activity
Account Number: [REDACTED]							59.00
04/07	04/06	IN *TRUESHRED	888-7508783 VA	24692163096107766128081	7399	59.00	
STOVER, KEITH							Total Activity
Account Number: [REDACTED]							837.64
04/05	04/04	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973095091404000022	6251	145.99	
04/10	04/07	BERRYVILLE AUTO PARTS	540-9551292 VA	24327433097665300552265	5533	467.76	
04/12	04/11	BERRYVILLE FARM AND PET	SBERRYVILLE VA	24761473101027010387206	5995	8.45	
04/18	04/17	SHADE EQUIPMENT CO-WINCHEW	WINCHESTER VA	24412903107027012896361	5599	197.75	
04/19	04/18	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801973108091400000517	6251	36.25	
04/21	04/20	LOWES #02724*	Winchester VA	24692163110100475968175	5200	38.44	
04/21	04/20	SHADE EQUIPMENT CO-WINCHEW	WINCHESTER VA	74412903110027013401452	5599		69.00
04/24	04/21	BERRYVILLE AUTO PARTS	540-9551292 VA	24327433111726101112352	5533	12.00	
WHITE, NEAL							Total Activity
Account Number: [REDACTED]							1,884.92
04/03	03/31	OPTICSPLANET, INC.	847-513-6201 IL	24492153090745633882082	5941	151.41	
04/07	04/06	AMZN MKTP US*HS8418EG2	AMAMZN.COM/BILLWA	24431063097083328968190	5942	126.24	
04/07	04/06	AMZN MKTP US*HS73U2IQ0	AMAMZN.COM/BILLWA	24431063097083348387793	5942	179.40	
04/10	04/07	BERRYVILLE AUTO PARTS	540-9551292 VA	24327433097665300552414	5533	284.59	
04/10	04/07	AT&T PAYMENT	800-331-0500 TX	24055233098812464662107	4814	229.44	
04/27	04/26	MESWARREN FIRE/LAWMEN	203-364-0620 CT	24055223116083339459587	5099	115.48	
04/27	04/26	ATLANTIC TACTICAL (ACCT R717-7743339	PA	24100853116900017936637	5137	619.36	
04/28	04/27	B2B Prime*HF9UT4DB2	Amzn.com/billWA	24692163117104093544244	5968	170.00	

Finance Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

	Annual Percentage Rate	Balance Subject to Interest Rate	Finance Charges by Transaction Type
PURCHASES	0.00%	\$0.00	\$0.00
CASH	0.00%	\$0.00	\$0.00

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.

BERRYVILLE TOWN OF

April 01, 2023 - April 30, 2023

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Berryville Town Council Item Report Summary
May 9, 2023

Item Title

Staff Reports - Deputy Town Manager

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

Short-term Rentals Report
9 May 2023

Item Title:

Short-term Rentals regulation in Berryville

Prepared By:

Jean Petti

Background/History General Information

On 14 February 2023, Town Council tasked Community Development Committee and Public Safety Committee with drafting text amendments to define and direct the operation of Short-Term Rentals within the Town.

Public Safety Committee made recommendations on 23 February. Community Development Committee reviewed and revised recommendations on 28 February.

Planning Commission reviewed proposed text amendment on 28 March and recommended returning item to committee for further revision.

On 25 April, Community Development Committee pursued further revision in regard to occupancy, parking, and registration of short-term rentals.

Findings/Current Activity

- Addition of *Short-term Rental* as a *Special Permit Use* to all residential districts. Please note that this is interpreted to include *C Commercial*, *C-1 Commercial*, and *BC Business Commercial* but does NOT extend to inclusion in *OPR Older Person Residential* because it is age restricted or to *ITL Institutional* because that zoning designation is for low-income units
- Addition of *Short-term Rental* to the definitions section of the Zoning Ordinance
- Creation of the *Rental Registry* as a section under *Article III- Other Licenses* in our Town Code
- Addition of short-term rental specific language in *Article VIII- Transient Occupancy Tax* in our Town Code
- Review of short-term rentals under *Article IX, Sec. 9-34.5 Exemptions from local license taxes and fees.*

Attachments

1. Proposed text amendment to definitions section of Zoning Ordinance
2. Proposed text amendment to *Article III- Other Licenses* in TOB Code
3. Proposed text amendment to *Article VIII- Transient Occupancy Tax* in TOB Code
4. Summary of additions to Zoning District Uses

Recommendation

Review proposed text amendments and forward any desired revision to staff or to PC

resubdivision - A change in a plat of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such plat; (b) affects any area reserved thereon for the public use; or (c) changes the size of any lot shown thereon, if any lots have been conveyed after the approval or recording of such plat (See **subdivision**.)

retail stores and shops - Buildings for display and sale of merchandise at retail or rendering of personal services, but specifically exclusive of coal, wood, oil storage, lumberyards, and contractor storage yards.

rooming house (lodging house) - A building other than a hotel where lodging is provided for three (3) or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

setback - The minimum distance by which any structure or building must be separated from a right-of-way or property line, or from other structures or buildings.

setback, front - The minimum distance by which any main building must be separated from the front lot line. However, no main building need be set back more than the average setback of the adjacent main buildings on each side. The minimum setback for the respective zone shall be used in the calculation of the average if 1) the adjacent lot is vacant, or 2) the adjacent main building has not been legally constructed (i.e. has not received a variance, or is not considered non-conforming).

shopping center - Any conglomeration of commercial activities sharing a parcel of land that is held in single ownership and sharing parking facilities.

Short-term rental- Means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Advertisement or operation of a short-term rental unit requires registration, a business license, remittance of transient occupancy tax, and is limited to dwellings which hold a Clarke County Certificate of Occupancy. Events are prohibited. No food preparation or service may be provided to primary renter or guests of short-term rental.

Each advertised short-term rental unit shall advertise and implement a maximum occupancy of no more than as permitted by the Virginia Uniform Statewide Building Code, (4) persons per bedroom, or (2) adults per off-street parking space, whichever is least and at no time exceed (13) individuals.

sign - Any display of any letter, words, numerals, figures, devices, emblems pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface, or any other thing

ARTICLE III. - OTHER LICENSES, LICENSE REQUIREMENTS.

Sec. 9-31. - Alcoholic beverages.

- (a) Every person who shall engage in the business of manufacturing, bottling, wholesaling or retailing alcoholic beverages within the town shall obtain a license and shall pay an annual license tax, in addition to the business, professional and occupational license tax assessed upon the gross receipts of such person, an annual alcoholic beverage license tax as follows:
- (1) For each distiller's license, five hundred dollars (\$500.00); provided that no license shall be required of any distiller manufacturing not more than five thousand (5,000) gallons of alcohol or spirits, or both, during the license year;
 - (2) For each winery license, five hundred dollars (\$500.00);
 - (3) For each brewery license, five hundred dollars (\$500.00);
 - (4) For each bottler's license, two hundred dollars (\$200.00);
 - (5) For each wholesale beer license, twenty-five dollars (\$25.00);
 - (6) For each wholesale wine distributor's license, twenty-five dollars (\$25.00);
 - (7) For each retail on-premises wine and beer license for a hotel, motel, restaurant or club, twenty dollars (\$20.00);
 - (8) For each retail off-premises wine and beer license, twenty dollars (\$20.00);
 - (9) For each retail on-premises beer license for a hotel, motel, restaurant or club, twenty dollars (\$20.00);
 - (10) For each banquet license, five dollars (\$5.00);
 - (11) For each mixed beverage caterer's license, twenty dollars (\$20.00).
 - (12) Any person in the town who holds a mixed beverage restaurant license from the state shall obtain from the town a mixed beverage license and pay an annual license tax as follows:
 - a. Persons operating restaurants, including restaurants located on the premises of and operated by hotels or motels:
 1. Two hundred dollars (\$200.00) for each restaurant with a seating capacity at tables for up to one hundred (100) persons.
 2. Three hundred fifty dollars (\$350.00) for each restaurant with a seating capacity at tables for more than one hundred (100) but not more than one hundred fifty (150) persons.
 3. Five hundred dollars (\$500.00) for each restaurant with a seating capacity at tables for more than one hundred fifty (150) persons.
 - b. A private, nonprofit club operating a restaurant located on the premises of such club, three hundred fifty dollars (\$350.00).
- (b) The licenses referred to in this section shall be as respectively defined by Title 4.1, Chapter 1 of the Code of Virginia, and the terms used in this section shall have the meaning respectively prescribed to them by such Chapter 1 of Title 4.1.

- (c) No local alcoholic beverage license issued pursuant to this section shall exempt any licensee from the local license tax prescribed by section 9-26 of this chapter. The base for measuring the local license taxes prescribed in section 9-26 shall include sales from alcoholic beverages in addition to the local alcoholic beverage license tax prescribed by this section.
- (d) The provisions of this section shall not apply to any wholesaler for the privilege of delivering alcoholic beverages in the town when such wholesaler maintains no place of business within the town.
- (e) No license shall be issued under this section to any person unless such person shall hold or secure simultaneously therewith the proper state license, which state license shall be exhibited to the town treasurer. Any violation of the terms of this provision shall be sufficient grounds for the revocation of the license issued pursuant to this section.

(Ord. of 12-10-96)

State Law reference— Code of Virginia, §§ 4.1-205 and 4.1-233.

Sec. 9-32. - Amusement machines, coin operated machines.

- (a) For the purpose of this section, the term "amusement operator" means any person leasing, renting or otherwise furnishing or providing a coin-operated amusement machine, which machine or coin-operated device is located within the Town of Berryville; provided, however, that the term "amusement operator" shall not include a person owning less than three (3) such machines on property owned or leased by such person.
- (b) Every amusement operator shall pay an annual license tax of two hundred dollars (\$200.00) for the operation of ten (10) or more coin-operated amusement machines and one hundred ninety-five dollars (\$195.00) for the operation of less than ten (10) such machines located within the Town of Berryville, notwithstanding the situs requirements of Section 58.1-3703.1 of the Code of Virginia.
- (c) Every amusement operator subject to the provisions of this section shall furnish to the town treasurer a complete list of all coin-operated amusement machines such operator has located within the town, indicating the location and address of each location of each such machine, on or before January thirty-first of each year. Each such machine shall have conspicuously located thereon a decal, sticker, or other adhesive label, no less than one (1) by two (2) inches in size, clearly denoting the operator's name and address.
- (d) Upon payment of the license tax prescribed herein, the town treasurer shall issue a license which, when signed by the treasurer, shall evidence the payment of the license tax.
- (e) The license tax prescribed by this section shall not be applicable to operators of weighing machines, automatic baggage or parcel checking machines or receptacles, nor to operators of vending machines which are so constructed as to do nothing but vend goods, wares and merchandise or postage stamps or provide service only, nor to operators of viewing machines or photomat machines, nor operators of devices or machines affording rides to children, or for the delivery of newspapers.

(Ord. of 12-10-96)

State Law reference— Code of Virginia, §§ 58.1-3720, 58.1-3721 and 58.1-3722.

Sec. 9-33. - Taxicabs, motor vehicle carriers.

Every person who operates or intends to operate within the town any taxicab or other motor vehicle for the transportation of passengers for consideration shall pay an annual license tax of thirty dollars (\$30.00) for each vehicle.

(Ord. of 12-10-96)

State Law reference— Code of Virginia, § 46.2-2017.

Sec. 9-34. - Exemptions from local license taxes and fees.

No local license fee or license tax shall be imposed or levied upon the following:

- (1) For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, provided such products are grown or produced by the person offering such products for sale;
- (2) Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt from the state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;
- (3) On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture;
- (4) Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store within the town; provided, however, this subdivision shall not be construed as prohibiting the town from imposing the local license tax on a peddler at wholesale pursuant to section 58.1-3718 of the Code of Virginia;
- (5) Upon any person, firm or corporation for engaging in the business of renting, as the owner of such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel trailer parks, lodging houses, rooming houses and boarding houses;
- (6) Upon a wholesaler or retailer for the privilege of selling bicentennial medals or products on a nonprofit basis for the benefit of a local bicentennial commission or committee, provided such commission or committee has been officially sanctioned by the town;
- (7) On or measured by receipts of a charitable nonprofit organization except to the extent the organization has receipts from an unrelated trade or business the income of which is taxable under Internal Revenue Service Code Section 511, et seq. For the purpose of this subdivision, "charitable nonprofit organization" means an organization which is described in Internal Revenue Service Code Section 501(c)(3) and to which contributions are deductible by the contributor under Internal Revenue Code Section 170, except that educational institutions shall be limited to schools, colleges and other similar institutions of learning;
- (8) On or measured by gifts, contributions, and membership dues of a nonprofit organization. For the purpose of this subdivision, a "nonprofit organization" means an organization exempt from federal income tax under Internal Revenue Service Code Section 501(c)(3) other than charitable nonprofit organizations;

- (9) On any person or activity as may be specifically provided pursuant to Section 58.1-3703 of the Code of Virginia.

(Ord. of 12-10-96)

State Law reference— Code of Virginia, § 58.1-3703.

Sec. 9-35. - Carnivals, circuses, speedways; penalties; certain restrictions.

- (a) A license tax of five hundred dollars (\$500.00) is hereby imposed for each performance held in the town given by or upon carnivals, circuses or speedways which are operating within the limits of the town. Until such tax has been paid, the town shall have a lien upon the property of such carnival, circus or speedway to the extent of the unpaid tax. For the purpose of this section, a performance shall be the entire time or number of days the business is operated in the town during a calendar year.

Every person which exhibits or gives a performance or exhibition of any of the shows, carnivals, or circuses, above described in this section, without the license required shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

In addition to any other license tax imposed by this section, a license tax of one thousand (\$1,000.00) for each performance of a traveling circus, carnival or show giving performances in the town in the open air or in a tent or tents, within fifteen (15) days previous to, or during the week of, or within one (1) week after the time of holding any agricultural fair in the town is hereby imposed. The license taxes provided for in this section shall be assessed and paid before any performance is permitted to be held.

It shall be unlawful for any circus, carnival or show to publish or post in any way, in the town at any time within fifteen (15) days prior to the holding of such fair, in the town, advertising of the exhibition of any such circus, carnival or show.

A fine not to exceed two thousand dollars (\$2,000.00) for each offense of any person violating any provision of this section shall be imposed. The provisions of this section shall not apply to circuses, carnivals or shows inside the grounds of any agricultural fair held in the town.

For the purpose of this section a "carnival" shall mean an aggregation of shows, amusements, concessions, eating places and riding devices or any of them, operated together on one (1) lot or street or on contiguous lots or streets, moving from place to place, whether or not the same are owned and actually operated by separate persons.

- (b) A resident mechanic or artist may exhibit any production of his own art or invention without compensation and no registration, bond or license may be required of any industrial arts exhibit or of any agricultural fair or the shows exhibited within the grounds of such fair or fairs, during the period of such fair, whether an admission is charged or not. In addition, no registration, bond or license may be required of resident persons performing in a show or exhibition for charity or other benevolent purposes, or of exhibitions of volunteer fire companies, whether an admission is charged or not. Whenever such show, exhibition or performance is given, whether licensed or exempted by the terms of this subsection, those persons performing or acting in a show, exhibition or performance and operating under either license or exemption, shall be exempt from such tax.

The provisions of the preceding paragraph shall not be construed to allow, without payment of the tax imposed by this section, a performance for charitable or benevolent purposes by a company, association or persons, or a corporation, in the business of giving such exhibitions, no matter what terms of contract may be entered into or under what auspices such exhibition is given by such company, association or persons, or corporation. It is the intent and meaning of this section that every company, association, person, or corporation in the business of giving exhibitions for compensation, whether a part of the proceeds are for charitable or benevolent purposes or not, shall pay the tax imposed by the authority of this section. Such tax shall not be imposed on a bona fide local association or corporation organized for the principal purpose of holding legitimate agricultural exhibitions or industrial arts exhibits when they rent or lease fair or exhibition grounds or buildings for the purpose of giving such exhibitions or performances and exhibit therein agricultural or industrial arts products as a part of such exhibition.

([Ord. of 10-8-19\(3\)](#))

Editor's note— An [Ord. of 10-8-19\(3\)](#), set out provisions intended for use as 9-34. For purposes of maintaining the numbering style of the Code, and at the editor's discretion, these provisions have been included as 9-35.

State Law reference— Code of Virginia, § 58.1-3728.

Sec. 9-35. Short-term Rental Registry

- (a) Registration of short-term rentals is required prior to operation, must be renewed annually, and be updated to reflect current contact information as needed. Each registration shall include:
 - a. name, telephone number, mailing address, and email address of property owner;
 - b. name, telephone number, mailing address, and email address of operator, if different;
 - c. address of property;
 - d. emergency contact telephone number and email address;
 - e. number of bedrooms, bathrooms, and parking spaces that will support the short-term rental unit;
 - f. listing platforms that will be used for advertisement of unit;
 - g. copy of certificate of occupancy issued by Clarke County Building Department; and
 - h. filing fee as set by Town Council.
- (b) Registration of short-term rentals may be waived under Code of Virginia Title 15.2, Ch. 9, § 15.2-983 if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

State Law Reference – Code of Virginia, § 15.2-983.

ARTICLE VIII. - TRANSIENT OCCUPANCY TAX

Sec. 16-101. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Hotel shall mean any public or private hotel, inn, apartment hotel, bed and breakfast, hostelry, tourist home or house, motel, rooming house or other lodging place within the town offering lodging for two (2) or more persons at any one (1) time, and the owner and operator thereof, who, for compensation, furnishes lodging to any transients.~~

~~Room or space rental shall mean the total charge made by any hotel, inn, bed and breakfast, hostelry, tourist home or house, motel, rooming house, campground, short-term rental, or any other lodging furnished to any transient or travel campground for lodging or space furnished any transient. If the charges made by such room or space rental hotel or travel campground to transients includes any charge for services or accommodations, in addition to that of lodging, and the use of space, then such portion of the total charge as represents only room and space rental shall be distinctly set out and billed to such transient by such hotel or travel campground as a separate item.~~

~~Town shall mean Town of Berryville, Virginia.~~

~~Transient shall mean any natural person who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging or the use of any space in any room or space rental hotel or travel campground for which lodging or use of space a charge is made.~~

~~Travel campground means any area or tract of land used to accommodate two (2) or more camping parties, including tents, travel trailers or other camping outfits.~~

(Ord. of 4-21-15)

Sec. 16-102. - Penalty for violation.

Any person violating or failing to comply with any of the provisions of this article shall be guilty of a class 3 misdemeanor. Each such violation or failure and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of the tax as provided in this article.

(Ord. of 4-21-15)

Sec. 16-103. - Amount and levy.

There is hereby imposed and levied by the town, in addition to all other taxes, fees, and charges of every kind, now or hereafter imposed by law, a tax in the amount of two (2) percent of the total amount paid for room or space rental ~~to any hotel travel campground.~~

(Ord. of 4-21-15)

Sec. 16-104. - Collection.

Every person receiving any payment of room or space rental with respect to which a tax is levied under this article, shall collect the amount of tax hereby imposed from the transient on whom the same is levied or from the person paying for such room or space rental, at the time payment for such rooms or space is made, and the tax shall be paid to the town.

(Ord. of 4-21-15)

Sec. 16-105. - Delegation of administration.

The town treasurer is hereby delegated the authority to administer all provisions of this article.

(Ord. of 4-21-15)

Sec. 16-106. - Reports and remittances.

The person collecting any tax levied under this article shall make out a report upon forms, setting forth information as the town treasurer may prescribe and require, showing the amount of room or space rental charges collected and the tax required to be collected, and shall sign and deliver the same, along with a remittance of such tax, to the town treasurer. Such reports and remittances shall be made to the town treasurer on or before the twentieth day of the calendar month following the month being reported.

(Ord. of 4-21-15)

Sec. 16-107. - Reserved.

Sec. 16-108. - Advertising payment or absorption of tax.

No person shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of a tax imposed under this article will be paid or absorbed by ~~him~~ **them** or by anyone else, or that ~~he~~ **they** or anyone else will relieve any purchaser of the payment of all or any part of such tax.

(Ord. of 4-21-15)

Sec. 16-109. - Penalty and interest for failure to remit taxes when due.

If any person whose duty it is to do so shall fail or refuse to remit to the town treasurer the tax required to be collected under this article, within the time and in the amount specified in this article, there shall be added to such tax by the town treasurer a penalty as set from time to time by the town council. In addition, there shall be added to such unpaid tax interest at a rate as set from time to time by the town council on the amount of tax delinquent, such interest to commence on the first day of the month following the month in which such taxes are due. For the second and subsequent years of delinquency, interest shall be imposed at the rate established pursuant to section 6621 of the Internal Revenue Code of 1954, as amended, or at a rate as set from time to time by the town council, whichever is greater.

(Ord. of 4-21-15)

Sec. 16-110. - Procedure upon failure or refusal to collect taxes or make remittances and reports.

If any person whose duty it is to do so shall fail or refuse to collect the tax imposed under this article or to make within the time provided in this article the reports and remittances required by this article, the town treasurer shall proceed ~~in such a manner as he may deem best~~ to obtain the facts and information ~~as he is able to obtain~~ upon which to base the assessment of any tax payable by any person who has failed or refused to collect such tax or to make such report and remittance. The town treasurer shall proceed to determine and assess against such person such tax and penalty by registered mail at his last known place of address of the amount of such tax and interest and penalty and the total amount thereof shall be payable within ten (10) days from the date of such notice.

(Ord. of 4-21-15)

Sec. 16-111. - Preservation of records.

It shall be the duty of every person required by this article to pay to the town the taxes imposed by the article to keep and to preserve for a period of two (2) years records showing all purchases taxable under this article, the amount charged the purchaser for each purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The town treasurer or duly authorized agents shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article and to make transcripts of all or any parts thereof.

(Ord. of 4-21-15)

Sec. 16-112. - Cessation of business; report and tax due immediately.

Whenever any person required to collect and pay to the town a tax under this article shall cease to operate and shall otherwise dispose of his business, any tax payable under the provisions of this article shall become immediately due and payable. Such person shall immediately make a report and pay the tax due.

(Ord. of 4-21-15)

Summary of additions to Zoning Districts

Short-term Rentals permitted as a Special Permit Use

- R-1 Residential
- R-2 Residential
- R-3 Residential
- OSR Open Space Residential
- DR-1 Detached Residential
- DR-2 Detached Residential
- DR-4 Detached Residential
- AR Attached Residential
- MR Multifamily Residential
- BC Business Commercial
- C Commercial
- C-1 Commercial

Short-term Rentals will not be permitted in the following:

- LI Light Industrial
- C-2 Commercial
- L1 Industrial
- B Business
- BP Business Park
- ITL Institutional
- OPR Older Person Residential

MapOnline - Clarke County - 5 | Town Code | Berryville, VA - CH - X | Zoning Ordinance July 2022 | X | +

maponline.net/clarkecounty/?w=6085510.0195637416593254703-067663749001074745600572324

Layers

- Labels
- Elevation
- Streams
- Mosaic
- Relief
- Water-Pan
- School Attendance Zones
- Elevation
- Slope
- Soils
- Karst Soils
- Berryville Zoning
 - Detached Res. (R-P-1)
 - Detached Res. (R-P-2)
 - Detached Res. (R-P-4)
 - Residential (R-1)
 - Residential (R-2)
 - Residential (R-3)
 - Attached Res. (A-P)
 - Clear Purpose Res. (C-P)
 - Open Space Res. (O-S)
 - Business (B)
 - Business Park (B-P)
 - Office Commercial (O-C)
 - Light Commercial (L-C)
 - Heavy Commercial (H-C)
 - Light Industrial (L-I)
 - Industrial (I-I)
- Boyce Zoning
 - Residential (R-1)
 - Business (B)
- Scenic Roads
- Spring Conservation OD
- Local Historic District

BOCC NDPS

- Aerial Imagery
- County Base Map

Type here to search

Map Info | 1:24 AM | 4/27/2022

SPF Mostly cloudy

Hogan's Alley Report
9 May 2023

Item Title:

Hogan's Alley Improvement Project Update

Prepared By:

Jean Petti

Background/History General Information

7 October 2022, a MOU between Department of Housing and Community Development (DHCD) and Berryville Main Street was entered into for the revitalization of "Hogan's Alley" with a Community Vitality Grant (CVG) in the amount of \$7000.00. Berryville Main Street pledged \$3500.00 in matching funds. This funding has encouraged a cooperative action between BMS and TOB to refurbish Hogan's Alley.

Findings/Current Activity

- BMS' sales tax exemption request has been submitted. Once approved, planters will be ordered
- Benches have been removed from the overall plan design at the request of a neighbor and upon recommendation of BPD and Community Development Committee
- The planters are not concrete, so decorative removable bollards that are purchased, installed, and maintained by TOB are consistent with BMS' vision. Estimate for two bollards is \$1190 plus \$400 freight shipping.
- The mural is proposed to be mounted on a backing instead of painted directly on adjacent property. Mural project design and expense will be borne by BMS. Town/ARB reserves right of review and approval.
- BMS endorses the idea of a sidewalk renovation that alerts pedestrians to the alley's entrance, but does not have funds dedicated to that project so it remains under the purview of TOB. A conversation with VDOT has been initiated (19 April).
- REC has offered to establish a new electric pole and abandon the existing pole. Berryville will be able to install an exterior outlet and meter on the old pole and REC will connect for service at no charge. Alley access will be made available to REC by TOB. This outlet will support the proposed string lights.
- Plaque purchase and installation should be undertaken by TOB. Estimates are \$1800 for a 14x20. Direction as to wording suggestions requested.

-Research re colored stamped asphalt resurfacing for the alley garnered one response and the estimate was \$12,500-\$15,000. Rubaroc estimates approximate \$25,000. Colored asphalt sealer was considered, but the product has been discontinued.

Applying a tinted acrylic sport/asphalt surface treatment is estimated at \$1000 plus equipment and labor. No special skill set is required, allowing BMS volunteers (under the direction of TOB staff) to provide in-kind labor to satisfy grant-match requirements.

-Drainage at the Main St end of the Alley is a concern. PW staff can redirect downspouts to under-alley drain at the mouth of the alley to capture the downspout discharge. Footers for any freestanding signage will be established at same time. Following these projects, the asphalt will be patched and sealed in preparation for a color topcoating.

-BMS has committed to negotiating with adjacent property owners for permission to redirect downspouts and install anchors for string lights. TOB has requested written permission.

-BMS also is seeking to acquire ironwork and a planter that was salvaged from former Berryville depot to serve as additional decorative accents.

Financial Considerations

All project expenses aside from planters, alley colored top-coating, string lights, and mural are anticipated to be borne by Town.

Attachments

1. Plaque estimate
2. Removable bollard and cover estimate and design
3. Planter image
4. Color swatches for alley topcoat

Schedule/Deadlines

Per BMS, grant deadline has been extended indefinitely, though DHCD requests expediency and open communication. Potentially, additional funding from Virginia Main Street may be available but project should be “shovel-ready” as funds would need to be expended by 30 June 2023. Town staff provided a letter of affirmation for the partnership between TOB and BMS to help acquire this additional funding.

Recommendation

Direct staff as to color of asphalt to recommend to ARB

Provide feedback on planters

Approve/deny prospective bollards

Either direct staff to draft text for plaque or provide direction

Home > Cast Bronze Plaques > Stone & Post Bronze Plaques

Post Mount Bronze Plaques
\$5.50 - \$8.00 / sq. in.
READ REVIEWS HERE



Post mounted plaques offer a permanent way of displaying a dedication or memorial. These plaques are meant to be installed in a small hole filled with concrete. The posts can be cut to the size you need.

Post mounted plaques have two options for mounting. You can either have the plaque mounted 90 degrees to the ground or at a 45 degree angle. The posts are square and come in different diameters based on the overall size of the plaque. These posts are specifically designed to mount the special bracket made for these plaques. We highly recommend purchasing both the mount and the post together.

Height (in) 1-4
Width (in) 20
Total Area (sq. in.) 280.000
Product Price \$1,540.00

Post Mount Option *
Please choose post option.

Post Mount - 6" Post (Plaques up to 450 sq. in.) [+ \$221.00]

Etched Inset *
Add an etched line drawing (for logos) or Etched Photo

No Inset Required

Background Color * Dark Oxide
Please choose a background color for your plaque. Black is the most common.

Black | Brown | Dark Bronze | Dark Oxide

Texture * Stipple
Please choose a texture for your plaque. Stipple is the most common.

Stipple | Leatherette | Sand | Pebble



5" Square Floor Sleeve



4" Schedule 40 Pipe

Galvanized, Raw, Primed, or Painted

Hinged Closure Plate



[Shop with Peace of Mind!](#)

1 review(s)
4.0/5
 Rhino Top Epoxy-Acrylic Concrete/Asphalt Coating, TEXTURED TINTED, 5G
 Rhino Top Epoxy-Acrylic Concrete/Asphalt Coating, TEXTURED TINTED, 5G
 SPECIAL SALE: \$339.99
 (Original: \$479.99)



0 Items in Cart
 Total: \$0.00
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[Continue Shopping](#)
[Estimate Shipping](#)
[Order Help](#)

Order Options:
 BROWNSTONE
 Qty: 1
[ADD TO CART](#)
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ACSG Group Company

Shop with Peace of Mind!

4.0/5
 Customer Reviews

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PRODUCT:

Rhino Top Acrylic-Epoxy Concrete/Asphalt Coating, TEXTURED, Factory Tinted, 5-Gallon Bucket, Price/Bucket.

ORDERING NOTES:

- Specify color before adding to cart.
- Shipping leadtime: 1-2 business weeks.

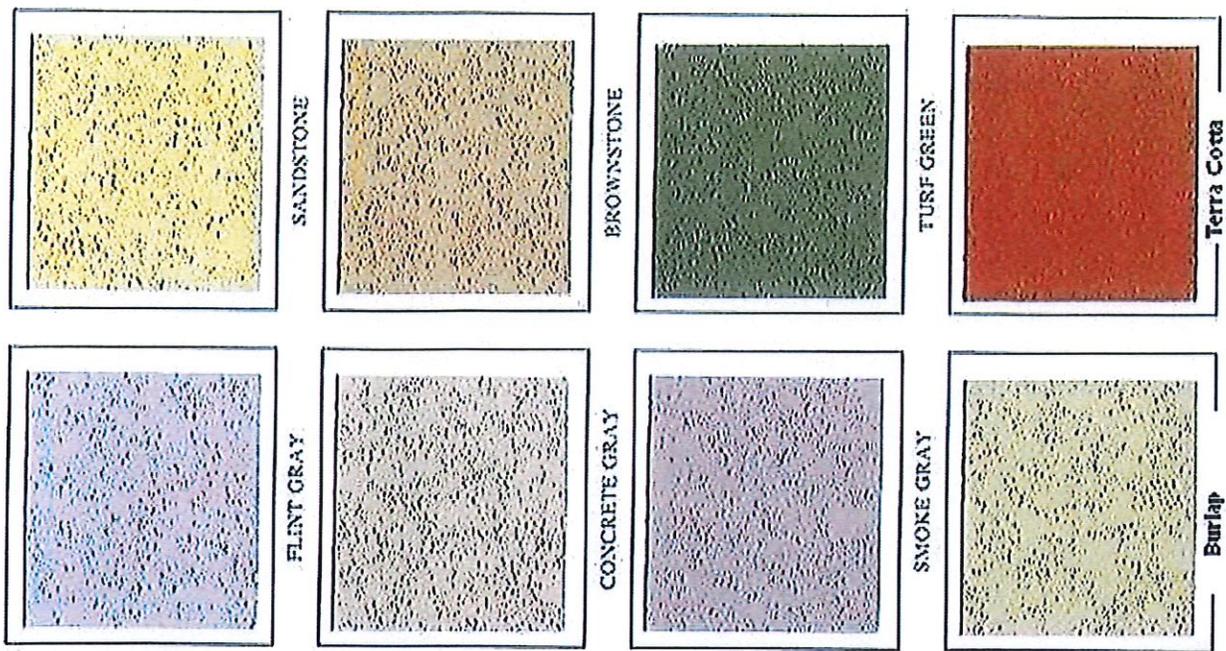
DESCRIPTION:

This is an outstanding and easy-to-use product for coating concrete or asphalt. It provides a long wearing non-slip surface, suitable for areas exposed to water and foot traffic. It features a beautiful long lasting uniform texture low-skid surface which can be easily recoated (5-7 years is a good maintenance schedule). This is not a waterproofing grade product.

Rhino Top is a high quality water-based acrylic finish incorporating an epoxy additive and silica sand to increase the abrasion resistance properties of the film. The special spherical silica sand is suspended in the emulsion to provide a fine uniform texture. This silica can be eliminated for projects requiring a smooth finish (special order without silica).

LIMITATIONS: Not for waterproofing. Not for vehicular traffic areas.

APPLICATIONS:



May 9, 2023
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The April 2023 expenditure report is attached.

Attachments

- April 2023 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

Apr-23

Water and sewer bill accounts

Estimated cost of these actions:

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
- Payment of delinquent accounts	\$ 10,000.00	\$ -	\$ 4,069.34	\$ 5,930.66	41%
- Water and sewer account credits	\$ 169,100.00	\$ -	\$ 171,191.48	\$ (2,091.48)	101%
- Total			\$ 175,260.82	\$ 179,100.00	
Fund balance from first payment				\$ 3,839.18	

Signage

Estimated cost of these actions

- Signage	\$ 150,000.00	\$ 1,650.00	\$ 10,425.50	\$ 139,574.50	7%
- Total			\$ 12,075.50	\$ 139,574.50	

Fund balance from first payment

Fund balance from second payment				\$ 57,924.50	
				\$ 80,000.00	

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility	\$ 250,000.00	\$ -	\$ 154,621.65	\$ 95,378.35	62%
- Total			\$ 125,000.00	\$ 250,000.00	
Fund balance from first payment			\$ 29,621.65	\$ -	
Fund balance from second payment				\$ 95,378.35	

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Non- Profits</u>					
Estimated cost of these actions					
- John H Enders FD	\$ 80,000.00	-	\$ 80,000.00	\$ -	100%
- Barns of Rose Hill	\$ 40,000.00	-	\$ 40,000.00	\$ -	100%
- Housing assistance	\$ 120,000.00	-	\$ 80,000.00	\$ 40,000.00	67%
- Total			\$ 200,000.00	\$ -	240,000.00
Fund balance from first payment				\$ -	
Fund balance from second payment				\$ 40,000.00	
<u>Purchase of equipment and supplies</u>					
Estimated cost of these actions					
- Purchase of equipment, etc	\$ 25,000.00	-	\$ 9,864.76	\$ 15,135.24	39%
- Total			\$ 9,864.76	\$ -	25,000.00
Fund balance from first payment				\$ 15,135.24	
<u>Improve Communications</u>					
Estimated cost of these actions					
- Website	\$ 8,000.00	-	\$ 5,845.29	\$ 2,154.71	73%
- Radios	\$ 60,000.00	-	\$ 60,000.00	\$ -	100%
- Other imp.	\$ 60,000.00	-	\$ 12,842.19	\$ 47,157.81	21%
- Total			\$ 78,687.48	\$ -	128,000.00
Fund balance from first payment				\$ 49,312.52	

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Premium Pay</u>					
Estimated cost of these actions					
- Provide premium pay	\$ 172,000.00		\$ 174,323.86	\$ (2,323.86)	101%
- Total			\$ 174,323.86	\$	\$ 172,000.00
Fund balance from first payment				\$	(2,323.86)

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Complete necessary water and sewer infrastructure projects</u>					
Estimated cost of these actions					
- Cost of the projects	\$ 3,060,886.00	\$ 3,015.00	\$ 1,250,870.73	\$ 1,807,000.27	40.96%
- Total			\$ 1,253,885.73	\$	\$ 3,060,886.00
Fund balance from first payment				\$	74,507.27
Fund balance from second payment				\$	1,732,493.00

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Pay for administrative costs</u>					
Estimated cost of these actions					
- Administrative costs per FY (5.5)	\$ 330,000.00	\$ -	\$ 40,168.89	\$ 289,831.11	12%
- Total			\$ 40,168.89	\$ 330,000.00	\$ 330,000.00
Fund balance from first payment				\$ 99,831.11	\$ 99,831.11
Fund balance from second payment				\$ 190,000.00	\$ 190,000.00

NOTES:

<u>Administrative Costs:</u>	
<u>Legal</u>	\$ -
	\$ -
	\$ -

INFRASTRUCTURE COSTS:

Frazier Assoc.(Wayfinding)	\$ 1,650.00	1st Tranche	\$ 2,267,493.00
General Excavation (Josephine)	\$ -	Used to date	\$ 2,069,267.04
Broy & Sons (River Pump #1)	\$ -	Balance	\$ 198,225.96
GWP(Boom Road Generator)	\$ -	2nd Tranche	\$ 2,267,493.00
Pennoni(Osborne, Church,Josephine)	\$ 2,695.00	Used to date	\$ 29,621.65
Pennoni (I&I, SSES Study)	\$ 320.00	Balance	\$ 2,237,871.35
Webster Nursery(Concrete walls)	\$ -		
Total	\$ 4,665.00		

ARPA MASTER LIST

5/9/2023

	PROJECT NAME	BUDGET	SPENT TO DATE	BALANCE	%COMPLETE	COMPLETED PROJECTS (-/+)
1	Computers:Utility Clerk,PWs	\$ 2,437.90	\$ 2,437.90	\$ -	100% Admin	
2	Police Radio Replacements	\$ 75,000.00	\$ 72,842.19	\$ 2,157.81	100%	\$ 2,157.81
3	PW Compressor	\$ 25,000.00	\$ 23,629.85	\$ 1,370.15	100% infra	\$ 1,370.15
4	Water Dist Sys Flushing Equip	\$ 7,500.00	\$ 9,844.38	\$ (2,344.38)	100% infra	\$ (2,344.38)
5	Water Meter Reading Equip	\$ 25,000.00	\$ 12,458.03	\$ 12,541.97	100% infrastr	\$ 12,541.97
6	Grants for Improper Con to Sewer Sys	\$ 20,000.00	\$ 4,500.00	\$ 15,500.00	25% grant	
7	W/s Admin Fees	\$ 179,100.00	\$ 175,260.82	\$ 3,839.18	100% Neg Impac	\$ 3,839.18
8	Premium Pay for Employees	\$ 172,000.00	\$ 174,323.86	\$ (2,323.86)	100% premium p	\$ (2,323.86)
9	Grant John H Enders/Rescue Squad *	\$ 80,000.00	\$ 80,000.00	\$ -	75% grant	
10	Grant to Barns of Rose Hill *	\$ 40,000.00	\$ 40,000.00	\$ -	75% grant	
11	Grant for Façade Improvement	\$ 250,000.00	\$ 154,621.65	\$ 95,378.35	60% grant	
12	Website	\$ 8,000.00	\$ 5,845.29	\$ 2,154.71	100% Admin	\$ 2,154.71
13	Leak Study	\$ 9,000.00	\$ 8,662.50	\$ 337.50	100% Infra	\$ 337.50
14	SSES Study	\$ 125,000.00	\$ 116,240.44	\$ 8,759.56	20% infra	
15	River Pumping Station Upgrade	\$ 25,000.00	\$ 28,538.55	\$ (3,538.55)	100% infra	\$ (3,538.55)
16	Water Meter & Setter Replacements *	\$ 350,000.00	\$ 334,294.37	\$ 15,705.63	75% infra	
17	Hermitage Pump Station	\$ 26,000.00	\$ 23,850.00	\$ 2,150.00	100% infra	\$ 2,150.00
18	Booster Building Upgrade	\$ 20,000.00	\$ 22,985.85	\$ (2,985.85)	100% infra	\$ (2,985.85)
19	WWTP Headworks Lighting Upgrade	\$ 5,000.00	\$ 4,764.00	\$ 236.00	100% infra	\$ 236.00
20	Ridge Road Water Main	\$ 30,000.00	\$ 25,939.04	\$ 4,060.96	100% infra	\$ 4,060.96
21	Water, Sewer and Drainage Projects	\$ 2,280,948.10	\$ 528,948.71	\$ 1,751,999.39	30% infra	
22	Rockcroft Water Main Abandonment	\$ 10,000.00	\$ 10,550.96	\$ (550.96)	0% infra	
23	Security Upgrades	\$ 125,000.00	\$ 85,820.91	\$ 39,179.09	100% Infra/adml	\$ 39,179.09
24	Drainage Dorsey, Walnut, Treadwell	\$ 310,000.00	\$ 1,500.00	\$ 308,500.00	5% infra	
25	Bel Voi and Battletown Water Main Repl		\$ 11,612.50		infra	
26	Wayfinding Signs	\$ 140,000.00	\$ 12,075.50	\$ 127,924.50	0%	
27	Raw Water Intake Land-Easement Acquisition	\$ 15,000.00	\$ 7,172.50	\$ 7,827.50	50% Infra	
28	Grant Housing (3 years)	\$ 120,000.00	\$ 80,000.00	\$ 40,000.00	66%	
	Administrative /Legal Fees	\$ 60,000.00	\$ 40,168.89	\$ 19,831.11	50% Admin	
	Total Encumbered	\$ 4,534,986.00	\$ 2,098,888.69	\$ 2,436,097.31		\$ 44,292.76
	Total ARPA	\$ 4,534,986.00				
*	Project For (2) two years					
**	Pending funds availability					
	<u>Possible Projects</u>					
	WWTP Harmonic Balancer **	\$	\$	\$	0%	
	SCADA Digital Upgrade 3 Pump Stations **	\$	\$	\$	0%	

Project Status Report

6

Date: 5/9/2023

Project Name:

Grant for Improper Connections to Sewer System

Project Budget: \$20,000.00

Expected Completion Date: December 15,2022

Executive Summary:

Reimbursement grants to be made available for elimination of connections that transmit surface and ground water to the wastewater collection system.

Project Goals:

1. To eliminate unpermitted connections to the Town's wastewater collection system.
2. To reduce flow within the collection system and to the wastewater treatment plant.

Project Status:

Status Item	Status	Summary
Budget 20,000	On Track	Total Spend: \$4,500.00
Schedule/Timeline	On Track	% Complete: 25

Project Milestones:

Description	% Complete	Status
1. Provided initial information to homeowners to complete paperwork & schedule inspection	100%	Completed
2. Town Rep and owner to meet at property to examine connection to the building/sewer.	100%	Completed
3. Town will make a determination as to whether work qualifies for reimbursement	100%	Completed
4. Reimbursement requests incomplete, owner given another opportunity to submit	0%	On Track
5. Reimbursement requests complete, Town to provide reimbursement check within 30 days of the request approval	0%	On Track

Project Issues or Concerns:

Project Status Report

Date: 5/9/2023

Project Name:

Grant for John H. Enders Fire Dept and Rescue Squad (2022)

Project Budget: \$80,000.00

Expected Completion Date: January 2023

Executive Summary:

Provide funding to vital partner in Covid-19 response and public safety.

Project Goals:

1. Support John H. Enders Department's mission.

Project Status:

Status Item	Status	Summary
Budget 80,000.00	Completed	Total Spend: \$80,000.00
Schedule/Timeline	On Track	% Complete: 75

Project Milestones:

Description	% Complete	Status
1. Grant agreement provided to John H. Enders	100%	Completed
2. Execute agreement	100%	Completed
3. Disperse funds	100%	Completed
4. Track use of funds: Report for SECOND pymt	50%	On Track

Project Issues or Concerns:

Project Status Report

Date: 5/9/2023

Project Name:

Grant to Barns of Rose Hill

Project Budget: \$40,000.00

Expected Completion Date: January 2023

Executive Summary:

Provide funding to Non-profit effected by Covid-19 pandemic and to support downtown businesses.

Project Goals:

1. Support Barns of Rose Hill mission.
2. Support downtown businesses.

Project Status:

Status Item	Status	Summary
Budget 40,000.00	Completed	Total Spend: \$40,000.00
Schedule/Timeline	On Track	% Complete: 75

Project Milestones:

Description	% Complete	Status
1. Grant agreement provided to Barns of Rose Hill	100%	Completed
2. Execute agreement	100%	Completed
3. Disperse funds	100%	Completed
4. Track use of funds -report for second pymt	50%	On Track

Project Issues or Concerns:

Project Status Report

11

Date: 5/9/2023

Project Name:

Grant for Façade, Sign, and Accessibility Improvements

Project Budget: \$250,000.00

Expected Completion Date: June 2025

Executive Summary:

Assist downtown business district recover from Covid-19 pandemic.

Project Goals:

1. Improve facades, signage and accessibility at downtown businesses.

Project Status:

Status Item	Status	Summary
Budget 250,000.00	On Track	Total Spend: \$154,621.65
Schedule/Timeline	On Track	% Complete: 60

Project Milestones:

Description	% Complete	Status
1. Issue grant agreements	100%	Completed
2. Review applications	30%	On Track
3. Award grants	30%	On Track
4. Review work	30%	On Track
5. Reimburse owners for qualifying work	30%	On Track
		Choose an item.
Funds Encumbered to date IS \$250,000.00	100%	

Project Issues or Concerns:

Project Status Report

14

Date: 5/9/2023

Project Name:

Sanitary System Evaluation Study (SSES)

Project Budget: \$125,000.00

Expected Completion Date: December 2022

Executive Summary:

Evaluate Town Wastewater collection system to identify inflow and Infiltration(I&I) of groundwater and stormwater.

Project Goals:

1. Identify trouble areas in wastewater collection system.
2. Develop strategy for addressing identified I & I.

Project Status:

Status Item	Status	Summary
Budget 125,000.00	On Track	Total Spend: \$116,240.44
Schedule/Timeline	On Track	% Complete: 80

Project Milestones:

Description	% Complete	Status
1. Request proposal from engineer	100%	Completed
2. Review proposal / authorize work	100%	Completed
3. Assist engineer during project	100%	Completed
4. Review study results	0%	On Track

Project Issues or Concerns:

Project Status Report

Date: 5/9/2023

Project Name:

Water Meter and Setter Replacements

Project Budget: \$350,000.00

Expected Completion Date: June 2023

Executive Summary:

Upgrade ¼ of the Town’s water Meters and setters.

Project Goals:

1. Improve capture of water use.
2. Improve back flow protection.
3. Reduce meter reading costs.

Project Status:

Status Item	Status	Summary
Budget \$350,000.00	On Track	Total Spend: \$334,294.37
Schedule/Timeline	On Track	% Complete: 75

Project Milestones:

Description	% Complete	Status
1. Order meters, setters, valves, plus other supplies	100%	Completed
2. Install meters / setters	70%	On Track

Project Issues or Concerns:

1. Multiyear project

Project Status Report

Date: 5/9/2023

Project Name:

Water, Sewer and Drainage Utility Projects-Osborne, Virginia, North Church, Bundy, and Josephine

Project Budget: \$2,280,948 (ARPA) and \$254,052 (other)

Expected Completion Date: December 2024

Executive Summary:

Osborne: Replace 2-inch water line and laterals. Install sewer pump station, main, and laterals.

Virginia: Address Virginia Avenue drainage issues by directing water in to Town Run.

North Church & Bundy: Water main improvements including extension from 12-inch main on Liberty St along N Church and Bundy to the 6-inch main on N Buckmarsh. Replace water laterals.

Josephine: Replace 4-inch water mains with 12-inch main. Replace all water laterals. Install water main under Norfolk and Southern right of way. Reroute force main to Josephine East pump station.

Project Goals:

1. Improve stormwater management on Virginia.
2. Improve water service on Osborne
3. Provide public sewer on Osborne
4. Improve water distribution system on N Church, Bundy, and Josephine
5. Improve fire flow on N Church, Bundy, and Josephine
6. Pave streets after utility work is complete
- 7.

Project Status:

Status Item	Status	Summary
Budget	On Track	Total Spend: \$528,858.71
Schedule/Timeline	On Track	% Complete: 30

Project Milestones:

Description	% Complete	Status
1. Construction plans	100%	Completed
2. Develop IFB	100%	Completed
3. Secure Easements	50%	On Track
4. Issue offering/ review offering	100%	Completed
5. Select Contractor	100%	Completed
6. Complete project	0%	On Track

Project Issues or Concerns:

Project Status Report

22

Date: 5/9/2023

Project Name:

Rockcroft subdivision water project

Project Budget: \$10,000.00 *

Expected Completion Date: June 2023

Executive Summary:

Eliminate small water main connections in back yards.

Project Goals:

1. Eliminate sources of potential water leaks.

Project Status:

Status Item	Status	Summary
Budget 10,000.00	On Track	Total Spend: \$10,550.96
Schedule/Timeline	On Track	% Complete: 50%

Project Milestones:

Description	% Complete	Status
1. Eliminate connections complete by April 2023 per Director of Public Works	50%	On Track
2. All materials are on site.	100%	Completed
3. Six laterals must still be disconnected.	0%	On Track
4. 4" main to abandoned	0%	On Track
5. * Director of Public Works now estimates that total project cost will approach \$20,500 (12/7/22)		

Project Issues or Concerns:

Project Status Report

Date: 5/9/2023

Project Name:

Dorsey Street Drainage Improvement/Replacement of Drainage structures of West Main and Lincoln Walnut/Dorsey/Treadwell Streets Drainage Improvement

Project Budget: \$310,000.00

Expected Completion Date: December 2024

Executive Summary:

Construct improvements to convey stormwater from the intersection of Dorsey and Academy Extended to and existing stormwater conveyance.

Replace undersized stormwater piping at Intersection of West Main and Lincoln (if needed).

Stormwater improvements for property owners on Walnut Street near Archer and Ashby courts. Drainage improvements along Walnut Street.

Stormwater Improvements east of Dorsey and south of Treadwell streets. Allow for stormwater drainage to West Main Street.

Project Goals:

1. Improve stormwater drainage from Archer and Ashby courts to Walnut Street.
2. Improve stormwater drainage on Walnut Street to the east.
3. Replace storm pipe on West Main from Dorsey to the west side of Lincoln.

Project Status:

Status Item	Status	Summary
Budget 310,000	On Track	Total Spend: \$1,500.00
Schedule/Timeline	On Track	% Complete: 5

Project Milestones:

Description	% Complete	Status
1. Construction plans	0%	On Track
2. Develop IFB	0%	On Track
3. Secure Easements	0%	Not Started
4. Issue offering/ review offering	0%	Not Started
5. Select Contractor	0%	Not Started
6. Complete project	0%	Not Started

Project Issues or Concerns:

Project Status Report

25

Date: 5/9/2023

Project Name:

Bel Voi Drive and Battletown Dr Water Main Replacement

Project Budget: \$

Expected Completion Date: December2024

Executive Summary:

Water main replacement from an 4-inch to 8-inch. Water laterals.

Project Goals:

1. Improve fire flow.
2. Construct new mains in the public street whenever possible and abandon old mains.
3. Connect existing houses to the new mains.

Project Status:

Status Item	Status	Summary
Budget	On Track	Total Spend: \$11,612.50
Schedule/Timeline	Not Started	% Complete:

Project Milestones:

Description	% Complete	Status
1. Construction Plans	0%	Not Started
2. Develop IFB	0%	Not Started
3. Secure Easements	0%	Not Started
4. Issue offering/ review offering	0%	Not Started
5. Select Contractor	0%	Not Started
6. Complete project	0%	Not Started

Project Issues or Concerns:

Project Status Report

Date: 5/9/2023

Project Name:
Wayfinding Signs

Project Budget: \$150,000.00
Expected Completion Date: December 2023

Executive Summary:
Design, construct, and install entrance and wayfinding signs.

Project Goals:
1. To improve business environment in downtown business district.

Project Status:

Status Item	Status	Summary
Budget 150,000.00	On Track	Total Spend: \$12,075.50
Schedule/Timeline	On Track	0% Complete:

Project Milestones:

Description	% Complete	Status
1. Design	0%	On Track
2. Determine Sign locations	0%	Not Started
3. Secure VDOT approvals	0%	Not Started
4. Develop offering for design and construction/award/have signs fabricated	0%	Not Started
5. Secure contractor to install signs	0%	Not Started
6. Have signs installed	0%	Not Started
RFP ISSUED ON 6/30/2022 & COUNCIL AUTHORIZED THE TOWN MANAGER TO AWARD BID.		

Project Issues or Concerns:

Project Status Report

27

Date: 5/9/2023

Project Name:

Raw Water Intake Land- Easement Acquisition

Project Budget: \$15,000.00

Expected Completion Date: Mid FY2023

Executive Summary:

Expand the raw water transmission line easement and intake structure parcels to prepare for WTP upgrade.

Project Goals:

1. Begin process of securing land and easements necessary for upgrade of intake and raw transmission line for WTP upgrade planned for FY26.

Project Status:

Status Item	Status	Summary
Budget 15,000.00	On Track	Total Spend: \$7,172.50
Schedule/Timeline	On Track	100% Complete: 50

Project Milestones:

Description	% Complete	Status
1. Survey	100%	Completed
2. Legal	75%	On Track
3. Tree Removal	100%	Completed
4. Easement Acquisition	0%	On Track
Draft deed, plat and boundary line adjustment provided to property owner for review. Draft deed of easement provided to property owner for review.		

Project Issues or Concerns:

Project Status Report

28

Date: 5/9/2023

Project Name:
Grant for Housing

Project Budget: \$120,000
Expected Completion Date: June 2024

Executive Summary:

Grant to a non-profit organization(s) that will deliver housing assistance to low-income homeowners.

Project Goals:

1. To improve owner-occupied housing for low-income homeowners in the Town of Berryville

Project Status:

Status Item	Status	Summary
Budget: 120,000	On Track	Total Spend: \$80,000
Schedule/Timeline 3years	On Track	% Complete: 66

Project Milestones:

Description	% Complete	Status
1. Issue grant agreements	66%	On Track
2. Review applications	66%	On Track
3. Award grants	33%	On Track
		Choose an item.

Project Issues or Concerns:

Spot Blight Abatement

Report of May 9, 2023

Update

112 Josephine Street

Staff recommends that the Council adopt the following motion:

I move that the Council of the Town of Berryville make the following findings and determinations concerning the property at 112 Josephine Street:

- On November 5, 2021, in accordance with provisions of §5-5 of the Berryville Code, Berryville's Town Manager provided notice to the Jacob Nelson Estate that a preliminary determination of blight had been made for the property.
- In the November 5, 2021 letter, the town manager enumerated the reasons for the preliminary determination of blight.
- Work completed since November 5, 2021 has addressed the reasons for the preliminary determination of blight.
- Accordingly, the Council finds that the property owner has met the requirements of the approved spot blight abatement plan (plan approved by the Town Council on 7/12/22 and last amended on 1/10/23).

The property owner's legal counsel requested that the Town Council declare that the property is no longer blighted. This language was not included in the sample motion.

225 Josephine Street

The owner has secured a zoning permit for an accessory building that he plans to erect on the property. He has not secured a building permit for that building.

A demolition permit has been secured for the dwelling.

The approved plan requires that the dwelling be demolished and the site cleaned by December 15, 2023.

12 First Street

The southern portion of the building has been demolished. The next abatement plan milestone, completion of work making the structure (the remaining northern portion) weather-tight and cleaning site of construction debris and the like, must be completed by December 15, 2023.

114 Josephine Street

The dwelling has been razed, but the building materials have not been removed from the site.

Town staff has met with the owner and contacted him several times (by email and also by phone). Staff and the owner spoke by phone on May 3, 2023 and it appears that the owner is no closer to getting the site cleaned up than when they last spoke. The owner stated that he could not get dumpsters in the area because of the utility work that is in progress on Josephine Street. The owner had not contacted the Director of Public Works (as had been requested) to make sure refuse dumpsters could be sited in the area. When asked details about the dumpster contractor the owner had secured to provide the dumpsters, the owner was unable to provide details like the dumpster contractor's name.

If the site has not been cleaned by the Town Council meeting, then staff will address the Council about proceeding with Town action to clean the property.

229 and 203 Josephine Street

Town staff is still working with a representative of the owner of 229 and the owner of 203. Staff is of the opinion that the discussions that it is having regarding both properties are progressing well.

Attachments

- Recent correspondence regarding the properties in question

Report of April 11, 2023

Update

112 Josephine Street

The next abatement plan milestone, completion of work making the structure weather-tight and clearing site of construction debris and the like, must be completed by December 15, 2023.

225 Josephine Street

The Council extended the deadline for securing all required permits for work on the property to April 3, 2023.

The owner has secured a zoning permit for an accessory building that he plans to erect on the property. He has not secured a building permit for that building.

A demolition permit has been secured for the dwelling.

The approved plan requires that the dwelling be demolished and the site cleaned by December 15, 2023.

12 First Street

The southern portion of the building has been demolished. The next abatement plan milestone, completion of work making the structure (the remaining northern portion) weather-tight and cleaning site of construction debris and the like, must be completed by December 15, 2023.

114 Josephine Street

The dwelling has been razed, but the building materials have not been removed from the site.

Staff will attempt to contact the property owner prior to the meeting. Staff will gather more information before the Council meeting and discuss setting a new deadline for site cleanup.

229 and 203 Josephine Street

The plan executed by the owner of 229 Josephine Street required that an evaluation of the structure, a list of repairs to be completed on the structure, and a schedule for the work to be provided to the town manager by February 27, 2023. No submission was provided. The owner and town manager spoke on the phone and the owner is to contact the manager with an update on the plan for the property. Staff hopes that a plan of action will have been fleshed out before the May Town Council meeting. If that can't be accomplished, then staff may discuss initiating the formal spot blight review process.

The owner of 203 Josephine Street and the town manager have spoken about demolition plans but they have not been finalized. The owner has contacted the zoning administrator to discuss limitations to rebuilding on the property after the structure in question is demolished. Staff hopes that a plan of action will have been fleshed out before the May Town Council meeting. If that can't be accomplished, then staff may discuss initiating the formal spot blight review process.

Report of March 14, 2023

Update

112 Josephine Street

The next abatement plan milestone, completion of work making the structure weather-tight and cleaning site of construction debris and the like, must be completed by December 15, 2023.

225 Josephine Street

The Council extended the deadline for securing all required permits for work on the property to April 3, 2023.

The owner has secured a zoning permit for an accessory building that he plans to erect on the property. He has not secured a building permit for that building.

No demolition permit has been secured for the dwelling.

Town staff has met with the owner several times and discussed the requirements of the plan and the process by which requisite permits may be secured. On at least two occasions, Town staff has also met with the owner and Clarke County Building Department staff, to facilitate compliance with the April 3, 2023 deadline. The most recent of those meetings occurred on March 7, 2023.

12 First Street

The southern portion of the building has been demolished. The next abatement plan milestone, completion of work making the structure (the remaining northern portion) weather-tight and cleaning site of construction debris and the like, must be completed by December 15, 2023.

114 Josephine Street

Town staff contacted the owner to determine if work had occurred on the site over the past month. The owner informed staff that he had secured a sample of building material and submitted it for mandatory testing on March 1, 2023. The owner stated that when he receives the test results, he will then secure the assistance needed to remove the structure.

Town staff and the owner again discussed the need for the owner to work with the owner of the overhead utility that is connected to the structure to have the wires disconnected. The owner committed to contact the utilities.

It is clear that the owner will not meet the March 15, 2023 deadline for having the building demolished.

229 and 203 Josephine Street

The plan executed by the owner of 229 Josephine Street required that an evaluation of the structure, a list of repairs to be completed on the structure, and a schedule for the work to be completed be provided to the town manager by February 27, 2023. No submission was provided. The owner and town manager spoke on the phone and the owner is to contact the manager with an update on the plan for the property.

The owner of 203 Josephine Street and the town manager have not spoken regarding the Town's letter dated January 20, 2023. Staff hopes that such a discussion will have occurred prior to the Council's March meeting.

Report of February 14, 2023

Update

At its January 10, 2023 meeting, the Council amended the approved spot blight abatement plans for both 112 and 225 Josephine Street. The Council approved changes to the schedules incorporated into each plan. These changes were approved to provide the owners with more time to comply with certain milestones.

112 Josephine Street

The Council extended the deadline for providing the Town Manager with a list of repairs to be completed on the structure and a schedule for completion of that work to February 6, 2023. The Council also extended the deadline for securing all required permits for work on the property to April 3, 2023.

The owner submitted a letter to the Town on February 6, 2023. The Council is asked to determine whether this submission satisfies the first milestone.

Construction activity is occurring on the property.

225 Josephine Street

The Council extended the deadline for securing all required permits for work on the property to April 3, 2023.

The owner has secured a zoning permit for an accessory building that he plans to erect on the property. He has not secured a building permit for that building.

No demolition permit has been secured for the dwelling.

12 First Street

The southern portion of the building has been demolished.

The December 1, 2022 milestone for having all permits issued for the work on the northern portion of the structure has been met because it was determined that no permits are necessary for the planned work.

114 Josephine Street

Demolition activity was to have commenced on the site by February 1, 2023. Because no activity was evident on the site, I contacted the owner and he informed me that he has begun removing salvageable portions of the structure and that the project will be completed by the March 15, 2023 deadline.

229 and 203 Josephine Street

Letters were sent to the owners of these properties on January 20, 2023. In those letters the Town Manager asked the owners to enter into an agreement to address the blight on the property. The owners were asked to return an executed plan to the Town by February 6, 2023.

The owner of 229 Josephine Street executed a plan that provides for the repair of the structure and cleanup of the site. The Town has received no response from the owner of 203 Josephine Street.

Attachments

- Photos taken on February 6, 2023 of 112 Josephine Street, 225 Josephine Street, 12 First Street, 114 Josephine Street, 229 Josephine Street, and 203 Josephine Street.
- Letter from Susan French to Town officials dated February 6, 2023 and blight abatement plan for 112 Josephine Street (last modified by Town Council on 1/10/23).
- Letter from Town Manager to owner of 229 Josephine Street dated January 20, 2023. Letter from Town Manager to owner of 229 Josephine Street dated February 6, 2023 and executed blight abatement plan.

- Letter from Town Manager to owner of 203 Josephine Street dated January 20, 2023.

Recommended Action(s):

Review letter submitted to the Town Manager by the owner of 112 Josephine Street on February 6, 2023 and determine whether the letter satisfies the February 6, 2023 milestone of the 112 Josephine Street Blight Abatement Plan.

Sample Motions:

I move that the Council of the Town of Berryville find that the letter submitted to the Town Manager by the owner of 112 Josephine Street on February 6, 2023 satisfies the February 6, 2023 milestone of the 112 Josephine Street Blight Abatement Plan.

Or

I move that the Council of the Town of Berryville find that the letter submitted to the Town Manager by the owner of 112 Josephine Street on February 6, 2023 does not meet the requirements of the February 6, 2023 milestone of the 112 Josephine Street Blight Abatement Plan and that the Town Manager is hereby directed to begin enforcement action to bring the subject property into compliance with the Berryville Code.

Report of January 10, 2023

Update

On December 19, 2022 the Town Manager sent letters to the owners of 12 First Street, 225 Josephine Street, and 112 Josephine Street informing them that they had not meet required spot blight abatement milestones. The letters stated that the owners must comply with the plans approved for their property by January 3, 2023.

As of the writing of this report, the owner of 12 First Street has complied with currently applicable milestones/deadlines. The owners of 225 Josephine Street and 112 Josephine Street have not complied with their approved plans.

Attachments

- Recent correspondence related to 12 First Street (Mercer), 225 Josephine Street (Brown), and 112 Josephine Street (French).

Staff requests guidance from the Council in this regard.

Report December 13, 2022

112 Josephine Street

A demolition permit was issued for the structure's front porch. The front porch was removed. New stairs were installed at the front door.

As of the writing of this report, the owner of 112 Josephine Street has not met the December 15, 2022 milestone.

12 First Street

The owner provided the Town Manager with a list of repairs to be completed on the northern portion of the structure.

The owner secured a demolition permit for the southern portion of the building and has scheduled a pre-demolition conference with the Building Official on December 15, 2022.

The December 1, 2022 milestone for having all permits issued for work on the northern portion of the structure was not met.

225 Josephine Street

The December 1, 2022 milestone for having all permits issued for work on the structure was not met.

114 Josephine Street

The owner secured a demolition permit for the dwelling. A pre-demolition conference was held regarding this structure on October 17, 2022.

Town staff will send violation notices to owners who have not met required deadlines. These notices will provide a short period of time to comply with the approved spot blight abatement plan and outline the actions the Town will take if these extensions are not met.

Attachments

- Spot Blight Abatement Plan for 112 Josephine Street
- Spot Blight Abatement Plan for 12 First Street
- Spot Blight Abatement Plan for 225 Josephine Street
- Spot Blight Abatement Plan for 114 Josephine Street

Report November 8, 2022

On October 11, 2022, the Town Council reviewed a request to modify the approved spot blight abatement plan for 112 Josephine Street. The Council agreed to modify the plan in the following ways:

- Change the deadline for the first milestone from 9/15/22 to 12/15/22
- Change the deadline for the second milestone from 12/1/22 to 2/1/23

The spot blight abatement plan was amended and forwarded to the owner's legal counsel.

The owner's legal counsel contacted Town staff and expressed concerns that the plan modifications did not conform to the action taken by the Town Council. No further communication was received from the owner or her legal counsel.

Attachments

- Amended Spot Blight Abatement Plan for 112 Josephine Street (dated 10/25/22)
- Email thread regarding concerns about the amended plan

Report September 13, 2022

Update

On July 12, 2022, the Town Council approved spot blight abatement plans for 12 First Street, 112 Josephine Street, 114 Josephine Street, and 225 Josephine Street. The approved plans set the following schedule for required milestones:

12 First Street

Required Milestones / Schedule

Owner secures demolition permit for southern portion of structure by	9/15/22
List of repairs to be completed on the northern portion of the structure and a schedule for completion of that work provided to the Town Manager by	9/15/22*
All required permits issued for work on northern portion of structure by	12/1/22
Demolition of southern portion of structure commences by	2/1/23
Demolition of southern portion of structure completed by	3/15/23
Debris and trash removed from property and site stabilized by	3/15/23
All work completed (and required inspections passed) on northern portion of structure and site by	12/15/23

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

112 Josephine Street

Required Milestones / Schedule

List of repairs to be completed on the structure and a schedule for completion of that work provided to the Town Manager by	9/15/22*
All required permits issued for work on structure by	12/1/22
All work completed (and required inspections passed) on structure and site (including removal of debris and trash and stabilization of site) by	12/15/23

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

114 Josephine Street

Required Milestones / Schedule

Owner secures demolition permit for main structure by	9/15/22
Demolition of main structure commences by	2/1/23
Demolition of main structure completed by	3/15/23
Debris and trash removed from property and site stabilized by	3/15/23

225 Josephine Street

Required Milestones / Schedule

List of repairs to be completed on the structure and a schedule for completion of that work provided to the Town Manager by	9/15/22*
All required permits issued for work on structure by	12/1/22
All work completed (and required inspections passed) on structure and site by	12/15/23

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

Letters (with approved spot blight abatement plans attached) were sent by certified mail to each property owner on July 21, 2022. The letter for 12 First Street was delivered on July 26, 2022. The letter for 112 Josephine Street was delivered on July 26, 2022. The letter for 114 Josephine Street was delivered on July 23, 2022. The letter for 225 Josephine was delivered on July 22, 2022.

As of the writing of this report, staff has been contacted by the owners of 225 Josephine Street and 12 First Street.

The owner of 225 Josephine Street visited the Town Office on August 10, 2022. He met with the Town Manager. The Town Manager reviewed the required milestones / deadlines contained in the approved plan. The Town Manager highlighted the need for him to meet all deadlines established in the approved plan. The Town Manager agreed to provide the owner with a document that would meet the requirements of the first deadline. The Town Manager drafted a document and provided it to the property owner to review (it was requested that he review the document in detail (the Town Manager encouraged the property owner to seek assistance with this review if he was uncertain of any detail)), and

return it signed if he found it acceptable. There has been no more contact from the property owner.

The owner of 12 First Street spoke to the Town Clerk on September 2, 2022 and stated that he would deliver his plan on Tuesday (September 6th presumably). The Town Manager emailed the landowner on September 3, 2022 and confirmed that delivery of the plan on Tuesday would be fine. No plan has been received.

The first deadline for all property owners is September 15.

Attachments

- July 21, 2022 letter and approved plan - 12 First Street
- July 21, 2022 letter and approved plan - 112 Josephine Street
- July 21, 2022 letter and approved plan - 114 Josephine Street
- July 21, 2022 letter and approved plan - 225 Josephine Street

Report July 12, 2022

Update

The Town Council held a public hearing on this matter on June 14, 2022. A record of the public comment received at the public hearing can be found in the draft minutes of the June 14, 2022 (Item 11 of this agenda packet).

Report – June 14, 2022

Update

The Town Council set a public hearing on this matter for the June 14, 2022 meeting. After the public hearing is held, it is expected that the Town Council will make determinations in this regard in July.

Report – May 10, 2022

Update

The Planning Commission reviewed this matter on April 26, 2022. The Planning Commission made determinations required under §5-5 of the Berryville Code for each property under review. The draft minutes of the April 26, 2022 meeting are attached to this report.

The Town Council is asked to set a public hearing on this matter for the June 14, 2022 meeting.

Attachment:

- Draft minutes of the April 26, 2022 Planning Commission meeting.

Recommended Action(s):

Set a public hearing on this matter for the June 14, 2022 Town Council meeting.

Sample Motion:

I move that the Council of the Town of Berryville set a public hearing on the matter of blight abatement on 12 First Street, 112 Josephine Street, 114 Josephine Street, and 225 Josephine Street for the June 14, 2022 meeting with such hearing to begin at 7:00 p.m. or as soon thereafter as the matter may be heard.

Report – April 12, 2022

Update

The Planning Commission held a public hearing on this matter at its March meeting. The Planning Commission determined that all of the properties under review are located in an area listed on the National Register of Historic Places. This determination requires that the Architectural Review Board be consulted in this matter.

The Architectural Review Board reviewed this matter and issued determinations on all four properties under review. The motions adopted by the Architectural Review Board are attached for the Council's review.

It is expected that the Planning Commission will complete their review of this matter at their April 26 meeting. At that time, they would make determinations required by the Berryville Code and forward the matter to the Council.

It is expected that this matter will be on the Town Council's agenda in May. At that time staff will request that the Council set a public hearing on this matter for their June 14th meeting.

Attachments

- Approved ARB motion for 12 First Street
- Approved ARB motion for 112 Josephine Street
- Approved ARB motion for 114 Josephine Street
- Approved ARB motion for 225 Josephine Street
- Draft ARB minutes from the April 6, 2022 meeting

Recommended Action(s):

- None

Sample Motion:

- None

Report – March 8, 2022

In the fall of 2021, the Town Manager made preliminary determinations of blight on six properties. The Town does not have approved spot blight abatement plans for four of those properties. Those properties are 12 First Street, 112 Josephine Street, 114 Josephine Street, and 225 Josephine Street. Blight abatement efforts that must be taken on these properties will be determined after completion of the process enumerated in Chapter 5 of the Berryville Code. The final determination as to what must be done on these properties, if anything, will be made by the Town Council.

The Architectural Review Board has discussed this matter at its last two meetings.

The Planning Commission has discussed this matter at its last two meetings. At its February meeting the Planning Commission set a public hearing on this matter for its March meeting. In accordance with the requirements of Chapter 5 of the Berryville Code, the Town Manager has submitted spot blight abatement plans for each property to the Planning Commission for their consideration. These plans provide for the demolition of the dwellings on the parcels in question.

The Architectural Review Board expects to discuss this matter in detail at its April 6, 2022 meeting.

It is expected that the Planning Commission will render its determination in this matter on April 26, 2022. The Planning Commission's determinations will be forwarded to the Town Council for its consideration.

Recommended Action(s):

- None

Sample Motion:

- None

Report – February 8, 2022

Overview

§5-5 of the Berryville Code provides a process by which spot blight may be abated.

In accordance with §5-5 of the Berryville Code, the Town Manager made a preliminary determination of blight on six properties in October/November 2021. Five of the property owners responded with a blight abatement plan as required by the process. These plans were not acceptable and in early December the Town Manager provided compromise plans to each property owner for their consideration. Two property owners signed a compromise plan.

Monthly Update

On January 25, 2022 the Town Manager briefed the Planning Commission on the process required for review of blight on the four properties for which no abatement plan has been approved. The Planning Commission will discuss this matter at their meeting on February 22, 2022 and is expected to set a public hearing for their March 22, 2022 meeting.

On February 2, 2022 the Town Manager briefed the Architectural Review Board on the process required for review of blight. It is expected that after its public hearing on March 22, 2022, the Planning Commission will determine that some of the properties being reviewed are located within an area listed on the National Register of Historic Places. When such a determination is made the Planning Commission will consult with the Architectural Review Board before it completes its work in this regard.

The Town Manager has prepared a tentative schedule for spot blight abatement plan review. If the schedule is accepted and followed, the Town Council will receive the Planning Commission's findings in these matters in early May 2022. It is expected that the Town Council will hold a public hearing on these matters on June 14, 2022.

Neither the Planning Commission nor the Architectural Review Board had any objections to the proposed review schedule. Both boards are aware that the schedule will be amended if necessary.

If the Town Council does not object, then the review schedule will be provided to the owners of the subject properties and posted on the Town's website.

Attachment:

- Draft Spot Blight Abatement Review Schedule

114 Josephine Street

Keith Dalton

From: Keith Dalton
Sent: Wednesday, May 3, 2023 1:20 PM
To: William Woodruff
Cc: Deputy Town Manager; Rick Boor; Neal White; Christy Dunkle; Paul Culp
Subject: RE: Dumpster on Josephine Street

Importance: High

Mr. Woodruff:

Thank you for taking my calls this morning.

When we spoke you stated that no work had occurred to clean up your property at 114 Josephine Street because you could not site dumpsters on the street. You stated that you could not site dumpsters on the street because of the on-going utility work. I asked if you had contacted Rick Boor to address that issue and you stated that you did not know Mr. Boor. I asked you if could call you back in a few minutes and you agreed to speak with me again. I had Mr. Boor come to my office and we called you. When we asked you the name of the firm that was providing you with the dumpsters you stated that you did not have that information with you and would call us back in a few minutes. I stated that I had to attend a meeting at 9:30 a.m., but that Mr. Boor would be at the Town Office (540.955.1099) for 10-15 minutes awaiting your call. Mr. Boor was at the office until 10:00 a.m. (approximately 40 minutes after our second call ended), but received no call from you. As of the time that this email is being sent, Mr. Boor still has not spoken with you.

As I have stated before, Mr. Boor is available to work with the Town's contractor to make sure that you can temporarily locate dumpsters on the street.

I request that you work with Mr. Boor to get the dumpsters on site, have your team clean the site, and have the dumpsters removed by 5:00 p.m. on May 9, 2023.

If the site has not been cleaned up by 5:00 p.m. on May 9, 2023, then I will speak with the Town Council (at their meeting that evening) about committing Town resources to have the site cleaned. Any costs incurred by the Town while removing the building debris from your property, including tipping fees, will be assessed as a lien on the property in question.

Take care,

Keith

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

Office Phone: 540.955.1099

From: Keith Dalton
Sent: Sunday, April 30, 2023 1:36 PM
To: William Woodruff [REDACTED]
Subject: RE: Dumpster on Josephine Street
Importance: High

Mr. Woodruff:

This email is sent to follow up on my emails of March 24, April 6, April 21, and April 25. To the best of my knowledge, you still have not contacted Mr. Boor as I requested.

Please remember that if the site is not cleaned up by the May 9, 2023 Town Council meeting, I will work to have your property cleared of building debris. Any costs incurred by the Town while removing the building debris will be assessed as a lien on the property in question.

Take care,

Keith

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

Office Phone: 540.955.1099

From: Keith Dalton
Sent: Tuesday, April 25, 2023 2:06 PM
To: William Woodruff [REDACTED]
Subject: FW: Dumpster on Josephine Street
Importance: High

I messed up and sent the email below to myself instead of you.

I apologize for that mistake.

From: Keith Dalton
Sent: Tuesday, April 25, 2023 11:51 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Cc: Rick Boor <directordpw@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Christy Dunkle <planner@berryvilleva.gov>; Jamie Royston <royston@clarkecounty.gov>; Deputy Town Manager <deputytownmanager@berryvilleva.gov>; Paul Culp <townclerk@berryvilleva.gov>
Subject: RE: Dumpster on Josephine Street
Importance: High

Mr. Woodruff:

Thank you for meeting with me yesterday.

I am going to call you, but wanted to also send you an email in case I am unable to reach you by phone.

As discussed, I would like to see if you can meet with Rick Boor regarding siting a dumpster on Josephine (in a manner that does not disrupt the Town's contractor). Rick is available to meet with you on site between 12:30 and 3:30 tomorrow. Please let me know if you are available to meet and if you are available, then also let me know the time that works best for you.

Take care,

Keith

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

Office Phone: 540.955.1099

From: Keith Dalton
Sent: Friday, April 21, 2023 8:50 AM
To: William Woodruff <[REDACTED]>
Cc: Rick Boor <directordpw@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Christy Dunkle <planner@berryvilleva.gov>; Jamie Royston <royston@clarkecounty.gov>; Deputy Town Manager <deputytownmanager@berryvilleva.gov>
Subject: RE: Dumpster on Josephine Street
Importance: High

Mr. Woodruff:

When we last spoke (on March 23 or 24), you stated that the contractor's (water main project) activities on Josephine Street were precluding you from getting a dumpster on-site to remove materials from your property. When I asked you the size of dumpster that you had reserved and the name of the waste removal company that you were using, you stated that you did not know. When I asked you how long the dumpster would have to be on the street, you stated that the work would take a couple days.

After our conversation, I contacted you (see email below) with a window in which a dumpster could be located on the street. You did not take action during that timeframe. You have taken no action in the eleven days since the end of that timeframe.

I understand that the contractor plans to pave the street in the near-term. Please note that 1) no dumpster will be permitted on the street during paving operations and 2) no dumpsters will be permitted on the newly paved street for the rest of 2023. I will add that the Town will bill the cost to repair any damage to the newly paved street (from heavy equipment etc.) to the party or parties responsible.

Please complete all site cleanup on 114 Josephine Street before May 9, 2023.

Please contact Rick Boor at 540.955.1099 to discuss the best times to site a dumpster so that it does not interfere with water main construction activities.

The deadline for completion of this work, as established in the approved blight abatement plan, has expired. If the site is not cleaned up by May 9, 2023, then I will address the matter with the Town Council and seek their approval to proceed with the clean up by a contractor hired by the Town of Berryville. If this occurs, then the cost of that work will be assessed as a lien on the property.

Take care,

Keith

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

Office Phone: 540.955.1099

From: Keith Dalton
Sent: Thursday, April 6, 2023 4:09 PM
To: William Woodruff <[REDACTED]>
Cc: Rick Boor <directordpw@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Christy Dunkle <planner@berryvilleva.gov>; Jamie Royston <jroyston@clarkecounty.gov>
Subject: RE: Dumpster on Josephine Street

Mr. Woodruff:

Please provide me with an update on the work at 114 Josephine Street.

Take care,

Keith

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

Office Phone: 540.955.1099

From: Keith Dalton
Sent: Friday, March 24, 2023 4:16 PM
To: William Woodruff <[REDACTED]>
Cc: Rick Boor <directordpw@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Christy Dunkle <planner@berryvilleva.gov>; Jamie Royston <jroyston@clarkecounty.gov>

Subject: Dumpster on Josephine Street

Importance: High

Mr. Woodruff:

The Town's Public Works Director spoke with the contractor working on Josephine Street regarding whether you having a dumpster in front of 114 Josephine Street would interfere with their work. Having a dumpster in place at that location over the next two weeks will not interfere with construction activities.

We are fine with the dumpster being placed along the curb in front of 114 Josephine Street from March 25, 2023 to April 9, 2023.. Please have the dumpster within 1 foot of the curb so that the travel lane remains clear.

Good luck with the operation.

Take care,

Keith

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

Office Phone: 540.955.1099

203 Josephine Street

Keith Dalton

From: S Jones <[REDACTED]>
Sent: Monday, May 1, 2023 4:02 PM
To: Keith Dalton
Subject: Re: 203 Josephine Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you Keith,
I spoke to Mark of GEI last week and he is working on an estimate for 203 Josephine to put in the "LATERAL" needed for sewer.

I also spoke to Annabella Vega of Clarke County and reviewed their demolition doc and those requirements too.

Thanks a bunch for your assistance!!

On Tue, Apr 25, 2023, 11:39 AM Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. Jones:

Thank you for calling this morning.

The Town has no objection to you working with GEI to extend a sewer lateral to your property while they are on site. The cost of that extension would be paid by you.

I understand that you should contact Mark at GEI to discuss whether they will be able to do the work, cost of the project, etc. Mark can be reached at [REDACTED]

As we have discussed previously, the mere extension of water and sewer laterals to the lot does not satisfy the requirement for payment of water and sewer availability fees before the services can be used. In this instance, both water and sewer availability fees must be paid before the services are used or a certificate of occupancy may be issued for a new structure on the lot.

Take care,

Keith

Keith R. Dalton, Town Manager

Town of Berryville, VA

101 Chalmers Court, Suite A

Berryville, VA 22611

Office Phone: 540.955.1099

229 Josephine Street

Keith Dalton

From: Keith Dalton
Sent: Friday, April 28, 2023 2:04 PM
To: susan french
Cc: Deputy Town Manager; Christy Dunkle; Neal White; Paul Culp
Subject: RE: Richard Jenkins: 229 Josephine Street
Attachments: 229 Josephine Plan.pdf

Ms. French:

Please find attached a portion of the 2/22 Planning Commission packet that I think provides you with what you have requested.

I note that:

- 1) this property did not go through the full process at the end of which the Town Council would have approved a spot blight abatement plan,
- 2) if this property is to go through that process, then there will be a new preliminary determination of blight and the process will begin again in earnest,
- 3) Mr. Jenkins agreed to have a structural engineer evaluate the home (the findings of the engineer would have informed us further as to what needed to be done in this instance), and
- 4) the property has deteriorated since the first assessment was done (e.g. when the first assessment was done the roof had no obvious defects) and work that has occurred since the assessment has revealed other issues (e.g. the open foundation along the front of the structure was hidden by the porch).

It is my hope that Mr. Jenkins and I can come to agreement on what needs to be done and that he completes that work. The formal spot blight abatement process would be initiated only if we are unable to address this matter within a reasonable amount of time.

Let me know if you need anything else.

Take care,

Keith

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

Office Phone: 540.955.1099

From: susan french <C>
Sent: Friday, April 28, 2023 10:53 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: Re: Richard Jenkins: 229 Josephine Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Dalton,

I spoke to Mr. Jenkins and he doesn't recall all these items on the November 21, 2021 Notice. Would you send to me a copy of the original Notice that the PC and ARB reviewed?

Thank you,
Susan French

Sent from my iPhone

On Apr 26, 2023, at 12:35 PM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. French:

I have attached scans of the last two letters that I sent to Mr. Jenkins.

Mr. Jenkins neither provided me with an evaluation of the structure or a plan for addressing any deficiencies that were identified.

I am of the opinion that:

1. The front porch needed to be removed or repaired. **The porch was removed.**
2. Windows and doors need to be in place and plywood coverings removed. **I understand that Mr. Jenkins is working to accomplish this.**
3. An intact roof needs to be on every section of the building. **I have seen that some roof repair has been completed, but it appears to me that there is at least one more significant hole along the ridge on the southern part of the roof. I will also say that the roof on addition on the east side of the building looks to be in bad shape.**
4. Holes in or near the foundation should be closed to prevent animals from entering.
5. Facia needs to be repaired to prevent birds etc. from entering.
6. Brush and trees around the house should be removed to permit access and proper maintenance of the yard. One tree is growing out of the foundation on the east side and one large tree limb is laying on the roof along the front of the house. I recommend that both of these trees be removed before they cause more damage to the house.
7. The cistern in rear yard should be properly capped, crushed and filled, or filled.
8. The site cleaned of any trash and debris.
9. Any hazards that exist on the property, but are not evident from the sidewalk, should be abated..

After I send this email to you, I will also send a few photos that I took today that may help explain some of what I have discussed above.

Please review this matter with Mr. Jenkins and let me know if what he has to say.

Take care,

Keith

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

Berryville, VA 22611

Office Phone: 540.955.1099

From: susan french <[REDACTED]>
Sent: Tuesday, April 25, 2023 2:59 PM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: Re: Richard Jenkins: 229 Josephine Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Dalton:

I will seek clarification. Perhaps, you could send me the Notice he was sent with the items listed for correction.

SFrench

Sent from my iPhone

On Apr 25, 2023, at 2:19 PM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. French:

Thank you for contacting me.

Mr. Jenkins and I have had our challenges getting together. As you will recall, he asked that you serve as an email intermediary of sorts.

I want to confirm that Mr. Jenkins will be replacing the windows and doors and needed (and as the windows become available) and removing the plywood that covers various openings. Is that correct?

Do you all have any feel for the timeframe for getting supplies and competing work? A conservate estimate would be helpful.

I have confirmed that the front porch was removed. I can also confirm that the front portion of the roof has been repaired, but I have not had a chance to look at the rest of the structure. I will do so tomorrow.

I will update the Town Council on these developments.

I do want to take this opportunity to bring it to your attention that there is a cistern behind the house that should be filled with stone. I have discussed this matter previously with Mr. Jenkins.

Please let me know what you can about the work to be completed and any feel that Mr. Jenkins have for the timeframe of work to be completed.

I will provide you with an update on this matter after I have discussed it with the Council.

Take care,

Keith

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

Office Phone: 540.955.1099

From: susan french <[REDACTED]>
Sent: Monday, April 24, 2023 11:31 AM
To: Keith Dalton <townmanager@berryvilleva.gov>; Erecka Gibson <egibson@berryvilleva.gov>; Paul Culp <townclerk@berryvilleva.gov>; Ryan Tibbens <rtibbens@berryvilleva.gov>; William Steinmetz <wsteinmetz@berryvilleva.gov>; Diane Harrison <dharrison@berryvilleva.gov>; Jay Arnold (Mayor) <mayorarnold@berryvilleva.gov>
Subject: Richard Jenkins: 229 Josephine Street

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see attached letter.

<20230426105550587.pdf>

Keith Dalton

From: Keith Dalton
Sent: Wednesday, April 26, 2023 12:37 PM
To: susan french
Cc: Christy Dunkle; Neal White; Deputy Town Manager; Paul Culp
Subject: FW: 229 Josephine photos

Ms. French:

As promised.

Take care,

Keith

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

Office Phone: 540.955.1099

Sent: Wednesday, April 26, 2023 11:19 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: 229 Josephine photos

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.





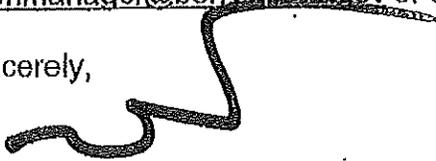


Please find attached:

- draft spot blight abatement plan for repair of structure and cleaning site,
- draft spot blight abatement plan for demolition of structure and cleaning site, and
- December 14, 2021 spot blight abatement plan.

If you want to discuss this matter with me, then please contact me at either townmanager@berryvilleva.gov or 540.955.1099.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith R. Dalton". The signature is stylized with a large, sweeping initial "K" and a long horizontal stroke extending to the right.

Keith R. Dalton
Town Manager

CC: Town Council
Planning Commission
Architectural Review Board
Christy Dunkle
Paul Culp

Town of Berryville
Blight Abatement Plan
229 Josephine Street, Berryville, VA
Tax Map Parcel 14A6-((3))-B-5

Overview

This Blight Abatement Plan (Plan), prepared in accordance with § 5-5 of the Berryville Code, provides for the ~~repair~~ of the structure on the subject property and the removal of all trash and refuse.

Permitting

Owner will obtain all necessary permits (including building, zoning, and erosion and sedimentation control) in accordance with the schedule established herein.

Utilities

As applicable 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 house side of meter crock. Provide protection for existing water meter crock.

Erosion and Sedimentation Control

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 site is stabilized.

Evaluation of Structure

Owner will cause the structure to be evaluated to determine what must be done to render the structure safe and weatherproof.

Owner will provide the results of the evaluation to the town manager. Owner will also provide the town manager with a list of repairs required to render the structure safe and weather-proof. Owner will provide the town manager with a schedule for having all repairs completed by deadlines established herein.

The town manager will review the results of the evaluation and the list of repairs and will determine whether the proposed work meets the Town's requirements. The town manager will render a determination as to whether the evaluation and list of repairs meets the Town's requirements. This determination will be made within 10 days of receipt of the evaluation and proposed list of repairs. If the town manager denies approval of the list of repairs, then the owner must resubmit the list of repairs with changes required to gain approval. Delay in securing approval of the list of repairs will not change subsequent plan deadlines.

Repair of Structure/Removal of Debris

Owner will cause the structure on the subject property to be repaired in accordance with the list of repairs approved by the town manager and applicable building code and zoning requirements. Owner will cause the structure to be secured utilizing windows and doors (structure may not be boarded up after project is completed).

Owner will cause all material left over from the repair of the structure, as well as other trash and refuse collected from the site, to be removed from the site and landfilled in accordance with applicable regulations and laws. Site will be cleared of trash, refuse and building materials in accordance with the schedule established herein.

Abandonment of on-site sewer treatment system and/or well or cistern

Owner will properly abandon any on-site sewer treatment system discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Owner will properly abandon any well or cistern discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Clearing and removal of plant material

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 at the Frederick County Regional Landfill in accordance with that facility's requirements.

All clearing and plant material removal will be completed in accordance with the schedule established herein.

Stabilization

Owner will cause all disturbed areas to be stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Stabilization will be completed in accordance with the schedule established herein.

Unforeseen Hazards

If other health hazards are discovered during blight abatement work, then the owner will take action to abate those hazards. Unless an extension is granted in writing by the town manager, all such hazard abatement will be completed by the deadline for completion of all work on the site as provided herein.

Schedule

Report from evaluation of the structure provided to town manager by: February 27, 2023.

List of repairs to be completed and a schedule for that work provided to the town manager by February 27, 2023.

Copy of approved building permits required for repairs provided to the town manager by March 31, 2023.

Repair work commences on property by June 1, 2023.

All other work required by this plan will be completed and final inspections completed (and approval granted by the Clarke County Building Official) by July 31, 2023.

Costs Incurred Abating Blight

The property owner is responsible for all costs incurred during blight abatement work.

Town Action if Owner Fails to Meet Deadlines

Unless an extension is approved in writing by the town manager, if the owner fails to meet all deadlines enumerated above, then the Town will proceed with enforcement in accordance with the provisions of Chapter 5 of the Berryville Code.

SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date

TOWN

Signature

Printed Name and title

Date

Keith R. Dalton, Town Manager

Town of Berryville
Blight Abatement Plan
229 Josephine Street, Berryville, VA
Tax Map Parcel 14A6-((3))-B-5

Overview

This Blight Abatement Plan (Plan), prepared in accordance with § 5-5 of the Berryville Code, provides for the ~~Removal~~ of the structure on the subject property and the removal of all trash and refuse.

Permitting

Owner will obtain all necessary permits (including demolition and erosion and sedimentation control) in accordance with the schedule established herein.

Utilities

As applicable 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 house side of meter cock. Provide protection for existing water meter cock.

Erosion and Sedimentation Control

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 site is stabilized.

Demolition of Structure/Removal of Debris

Owner will cause the structure on the subject property to be demolished in accordance with applicable building code and zoning requirements.

Owner will cause all material left over from the demolition of the structure, as well as other trash and refuse collected from the site, to be removed from the site and landfilled in accordance with applicable regulations and laws. Site will be cleared of trash, refuse and building materials in accordance with the schedule established herein.

Abandonment of on-site sewer treatment system and/or well or cistern

Owner will properly abandon any on-site sewer treatment system discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Owner will properly abandon any well or cistern discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Blight Abatement Plan
Page 2 of 3

Clearing and removal of plant material

Owner will cause the site will 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 at the Frederick County Regional Landfill in accordance with that facility's requirements.

All clearing and plant material removal will be completed in accordance with the schedule established herein.

Stabilization

Owner will cause all disturbed areas to be stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Stabilization will be completed in accordance with the schedule established herein.

Unforeseen Hazards

If other health hazards are discovered during blight abatement work, then the owner will take action to abate those hazards. Unless an extension is granted in writing by the town manager, all such hazard abatement will be completed by the deadline for completion of all work on the site as provided herein.

Schedule

Copy of approved demolition permit provided to town manager by: February 27, 2023.

Work commences on property by June 1, 2023.

All other work required by this plan will be completed and final inspections completed (and approval granted by the Clarke County Building Official) by July 31, 2023.

Costs Incurred Abating Blight

The property owner is responsible for all costs incurred during blight abatement work.

Town Action if Owner Fails to Meet Deadlines

Unless an extension is approved in writing by the town manager, if the owner fails to meet all deadlines enumerated above, then the Town will proceed with enforcement in accordance with the provisions of Chapter 5 of the Berryville Code.

SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date

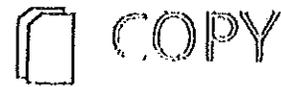
TOWN

Signature

Printed Name and title

Date

Keith R. Dalton, Town Manager



Town of Berryville
Blight Abatement Plan
229 Josephine Street, Berryville, VA
Tax Map Parcel 14A6-((3))-B-5

Overview

This Blight Abatement Plan (Plan), prepared in accordance with § 5-5 of the Berryville Code, provides for the repair of the structure on the subject property and the removal of all trash and refuse.

Permitting

Owner will obtain all necessary permits (including demolition and erosion and sedimentation control) in accordance with the schedule established herein.

Utilities

- As applicable 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 house side of meter cock. Provide protection for existing water meter cock.

Erosion and Sedimentation Control

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 site is stabilized.

Evaluation of Structure

Owner will cause the structure to be evaluated by a structural engineer licensed to practice in the Commonwealth of Virginia.

The structural engineer will evaluate the structure to determine what repairs must be made to render the structure safe and weatherproof.

Owner will provide engineer's report to the Town Manager. Owner will also provide the Town Manager with a list of repairs required to render the structure safe and weather-proof. Owner will provide the Town Manager with a schedule for having all repairs completed by deadlines established herein.

Repair of Structure/Removal of Debris

Owner will cause the structure on the subject property to be repaired in accordance with the recommendations of a structural engineer licensed to practice in the Commonwealth of Virginia and applicable building code and zoning requirements. Owner will cause the structure to be secured utilizing windows and doors (structure may not be boarded up after project is completed).

Owner will cause all material left over from the repair of the structure, as well as other trash and refuse collected from the site, to be removed from the site and landfilled in accordance with applicable regulations and laws. Site will be cleared of trash, refuse and building materials in accordance with the schedule established herein.

Abandonment of on-site sewer treatment system and/or well or cistern

Owner will properly abandon any on-site sewer treatment system discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Owner will properly abandon any well or cistern discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Clearing and removal of plant material

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 at the Frederick County Regional Landfill in accordance with that facility's requirements.

All clearing and plant material removal will be completed in accordance with the schedule established herein.

Stabilization

Owner will cause all disturbed areas to be stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Stabilization will be completed in accordance with the schedule established herein.

Unforeseen Hazards

If other health hazards are discovered during blight abatement work, then the owner will take action to abate those hazards. Unless an extension is granted in writing by the Town Manager, all such hazard abatement will be completed by the deadline for completion of all work on the site as provided herein.

Schedule

Report from structural engineer provided to Town Manager by: February 28, 2022.

List of repairs to be completed and a schedule for that work provided to the Town Manager by February 28, 2022.

Copy of approved building permits required for repairs provided to the Town Manager by May 31, 2022.

Repair work commences on property by July 1, 2022.

All other work required by this plan will be completed and final inspections completed (and approval granted by the Clarke County Building Official) by September 1, 2022.

Costs Incurred Abating Blight

The property owner is responsible for all costs incurred during blight abatement work.

Process

- 1) A notice that Town Manager made a preliminary determination that the property in question is blighted is mailed to the owner(s) of record on November 5, 2021.
- 2) The owner provided the Town Manager with a proposed spot blight abatement plan for the property in question.
- 3) The Town Manager provided the owner with a revised plan that he will accept.
- 4) If agreement on a plan is reached between the Town Manager and the owner(s) of record, then the owner will proceed under the approved plan. If the owner fails to meet the requirements of the approved plan, including schedule milestones, then the Town Manager will immediately initiate a formal process required under §5-5 of the Berryville Code.
- 5) If the owner(s) of record and the Town Manager are unable to reach agreement on a spot blight abatement plan by noon on December 20, 2021, then the Town Manager will immediately initiate a formal process required under §5-5 of the Berryville Code.
- 6) Formal Process beyond this point:
 - a. If no plan is submitted, the submitted plan does not address the blight within a reasonable time, or the owner(s) does not meet the requirements of an approved plan, then the Town Manager will request that the Planning Commission conduct a public hearing (special notice provisions apply) and make findings and recommendations in this matter and report same to the Town Council. The Town Manager will provide a Plan for the Planning Commission's review.
 - b. After holding a public hearing, the Planning Commission shall determine whether:
 - i. The property is blighted;
 - ii. The owner has failed to cure the blight or present a reasonable plan to do so;
 - iii. The Plan for the repair or other disposition of the property is in accordance with the Town's comprehensive plan, zoning ordinance, and any other applicable land use regulation;

- iv. The property is located within an area listed on the National Register of Historic Places. In such instances, the Commission shall consult with the Architectural Review Board regarding the proposed repair or other disposition of the property by the Town Council.
- c. Planning Commission shall report its findings and recommendations to the Town Council.
- d. The Town Council may, after a public hearing (special notice provisions apply), affirm, modify, or reject the Planning Commission's findings and recommendations.
- e. If work is approved, then the Town Council may cause such work to be completed and recover costs (tax lien authorized).

SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date

S. M. V.
R. M. X.

TOWN

Signature

Printed Name and title

Date

_____ Keith R. Dalton, Town Manager _____

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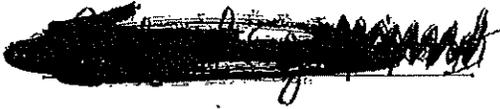
SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date



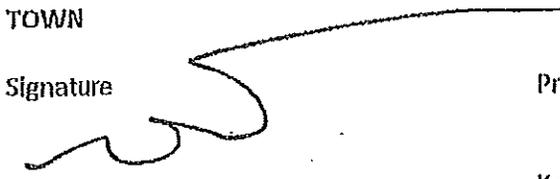
Richard E. Jenkins III 11/14/2022

TOWN

Signature

Printed Name and title

Date



Keith R. Dalton, Town Manager

11/21/22

Note - I executed this signed for 4 without the rest of the BlackT Agreement form. I have attached photos 1-3.

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



[T] 540/935-1099
[F] 540/935-4524
[E] info@berryvilleva.gov
www.berryvilleva.gov

TOWN OF
BERRYVILLE
VIRGINIA

 COPY

February 6, 2023

Richard A. Jenkins Estate
C/o Richard E. Jenkins, Jr.
[REDACTED]
Washington, D.C. 20012

Dear Mr. Jenkins:

This letter is written concerning the condition of the property located at 229 Josephine Street.

I received the blight abatement plan that you signed. Thank you for your attention to this matter. I signed the agreement and have included a copy of the fully executed agreement with this letter.

Please be aware that all deadlines contained in the schedule must be met. If they are not met, then the Town will begin formal action to adopt and implement its own plan (likely for demolition of the structure).

According to the agreed upon plan, the following information must be provided to me by February 27, 2023:

- a report from evaluation of the structure,
- a list of repairs to be completed on the structure, and
- the schedule for completing the listed repairs (note this schedule must meet the deadlines contained in the agreed upon plan).

Harry Lee Ayneid, Jr.
Mayor

Ivoelca L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diana Harrison
Ward 2

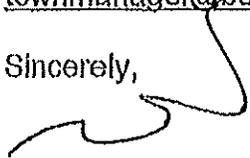
Grant Muzzarho
Ward 3

Ryan Tibbons
Ward 4

Kelth R. Dalton
Town Manager

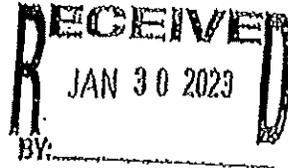
If you want to discuss this matter with me, then please contact me at either townmanager@berryvilleva.gov or 540.955.1099.

Sincerely,



Keith R. Dalton
Town Manager

CC: Town Council
Planning Commission
Architectural Review Board
Christy Dunkle
Paul Culp



Town of Berryville
Blight Abatement Plan
229 Josephine Street, Berryville, VA
Tax Map Parcel 14A6-((3))-B-5

Overview

This Blight Abatement Plan (Plan), prepared in accordance with § 5-5 of the Berryville Code, provides for the  of the structure on the subject property and the removal of all trash and refuse.

Permitting

Owner will obtain all necessary permits (including building, zoning, and erosion and sedimentation control) in accordance with the schedule established herein.

Utilities

As applicable 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 house side of meter cock. Provide protection for existing water meter cock.

Erosion and Sedimentation Control

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 site is stabilized.

Evaluation of Structure

Owner will cause the structure to be evaluated to determine what must be done to render the structure safe and weatherproof.

Owner will provide the results of the evaluation to the town manager. Owner will also provide the town manager with a list of repairs required to render the structure safe and weather-proof. Owner will provide the town manager with a schedule for having all repairs completed by deadlines established herein.

The town manager will review the results of the evaluation and the list of repairs and will determine whether the proposed work meets the Town's requirements. The town manager will render a determination as to whether the evaluation and list of repairs meets the Town's requirements. This determination will be made within 10 days of receipt of the evaluation and proposed list of repairs. If the town manager denies approval of the list of repairs, then the owner must resubmit the list of repairs with changes required to gain approval. Delay in securing approval of the list of repairs will not change subsequent plan deadlines.

Repair of Structure/Removal of Debris

Owner will cause the structure on the subject property to be repaired in accordance with the list of repairs approved by the town manager and applicable building code and zoning requirements. Owner will cause the structure to be secured utilizing windows and doors (structure may not be boarded up after project is completed).

Owner will cause all material left over from the repair of the structure, as well as other trash and refuse collected from the site, to be removed from the site and landfilled in accordance with applicable regulations and laws. Site will be cleared of trash, refuse and building materials in accordance with the schedule established herein.

Abandonment of on-site sewer treatment system and/or well or cistern

Owner will properly abandon any on-site sewer treatment system discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Owner will properly abandon any well or cistern discovered on the site. Said improvements will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Clearing and removal of plant material

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 at the Frederick County Regional Landfill in accordance with that facility's requirements.

All clearing and plant material removal will be completed in accordance with the schedule established herein.

Stabilization

Owner will cause all disturbed areas to be stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Stabilization will be completed in accordance with the schedule established herein.

Unforeseen Hazards

If other health hazards are discovered during blight abatement work, then the owner will take action to abate those hazards. Unless an extension is granted in writing by the town manager, all such hazard abatement will be completed by the deadline for completion of all work on the site as provided herein.

Schedule

Report from evaluation of the structure provided to town manager by: February 27, 2023.

List of repairs to be completed and a schedule for that work provided to the town manager by February 27, 2023.

Copy of approved building permits required for repairs provided to the town manager by March 31, 2023.

Repair work commences on property by June 1, 2023.

All other work required by this plan will be completed and final inspections completed (and approval granted by the Clarke County Building Official) by July 31, 2023.

Costs Incurred Abating Blight

The property owner is responsible for all costs incurred during blight abatement work.

Town Action If Owner Fails to Meet Deadlines

Unless an extension is approved in writing by the town manager, if the owner fails to meet all deadlines enumerated above, then the Town will proceed with enforcement in accordance with the provisions of Chapter 5 of the Berryville Code.

SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date



Richard E. Jenkins III

Jan-26, 2023

TOWN

Signature

Printed Name and title

Date

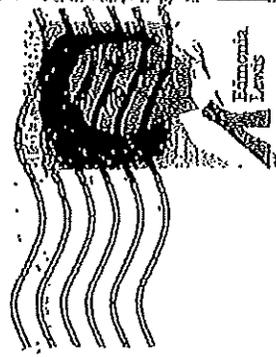


Keith R. Dalton, Town Manager

1/30/23

Richard E. Jenkins-III
[REDACTED]
Washington, D.C. 20012-2620

CAPITAL DISTRICT 208
27 JAN 2023 PM 3 L



Town of Berryville
101 Chalmers Court, Suite A
Berryville, Virginia 22611
Attn: Keith R. Dalton

RECEIVED
JAN 30 2023
BY

22611-138773

SUSAN L. FRENCH

361 Quiet Meadow Lane
Winchester, VA 22603



April 24, 2023
Keith Dalton
Town Manager
Mr. Harry Arnold
Mayor
Ms. Erecka Gibson
Deputy Mayor
Council Members
Town of Berryville
101 Chalmers Court
Berryville, VA 22611

Re: 229 Josephine Street – Richard Jenkins

Mr. Dalton, Mr. Arnold, Ms. Gibson, Council Members:

I am writing this letter on behalf of Richard Jenkins to address issues relating to 229 Josephine Street.

First, the minutes of the March 2023 Council Meeting are incorrect as to Mr. Jenkins and 229. Moments ago, I listened to the audio of that Meeting. The minutes state that the owner of 229 wants to discuss rebuilding a nonconforming structure. That is incorrectly attributed to 229 not 203. The audio of the Town Council meeting establishes that the owner of 203 NOT 229 wants to discuss rebuilding.

Mr. Jenkins asked me to communicate to the Town that he has removed the front porch, repaired the damaged roof sections, and boarded up the two windows that were missing/in disrepair. He has acquired historic replacement windows that will be installed when the contractor is available. Mr. Jenkins advised me that he has placed three phone calls to Mr. Dalton and all three times he was redirected to Mr. Culp. He believes that he may have received one return call that he missed. In brief, he has been attempting to have a conversation with Mr. Dalton. He emphasized that he wants to preserve and protect 229.

Regards,

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

Susan French

May 9, 2023
Personnel Comm.

Appointment to the Tree Board

Recommendation

There are currently two vacancies on the Berryville Tree Board. The Committee met on April 24, 2023 and conducted an interview. The Committee recommends the appointment of Loretta Allison to the Tree Board.

Sample motion

I move that the Council of the Town of Berryville appoint Loretta Allison to a term on the Berryville Tree Board to commence on June 1, 2023 and end on March 31, 2027.

Truck Traffic on South Church Street

History

The Streets and Utilities Committee has discussed concerns about truck traffic on South Church Street (and adjoining streets – Josephine Street and Byrd Avenue) several times in the past. The Committee has discussed various restrictions that may be able to be adopted and most recently led the effort to site signs on South Buckmarsh Street advising drivers that South Church Street is not suitable for tractor trailers. Dead End Street signs were also installed at the entrance of Josephine Street and Byrd Avenue.

Current request

Streets and Utilities Committee Chair Harrison remains concerned about the level of tractor trailer traffic on South Church Street and asked the Committee to review the matter further to determine if there are other measures that can be employed to reduce tractor trailer traffic in the area.

At its April 25, 2023 meeting, the Committee discussed this matter and determined that truck length restrictions should be considered for the area in question. The Committee directed Town staff to place this matter before the Town Council for consideration.

Enabling legislation

§46.2-1304 of the Code of Virginia permits governing bodies of counties, cities, and towns to, by ordinance, restrict the use of trucks passing through the city or town whenever in their judgement conditions so require.

No public hearing is required before passing an ordinance restricting the use of trucks.

§46.2-1112 of the Code of Virginia addresses truck length limitations.

Possible limitations that may be addressed in an ordinance

Limits of restricted area:

South Church Street from the southern edge of its intersection with Crow Street to its intersection with South Buckmarsh Street.

Limits on truck length within restricted area:

No trucks exceeding 50 feet in length will be permitted within the restricted area.

Note: Length of certain vehicles

Tractor trailer with 53-foot trailer -	72 feet
JHEVFD ladder truck -	42 feet
CCPS Bus maximum length -	40 feet
Straight truck -	26 feet

Exceptions:

- Fire, EMS, and other emergency response equipment
- Traffic that has been detoured away from an occupancy's primary access/egress route by an appropriate authority

Town Manager may grant permits for oversized trucks needed for the following activities in the restricted area:

- construction
- moving equipment or furniture from an occupancy
- deliveries/departures to and from an occupancy during period of detour from primary access/egress route

Attachments

- §46.2-1304 of the Code of Virginia
- §46.2-1112 of the Code of Virginia
- Maps with street section that is under consideration for truck length restrictions highlighted in blue
- DMV 109

Suggested action

Review the matter and determine whether to proceed with adoption of an ordinance that limits the length of trucks on a portion of South Church Street. If the Council determines that it wants to proceed with such an ordinance, then the Council should, as a part of the motion to adopt the ordinance, make a finding that outlines why such a restriction is appropriate for this particular street section.

The Council must also decide on the process it wants to employ during consideration of this matter. The Virginia Code does not require a public hearing on this matter, but it would be advisable to conduct one in this instance.

Sample Motion

I move that the Council of the Town of Berryville set a public hearing on this matter for its June 13, 2023 meeting and that Town staff be directed to advertise this hearing once in the *Winchester Star* and post the hearing notice on the Town's website.

Code of Virginia
Title 46.2. Motor Vehicles
Chapter 13. Powers of Local Governments

§ 46.2-1304. Local regulation of trucks and buses.

The governing bodies of counties, cities, and towns may by ordinance, whenever in their judgment conditions so require:

1. Prohibit the use of trucks, except for the purpose of receiving loads or making deliveries on certain designated streets under their jurisdiction;
2. Restrict the use of trucks passing through the city or town to such street or streets under their jurisdiction as may be designated in such ordinance.

The Cities of Poquoson and Williamsburg may restrict the operation of nonscheduled buses, other than school buses, over designated streets under its jurisdiction.

Code 1950, § 46-206; 1958, c. 541, § 46.1-181; 1968, c. 463; 1989, c. 727; 1998, cc. 547, 574; 2007, c. 813.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

5/2/202

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For Developers

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Code of Virginia
Title 46.2. Motor Vehicles
Chapter 10. Motor Vehicle and Equipment Safety

Article 16. Maximum Vehicle Lengths.

§ 46.2-1112. Length of vehicles, generally; special permits; vehicle combinations, etc., operating on certain highways; penalty.

No motor vehicle longer than 40 feet shall be operated on any highway in the Commonwealth except for buses and motor homes. The actual length of any combination of vehicles, including motor homes and buses, coupled together including any load thereon shall not exceed a total of 65 feet. However, the length of a tractor truck semitrailer combination may exceed 65 feet in length, provided the semitrailer does not exceed 53 feet in length and the distance between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles does not exceed 41 feet. The Commissioner of Highways may impose restrictions on the operation of vehicles exceeding 65 feet in length on certain roads, based on a safety and engineering analysis. No bus or motor home longer than 45 feet shall be operated on any highway in the Commonwealth. No tolerance shall be allowed that exceeds 12 inches.

The Commissioner, however, when good cause is shown, may issue a special permit for combinations either in excess of 65 feet, including any load thereon, or where the object or objects to be carried cannot be moved otherwise. Such permits may also be issued by the Department when the total number of otherwise overdimensional loads of modular housing of no more than two units may be reduced by permitting the use of an overlength trailer not exceeding 54 feet. No permit shall be issued by the Commissioner until an engineering analysis of a proposed routing has been conducted by the Commissioner of Highways to assess the ability of the roadway to be traversed to sustain the vehicle's size.

No overall length restrictions, however, shall be imposed on any tractor truck semitrailer combinations drawing one trailer or any tractor truck semitrailer combinations when operated on any interstate highway or on any highway as designated by the Commonwealth Transportation Board. No such designation shall be made, however, until notice of any proposed designation has been provided by the Commissioner of Highways to the governing body of every locality wherein any highway affected by the proposed designation is located.

No individual semitrailer or trailer being drawn in a tractor truck semitrailer trailer combination, however, shall exceed 28 1/2 feet in length, and no semitrailer being operated in a tractor truck semitrailer combination shall exceed 48 feet in length, except when semitrailers have a distance of not more than 41 feet between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles, such semitrailer shall be allowed not more than 53 feet in length.

The length limitations on semitrailers and trailers in the foregoing provisions of this section shall be exclusive of safety and energy conservation devices, steps and handholds for entry and egress, rubber dock guards, flexible fender extensions, mudflaps, refrigeration units, and air compressors. The Commissioner of Highways shall designate reasonable access to terminals, facilities for food, fuel, repairs and rest. Household goods carriers and any tractor truck semitrailer combination in which the semitrailer has a length of no more than 28 1/2 feet shall not be denied reasonable access to points of loading and unloading, except as designated, based on safety considerations, by the Commissioner of Highways.

Any person operating a vehicle whose length is not in conformity with the provisions of this chapter on a two-lane highway when passing is permitted shall be guilty of a traffic infraction and fined \$250.

Code 1950, § 46-328; 1950, p. 665; 1952, c. 342; 1956, cc. 476, 483; 1958, c. 541, § 46.1-330; 1962, c. 113; 1966, c. 59; 1972, c. 446; 1974, c. 664; 1975, c. 104; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, c. 417; 1989, cc. 644, 645, 727; 1993, c. 984; 1994, c. 456; 1995, c. 71; 1997, c. 773; 2001, c. 151; 2003, c. 314; 2005, c. 262; 2006, cc. 210, 232; 2013, cc. 585, 646; 2016, c. 122.

§ 46.2-1113. Length exceptions for certain passenger buses and motor homes.

Passenger buses and motor homes longer than thirty-five feet, but not longer than forty-five feet, may be operated on the streets of cities and towns when authorized pursuant to § 46.2-1300. Passenger buses and motor homes may exceed the forty-five-foot limitation when such excess length is caused by the projection of a front or rear safety bumper or both. Such safety bumper shall not cause the length of the bus to exceed the maximum legal limit by more than one foot in the front and one foot in the rear.

"Safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured to absorb energy upon impact.

Code 1950, § 46-328; 1950, p. 665; 1952, c. 342; 1956, cc. 476, 483; 1958, c. 541, § 46.1-330; 1962, c. 113; 1966, c. 59; 1972, c. 446; 1974, c. 664; 1975, c. 104; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, c. 417; 1989, c. 727; 1993, c. 984; 2001, c. 151.

§ 46.2-1114. Length of watercraft transporters; operation on certain highways.

Watercraft transporters shall not exceed a length of 65 feet when operated on any interstate highway or on any highway as designated by the Commonwealth Transportation Board. Stinger-steered watercraft transporters shall not exceed a length of 75 feet when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board. In addition, watercraft may be transported on a truck/trailer combination no more than 65 feet long when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board. Any such vehicle shall display a sign of a size and type approved by the Commissioner of Highways warning that the vehicle is an over-length vehicle. However, an additional three-foot overhang shall be allowed beyond the front and a four-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

1986, c. 72, § 46.1-330.1; 1989, cc. 645, 727; 1994, c. 456; 2013, cc. 585, 646; 2017, c. 554.

§ 46.2-1114.1. Length of automobile transporters; operation on certain highways.

Automobile transporters shall not exceed a length of 65 feet when operated on any interstate highway or on any highway designated by the Commonwealth Transportation Board and stinger-steered automobile transporters shall not exceed a length of 80 feet when operated on the national network of interstate and primary highways as defined in 23 CFR 658.5, as amended. Any such vehicle shall display a sign of a size and type approved by the Commissioner of Highways warning that the vehicle is an over-length vehicle. Notwithstanding the provisions of § 46.2-1120, a four-foot overhang shall be allowed beyond the front and a six-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the Commissioner of Highways.

2017, c. 554.

§ 46.2-1115. Lengths of manufactured homes or house trailers.

The actual length of any combination of a towing vehicle and any manufactured home or house trailer, coupled together, shall not exceed a total length of sixty-five feet, including coupling.

Code 1950, § 46-328.1; 1956, c. 86; 1958, c. 541, § 46.1-331; 1985, c. 426; 1989, c. 727; 1996, cc. 39, 146; 1999, c. 77.

§ 46.2-1116. Vehicles having more than one trailer, etc., attached thereto; exceptions.

Except as provided in this section and § 46.2-1117, no motor vehicle shall be driven on a highway while drawing or having attached thereto more than one motor vehicle, trailer, or semitrailer unless such vehicle is being operated under a special permit from the Commissioner of Highways. This limitation, however, shall not apply between sunrise and sunset to farm trailers or semitrailers being moved from one farm to another farm owned or operated by the same person within a radius of 10 miles. This limitation also shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive away service when not more than two saddle mounts are used. Vehicles coupled together by not more than three saddle mounts shall not exceed 75 feet when operated on any primary highway as designated by the Commonwealth Transportation Board and shall not exceed 97 feet when operated on the National Network of interstate and primary highways as designated under 23 CFR 658.5, as amended. Use of saddle mounts as provided in this section shall be in conformity with safety regulations adopted by the federal Department of Transportation.

The Commissioner of Highways shall designate reasonable access to terminals and facilities for food, fuel, repairs, and rest.

The governing body of any city may by ordinance permit motor vehicles to be driven on the highways of their respective cities while drawing or having attached thereto more than one other vehicle, trailer, or semitrailer.

Code 1950, § 46-331; 1958, c. 541, § 46.1-335; 1962, c. 575; 1964, c. 286; 1966, c. 373; 1974, c. 580; 1978, c. 254; 1983, c. 515; 1985, c. 426; 1986, c. 72; 1989, c. 727; 1994, c. 456; 1996, c. 340; 2010, c. 24; 2013, cc. 585, 646.

§ 46.2-1117. Tractor truck semitrailer combinations operating on certain highways; access to certain facilities.

A tractor truck semitrailer combination may draw one trailer when operating on any interstate highway and any highway as designated by the Commonwealth Transportation Board. The Commissioner of Highways shall designate reasonable access to terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for carriers of household goods.

1983, c. 515, § 46.1-335.1; 1989, c. 727; 1994, c. 456; 2013, cc. 585, 646.

§ 46.2-1117.1. Commercial delivery of towaway trailers.

A. For the purposes of this section:

"Towaway trailer transporter combination" means a combination of vehicles consisting of a trailer transporting towing unit and two trailers or semitrailers that carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

"Trailer transporting towing unit" means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

B. Notwithstanding the provisions of §§ 46.2-1116 and 46.2-1117, a towaway trailer transporter combination may operate with a length of not more than 82 feet and a gross weight of not more than 26,000 pounds. When operating on a highway other than an interstate highway, the operator shall comply with flashing high-intensity amber warning light requirements of § 46.2-1026 if such combination exceeds 75 feet long.

2017, c. 554.

§ 46.2-1118. Connection between vehicles; tow trucks towing vehicles by means of a wheel lift apparatus.

The connection between any two vehicles, one of which is towing or drawing the other on a highway, shall consist of a fifth wheel drawbar, trailer hitch, or other similar device not to exceed 15 feet in length from one vehicle to the other. Any such two vehicles shall, in addition to such drawbar or other similar device, be equipped at all times when so operated on the highway with an emergency chain or cable that is structurally adequate to securely stop and hold the trailer being towed.

The fifth wheel, drawbar, trailer hitch, or similar device must (i) be structurally adequate for the weight being drawn, (ii) be properly and securely mounted, (iii) provide for adequate articulation at the connection without excessive slack at that location, and (iv) be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the fifth wheel, drawbar, trailer hitch, or similar device on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.

The foregoing provisions of this section shall not apply to (i) any farm tractor, as defined in § 46.2-100, when such farm tractor is towing any farm implement or farm machinery by means of a drawbar coupled with a safety hitch pin or manufacturer's coupling device or (ii) any tow truck towing a vehicle by means of a wheel lift apparatus that employs a safety strap to hold two of the towed vehicle's wheels within a wheel lift cradle in a manner consistent with instructions of the manufacturer of such wheel lift apparatus.

For the purposes of this section, "tow truck" means any motor vehicle that is constructed and used primarily for towing, lifting, or otherwise moving illegally parked or disabled vehicles.

Code 1950, § 46-332; 1958, c. 541, § 46.1-336; 1982, c. 189; 1985, c. 426; 1989, c. 727; 2003, c. 414; 2010, c. 614.

§ 46.2-1119. Tow dolly and converter gear.

No axle-like device, commonly called a "tow dolly," used to support the front or rear wheels of a passenger vehicle or pick-up or panel truck for towing purposes, and no axle-like device, commonly called "converter gear," on which is mounted a fifth wheel used to convert a semitrailer to a full trailer, shall be considered vehicles. Either such device, when used on the public highways, shall be equipped with a safety chain or chains of a strength to restrain the device and vehicle being towed, should the connection fail. In addition, either device, when moved on the public highway, shall be equipped with rear marker lights or reflectors when towed without a load. When a tow dolly or converter gear is used to tow a vehicle, the towed vehicle must comply with all requirements of law pertaining to towed vehicles.

1984, c. 182, § 46.1-336.1; 1989, c. 727.

§ 46.2-1120. Extension of loads beyond front of vehicles.

A. As used in this section, "self-propelled pole carrier" means a motor vehicle that is (i) operated by a public utility company as defined in § 56-265.1, or its agents, (ii) designed to carry a pole at a height of at least five feet when measured from the bottom of the brace used to carry the pole, and (iii) carrying no more than two utility poles.

B. Except as provided in subsection C, no vehicle shall carry any load extending more than three feet beyond the front of such vehicle.

C. Any utility pole carried by a self-propelled pole carrier may extend beyond the front overhang limit set by this section if the pole is no more than 55 feet in length, the pole cannot be dismembered and does not extend more than 10 feet beyond the front bumper of the vehicle, and either:

1. Between sunrise and sunset, the front of the pole is marked by a flag of the type required under § 46.2-1121 on the rear of certain loads; or
2. Between sunset and sunrise, operation of the vehicle is required to make emergency repairs to utility service, and the front of the pole is marked by a light of the type required under § 46.2-1121 on the rear of certain loads.

Code 1950, § 46-329; 1958, c. 541, § 46.1-333; 1989, c. 727; 2013, cc. 242, 385.

§ 46.2-1121. (Effective until July 1, 2023) Flag or light at end of load.

Whenever the load on any vehicle extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of the load, in such a position as to be clearly visible at all times from the rear of the load, a red flag, not less than twelve inches, both in length and width. Between sunset and sunrise, however, there shall be displayed at the end of the load a red light plainly visible in clear weather at least 500 feet to the sides and rear of the vehicle.

Code 1950, § 46-304; 1958, c. 541, § 46.1-300; 1989, c. 727.

§ 46.2-1121. (Effective July 1, 2023) Flag or light at end of load.

A. Whenever the load on any vehicle other than a commercial motor vehicle extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of the load, in such a position as to be clearly visible at all times from the rear of the load, a red flag, not less than 12 inches, both in length and width.

B. Any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or more than four feet beyond the rear of the vehicle shall have the extremities of the load marked with a red or orange fluorescent warning flag. Any such warning flag shall be at least 18 inches, both in length and width. If the projecting load is two feet wide or less, there shall be at least one flag at the extreme rear. If the projecting load is wider than two feet, there shall be at least two warning flags at the extreme rear. Any such flag shall be located to indicate the maximum widths of any load that extends beyond the sides or rear of the commercial motor vehicle.

C. On any vehicle subject to the provisions of subsection A or B, between sunset and sunrise, there shall be displayed at the end of the load a red light plainly visible in clear weather at least 500 feet to the sides and rear of the vehicle.

Code 1950, § 46-304; 1958, c. 541, § 46.1-300; 1989, c. 727; 2022, c. 50.

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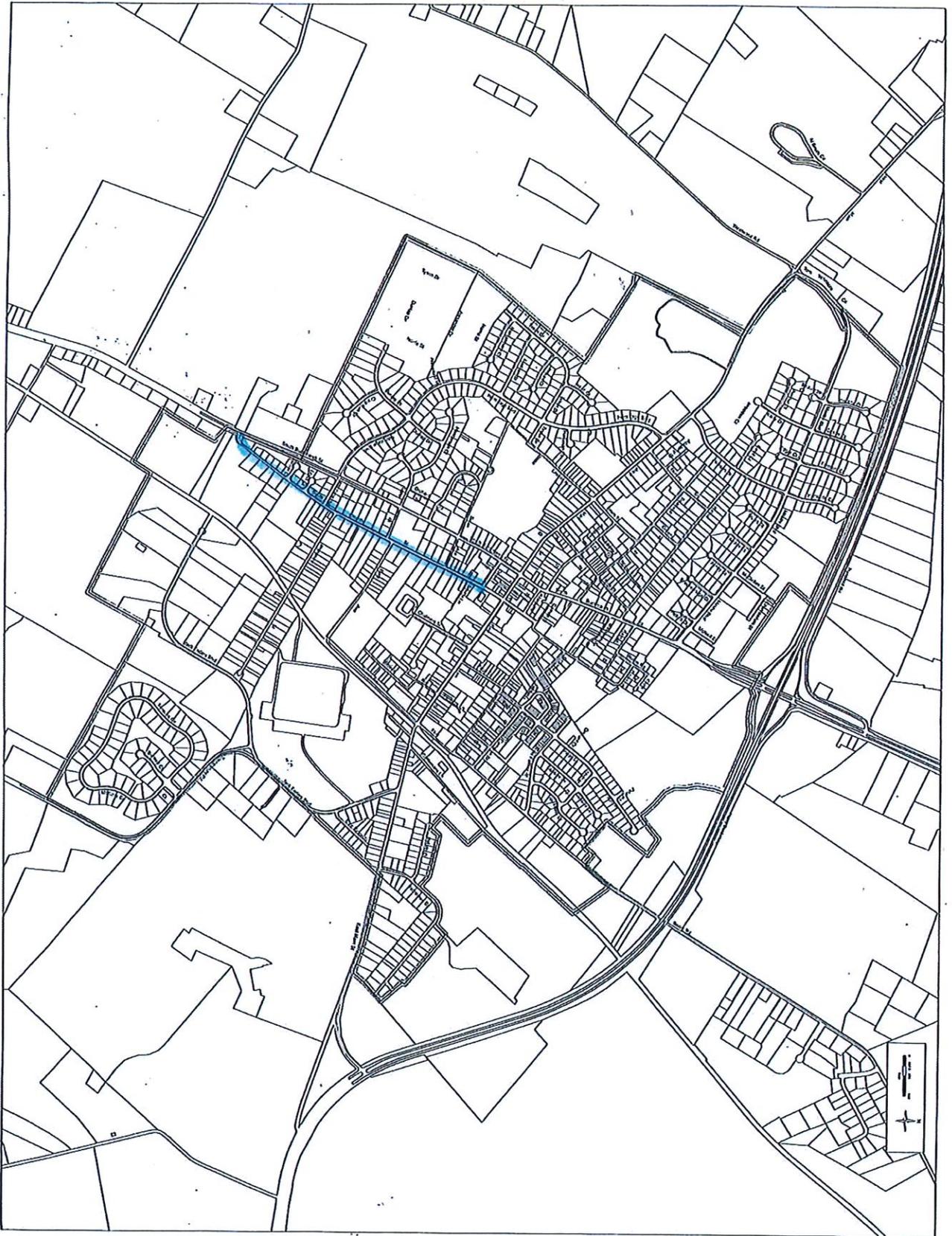
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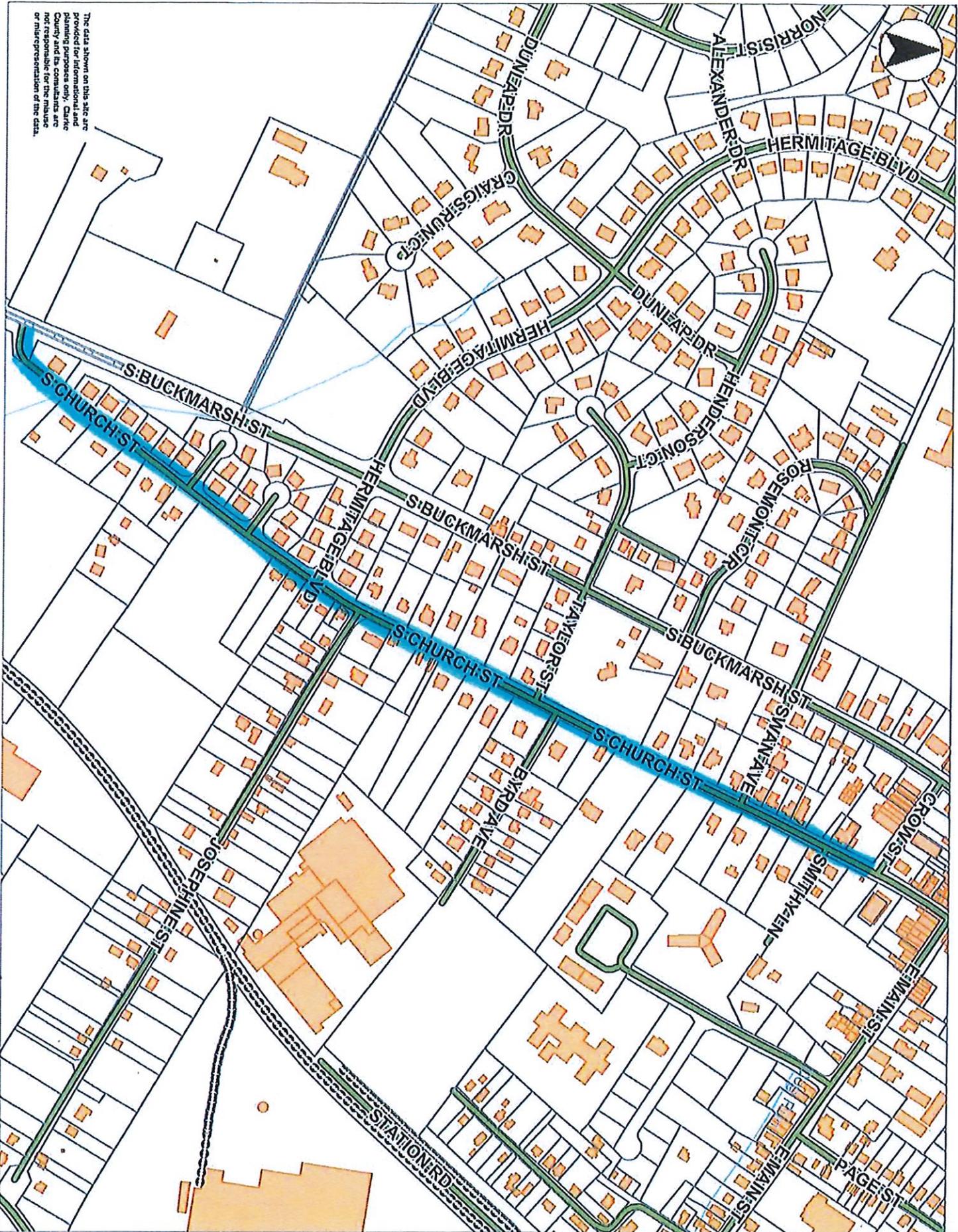
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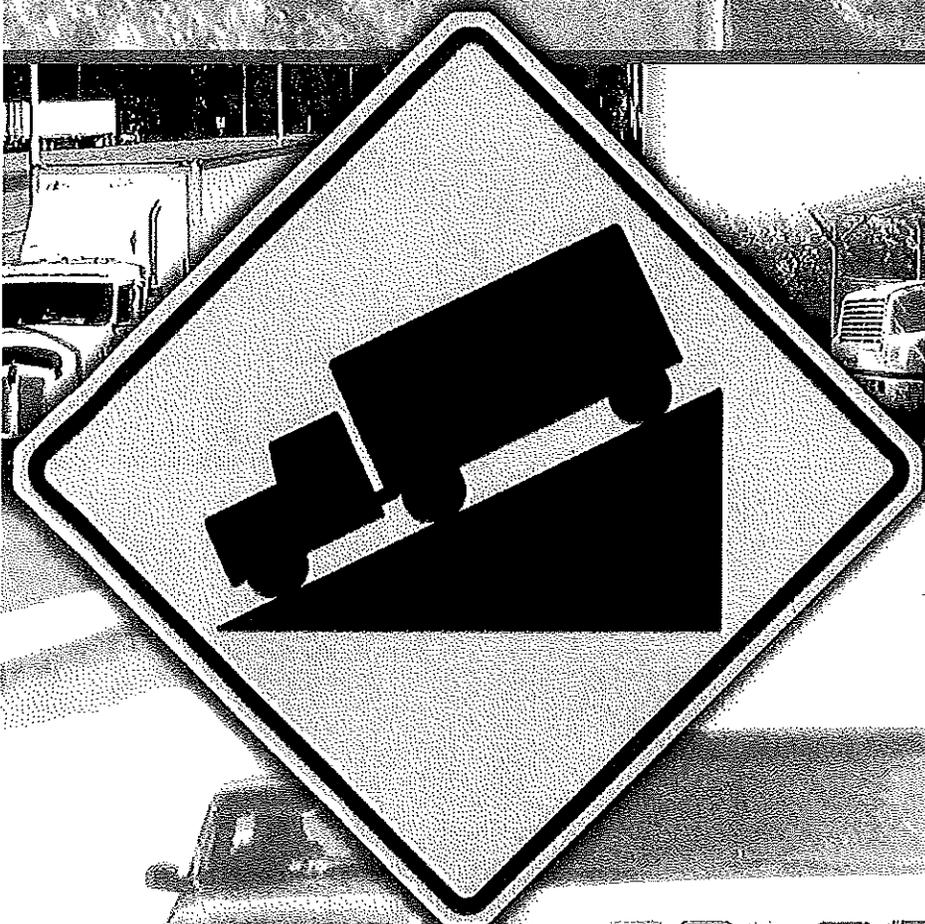
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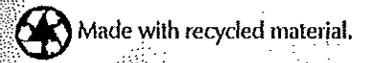
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- Major Roads
- US Highway
- State Highway
- Surrounding Counties
- Clarke County Roads
- Private Roads
- Roads
- Rail
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- Intermittent Streams
- Perennial Streams
- Ponds
- Rivers





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Virginia Department of Motor Vehicles

current listing has been updated to include the posting change date (last column), the ability to filter to view bridge posting changes in the last 90 days (select true on Posted Date Within 90 days), and the capability to search by route name and City/County (jurisdiction).

To receive monthly email notifications of bridge weight restricted posting changes throughout the state, [sign up here!](#)

Tunnels

Various tunnels have height or width restrictions as follows. Signs posted on the highway at the affected tunnels indicate these restrictions.

Trucks or other vehicles over 13 feet 6 inches high are prohibited at the Hampton Roads Bridge-Tunnel (I-64 westbound travel direction only), the Midtown Tunnel (Route 58, both travel directions), and the Downtown Tunnel (I-264, both travel directions).



Tractor-trailers wider than 8 feet are also prohibited through the downtown tunnel (I-264) in the westbound travel direction.

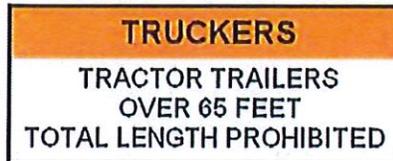
To avoid these restrictions use I-664 through the Monitor Merrimac Memorial Bridge-Tunnel. For more information see [here](http://www.virginia.gov/info/resources/HR_OverheightFlyer091008.pdf) (http://www.virginia.gov/info/resources/HR_OverheightFlyer091008.pdf).

Restrictions On Length or Type of Vehicle

Various highways have restrictions on the length or type of vehicle (e.g. truck, tractor-trailer etc.). These restrictions are posted on the highway by regulatory signs such as "NO TRUCKS", "NO THRU TRUCKS", "NO TRACTOR-TRAILERS", "NO TRUCKS OVER 65 FEET" etc.



Additionally, some highways are posted with a warning sign such as "TRUCKS NOT RECOMMENDED", "TRUCKS OVER 65 FEET NOT RECOMMENDED", "THRU TRUCKS NOT RECOMMENDED" etc. These roads have undesirable conditions and motorists with the indicated vehicles are strongly encouraged to avoid them.



These vehicle and length restrictions are shown on the Virginia Truck Routing Map available [here](https://vdot.maps.arcgis.com/apps/webappviewer/index.html?id=4803162ce73d458a9b8f6d9cb51aa470) (<https://vdot.maps.arcgis.com/apps/webappviewer/index.html?id=4803162ce73d458a9b8f6d9cb51aa470>).

Temporary Restrictions and Incidents

Various ad-hoc restrictions can exist at any time on the highway due to weather, incidents or construction, etc. and are indicated by signs etc. posted on the highway.

For a comprehensive map and extensive other information on current highway conditions pertaining to weather, traffic, incidents, temporary restrictions, road closures, etc., go to 511virginia.org (<http://511virginia.org>) or call 511 toll free.

Restrictions on Federal Highways

Various federally maintained highways in Virginia prohibit trucks or commercial vehicles. These are the Blue Ridge Parkway (southwest Virginia), Skyline Drive (northwest Virginia), George Washington Memorial Parkway (D.C. area) and the Colonial Parkway (Williamsburg). These restrictions are posted on the various highways and shown on the Virginia Truck Routing Map.

For more details or access, contact the [National Park Service](http://www.nps.gov/index.htm) (<http://www.nps.gov/index.htm>).

Designated (STAA) Truck Routes

Certain "STAA" vehicles (Twin trailers, triple saddle mounts and automobile and watercraft transporters) are required to use the designated Surface Transportation Assistance Act (STAA) highway system for travel in Virginia. These highways are not posted with signs indicating they are part of the designated system.

This system includes the National Network (all interstates and certain primary routes), the Virginia Qualifying System (including various other state primary highways) and the Virginia Access System, which provides direct access to certain terminals.

Note: Triple saddle mount combinations more than 75 feet long (up to the maximum allowable length of 97 feet) may only travel on the National Network.

Trucks may travel up to one road-mile of travel off the National Network and Virginia Qualifying Highways (but not the Virginia Access System) to reach terminals, fuel, food, rest and repairs.

These designated highways are on the Virginia Truck Routing Map available [here](https://vdot.maps.arcgis.com/apps/webappviewer/index.html?id=4803162ce73d458a9b8f6d9cb51aa470). (<https://vdot.maps.arcgis.com/apps/webappviewer/index.html?id=4803162ce73d458a9b8f6d9cb51aa470>)

A printed version of the map is also available at major safety rest areas and welcome centers.

[Map of safety rest areas and welcome centers in Virginia](http://www.virginia.gov/travel/map-rest-area.asp) (<http://www.virginia.gov/travel/map-rest-area.asp>)



Special Use Permit

A special use permit can be obtained free of charge where travel by "STAA" vehicles beyond the allowable one road-mile off the designated STAA system is required to reach a terminal for delivery or pick-up.

Contact DMV's Hauling Permit Section at 804-497-7135.

For permission to access terminals off the designated system within cities and towns or in Henrico and Arlington counties, contact locality officials.

Additional Information and Resources

For additional questions regarding designated (STAA) truck routes, size or weight limits at bridges and bridge tunnels or other highway restrictions or limitations on state-maintained roads, contact VDOT at 800-FOR-ROAD (800-367-7623).

For other travel information not discussed here: see <http://www.virginia.gov>.

Map: DMV's Motor Carrier Service Centers
(<http://www.dmv.virginia.gov/commercial/mcslweight/map.asp>)

Map: Virginia's safety rest areas and welcome centers (<http://www.virginia.gov/travel/map-rest-area.asp>)

US DOT numbers: **Federal Motor Carrier Safety Administration** (<http://www.fmcsa.dot.gov>) at 800-832-5660

Information on national trucking regulations is available from the **Federal Motor Carrier Safety Administration** (<http://www.fmcsa.dot.gov>) and the **Federal Highway Administration** (<http://www.fhwa.dot.gov>), divisions of the U.S. Department of Transportation (<http://www.dot.gov>).

Industry Associations

Virginia Trucking Association (<http://www.vatrucking.org/>)

Truckload Carriers Association (<http://www.truckload.org/>)

Specialized Carriers Rigging Association (<http://www.scranet.org/>)

American Trucking Association (<http://www.trucking.org/Home.aspx>)

Safety rest areas and welcome centers (<http://www.virginia.gov/travel/map-rest-area.asp>)

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How Long Can Commercial Trucks Be in Virginia?



One of the most dangerous aspects of commercial trucks and tractor-trailers is their length—long vehicles have larger blind spots and are more difficult to maneuver than shorter vehicles. In order to keep everyone on the road safe, [Virginia law limits the length of these trucks](#). Below, we've listed the length-related truck regulations in Virginia, as

provided by the [Virginia Department of Motor Vehicles](#):

- [On interstates and designated highways, the maximum length of a truck without a trailer is 40 feet.](#)
- On interstates and designated highways, the maximum length of a truck's semi trailer is 53 feet.
- On interstates and designated highways, the maximum length of a truck with double trailers is 28 feet, six inches, for each trailer.
- On interstates and designated highways, the maximum length of a truck carrying motor vehicles or watercrafts is 65 feet plus a three-foot overhang in the front and a four-foot overhang in the back.

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more than one trailer.

- Trucks may not carry loads that extend more than three feet beyond the front of the truck.
- Trucks may not carry loads that extend more than four feet beyond the back of the truck, unless the load is marked with a red flag in daylight and a bright light at night.

RELATED CONTENT

- [Truck Drivers' Large Blind Spots to Blame for Many Crashes](#)
- [Drowsy Driving Plays Bigger Role in Crashes Than Federal Statistics Show](#)
- [Wide Turn Truck Crashes](#)

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Categories

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: May 9, 2023

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville enter closed session in accordance with section 2.2-3711.A.29 of the Code of Virginia for discussion of the award of a public contract involving the expenditure of public funds, and in accordance with section 2.2-3711.A.1 of the Code of Virginia to discuss the performance of an employee of the Town Council.

VOTE:

Aye:

Nay:

Attest: _____

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL

MOTION

CLOSED SESSION RESOLUTION

DATE: May 9, 2023

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:

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:

Nay:

Absent/Abstain:

ATTEST: _____

Erecka L. Gibson, Vice Mayor