



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

June 13, 2023

7:00 PM

Item

Page

1. Call to Order

2. Pledge of Allegiance

3. Approval of Agenda

4. Presentations/Awards and Recognitions

5. Public Hearings

Proposed establishment of truck length restrictions on the following streets: Byrd Ave., Hermitage Blvd. east of South Buckmarsh St., Josephine St., South Church St. between Crow St. and South Buckmarsh St., Swan Ave. east of South Buckmarsh St., and Taylor St. east of South Buckmarsh St.

6. Discussion of Public Hearing Items

7. Citizens' Forum

8. Consent Agenda

Approval of Minutes

9. Unfinished Business

10. New Business

11. Council Member Reports

Mayor

Berryville Main Street Monthly Report

Vice Mayor

Ward 1

Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works

Public Utilities

Police Department

Community Development

Departmental Report

Construction Report

Administration and Finance

Deputy Town Manager

Reserved Delivery Vehicle Parking in Downtown Berryville

Update: Short-Term Rentals

Update: Hogan's Alley

Town Manager

Discussion: Boundary Line Adjustments Between the Town of Berryville, Clarke County Public Schools, and Paul Howell

Discussion – Proposed Amendment to Berryville Code Section §13-35. – Regulation of use and conduct in Rose Hill Park

Update: American Rescue Plan Act of 2021

Update: Spot Blight Abatement

13. Committee Updates

Budget and Finance

Approval of the 2023-2024 Fiscal Year Budget and Appropriation of Funds

Community Development

Personnel, Appointments, and Policy

Public Safety

Streets and Utilities

14. Closed Session

The Council of the Town of Berryville will enter closed session 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.

15. Adjourn

Proposed Truck Traffic Length Restrictions on Byrd Avenue, Hermitage Boulevard east of South Buckmarsh Street, Josephine Street, South Church Street between Crow and South Buckmarsh Streets, Swan Avenue east of South Buckmarsh Street, and Taylor Street east of South Buckmarsh Street

June 13, 2023 Report

Update

The Council directed staff to advertise a public hearing at which truck length restrictions on South Church Street between Crown and South Buckmarsh Streets would be discussed. To properly restrict trucks in excess of a certain length on the street section in question, it appears necessary to consider placing restrictions on truck traffic on other streets that lead to that area. Accordingly, the public hearing was advertised representing a broader restricted area, thereby permitting the Council to hear comment on the broader area and pare it down if the Council deems it appropriate to do so.

The public hearing notice was published in the *Winchester Star* on June 6, 2023. The notice was posted on the Town's website June 1, 2023.

Proposed Ordinance

The proposed ordinance would restrict trucks in excess of 50 feet in length from traveling on Byrd Avenue, Hermitage Boulevard east of South Buckmarsh Street, Josephine Street, South Church Street between Crow and South Buckmarsh Streets, Swan Avenue east of South Buckmarsh Street, and Taylor Street east of South Buckmarsh Street.

The proposed ordinance provides for exceptions to the restrictions on truck length within the prescribed areas. The exceptions provide for both emergencies and unplanned incidents as well as planned events or projects.

Drivers violating this ordinance would be charged with failure to obey highway sign (\$25.00 fine + court costs).

Attachments

- Public Hearing Notice
- Proposed Section 15-22 of the Berryville Code: Truck Length Restrictions on Certain Streets
- Chapter 15 of the Berryville Code
- Map on which streets proposed for truck length restriction are highlighted in yellow and proposed sign locations are represented by pink dots
- §46.2-1304 of the Code of Virginia
- §46.2-1112 of the Code of Virginia

Suggested action

After receiving public comment, determine whether the Council is interested in pursuing this matter. If the Council is interested in pursuing this matter further, then VDOT should be engaged regarding the sign package that would be required to enforce in the area that is chosen for truck length restrictions and legal counsel would review the final ordinance language.

May 9, 2023 Report

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.

TOWN OF BERRYVILLE
TOWN COUNCIL
PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on **June 13, 2023** in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia, to consider the following:

Proposed establishment of truck length restrictions on the following streets: Byrd Ave., Hermitage Blvd. east of South Buckmarsh St., Josephine St., South Church St. between Crow St. and South Buckmarsh St., Swan Ave. east of South Buckmarsh St., and Taylor St. east of South Buckmarsh St.

The Town Council will review an ordinance that would prohibit trucks with a total length in excess of 50 feet from traveling on the street sections in question. The proposed ordinance provides exceptions for emergency vehicles and official detours, and includes a permitting process that may permit trucks with a total length that is greater than 50 feet to utilize the street section in question on a temporary basis.

Copies of materials pertinent to this matter may be examined at www.berryvilleva.gov and the Town of Berryville Business Office, Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia.

Any person desiring to be heard regarding the matters enumerated above may appear at the appointed time and place. Those desiring to be heard are asked to place their names on the appropriate public hearing speaker list that will be located in the lobby outside of the Main Meeting Room.

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

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

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Please publish in the *Winchester Star* on June 6, 2023

If you have questions, please contact Paul Culp, Town Clerk at 955.1102.

Sec. 15-22. Truck length restrictions on certain streets

- (a) Unless otherwise permitted by this section, trucks with a total length greater than fifty (50) feet are prohibited from traveling on the following streets:

Byrd Avenue
Hermitage Boulevard east of South Buckmarsh Street
Josephine Street
South Church Street between Crow and South Buckmarsh Streets
Swan Avenue east of South Buckmarsh Street
Taylor Street east of South Buckmarsh Street

- (b) The truck length restrictions enumerated in subsection (a) of this section do not apply to:
- a. fire, emergency medical services, and other emergency response equipment, or
 - b. vehicles that have detoured to the restricted street(s) by duly authorized authority.
- (c) The town manager is authorized to grant permits authorizing trucks with a total length greater than fifty (50) feet to travel on the streets enumerated in subsection (a) of this section for uses to include, but not limited to the following:
- a. construction activities
 - b. moving of equipment or furniture
 - c. deliveries and departures to and from an occupancy during a period in which traffic is detoured from the occupancy's primary access and egress route.

Footnotes:

--- (1) ---

Cross reference— Department of public works responsible for street and sidewalk maintenance, § 2-53; abandoning domesticated animal on street, § 4-8; littering streets, § 8-3; motor vehicles and traffic, Ch. 10; operation of trucks on streets, § 11-27 et seq.; disorderly conduct in streets, § 13-11; obstructing free passage of others, § 13-12; soliciting on streets, §§ 13-26, 13-27; spitting on sidewalks, § 13-34; railroads, Ch. 14; zoning ordinance, App. A; Subdivision ordinance, App. B.

State Law reference— General authority of town relative to streets and sidewalks, Code of Virginia, §§ 15.1-14, 15.1-363—15.1-381, 15.1-888 et seq.

ARTICLE I. - IN GENERAL

Sec. 15-1. - Violations of article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 4 misdemeanor.

Cross reference— Penalty for Class 4 misdemeanor, § 1-11.

Sec. 15-2. - Prerequisite to acceptance of streets for care and maintenance by town.

No street shall be accepted for care and maintenance by the town unless it meets the requirements of the state department of highways and transportation and has been dedicated by the recording of a plat, drawn to scale and showing such street, in the office of the clerk of the circuit court of the county, at the expenses of the owner of the property. No such acceptance shall take place until such plat has been accepted and approved by the council.

(Code 1971, § 15-1)

Sec. 15-3. - Specifications for work on streets by town forces.

The town manager shall have authority to prescribe specifications and regulations for work done on town streets by town forces.

(Code 1971, § 15-2)

Sec. 15-4. - When property owner to bear construction costs for private entrance.

The property owner shall bear the construction costs for a new private entrance to such property from a street, where curbs or walks are cut or installed, culverts are installed or bridging is required.

(Code 1971, § 15-3)

Sec. 15-5. - Street numbers for buildings.

- (a) *Purpose and intent.* This section is intended to promote the health, safety and welfare of the public and to enhance the effective and efficient provision of emergency services to the citizens of the Town of Berryville. Pursuant to the provisions set forth in Section 15.1-29.11. of the Code of Virginia, as amended, the purpose of this section is to provide for a uniform, town-wide system for assigning street address numbers to all dwellings, buildings and habitable structures in the Town of Berryville, to assist fire and rescue service providers, law enforcement agencies, the United States Postal Service and other organizations in the timely and efficient provision of their services to the residents and businesses of the town.
- (b) *Numbering system established.* Houses and other buildings in the town shall be numbered upon the centenary plan. Each block shall begin with a new hundred. All numbers shall run north and south from Main Street on streets running north and south and all numbers shall run east and west from Church Street on streets running east and west. The numbers shall begin with No. 1 in the first block, No. 101 in the second block, No. 201 in the third block and so on, on one side of the street, and with No. 2 in the first block, No. 100 in the second block and No. 200 in the third block and so on, on the other side of the street. Odd numbers shall be assigned on the west and south sides of the streets and even numbers shall be assigned on the east and north sides of the streets.
- (c) *Administration and enforcement.*
 - (1) The town planner/assistant town manager or his/her designated agent is hereby designated as the agent responsible for the administration, implementation and enforcement of this ordinance.
 - (2) The agent shall establish street numbers in accordance with the guidelines set forth herein, with the assistance of the director of public works.
 - (3) No zoning permit shall be approved or issued for a primary structure until a street address number has been determined and assigned as herein provided.
 - (4) No certificate of occupancy shall be issued until an assigned street address number has been placed as herein provided. The owner of the property, or the purchaser thereof under contract, shall be responsible for affixing the assigned address numbers, and for compliance with all other provisions of this section. The initial cost and continued maintenance of street address numbers shall be the responsibility of the property owner.

(5) Street addresses shall be assigned by the agent as provided herein to each lot or parcel shown on each master development plan and/or subdivision plat prior to final approval of same, and a copy of the numbered master development plan and/or subdivision plat shall be maintained by the agent.

(d) *Required display; size and location of numbers.*

- (1) All dwellings, commercial and industrial buildings and habitable structures in the Town of Berryville shall display a street address number in accordance with the provisions herein.
- (2) Street address numbers for buildings shall be at least four (4) inches in height and shall be made of a durable and clearly visible material. The numbers shall be placed conspicuously on, above, or at the side of the main entrance so that the number is readily visible from the street. The property owner or building occupant may, or whenever a building is located more than fifty (50) feet from the street or the entrance to the building is not readily visible from the street, the property owner or occupant shall, place the street address number on a fence, post or other suitable location so that the number is placed no less than thirty-six (36) inches above the surface of the ground and no more than fifteen (15) feet from the edge of the street right-of-way so that the address number is readily visible from the street. Where mailboxes are not affixed to the building, street address numbers shall be shown thereon in accordance with the provisions herein and with postal regulations for placement of freestanding mailboxes.
- (3) Multifamily dwellings, shopping centers or other similar groupings where only one (1) street address number is assigned shall display such number at the main entranceway. Said address number shall be at least eight (8) inches in height. Numbers for individual units or establishments within the complex or grouping shall be displayed on, above, or to the side of the main doorway of each unit or establishment, and shall be at least three (3) inches in height.
- (4) Street address numbers or letters shall be of a contrasting color to the background on which they are displayed.
- (5) Street address numbers shall not be placed on projecting signs attached at an angle to the street front of buildings in lieu of requirements as set forth herein.

(e) *Failure to comply; violations and penalties.*

- (1) Whenever the agent has reason to believe there has been a violation of any provision of this section, he/she shall give notice of such violation to the person failing to comply and order said person to take corrective action within thirty (30) days from the date of such notification.
- (2) It shall be unlawful and a Class 4 misdemeanor for any person whose responsibility it is to comply with the provisions of this section to fail to comply with the duly issued order of the agent within the aforesaid time period. In addition, the agent shall initiate such actions at law or in equity as are deemed necessary to enforce compliance with the provisions of this section including, but not necessarily limited to, an action for injunctive relief in the Circuit Court of Clarke County as authorized by Section 15.1-905, Code of Virginia, 1950, as amended.
- (3) Subsequent to the thirty-day period following notification of violation, each day of violation shall constitute a separate violation.

(f) *Effective date of section.* This section shall become effective as of November 15, 1993.

{Code 1971, § 15-4; Ord. of 9-14-93}

Sec. 15-6. - Obstructions generally.

Except as otherwise provided in this chapter, it shall be unlawful for any person to obstruct any street, sidewalk or alley in the town by placing therein or thereon any box, crate or other thing or object which will hinder or obstruct the passage of persons or vehicles in any manner whatsoever.

(Code 1971, § 15-11

Cross reference— Obstructing free passage of others, [§ 13-12](#); trains obstructing crossings, [§ 14-2](#).

Sec. 15-6.1. - Bootblack stands prohibited.

No person shall operate or maintain any bootblack stand on the streets or sidewalks of the town.

(Ord. of 12-16-81, § 10-26)

Sec. 15-7. - Placing building materials on street or sidewalk.

No person shall place building materials upon any street, sidewalk or alley for use in connection with construction work, unless he shall have first obtained a permit from the town manager to do so and unless he shall place such materials in the space assigned and in the manner directed by the town manager.

(Code 1971, § 15-16)

Cross reference— Building regulations, Ch. 5.

Sec. 15-8. - Use of sidewalks during construction or demolition operations.

When any building or wall is being erected, repaired or demolished, the sidewalks in front thereof may be occupied and used by the contractor or builder in connection with such work, for such period of time as may be reasonable, provided reasonable means are taken for the protection and safe passage of pedestrians and vehicular traffic.

(Code 1971, § 15-17)

Sec. 15-9. - Trees, plants or shrubs obstructing or interfering with safe passage of vehicles or pedestrians.

It shall be unlawful for any person owning or occupying property abutting a street or sidewalk to allow any tree, plant or shrub growing on such property to obstruct or interfere with the safe passage of vehicles or pedestrians, or to allow any tree, plant or shrub to obstruct or interfere with visibility of vehicular traffic at street intersections.

(Code 1971, § 15-18; Ord. of 9-8-92)

Sec. 15-10. - Porticoes, porches, etc., projecting into or over sidewalk.

It shall be unlawful for any person to construct or place, or cause to be constructed or placed, any portico, porch, door or step which projects into or over any sidewalk along any street in the town.

(Code 1971, § 15-7)

Sec. 15-11. - Cellar doors or gratings in paved sidewalks.

It shall be unlawful for any person to place or construct, or cause to be placed or constructed, any cellar door or grating in or upon any paved sidewalk within the town, unless such door or grating shall be constructed on a level with the pavement. The owner of such door or grating shall keep the same in a safe condition to walk over.

(Code 1971, § 15-8)

Sec. 15-12. - Gates and doors on or near sidewalks to open inward.

Every gate or door built or constructed in any fence, or wall upon, or within two (2) feet of the line of, any sidewalk on any street in the town shall be hung so as to open inward.

(Code 1971, § 15-9)

Sec. 15-13. - Open cellarways, areaways, etc., in sidewalks to be guarded.

It shall be unlawful for any person to allow any cellarway, areaway or other place of like character opening on or in a sidewalk in the town to remain open, unless properly guarded by bars or otherwise.

(Code 1971, § 15-10)

Sec. 15-14. - Washing, greasing, etc., vehicle on street or sidewalk.

No person shall, for compensation, wash, polish or grease a vehicle upon a street or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased, for compensation, upon a street or sidewalk.

(Code 1971, § 11-6)

Sec. 15-15. - Deposit of hazardous material on streets and removal of same.

- (a) No person shall throw or deposit or cause to be deposited, upon any street or highway within the town, any glass bottle, glass, nail, tack, wire, can or other substance likely to injure any person or animal or damage any vehicle upon such street or highway, nor shall any person throw or deposit or cause to be deposited, upon any street or highway within the town, any soil, sand, mud, gravel or other substance so as to create a hazard to the traveling public.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street or highway, any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.
- (d) A violation of any provision of this section shall constitute a Class 1 misdemeanor.

(Code 1971, § 11-14)

Cross reference— Penalty for Class 1 misdemeanor, [§ 1-11](#); littering streets, [§ 8-3](#).

State Law reference— Similar provisions, Code of Virginia, § 18.2-324.

Sec. 15-16. - Duty of property owners or occupants to remove snow and ice from sidewalks.

- (a) The owner of any building or lot of land abutting on any curbed or paved sidewalk within the corporate limits of the town, or any tenant or other person to whom the owner has delegated responsibility therefor, shall remove the snow, sleet, and ice from such sidewalk within twelve (12) hours after the snow, sleet, or other precipitation has ceased to fall when the total accumulation is six (6) inches or less and within twenty-four (24) hours after the snow, sleet, or other precipitation has ceased to fall when the total accumulation is greater than six (6) inches. In cases of ice that cannot be removed without injury to the pavement of the sidewalk, the sidewalk shall be covered within twelve (12) hours after the precipitation has ceased to fall with a material which will render the sidewalk safe for travel.
- (b) Upon failure to comply with the provisions of subsection (a), the chief of police or his designee shall immediately notify the owner, tenant, or other person to whom the owner has delegated responsibility for the property in question. Such notification shall be served either in person or by posting on the subject property by a member of the police department.
- (c) If the provisions of subsection (a) are not complied with within eight (8) hours from the time of service or posting of the notice as provided in subsection (b), the town may cause the conditions to be complied with by utilizing Town of Berryville personnel or by hiring a contractor to remove the snow, sleet, and ice from the sidewalk. The cost thereof, including an established administrative fee, shall be charged to and collected from the owner of the property in any manner provided by law for the collection of state and local taxes. Every charge authorized by this section in excess of two hundred dollars (\$200.00) which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Code of Virginia §§ 58.1-3940 et seq. and 58.1-3965 et seq. The town may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Code 1971, § 15-5; Ord. of 12-10-96; Ord. of 2-15-15)

Editor's note— An ordinance adopted Feb. 15, 2015, changed the title of § 15-16 from "Removal of snow and ice from sidewalks" to read as herein set out.

State Law reference— Authority for above section, Code of Virginia, § 15.2-1115.

Sec. 15-17. - Snow or ice not to be deposited on streets or sidewalks.

- (a) It shall be unlawful for the owner, occupant or any person having the care of any building or lot of land abutting on any street within the town, or any other person acting as an agent of the owner or occupant of any such building or lot, to shovel, plow or deposit any snow, ice or sleet on any paved sidewalk or in the traffic lanes or travelway of any street, as such traffic lanes or travelways have been cleared of snow, ice or sleet by agents of the town, within the corporate limits of the town.
- (b) Any person convicted of a violation of this section shall be fined not more than twenty-five dollars (\$25.00) for each offense.

(Code 1971, § 15-6; Ord. of 12-10-96)

Sec. 15-18. - Peddling in streets.

No peddler, as defined in section 9-53 of this Code, shall conduct business from a stationary location in the public streets or rights-of-way nor shall any such peddler have an exclusive right to any location on the public streets or rights-of-way, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. of 12-16-80, § 10-32)

Cross reference— License tax on peddlers, § 9-26.

Sec. 15-19. - Declaration and duration of snow emergency.

- (a) Whenever ice begins to form or snow of a depth of two (2) inches or more lies on the streets within the town a snow emergency shall be deemed to be in effect.
- (b) A snow emergency shall remain in effect for twenty-four (24) hours from the time of the last snow or formation of ice, unless sooner lifted by the town manager.

(Ord. of 12-10-96; Ord. of 10-13-2015)

Sec. 15-20. - Snow emergency routes

The following streets within the town are hereby designated as snow emergency routes and shall be posted at intervals of not less than one thousand five hundred (1,500) feet as specified in the Virginia Manual on Uniform Traffic Control Devices for Streets and Highways:

North Buckmarsh Street

Hermitage Boulevard

Tyson Drive between Hermitage Boulevard and Lincoln Avenue

(Ord. of 10-13-2015)

Sec. 15-21. - Operation and location of motor vehicles during snow emergency.

- (a) During the period a snow emergency is in effect pursuant to section 15-19 of this Code, it shall be unlawful for any person to operate a motor vehicle which is not equipped with effective tire chains or effective snow tread tires on any of the streets within the town.
- (b) During the period a snow emergency is in effect pursuant to section 15-19 of this Code, it shall be unlawful for any person to park or abandon a vehicle in the traffic lanes or travelway of any street within the town, or to obstruct or impede traffic or snow removal operations on any street within the town.
- (c) During the period a snow emergency is in effect pursuant to section 15-19 of this Code, it shall be unlawful for any person to park a motor vehicle on any designated snow emergency route.
- (d) Upon information that a vehicle is parked, stalled, stuck or abandoned in the traffic lanes or travelways of any street within the town or otherwise obstructs or impedes snow removal operations by the town or parked on any snow emergency route in violation of subsection (c), during the time a snow emergency is in effect pursuant to section 15-19 of this Code, a police officer may authorize immediate removal and storage of any such vehicle.
- (e) The cost of removing and storing any vehicles towed or otherwise removed pursuant to subsection (d) shall be charged to the owner and shall be due and payable prior to the release of any such vehicle to the owner.
- (f) Any person convicted of any violation of any provision of this section shall be fined not more than fifty dollars (\$50.00) for each offense.

(Ord. of 10-13-15)

Secs. 15-22—15-27. - Reserved.

ARTICLE II. - EXCAVATIONS

Sec. 15-28. - Application of article generally.

The provisions of this article shall apply only to those streets and sidewalks that are maintained by the town.

Sec. 15-29. - Article not applicable to work done by town forces.

The provisions of this article shall not apply to work done by town forces under the supervision of the town manager.

(Code 1971, § 15-24)

Sec. 15-30. - Violations of article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 1 misdemeanor.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

Sec. 15-31. - Permit.

- (a) No person, unless specially authorized by the council, shall take up or remove any portion of the surface of any sidewalk or street or excavate in any street or sidewalk of the town without a written permit from the town manager, who shall not refuse such permit to any applicant except for cause. In case of such refusal, the applicant may appeal to the council.
- (b) Before a permit required by this section is granted, the town manager may require a deposit sufficient to pay for resurfacing the street or sidewalk to be disturbed, the amount of such deposit to be determined by the town manager.
- (c) Every person who makes application for a permit under this section shall be deemed to have assented thereby to all the provisions and terms of this article, including the right of the town to collect the actual cost of replacing the pavement or other sidewalk or street surface.

(Code 1971, §§ 15-19, 15-20)

Sec. 15-32. - Work to be prosecuted without delay; notice of completion.

It shall be the duty of every person to whom a permit required by section 15-31 is granted to institute at once and prosecute without delay the work for which the permit was obtained, and promptly, on its completion, give written notice thereof to the town manager.

(Code 1971, § 15-21)

Sec. 15-33. - Protective barriers and lights; responsibility for damages.

Any person to whom a permit required by this article is granted shall place guards or barriers around the excavation in question and shall protect it by warning lights at night, and shall be responsible for damages to persons or property caused by such excavation until taken in charge by the town manager.

(Code 1971, § 15-23)

Sec. 15-34. - Replacing surface.

No pavement or sidewalk or street surface shall be replaced, after being taken up pursuant to a permit issued by this article, by any person except under the direction of the town manager. If the permit holder fails to resurface the street or sidewalk promptly and in a manner approved by the town manager, the town manager is authorized to cause such work to be done at the expense of the permit holder.

(Code 1971, § 15-22)

ARTICLE III. - CONSTRUCTION AND REPARATION OF SIDEWALKS, CURBS AND GUTTERS

Sec. 15-35. - Filing of application by property owner.

Any person who desires to have a sidewalk and/or curb and gutter constructed or repaired in front of his or her property within the town shall first make written application therefor to the town manager.

(Ord. of 7-12-83; Ord. of 10-11-83)

Sec. 15-36. - Minor repairs.

In such cases where, as determined by the town manager, only minor repairs are required, the provisions below may be waived provided that written agreement is obtained between the landowner and the town to the effect that all repair costs associated thereto will be divided on a fifty-fifty basis. All minor repairs will be approved by the sidewalks committee chairman.

(Ord. of 7-12-83; Ord. of 10-11-83)

Sec. 15-37. - Duty of town manager when application for new construction is filed.

If applications from less than three-fourths of the property owners on either side of any block of any street within the town are filed for new construction of sidewalks and/or curbs and gutters pursuant to [section 15-35](#), the town manager shall disapprove the project unless specifically authorized by the town council to construct the improvements sought. If applications from three-fourths or more of the property owners on either or both sides of any block of any street within the town are filed pursuant to [section 15-35](#), the town manager shall report same to the town council. If the council approves the applications the town manager shall proceed to construct the sidewalk and/or curb and gutter, upon the terms and conditions set forth in this article and complied with by persons filing such applications, and at such time as the forces and monies of the town are available.

(Ord. of 7-12-83; Ord. of 10-11-83)

Sec. 15-38. - Duty of town manager when application for repairs is filed.

If applications from less than two (2) adjacent property owners on either side of any street within the town are filed for repairs to existing sidewalks and/or curbs and gutters pursuant to [section 15-35](#), the town manager shall disapprove the project unless specifically authorized by the town council to construct the improvements sought. If applications from two (2) or more adjacent property owners on either or both sides of any street within the town are filed pursuant to [section 15-35](#), the town manager shall proceed to repair the sidewalk and/or curb and gutter upon the terms and conditions set forth in this article and complied with by persons filing such applications, and at such time as the forces and monies of the town are available.

(Ord. of 7-12-83; Ord. of 10-11-83)

Sec. 15-39. - Design specifications and standards.

The construction or repair of a sidewalk and/or curb and gutter shall be in conformance with applicable provisions of the state department of highways manual entitled, "Road Design and Standards" as in force upon the date of the council's approval of the applications in question.

(Ord. of 7-12-83; Ord. of 10-11-83)

Secs. 15-40, 15-41. - Reserved.

Editor's note— An ordinance adopted March 12, 1991, repealed §§ 15-40 and 15-41. Prior to being repealed, such sections pertained to payment of costs and assessments for mandatory improvements, respectively, and derived from an ordinance adopted July 23, 1983 and an ordinance adopted October 11, 1983.

Sec. 15-42. - Responsibilities of state department of highways and transportation.

The provisions of this article shall not be construed to relieve the state department of highways and transportation of its responsibilities for maintenance and repair of any existing sidewalks and/or curbs and gutters so maintained by the department.

(Ord. of 7-12-83; Ord. of 10-11-83)

Sec. 15-43. - Responsibilities of subdivider.

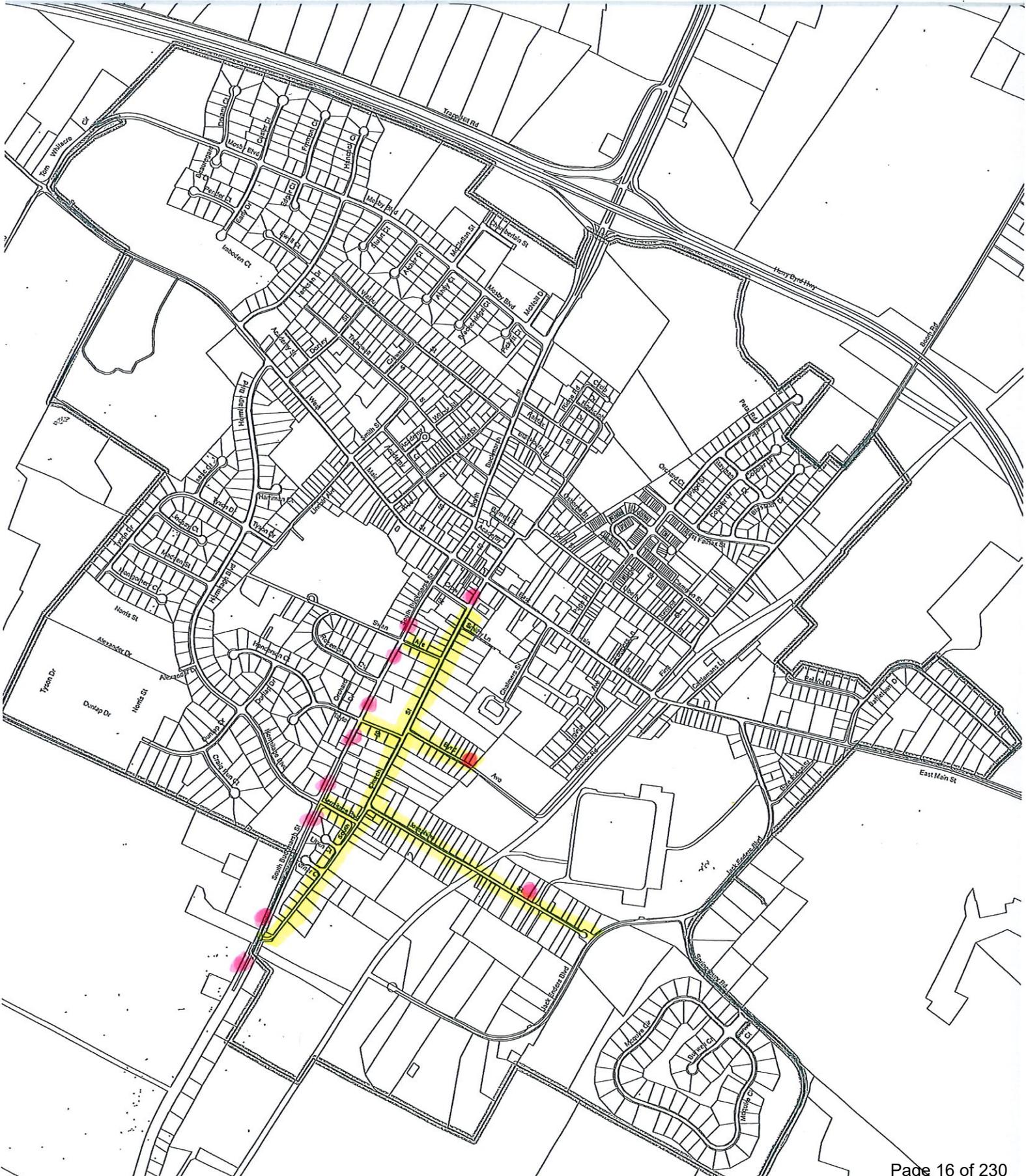
The provisions of this article shall not be construed to relieve a subdivider of his responsibilities as provided in the town's subdivision ordinance as it relates to the new construction of sidewalks, curbs and gutters and storm drain systems.

(Ord. of 7-12-83; Ord. of 10-11-83)

Sec. 15-44. - Provisions may be waived in commercial district.

The provisions of this article may be waived for any area within a commercial district, as defined by the town zoning ordinance, if it is determined by the town council to be in the public interest to do so.

(Ord. of 1-8-85)



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.

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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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Berryville Town Council Item Report Summary June 13, 2023

Item Title:

Consent Agenda: Approval of Minutes

Prepared By:

Town Clerk

Background/History General Information

A consent agenda is a tool utilized by the Town Council for grouping routine business and reports into one agenda item. Any Council member may, as a matter of privilege, remove an item from the consent agenda and have it replaced with another agenda item.

Findings/Current Activity

The consent agenda comprises one item to be considered for approval:

Minutes of the 05.09.2023 Town Council regular meeting

Financial Considerations

None.

Schedule/Deadlines

Timely approval of minutes is preferable, but no deadline for such approval exists.

Other Considerations

None

Attachments

1. Consent Agenda

Recommendation

Approval.

Sample Motion

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

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
May 9, 2023
7:00 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Vice Mayor; Diane Harrison; Ryan Tibbens. Absent—Grant Mazzarino and William Steinmetz

Staff: Present--Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

Mr. Tibbens moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations, Awards, and Recognitions

None.

5. Public Hearings

Proposed Fiscal Year 2023-24 Budget

Mr. Dalton said there would be no tax increase and that he had nothing further to add to the public hearing notice. Mayor Arnold opened the hearing at 7:02 p.m. and closed it immediately upon ascertaining that no one wished to address the meeting or discuss the matter.

Proposed Changes to the Town's Schedule of Water and Sewer Fees and Charges

Mr. Dalton said the proposed changes represented the fifth adjustment in a five-year series prompted by the results of a 2019 utility rate study conducted by an engineering firm, and briefly summarized the **attached** schedule of fees and charges.

Mayor Arnold opened the hearing at 7:04 p.m., and Deborah Liggins addressed the meeting, saying the proposed increases would work hardship upon persons living on fixed incomes. In the absence of further comment, Mayor Arnold closed the hearing at 7:05 p.m.

Proposed amendment to Berryville Code Sec. 10-64.1: Two Hours' Free Parking in Time-Restricted or Metered Spaces

Mr. Dalton recollected that citizen concerns had prompted prior discussion by the Public Safety Committee and the full Council of the possibility of extending the time limit for handicapped parking from two hours to four as permitted by the Virginia Code, and that the Council had decided in its April meeting to schedule the present public input opportunity.

Business owner Marcus Brennan said he was handicapped had experienced increasing difficulty with the distance between his car and his place of business, and that his concerns had prompted discussion of the matter. He said time limits are for shoppers, not for merchants, and also said the Town needs more handicapped parking spaces. He said the Town had actively sought to expand its residential opportunities for senior citizens but had not augmented parking availability accordingly.

In the absence of further comment, Mayor Arnold closed the hearing at 7:09 p.m.

6. Discussion of Public Hearing Items

Mr. Dalton said he had spoken with Mr. Brennan, and noted that the purpose of metered parking is turnover of users. He acknowledged that spaces are limited, but explained that safety considerations prohibit the easy and generous assignment of parking spaces for exclusive use by the handicapped. He said he would discuss possibilities on Main and Buckmarsh Streets with the Virginia Department of Transportation.

Ms. Harrison moved that the Council of the Town of Berryville approve the attached ordinance amending Berryville Code Sec. 10-64.1. The motion passed by unanimous voice vote.

As indicated in the agenda, action on the other items was to be deferred until the June 13 meeting.

7. Citizens' Forum

Amanda Koman, legal counsel for the owners of the property at 112 Josephine Street, thanked the Council for acknowledging the work her clients had performed in response to the Council's finding that the property was blighted, and said they were attempting to establish a non-profit organization to fund the restoration of the log cabin. Ms. Koman asked the Council for a vote acknowledging the requirements that have been met.

8. Consent Agenda

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

Vice Mayor Gibson moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

9. Unfinished Business

Ms. Petti enumerated the needed amendments to the new employee handbook approved by the Council in its April meeting, adding that the reference to January 1 should be updated to read January 15.

Vice Mayor Gibson moved that the Council of the Town of Berryville amend the Town of Berryville Employee Handbook as recommended on the attached markup. The motion passed by unanimous voice vote.

10. New Business

None.

11. Council Member Reports

None of the members had anything to report.

12. Staff Reports

Nothing was added to the written reports for Public Works, Utilities, Police, or Administration and Finance.

Community Development

Ms. Dunkle said work was proceeding on the wayfinding signage project and with sidewalk work on Mosby Boulevard and East and West Fairfax Streets.

Deputy Town Manager

Ms. Petti said the matter of short-term rentals, discussed in the March meeting and having been addressed by both the Community Development Committee and the Public Safety Committee, had come before the Planning Commission on March 28, with the latter body recommending further revision subsequently undertaken by the Community Development Committee on April 25. She asked

the Council to consider the **attached** text amendments and forward any desired revisions to staff or the Planning Commission.

Ms. Petti also provided an update on the Hogan's Alley improvement project. There was a brief discussion of the mural and the commemorative plaque.

Town Manager

American Rescue Plan Act of 2021 Update

Mr. Dalton added nothing to his written report beyond saying that projects on Josephine Street were proceeding well and that North Church, Osborn, and Bundy Streets would follow.

Blight Abatement Update

Ms. Harrison moved 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 motion passed by unanimous voice vote.

Mr. Dalton provided updates on the other blighted properties as follows:

The owner of 225 Josephine Street had secured a zoning permit for an accessory building to erect on the property but had not secured a building permit for that building. A demolition permit had been secured for the dwelling. The approved plan requires that the dwelling be demolished and the site cleaned by December 15, 2023.

The southern portion of the building at 12 First Street had 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.

The dwelling at 14 Josephine Street had been razed, but the building materials had not been removed from the site. Mr. Dalton said prompt attention to the matter was critical because of paving to be performed soon in the area, but that after multiple delays work appeared to be proceeding. He said he would take action if it remained incomplete at the end of the week

Town staff were still working with a representative of the owner of 229 Josephine Street and the owner of 203 and was of the opinion that the discussions were progressing well.

Mr. Tibbens and Mr. Dalton briefly discussed the timeline of the blight abatement process for 229 and 203 Josephine Streets.

13. Committee Updates

Budget and Finance

Vice Mayor Gibson had nothing to report.

Community Development

Mr. Tibbens said the committee had met on April 25 to discuss the 225 celebration, short-term rentals, and Hogan's Alley.

Personnel

Mayor Arnold said the committee recommended two candidates for appointment to the Tree Board.

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Loretta Allison to a term on the Tree Board to commence on June 1, 2023 and end on March 31, 2027. The motion passed by unanimous voice vote.

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Ariel Firebaugh to a term on the Tree Board to commence on June 1, 2023 and end on March 31, 2027. The motion passed by unanimous voice vote.

Public Safety

Mr. Mazzarino was absent.

Streets and Utilities

Ms. Harrison said the committee had met on April 25 to discuss truck traffic on South Church Street

and stormwater, and that staff had researched the possibility of an ordinance restricting truck length in certain areas.

Ms. Harrison moved that the Council of the Town of Berryville set a public hearing on truck restrictions on South Church Street 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. The motion passed by unanimous voice vote.

14. Other

Mr. Tibbens initiated a discussion of parking on East Main Street, explaining that some of the markings are not clear and appear to be left over from defunct businesses. Ms. Harrison concurred. Mr. Dalton said curbs would be painted soon and that staff would look into the matter.

Vice Mayor Gibson and Mr. Dalton briefly discussed minor changes to a document on fund reserves issued to the Council prior to the meeting.

15. Closed Session

Vice Mayor Gibson moved that the Council of the Town of Berryville enter closed session in accordance with §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 §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of an employee of the Town Council. The motion passed by unanimous voice vote.

The Council entered closed session at 7:52 p.m.

Vice Mayor Gibson moved that the Council adopt the **attached resolution certifying the closed session. The motion passed by unanimous roll-call vote.**

The Council returned to open session at 9:26 p.m.

Mr. Dalton secured the Council's permission to have Ms. Dunkle provide a copy of appropriate zoning regulations to the legal counsel of the owners of 112 Josephine Street as a courtesy related to their intention to pursue use of the site as a museum.

16. Adjourn

The Council adjourned at 9:29 p.m. on a motion by Vice Mayor Gibson.

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

TOWN COUNCIL SIGN-UP SHEET

Public Hearing
Tuesday, May 9, 2023
7:00 p.m.

Proposed Changes to Schedule of Water and Sewer Fees and Charges

Name: _____ **Town of Berryville Resident?**

<i>Dee Dee Liggins</i>	Yes	No
_____	Yes	No

TOWN COUNCIL SIGN-UP SHEET

Public Hearing
Tuesday, May 9, 2023
7:00 p.m.

Proposed Amendment to Town Code Sect. 10-64.1: Two Hours' Free Parking in Time-Restricted or Metered Spaces

Name: _____ **Town of Berryville Resident?**

<u>Marcus Brennan</u>	<u>Business Owner</u>	Yes	<input checked="" type="radio"/> No
<u>Amanda Korman</u>		Yes	<input checked="" type="radio"/> No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No
_____		Yes	No

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, May 9, 2023

7:00 p.m.

Name: _____ **Town of Berryville Resident?**

<i>Amanda Roman</i>	Yes	No
_____	Yes	No

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

~~Effective November 17, 2022~~

Proposed to be effective November 21, 2023

I. USER FEES

A. WATER

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

B. SEWER

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

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water ~~\$18.07~~ 24.35

Sewer ~~\$9.65~~ 12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: \$270 285

Residential: multi-family with master meter: \$215 230 per unit

Business/Commercial excluding restaurants and laundries: \$270- 285

Restaurant: \$865 880*

Laundry: \$4,590 4,605*

Institutional: \$1,610 1,625*

Industrial: \$5,630 5,645*

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

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

III. AVAILABILITY FEES

A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	-\$ 15,250	-\$ 19,060	Meter Fee
3/4	1.5	\$ 22,875	-\$ 28,590	Meter Fee
1	2.5	-\$ 38,125	-\$ 47,650	Meter Fee
1.5	4.375	-\$ 66,719	-\$ 83,388	Meter Fee
2	8	-\$ 122,000	-\$ 152,480	Meter Fee
3	16	-\$ 244,000	-\$ 304,960	Meter Fee
4	25	-\$ 381,250	-\$ 476,500	Meter Fee
6	50	-\$ 762,500	-\$ 953,000	Meter Fee

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

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 16,226	\$ 20,283	Meter Fee
3/4	1.5	\$ 24,339	\$ 30,424	Meter Fee
1	2.5	\$ 40,565	\$ 50,707	Meter Fee
1.5	4.375	\$ 70,989	\$ 88,738	Meter Fee
2	8	\$ 129,808	\$ 162,264	Meter Fee
3	16	\$ 259,616	\$ 324,528	Meter Fee
4	25	\$ 405,560	\$ 507,075	Meter Fee
6	50	\$ 811,300	\$ 1,014,150	Meter Fee

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

Notes:

(a) Multi-family residences are defined as any master-metered group of apartment, townhouse, condominium, or other residential units with each unit having separate kitchen facilities.

(b) In cases in which a master meter serves multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of A) an amount derived by multiplying .8 by the applicable water availability fee for demand ratio 1 times the total number of residential and

commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

(c) Meter fee is calculated by adding the cost of the meter and a 30% (of meter cost) handling fee.

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 16,375	\$ 20,470
3/4	1.5	\$ 24,563	\$ 30,705
1	2.5	\$ 40,938	\$ 51,175
1.5	4.375	\$ 71,641	\$ 89,556
2	8	\$ 131,000	\$ 163,760
3	16	\$ 262,000	\$ 327,520
4	25	\$ 409,375	\$ 511,750
6	50	\$ 818,750	\$ 1,023,500

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

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 17,423	\$ 21,779
3/4	1.5	\$ 26,134	\$ 32,668
1	2.5	\$ 43,557	\$ 54,447
1.5	4.375	\$ 76,226	\$ 92,283
2	8	\$ 139,384	\$ 174,232
3	16	\$ 278,768	\$ 348,464
4	25	\$ 435,575	\$ 544,475
6	50	\$ 871,150	\$ 1,088,950

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

IV. LATERAL OR CONNECTION FEES

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

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

V. INSPECTIONS

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

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: ~~\$300~~ 325

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: ~~\$150~~ 175

Laterals 50 Feet in Length or Greater: ~~\$150~~ 175 plus \$3.00 per linear foot

B. Inspections

Town staff: ~~\$65~~ 70 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

~~\$65~~ 70 per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

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

Hydrant flow tests: Hydrant flow tests must be scheduled with the Director of Public Works no less than three work days in advance of test. Contractor will supply gauges and will be responsible for recording results. Town personnel will operate hydrant.

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

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

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

Meter deposit: \$1,500 (deposit refunded upon return of undamaged meter)

Note: Usage metered through hydrant meters will be billed for both water and sewer user fees.

IX. UNAUTHORIZED USE OF SERVICE

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

Approved by Town Council on September 13, 2022. _____

AN ORDINANCE ADOPTING
CHANGES TO AN ORDINANCE SECTION OF THE BERRYVILLE
CODE – MOTOR VEHICLES AND TRAFFIC

BE IT ORDAINED, by the Council of Town of Berryville, that the Code of the Town of Berryville, is amended by amending Section 10-64.1 as follows:

Sec. 10-64.1. - ~~Two~~ Four hours' free parking in time-
restricted or metered spaces.

- (a) The disabled person, vehicle owner, volunteer or employee for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or to whom disabled parking license plates have been issued under the Code of Virginia, § 46.2-739(B) shall be allowed to park the vehicle on which such license plates or placards are displayed for up to ~~two~~ four hours in metered or unmetered parking zones restricted as to the length of time permitted and shall be exempted from paying parking meter fees of the town.
- (b) This section shall not apply to zones where stopping, standing, or parking is prohibited, or parking zones for special types of vehicles, or where parking would clearly present a traffic hazard.

(Ord. of 1-9-18(2))

State Law reference— Similar provision, Code of Virginia § 46.2-1245.

VOTE:

Aye - *Unanimous voice vote*

Nay -

Absent - *Mazzardo, Stebmetz*

ATTEST: 
Erecka L. Gibson, Vice Mayor

DATE: 5/9/23

BERRYVILLE TOWN COUNCIL

MOTION TO ADOPT REVISIONS TO EMPLOYEE MANUAL

Date: 9 May 2023

Motion By: Gibson

Second By: —

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

VOTE:

Aye: Unanimous voice vote

Nay:

Absent: Steinmetz, Mazzuca

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



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)

Town of Berryville

Town Council

MOTION TO ENTER CLOSED SESSION

Date: May 9, 2023

MOTION BY: *Gibson*

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: *Unanimous voice vote*

Nay:

Attest: _____

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL

MOTION

CLOSED SESSION RESOLUTION

DATE: May 9, 2023

MOTION BY: Gibson

SECOND BY: _____

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

Resolution

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

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

VOTE:

Aye: Unanimous roll-call vote

Nay:

Absent/Abstain: Stimmetz, Muzzardo

ATTEST: _____

Erecka L. Gibson, Vice Mayor

Berryville Main Street

June 6, 2023

Town Council Monthly Report

Prepared by: Christina Kraybill

April (missed the packet deadline)

- Upstairs tenant moved into the incubator.
- Submitted CAMS report regarding progress on the Hogan's Alley project.
- Berryville Yard Sales event was a success.
- Met with Blaire Buerger at BMS office as a follow-up to our CAMS report.
 - Result of meeting: deadline extension of the Hogan's Alley project & an offer for additional funding
- Met with Jean Petti regarding Hogan's Alley.
- Board meeting held 3rd Tuesday.
- Spoke at the Rotary Club.
- Met with Sarah from the Barns of Rose Hill regarding on-going partnership.

May

- Met with Chris Boies regarding Economic Development Director vacancy.
- Met with Jean Petti regarding Hogan's Alley.
- Social media "Shop Local First" campaign leading up to Mother's Day.
- Board meeting held 3rd Tuesday.
- Music in the Park prep began for the summer concert series.
 - June & July are filled. August is still being worked on.
- All planters filled & sponsor signs displayed.
- Shoulder-taped business with private planters to get them filled in time for Memorial Day & the parade.
- Provided support for the Berryville 225 parade & picnic.
- Created a FB group for Berryville brick & mortar businesses to communicate.
- Hogan's Alley
 - Deadline extension now May 31, 2024
 - Total DHCD funding now \$9000 + \$3500 in kind match, all DHCD funds have been received.

Report of the Department of Public Works

June 6, 2023

General Information

This year's paving and concrete offerings were advertised and Mr. Dalton is working to finalize contracts with two firms that would complete this work.

The ARPA utility improvement projects are progressing very well. All the new water main and water laterals for Josephine Street have installed and in service. The bore under the tracks to connect the new line has been delayed. GEI was informed last week that the bore should be completed sometime in June, but other higher priority projects have preempted this work.

GEI has begun installing the new water main on North Church Street. They will continue on North Church and make the connection on North Buckmarsh before installing the water line and pump station on Osborne Street.

Water

As I mentioned in last month's report, we had scheduled the replacement of the water meters in Chet Hobert Park for the 10th of May. This project went well and the new meters and meter setters have been installed.

We have just received the replacement water meter for Cooley Upper Campus. This project is planned for the week of June 12th.

Sewer

We experienced a sewer pump station failure at the South Buckmarsh Street pump station. An electric solenoid valve failed on pump two, which disabled the vacuum pump from working. We replaced the valve and returned the pump station to normal operation.



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: 06/02/2023
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 06/13/2023

Monthly Activity Report

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

Public Safety Committee

The Public Safety Committee did not meet in May.

Staffing

Officer Jaclyn Saldana successfully completed the basic law enforcement academy and has begun her department field training. The field training process will take twelve weeks to complete.

Officer Ryan Keyser submitted his resignation, effective June 4, 2023, in order to take a position with another local law enforcement agency. With this resignation we will initiate another application process to fill the vacancy. If the candidate selected is not currently state certified, the next basic law enforcement academy will not begin until January 2024.



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W. Neal White – Chief of Police

Police and Security Report

Month/Year: May	Year To Date 2023	May 2023	April 2023
<u>Complaints Answered</u>			
911 Hang Up:	5	3	1
Alarms:	33	3	8
Animal Complaint:	55	15	12
Assault:	12	3	1
Assist County:	59	16	23
Assist EMS and Fire:	53	9	9
Auto Larceny:	0	0	0
Burglary:	2	1	0
Civil Complaints:	41	9	7
Disturbance:	12	2	3
Domestic Disturbance:	16	3	5
Driving Under the Influence	3	1	0
Drunk In Public:	0	0	0
Fraud:	13	2	3
Larceny:	19	5	0
Harassment/Intimidation:	6	2	1
Homicide:	0	0	0
Identity Theft	3	1	1
Juvenile Related:	16	1	3
Mental Health Crisis:	49	6	5
Narcotics Related:	1	0	0
Noise	14	1	3
Public Service:	1	0	1
Sexual Assault:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	47	8	8
Trespassing:	3	2	0
Vandalism:	16	3	3
Welfare Check:	46	7	13
Miscellaneous Complaints:	276	67	49
Total Complaints Answered:	801	170	159



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Police and Security Report (Continued)

	Year To Date 2023	May 2023	April 2023
<u>Traffic</u>			
Accidents Investigated:	23	7	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	2	1	0
Funeral Escort:	14	3	2
Hit & Run:	4	1	1
Parking Tickets:	98	0	6
Traffic Warnings:	90	19	27
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	1	1	0
Expired Inspection:	3	2	1
Expired Registration:	1	0	0
Fail to Obey Highway Sign:	27	6	5
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	1
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	5	3	1
No Seat Belt:	0	0	0
Reckless Driving:	1	0	0
Speeding:	27	5	8
Miscellaneous Summons:	4	0	0
Total Traffic Summons Issued:	71	17	16
<u>Found Open at Businesses in Town</u>			
Doors:	5	2	0
Windows:	0	0	0
Garage Doors:	0	0	0



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2023	May 2023	April 2023
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	11	2	2
Assault and Battery on Police Officer:	2	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	2	1	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	0	1
Fraud:	4	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	5	5	0
Larceny:	1	0	0
Possess Alcohol Underage:	1	0	1
Protective Order Violations:	6	2	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	19	0	0
Trespassing:	0	0	0
Vandalism:	4	1	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	18	2	4
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	75	13	8



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2023	May 2023	April 2023
<u>Response to Resistance</u>			
Total Community Interface	1064	227	214
Total Enforcement Contacts	237	49	51
Physical Custody	13	5	2
Reported Force Involved	2	1	0
Administrative Review - Justified	2	1	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	2	1	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	5	2	1
Black Male	5	2	0
Other Male	0	0	0
White Female	3	1	1
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary

June 13, 2023

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission held a meeting on Tuesday, May 23, 2023 at 7:00 p.m. They set a public hearing for text amendments to Article I Definitions of the Berryville Zoning Ordinance to define “short-term rentals” and to require a special use permit in residential and certain commercial zoning districts. The public hearing will be held at their next meeting on Tuesday, June 27, 2023 at 7:00 p.m.

Berryville Area Development Authority

The BADA did not hold a meeting in May. Their next meeting is scheduled for Wednesday, August 2, 2023 at 6:00 p.m. when they will begin the update process of the Berryville Area Plan.

Architectural Review Board

The ARB met on Wednesday, May 10, 2023 and reviewed the following items:

Architectural Review

Kevin Denison, Owner, is requesting a Certificate of Appropriateness in order to construct an accessory structure on his property located at 304 West Main Street, identified as Tax Map Parcel number 14A1-((3))-2A, zoned R-1 Residential. *Approved as presented.*

Sign Review

Babs Olawuyi, Applicant, is requesting a Certificate of Appropriateness in order to install a sign for Hava Oaks Medical located at 1 West Main Street, identified as Tax Map Parcel number 14A5-((A))-10, zoned C General Commercial. *Approved as presented.*

They also discussed Berryville Main Street’s efforts to make improvements to Hogan’s Alley. Their next meeting is scheduled for Wednesday, July 5, 2023 at 12:30 p.m.

Tree Board

The Tree Board has not met since the last Council meeting. Their next scheduled meeting is on Wednesday, July 5, 2023 at 7:00 p.m.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary

June 13, 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
- Final paving is anticipated this summer
- 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
- Barricades on Tyson and Dunlap drives will be removed for through traffic on July 5

Commercial Site Plan – 410 Jack Enders Boulevard

- Site work on the second building pad is underway

ADMINISTRATION/FINANCE

Cash Balance Report

Period Ending 5/31/2023

Town of Berryville

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Bank 1	Bank of Clarke Operating Acct#- 1138499	
	Account	Balance
	100-1140000-0000 B/C OPR	-\$44,372.68
	501-1140000-0000 B/C OPR	-\$187,954.34
	502-1140000-0000 B/C OPR	-\$12,853.77
	Bank 1	Total: -\$245,180.79
Bank 2	Bank of Clarke NOW Acct#- 1138502	
	Account	Balance
	100-1149000-0000 B/C NOW	\$9,225,012.89
	501-1149000-0000 B/C NOW	\$1,074,435.97
	502-1149000-0000 B/C NOW	\$6,282,915.15
	Bank 2	Total: \$16,582,364.01
Bank 3	Bank of Clarke Payroll Acct#- 1139510	
	Account	Balance
	100-1121000-0000 CASH/ BC PAYROLL	\$39,628.39
	501-1121000-0000 CASH/BC PAYROLL	\$461.65
	502-1121000-0000 CASH/BC PAYROLL	\$0.00
	Bank 3	Total: \$40,090.04
Bank 4	Bank of Clarke CIP Acct#- 1138405	
	Account	Balance
	100-1123000-0000 BC/CIP CD	\$607,453.84
	501-1123000-0000 BC/CIP	\$3,607,776.66
	502-1123000-0000 BC/CIP	\$3,995,177.04
	Bank 4	Total: \$8,210,407.54
Bank 5	Bank of Clarke SW Acct#- 1138413	
	Account	Balance
	100-1128000-0000 BC/SWMGT CD	\$472,074.24
	Bank 5	Total: \$472,074.24
Bank 6	Bank of Clarke PDAF Acct#- 1138421	
	Account	Balance
	100-1131000-0000 PD ASSET FORFEITURE	\$27,303.54
	Bank 6	Total: \$27,303.54
Bank 7	Bank of Clarke DSR Acct#- 1138456	
	Account	Balance
	100-1124000-0000 BC/RDA DEBT SER RES	\$111,773.03
	Bank 7	Total: \$111,773.03
Bank 8	Bank of Clarke PPTRA Acct#- 1138464	
	Account	Balance

Cash Balance Report

Period Ending 5/31/2023

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	100-1125000-0000 BC/PPTRA RES	\$32.30
	501-1125000-0000 BC/PPTRA RESERVE	\$0.00
	502-1125000-0000 BC/PPTRA RESERVE	\$0.00
	Bank 8	Total: \$32.30
Bank 9	Bank of Clarke RAU Acct#- 1138472	
	Account	Balance
	100-1145000-0000 BCC Rau Account	\$947.25
	Bank 9	Total: \$947.25
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	\$90,565.92
	501-1126000-0000 CASH/BC Proffers Reserve	\$0.00
	502-1126000-0000 CASH/BC Proffers Reserve	\$0.00
	Bank 11	Total: \$90,565.92
Bank 12	Bank of Clarke Performance Bonds Acct#- 1910841	
	Account	Balance
	100-1135000-0000 B/C PERFORMANCE BONDS	\$11,293.40
	Bank 12	Total: \$11,293.40
Bank 13	BB&T Acct#- 5137523525	
	Account	Balance
	100-1130000-0000 CASH/BB&T MM+	\$568,535.62
	501-1130000-0000 CASH/BB&T MM+	\$0.00
	502-1130000-0000 CASH/BB&T MM+	\$0.00
	Bank 13	Total: \$568,535.62
Bank 14	Bank of Clarke PD Contributions Acct#- 5759859	
	Account	Balance
	100-1133000-0000 PD Contributions	\$4,864.07
	Bank 14	Total: \$4,864.07
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

Cash Balance Report

Period Ending 5/31/2023

Town of Berryville

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100-1147000-0000 BC PSN Deposit Acct			- \$30.42
501-1147000-0000 BC PSN Deposit Acct.			\$10.65
502-1147000-0000 BC PSN Deposit Acct.			\$19.77
	Bank 16	Total:	\$0.00

Total Cash Balance:	\$26,345,070.17
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Check Listing

Date From: 5/1/2023 Date To: 5/31/2023
Vendor Range: 4IMPRINT, INC. - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
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Check Number	Bank	Vendor	Date	Amount
8089	1	TOWN OF BERRYVILLE	05/02/2023	<u>\$500,000.00</u>
8090	1	ArchiveSocial, Inc.	05/03/2023	<u>\$3,137.40</u>
8091	1	CORE & MAIN LP	05/03/2023	<u>\$33,694.99</u>
8092	1	DUNSWORTH MARIA CATHERINE 9711	05/03/2023	<u>\$42.26</u>
8093	1	EAHEART INDUSTRIAL SERVICES, INC	05/03/2023	<u>\$2,618.89</u>
8094	1	Grand Rental Station	05/03/2023	<u>\$711.00</u>
8095	1	HERRING SARAH NICOLE 3538	05/03/2023	<u>\$67.66</u>
8096	1	Keith Dalton	05/03/2023	<u>\$37.78</u>
8097	1	Red Bud Supply	05/03/2023	<u>\$388.95</u>
8098	1	SECURITY SAFETY PRODUCTS LLC	05/03/2023	<u>\$517.25</u>
8099	1	THE POLICE AND SHERIFFS PRESS	05/03/2023	<u>\$17.60</u>
8100	1	VALLEY ICE LLC	05/03/2023	<u>\$87.09</u>
8101	1	VUPS	05/03/2023	<u>\$136.60</u>
8102	1	BLOSSMAN GAS INC	05/09/2023	<u>\$526.38</u>
8103	1	FRAZIER & FRAZIER INC	05/09/2023	<u>\$2,730.00</u>
8104	1	Hall, Monahan, Engle, Mahan & Mitchell	05/09/2023	<u>\$4,932.50</u>
8105	1	Keith Dalton	05/09/2023	<u>\$50.00</u>
8106	1	LANGUAGE LINE SERVICES INC	05/09/2023	<u>\$5.12</u>
8107	1	Michelle M. Jones	05/09/2023	<u>\$760.00</u>
8108	1	SHERWOOD-LOGAN & ASSOC	05/09/2023	<u>\$11,470.28</u>
8109	1	The Hall Company	05/09/2023	<u>\$1,495.06</u>
8110	1	The Winchester Star	05/09/2023	<u>\$2,373.35</u>
8111	1	ANDERSON LAWN CARE, INC.	05/10/2023	<u>\$1,200.00</u>
8112	1	COMBS WASTEWATER MANAGEMENT LLC	05/10/2023	<u>\$75.00</u>
8113	1	CORE & MAIN LP	05/10/2023	<u>\$7,357.33</u>
8114	1	MARYLAND DEPT OF TRANSPORTATION	05/10/2023	<u>\$12.00</u>
8115	1	Nationwide Retirement Solutions	05/10/2023	<u>\$575.00</u>
8116	1	Stuart M. Perry, Inc	05/10/2023	<u>\$995.30</u>
8117	1	VALLEY REGIONAL ENTERPRISES, INC.	05/10/2023	<u>\$200.00</u>
8118	1	West Virginia DMV	05/10/2023	<u>\$15.00</u>
8119	1	ALLEN DARALYN BRAIG 9619	05/17/2023	<u>\$25.00</u>
8120	1	ALLEN MICHAEL D 3602	05/17/2023	<u>\$50.00</u>

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06/06/2023 11:24 AM

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Check Number	Bank	Vendor	Date	Amount
8121	1	DMV	VOIDED 05/17/2023	<u>\$216.00</u>
8122	1	General Excavation, Inc	05/17/2023	<u>\$177,563.38</u>
8123	1	LYNN JOSEPH L 3598	05/17/2023	<u>\$63.65</u>
8124	1	LYNN JOSEPH LLEWELLYN 3600	05/17/2023	<u>\$125.74</u>
8125	1	PENNONI ASSOCIATES INC	05/17/2023	<u>\$43,788.50</u>
8126	1	The Power Connection, Inc.	05/17/2023	<u>\$761.12</u>
8127	1	Treasurer of Frederick County	05/17/2023	<u>\$5,223.26</u>
8128	1	VIRASEC IT Support Services, Inc.	05/17/2023	<u>\$2,274.16</u>
8129	1	ECHOLS III ALTON COLES 8092	05/19/2023	<u>\$25.00</u>
8130	1	Keith Dalton	05/19/2023	<u>\$16.38</u>
8131	1	NANCY POLO	05/19/2023	<u>\$9,724.91</u>
8132	1	PENNONI ASSOCIATES INC	05/19/2023	<u>\$134.00</u>
8133	1	Select Specialty Products	05/19/2023	<u>\$1,581.39</u>
8134	1	The Hall Company	05/19/2023	<u>\$1,450.09</u>
8135	1	CONVERGINT TECHNOLOGIES	05/25/2023	<u>\$12,690.80</u>
8136	1	General Excavation, Inc	05/25/2023	<u>\$192,945.52</u>
8137	1	Gwen Malone	05/25/2023	<u>\$40.00</u>
8138	1	HUPE PATRICK DARNELL 7875	05/25/2023	<u>\$97.25</u>
8139	1	KARLA J CLAY	05/25/2023	<u>\$207.28</u>
8140	1	Kim S. Kemp	05/25/2023	<u>\$40.00</u>
8141	1	MICHAEL EUGENE BELL JR	05/25/2023	<u>\$40.00</u>
8142	1	Michelle K. Marino	05/25/2023	<u>\$40.00</u>
8143	1	NATALEE KATES	05/25/2023	<u>\$97.88</u>
8144	1	Nationwide Retirement Solutions	05/25/2023	<u>\$575.00</u>
8145	1	Sheryl Reid	05/25/2023	<u>\$40.00</u>
8146	1	Thomas Randall Parker Jr.	05/25/2023	<u>\$40.00</u>
8147	1	William Steinmetz	05/25/2023	<u>\$40.00</u>
8148	1	Kidwell Fencing	05/26/2023	<u>\$11,700.00</u>
8149	1	Minnesota Life Insurance Co.	05/26/2023	<u>\$194.13</u>
8150	1	PEACOCK STAR SERVICES	05/26/2023	<u>\$2,875.00</u>
8151	1	Broy & Son Pump Service, Inc	05/31/2023	<u>\$813.25</u>
8152	1	ENVIRONMENTAL PEST CONTROL	05/31/2023	<u>\$1,499.00</u>

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Check Number	Bank	Vendor	Date	Amount
8153	1	Treasurer of Clarke County	05/31/2023	<u>\$24,500.00</u>
8154	1	VALLEY ICE LLC	05/31/2023	<u>\$29.98</u>
66		Checks Totaling -		<u>\$1,067,757.46</u>

Totals By Fund

	Checks	Voids	Total
100	\$590,494.26	\$90.00	\$590,404.26
501	\$458,251.58	\$72.00	\$458,179.58
502	\$19,011.62	\$54.00	\$18,957.62
Totals:	\$1,067,757.46	\$216.00	\$1,067,541.46



Purchasing Card

BERRYVILLE TOWN OF
 [REDACTED]
 May 01, 2023 - May 31, 2023

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO Box 680441 Dallas, TX 75266-0441 TTY Hearing Impaired: Dial "711" Outside the U.S.: 1.509.353.6666 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 05/31/23 Payment Due Date 06/25/23 Days in Billing Cycle 31 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$98,199.45	Previous Balance \$87,815.55 Payments -\$87,815.55 Credits -\$199.00 Cash \$0.00 Purchases \$98,398.45 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 \$98,199.45

Important Messages
 Please do not send payment. Your automatic payment is scheduled to be credited to this account on 06/23/23.

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 Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
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8781555 9819945 9819945 4715291201837237

Account Number [REDACTED]
 May 01, 2023 - May 31, 2023

Total Payment Due \$98,199.45
 Payment Due Date 06/25/23

Enter payment amount



BANK OF AMERICA
 PO BOX 15731
 WILMINGTON, DE 19886-5731

BERRYVILLE TOWN OF
 STE A
 101 CHALMERS CT
 BERRYVILLE, VA 22811-1387

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

This is an electronic reproduction of your statement and may not contain all of the disclosures included with your original statement.

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>	<u>Outside the U.S.</u>
	1.888.449.2273	1.509.353.6656 (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
 May 01, 2023 - May 31, 2023
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Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK ██████████ 15,000	0.00	0.00	5,742.89	5,742.89
BRAITHWAITE, JAY ██████████ 500	0.00	0.00	8.00	8.00
BUSSERT, ERNIE ██████████ 50,000	0.00	0.00	14,504.71	14,504.71
CULP, PAUL ██████████ 5,000	0.00	0.00	965.12	965.12
DALTON, KEITH ██████████ 50,000	0.00	0.00	26,297.60	26,297.60
DORSEY, DANIEL ██████████ 500	0.00	0.00	52.19	52.19
DUNKLE, CHRISTY ██████████ 500	0.00	0.00	63.79	63.79
ELLIOTT, RALPH ██████████ 5,000	0.00	0.00	260.00	260.00
FERREBEE, DARRELL ██████████ 500	0.00	0.00	356.70	356.70
GREEN, CONNOR ██████████ 500	0.00	0.00	23.14	23.14
GRIFFITH, RICHARD A ██████████ 500	0.00	0.00	89.53	89.53
JOHNSON, KAREN ██████████ 1,000	0.00	0.00	0.60	0.60
JONES, DANIEL ██████████ 500	0.00	0.00	13.71	13.71
KERN, JODI ██████████ 5,000	0.00	0.00	2,205.00	2,205.00
LAMBERT, TRAE ██████████ 500	0.00	0.00	41.04	41.04
LINK, BRIAN ██████████ 5,000	0.00	0.00	171.95	171.95
MCCORMICK, HARRY ██████████ 500	0.00	0.00	16.65	16.65
MILLER, TAMARA ██████████ 50,000	0.00	0.00	43,350.28	43,350.28
MILLER, TERRY ██████████ 500	0.00	0.00	168.91	168.91
PETTI, JEAN ██████████ 15,000	0.00	0.00	150.00	150.00
POULIN, CYNTHIA ██████████ 1,000	0.00	0.00	222.00	222.00

Cardholder Activity Summary

Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
SHEETZ, CULLEN				
500	0.00	0.00	191.35	191.35
STOVER, KEITH				
5,000	0.00	0.00	1,785.80	1,785.80
WHITE, NEAL				
15,000	199.00	0.00	1,717.69	1,518.69

Transactions

Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF						
Account Number: [REDACTED]						Total Activity
						-\$87,815.55
05/23	05/23	AUTO PAYMENT DEDUCTION		0071		87,815.55
BOOR, RICK						Total Activity
Account Number: [REDACTED]						5,742.69
05/08	05/05	WWP*PEST MGMT SRVS. 703-723-2899 VA	24445003125300642523048	7342	74.00	
05/11	05/10	GRIFFITH ENERGY SERVIC 888-474-3391 MD	24941683130200757101492	4900	3,249.76	
05/15	05/12	BROY & SON PUMP SERVICE 540-9553928 VA	24073143134900019000017	1799	2,050.00	
05/15	05/14	WAL-MART #3344 WINCHESTER VA	24226363135091007171726	5411	42.08	
05/22	05/19	SHERWIN WILLIAMS 706251 WINCHESTER VA	24943003139981000253004	5231	97.87	
05/22	05/21	LOWES #02724* Winchester VA	24692163141100395845198	5200	199.60	
05/23	05/22	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973143091408000111	5251	29.38	
BRAITHWAITE, JAY						Total Activity
Account Number: [REDACTED]						8.00
05/25	05/23	GRAND RENTAL STATION WINCHESTER VA	24073143144900012900054	7394	8.00	
BUSSERT, ERNIE						Total Activity
Account Number: [REDACTED]						14,504.71
05/01	04/28	ATCO INTERNATIONAL 770-424-7550 GA	24559163118017027360274	5085	286.00	
05/01	04/28	IN *JOINER LABS, LLC 540-3477212 VA	24692163118104991047570	8734	2,453.50	
05/01	04/28	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973119091400000069	5251	21.02	
05/01	04/28	GRAINGER 877-2022594 IL	24755423119151195446810	5085	1,343.18	
05/01	04/28	MCMaster-CARR 630-834-9600 IL	24789303120759200105600	5085	76.14	
05/04	05/03	USABlueBook Atlanta GA	24793383123001126685859	5085	1,077.57	
05/04	05/02	MCMaster-CARR 630-834-9600 IL	24789303123776000157893	5085	65.26	
05/10	05/09	COYNE CHEMICAL 215-785-3000 PA	24137463129300739521595	5169	3,040.35	
05/10	05/09	COYNE CHEMICAL 215-785-3000 PA	24137463129300739521678	5169	966.60	
05/16	05/15	USABlueBook Atlanta GA	24793383135239686865851	5085	263.95	
05/17	05/16	PRIMO WATER 800-7285508 FL	24755423136281360709889	5999	113.24	
05/19	05/18	SHERWOOD LOGAN ASSOC 410-841-6810 MD	24493983139026469172068	5074	1,819.22	
05/23	05/22	COYNE CHEMICAL 215-785-3000 PA	24137463142300745649128	5169	826.60	
05/23	05/22	COYNE CHEMICAL 215-785-3000 PA	24137463142300745649201	5169	2,151.28	
GULP, PAUL						Total Activity
Account Number: [REDACTED]						965.12
05/01	04/28	STAPLS7608903492000001 877-8267755 NJ	24164073118105270219541	5111	112.39	
05/01	04/28	STAPLS7608862481000002 877-8267755 NJ	24164073118105970489188	5111	45.50	
05/01	04/29	STAPLS7608862481000001 877-8267755 NJ	24164073120105260489183	5111	4.75	
05/02	05/01	AMZN Mktp US*HM4Z320X2 Amzn.com/billWA	24692163121107094780447	5942	65.97	
05/02	05/01	AMZN Mktp US*HM9E72P21 Amzn.com/billWA	24692163121107440738041	5942	44.00	
05/03	05/02	AMZN Mktp US*HM4FG35L2 Amzn.com/billWA	24692163122108033768089	5942	7.89	
05/04	05/03	STAPLS7608903492000002 877-8267755 NJ	24164073123105970219547	5111	7.99	
05/05	05/05	AMZN Mktp US*PB00L94R3 Amzn.com/billWA	24692163126100148722942	5942	9.89	
05/05	05/05	Amazon.com*H132F9GB3 Amzn.com/billWA	24692163126100149151620	5942	11.99	
05/08	05/05	STAPLS7376238894000001 877-8267755 NJ	24164073126105040259786	5111	127.82	
05/11	05/10	STAPLS7609365564000001 877-8267755 NJ	24164073130105090215780	5111	50.98	
05/15	05/13	STAPLS7609676131000001 877-8267755 NJ	24164073134105120263343	5111	249.23	
05/17	05/16	Amazon.com*FQ8460D13 Amzn.com/billWA	24692163136109351965129	5942	25.58	
05/22	05/19	STAPLS7376785868000001 877-8267755 NJ	24164073139105180363269	5111	137.30	
05/25	05/24	VISTAPRINT 866-207-4955 MA	24492153144745222435710	2741	36.85	
05/29	05/27	STAPLS7376785868000002 877-8267755 NJ	24164073148105970363262	5111	26.99	
DALTON, KEITH						Total Activity
Account Number: [REDACTED]						26,297.60
05/22	05/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663139083711734928	4900	8,095.80	
05/22	05/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663139083728464170	4900	8,201.80	
05/22	05/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663139083721946942	4900	10,000.00	

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Transactions						
Posting Transaction	Date	Description	Reference Number	MCC	Charge	Credit
DORSEY, DANIEL						Total Activity
Account Number: [REDACTED]						52.19
05/10	05/09	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973130091402000187	5251	32.61	
05/12	05/11	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973132091408000215	5251	19.58	
DUNKLE, CHRISTY						Total Activity
Account Number: [REDACTED]						63.79
05/08	05/05	USPS PO 5107560300 BERRYVILLE VA	24137463126001661237605	9402	6.96	
05/29	05/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973147091406000549	5251	56.83	
ELLIOTT, RALPH						Total Activity
Account Number: [REDACTED]						260.00
05/18	05/17	BROY & SON PUMP SERVICE BERRYVILLE VA	24073143137900019300018	1799	260.00	
FERREBEE, DARRELL						Total Activity
Account Number: [REDACTED]						356.70
05/19	05/18	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973139091400000297	5251	62.70	
05/29	05/25	ANDERSON'S NURSERY BERRYVILLE VA	24061063146016028511009	5261	210.00	
05/29	05/26	ANDERSON'S NURSERY BERRYVILLE VA	24061063148016026130859	5261	84.00	
GREEN, CONNOR						Total Activity
Account Number: [REDACTED]						23.14
05/08	05/05	GIANT MARTINS #6558 BERRYVILLE VA	24692163125100000276781	5411	23.14	
GRIFFITH, RICHARD A						Total Activity
Account Number: [REDACTED]						89.53
05/01	04/28	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973119091400000176	5251	51.91	
05/11	05/10	GIANT MARTINS #6558 BERRYVILLE VA	24692163130104392271302	5411	15.12	
05/23	05/22	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973143091408000095	5251	17.62	
05/29	05/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973147091406000754	5251	4.88	
JOHNSON, KAREN						Total Activity
Account Number: [REDACTED]						0.60
05/03	05/03	Amazon web services aws.amazon.coWA	24692163123108526337186	7399	0.60	
JONES, DANIEL						Total Activity
Account Number: [REDACTED]						13.71
05/01	04/28	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973119091400000184	5251	13.71	
KERN, JODI						Total Activity
Account Number: [REDACTED]						2,205.00
05/03	05/02	VA DMV ONLINE BILLING PAY804-4977100 VA	24755423123731230895495	9399	500.00	
05/03	05/02	VA DMV ONLINE BILLING PAY804-4977100 VA	24755423123731230895552	9399	500.00	
05/03	05/02	VA DMV ONLINE BILLING PAY804-4977100 VA	24755423123731230895578	9399	500.00	
05/08	05/05	VA DMV ONLINE BILLING PAY804-4977100 VA	24755423126731266640184	9399	75.00	
05/16	05/15	USPS PO 5107560300 BERRYVILLE VA	24137463136001525107075	9402	126.00	
05/17	05/16	USPS PO 5107560300 BERRYVILLE VA	24137463137001536735616	9402	252.00	
05/23	05/22	MSFT * E0100NGB4S MSBILL.INFO WA	24430993142400811005849	5045	6.00	
05/23	05/22	MSFT * E0100NG510 MSBILL.INFO WA	24430993142400811041075	5045	246.00	
LAMBERT, TRAE						Total Activity
Account Number: [REDACTED]						41.04
05/02	05/01	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973122091406000183	5251	41.04	
LINK, BRIAN						Total Activity
Account Number: [REDACTED]						171.95
05/05	05/04	WAL-MART #3344 WINCHESTER VA	24226383125091008560713	5411	148.37	
05/26	05/25	COLLIFLOWER INC HQ 410-686-1200 MD	24435653145606000226697	5085	23.58	
MCCORMICK, HARRY						Total Activity
Account Number: [REDACTED]						16.65
05/18	05/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973138091408000084	5251	16.65	
MILLER, TAMARA						Total Activity
Account Number: [REDACTED]						43,350.28
05/02	05/01	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683121747007995503	4900	5,785.60	
05/02	05/01	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683121747007995511	4900	10,000.00	
05/02	05/01	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683121747007995164	4900	5,297.14	
05/02	05/01	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683121747007995206	4900	6,670.83	
05/04	05/04	COMCAST 800-COMCAST MD	24692163124109376913769	4899	122.91	
05/09	05/08	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663128083739800027	4900	7,835.60	
05/17	05/16	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663136083714980281	4900	4,191.82	
05/19	05/19	COMCAST 800-COMCAST MD	24692163139101171229874	4899	159.43	
05/22	05/19	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692163139101249835777	4814	1,083.95	
05/22	05/19	VERIZON BILL PAYMENT 800-VERIZON FL	24692163139101255775297	4814	430.74	
05/22	05/19	VERIZON BILL PAYMENT 800-VERIZON FL	24692163139101255775305	4814	200.36	
05/22	05/19	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663139083727353721	4900	1,565.00	
05/22	05/19	USPS PO 5107560300 BERRYVILLE VA	24137463140001667189240	9402	2.22	
05/31	05/30	USPS PO 5107560300 BERRYVILLE VA	24137463151001630173062	9402	4.68	

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Transactions

Posting Transaction									
Date	Date	Description	Reference Number	MCC	Charge	Credit			
MILLER, TERRY							Total Activity	168.91	
Account Number: [REDACTED]									
05/26	05/26	PANDA EXPRESS #3501 ROANOKE VA	24431063146838003576035	5814	15.00				
05/29	05/26	MCDONALD'S F22787 STRASBURG VA	24427333146720226884094	5814	10.34				
05/29	05/27	RESIDENCE INN ROANOKE ROANOKE VA	24692163147104883996350	3703	138.23				
		Arrival: 05/27/23							
05/29	05/26	CHICK-FIL-A #01107 ROANOKE VA	24427333147710008886697	5814	5.34				
PETTI, JEAN							Total Activity	150.00	
Account Number: [REDACTED]									
05/03	05/02	TVRC WWW.REGIONALCVA	24492163122000040732228	7392	150.00				
POULIN, CYNTHIA							Total Activity	222.00	
Account Number: [REDACTED]									
05/01	04/28	IN *TRUESHRED 888-7508783 VA	24692163118104991145002	7399	59.00				
05/05	05/04	THOMSON WEST *TCD 800-328-4880 MN	24692163124109812582806	8999	104.00				
05/31	05/30	IN *TRUESHRED 800-262-3246 CA	24692163150107343448264	7399	69.00				
SHEETZ, CULLEN							Total Activity	191.35	
Account Number: [REDACTED]									
05/01	04/28	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973119091400000168	5251	85.22				
05/15	05/12	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973133091408000139	5251	35.78				
05/19	05/18	GIANT MARTINS #6558 BERRYVILLE VA	24892163138100874305602	5411	15.12				
05/25	05/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973146091402000265	5251	5.38				
05/25	05/24	RED APPLE BERRYVILLE BERRYVILLE VA	24003223144752002236212	5542	49.85				
STOVER, KEITH							Total Activity	1,785.80	
Account Number: [REDACTED]									
05/03	05/02	LOWES #02724* Winchester VA	24692163122108131455399	5200	115.92				
05/03	05/02	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433122773300947516	5533	49.49				
05/16	05/15	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973136091404000080	5251	53.89				
05/18	05/17	LOWES #02724* Winchester VA	24692163137109874478146	5200	608.88				
05/19	05/18	LOWES #02724* Winchester VA	24692163138100654535808	5200	375.34				
05/19	05/17	GRAND RENTAL STATION WINCHESTER VA	24073143138900012300014	7394	108.90				
05/24	05/23	LOWES #02724* Winchester VA	24692163143101653451206	5200	473.38				
WHITE, NEAL							Total Activity	1,518.89	
Account Number: [REDACTED]									
05/01	04/28	AT&T PAYMENT 800-331-0500 TX	24055233119812419706327	4814	229.44				
05/04	05/03	AMZN Mktp US*Z90R60W53 Amzn.com/billWA	24692163123109022448534	5942	169.49				
05/08	05/06	GALLS 859-266-7227 KY	24435653126762765422949	5137	322.24				
05/11	05/10	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433130808201407911	5533	675.61				
05/19	05/18	AMZN Mktp US*BQ2JU4P43 Amzn.com/billWA	24692163138100903532952	5942	13.99				
05/19	05/18	NJ CRIMINAL 4029357733 NJ	74492153138852911268569	8244		199.00			
05/22	05/19	MESWARREN FIRE/LAWMEN 203-364-0620 CT	24055223139083703762940	5099	24.25				
05/22	05/19	VIRGINIA ASSOCIATION OF C804-2658227 VA	24639233139900016100043	8699	200.00				
05/31	05/31	AMZN Mktp US*3J9SY2L33 Amzn.com/billWA	24692163151107584182306	5942	19.69				
05/31	05/31	AMZN Mktp US*OX5594KJ3 Amzn.com/billWA	24692163151107597028777	5942	62.98				

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.

Town Council Report
13 June 2023

Item Title:

Reserved delivery vehicle parking in downtown Berryville

Prepared By:

Jean Petti

Background/History General Information

In response to a citizen inquiry, Town staff determined there is no extant policy regarding reserved parking spaces for delivery vehicles within the downtown Berryville parking enforcement area.

Findings/Current Activity

A longtime downtown business, for which deliveries are an integral part of their scope of business, has one parking space designated as reserved. In order to provide direction for potential additional requests for similar consideration, Town staff has drafted a proposed ordinance and penalty.

Financial Considerations

Reservation payments are not anticipated to generate substantial revenue for Berryville. However, staff encourages fees be implemented which offset the cost of enforcement and loss of meter income. Staff recommends that expenses associated with establishing the reserved parking space (signage, etc.) be payable by the business that reserves the space, while the Town designs and installs the signs to ensure standardization.

Schedule/Deadlines

Timely action is recommended.

Attachments

1. Excerpt from current Berryville Town Code
2. Draft of proposed ordinance 10-57
3. Draft of proposed penalty 10-62
4. Motion and ordinance amending Sec. 10-57 and Sec. 10-62 of the Berryville Town Code

Recommendation

Approval.

Footnotes:

--- (4) ---

State Law reference— General authority of town to regulate parking, Code of Virginia, § 46.2-1220.

DIVISION 1. - GENERALLY

Sec. 10-48. - Parking prohibited in specified places.

- (a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
 - (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection, or within twenty (20) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of streets; unless parking within an officially designated and marked parking space.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) On a crosswalk.
 - (6) Within twenty (20) feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, no person shall park a vehicle within twenty (20) feet from the intersection of curb lines or, if none, within fifteen (15) feet of the intersection of property lines; unless parking within an officially designated and marked parking space.
 - (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
 - (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
 - (9) Within fifty (50) feet of the nearest rail of a railroad grade crossing. ^[5]
 - (10) Within fifteen (15) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when properly signposted.
 - (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
 - (12) On the roadway side of any vehicle parked at the edge or curb of a street. (Double parked)
 - (13) Upon any bridge or other elevated structure on a street or highway or within a tunnel.
 - (14) At any place where official signs prohibit parking.
 - (15) In any duly-identified parking space reserved for the handicapped by a vehicle which does not display a license plate, decal or special parking permit issued under the Code of Virginia, §§ 46.2-731, 46.2-739 or 46.2-1238, 1950, as amended.
 - (16) No person shall leave any vehicle, attended or unattended, or a portion or part thereof, upon the paved, improved or main-travelled portion of any highway when it is practicable to leave such vehicle standing off the paved, improved or main-travelled portion of such highway. If it is not practicable to leave such vehicle standing off the paved, improved or main-travelled portion of such highway, then such vehicle shall not be stopped or parked except close to and parallel to the right-hand edge of the curb or roadway; except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of the road on one-way streets or may be parked at an angle where permitted by the state highway and transportation board or the Town of Berryville with respect to streets and highways under their jurisdiction.
 - (17) It shall be unlawful for any person to park any vehicle across any line or marking designating a parking meter space, or to park any vehicle in any way that such vehicle shall not be wholly within a parking meter space as designated by such lines or markings.
- (b) No person, other than a police officer, shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful.

(Ord. of 1-9-18(2))

State Law reference— Parking in front of driveways, near fire hydrants, etc., Code of Virginia, § 46.2-1239.

Footnotes:

--- (5) ---

Cross reference— Standing vehicle on tracks so as to hinder or endanger moving train, § 14-3.

Sec. 10-49. - Parking of commercial vehicles in residential areas.

- (a) No person shall park or leave standing any commercial vehicle in any residentially zoned area of the town; provided that, during regularly scheduled school hours, school buses may be parked in such residentially zoned areas by their drivers for a continuous period not to exceed six (6) hours.
- (b) No vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous or hazardous materials shall be permitted to be parked or left standing in any residentially zoned area.
- (c) This section shall not be applicable to commercial vehicles picking up or discharging passengers or merchandise or pursuant to performance of work or service in residential areas.
- (d) For the purpose of this section, the term "commercial vehicle" shall mean a motor vehicle:
 - (1) In excess of twenty-two (22) feet in length; or
 - (2) In excess of ten (10) feet in height; or
 - (3) With a gross weight (GW), registered gross weight (RGW), empty weight (EW), or curb weight (CW) in excess of ten thousand (10,000) pounds; or
 - (4) With a manufacturers gross vehicle weight rating (MGVWR), gross vehicle weight rating (GVWR), or gross combined weight rating (GCWR) in excess of twenty thousand (20,000) pounds.
 - (5) The term shall include any semitrailers, construction equipment, cranes, well drilling apparatus and other heavy equipment; however, this section shall not prohibit parking of such equipment if being used for construction activities at sites where valid building or land disturbance permits are in force or such activity is otherwise allowed.
- (e) Any violation of this section shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00).

(Ord. of 1-9-18(2))

Sec. 10-50. - Parking and storage of travel trailers, boats etc., in residential areas.

Any owner of a travel trailer, motor home, boat and/or boat trailer, utility or cargo trailer in excess of ten (10) feet in length, truck camper, habitable bus or recreational vehicle may park or store such equipment in any residentially zoned area of the town provided that:

- (1) The vehicle has displayed all required licenses,
- (2) The vehicle is located no closer to any street than the principal structure; except that said vehicle may be parked closer to the street than the principle structure for a period not to exceed forty-eight (48) hours when the owner of the vehicle is a resident of the street and is arriving or departing on a journey utilizing the vehicle,
- (3) The vehicle does not exceed thirty-two (32) feet in length or nine (9) feet in height, and
- (4) The vehicle is not inhabited while parked in said residentially zoned area.

Any violation of this chapter shall constitute a misdemeanor punishable by a fine not to exceed twenty-five dollars (\$25.00).

(Ord. of 1-9-18(2))

Sec. 10-51. - Angle parking.

Upon those streets which have been marked for angle parking, as authorized in section 10-7, no person shall park a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings.

(Ord. of 1-9-18(2))

Sec. 10-52. - Lights on parked vehicles.

No lights need be displayed upon any vehicle when parked in the town in accordance with all applicable provisions of this chapter and other ordinances.

(Ord. of 1-9-18(2))

State Law reference— Authority for above section, Code of Virginia, § 46.2-1037.

Sec. 10-53. - Backing to curb.

No vehicle shall be backed to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

(Ord. of 1-9-18(2))

Sec. 10-54. - Manner of using loading zones.

Where a loading and unloading zone has been set apart pursuant to section 10-7, the following regulations shall apply with respect to the use of such zone:

- (1)

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zone are in effect. All delivery vehicles other than regular delivery trucks using such loading zone shall be identified by the owner's or company's name in letters three (3) inches high on both sides of the vehicle.

- (2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

(Ord. of 1-9-18(2))

Sec. 10-55. - Manner of using bus stops and taxicab stands.

Where a bus stop or taxicab stand has been set apart pursuant to section 10-7, no person shall stop, stand or park a vehicle, other than a bus, in a bus stop or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein, for the purpose of and while actually engaged in, the expeditious loading or unloading of passengers, when such stopping does not interfere with any bus or taxicab to enter or about to enter such zone.

(Ord. of 1-9-18(2))

Sec. 10-56. - Standing or parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof.

(Ord. of 1-9-18(2))

Secs. 10-57—10-61. - Reserved.

Sec. 10-62. - General penalty for parking violations; certification of contest of parking citation.

- (a) Unless otherwise provided, any person violating the provision of section 10-70 relating to parking in metered spaces shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of five dollars (\$5.00) within twenty-four (24) hours of such violation, or seven dollars (\$7.00) within fifteen (15) days of such violation. If payment for such violation is not received within fifteen (15) days, the fine shall be assessed at thirty dollars (\$30.00).
- (b) Unless otherwise provided, any person violating the provision of section 10-48(a)(1)–(17) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided however, that any such violation may be satisfied, in full, by payment to the town treasurer of ten dollars (\$10.00) within five (5) days of such violation.
- (c) Unless otherwise provided, any person violating the provisions of section 10-18(a) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.
- (d) All uncontested parking citations paid under this section shall be accounted for by the town treasurer.

(Ord. of 1-9-18(2))

State Law reference— §§ 46.2-613, 46.2-1157 and 46.2-1220.

Note— The penalty for unauthorized parking in spaces reserved for the handicapped is provided in Code section 10-64 and is authorized by the Code of Virginia, § 46.2-1242 B.1.

Sec. 10-63. - Procedure for delinquent parking citations.

- (a) The chief of police shall cause a complaint or summons to be issued for delinquent parking citations.
- (b) Notwithstanding the provisions of subsection (a) above, before any summons shall issue for the prosecution of a violation of this Code or other ordinance or regulation of the town regulating parking, the violator shall have been first notified, by mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice, and the chief of police shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed in the face thereof in type at least one-half inch in height.

(Ord. of 1-9-18(2))

State Law reference— Similar provisions, Code of Virginia, §§ 46.2-941, 46.2-1225—46.2-1229.

Sec. 10-64. - Parking in spaces reserved for persons with disabilities; issuance of summons by law-enforcement personnel.

- (a) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under the Code of Virginia, § 46.1-731, or DV disabled license plates issued under the Code of Virginia, § 46.2-739(B), to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle. A summons or a parking ticket for violation of this section may be issued by town police officers and other uniformed personnel employed by the town to enforce parking regulations without the necessity of a warrant's being obtained by the owner of any private parking area.
- (b) The penalty for violation of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(Ord. of 1-9-18(2))

Sec. 10-64.1. - Two hours' free parking in time restricted or metered spaces.

- (a) The disabled person, vehicle owner, volunteer or employee for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or to whom disabled parking license plates have been issued under the Code of Virginia, § 46.2-739(B) shall be allowed to park the vehicle on which such license plates or placards are displayed for up to two hours in metered or unmetered parking zones restricted as to the length of time permitted and shall be exempted from paying parking meter fees of the town.
- (b) This section shall not apply to zones where stopping, standing, or parking is prohibited, or parking zones for special types of vehicles, or where parking would clearly present a traffic hazard.

(Ord. of 1-9-18(2))

State Law reference— Similar provision, Code of Virginia § 46.2-1245.

Sec. 10-65. - Parking restrictions in the Rixey Moore parking lot.

Parking restrictions in the Rixey Moore parking lot are as follows:

- (1) All vehicles shall be parked within designated parking spaces only. No vehicles may be parked in a manner that occupies more than one (1) parking space. Parking in the travel way or in landscaped areas is prohibited.
- (2) Restrictions outlined in section 10-65(1) would not apply during events authorized by the town and conducted in accordance with conditions established by the town.
- (3) No vehicle may be parked for a period exceeding nine (9) consecutive hours.
- (4) Any violation of this section shall be punishable by a fine of twenty-five dollars (\$25.00) and the vehicle subject to towing at the owner's expense.

(Ord. of 1-9-18(2))

Sec. 10-66. - Reserved.

DIVISION 2. - PARKING METERS

Footnotes:

--- (6) ---

State Law reference— General authority of town to install and maintain parking meters, Code of Virginia, § 46.2-1220.

Sec. 10-67. - Establishment of meter zones and parking meter rates.

For the purpose of this division, the parking meter zones and parking meter rates shall be as established by resolution by the town council.

(Ord. of 1-9-18(2))

Sec. 10-68. - Marking of metered spaces and installation of meters; meter indications.

On streets designated as parking meter zones, the town manager shall cause parking meter spaces to be marked on the pavement or curb or by other appropriate measures and shall install, or cause to be installed, parking meters in such spaces. Each such meter shall indicate the lawful time limit for parking in the space for which it is installed and the denomination of coins required to be deposited thereon.

(Ord. of 1-9-18(2))

Sec. 10-69. - Reserved.

Sec. 10-70. - Deposit of coin money required; overtime parking.

- (a) When any vehicle shall be parked in any parking space adjacent to a parking meter installed under this division, the operator of such vehicle shall, upon entering such parking space, immediately deposit, or cause to be deposited, in such parking meter, a coin or coins money of the United States, the denominations of which shall be indicated on the meter, which shall put such meter in operation for the time prescribed on the meter. The parking space may be lawfully occupied by such vehicle during the period of time prescribed for the particular amount deposited. Failure to so deposit such coin or coins money and to put the meter in operation shall constitute a violation of this section. If such vehicle shall remain in such parking space beyond the prescribed time limit for the particular amount deposited, and the parking meter shall indicate illegal parking, violation, or expired, such vehicle shall be considered as being parked overtime and beyond the prescribed period of legal parking time. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle owned or operated by him to be parked overtime or beyond the period of legal parking time in any parking meter zone established under this division.
- (b) In the event a vehicle parked overtime in violation of this section remains so parked overtime in the same space for more than one (1) hour, each additional hour, or fraction thereof, during which the vehicle is so parked shall constitute a separate violation.
- (c) The provisions of this section shall be in effect from 8:00 a.m. to 5:00 p.m. of each day, except Saturdays, Sundays and holidays observed by the town government.

(Ord. of 1-9-18(2))

Sec. 10-71. - Defacing, damaging, etc., meters.

It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this division. Any person violating this section shall be guilty of a class 1 misdemeanor.

Cross reference— Penalty for class 1 misdemeanor, § 1-11; damaging property generally, § 13-22 et seq.

Article III

Sec. 10-57 Reserved Delivery Vehicle Parking

Where a Reserved Delivery Vehicle Parking space has been set apart by the Town Manager in accordance with applicable provisions of this section, the following regulations shall apply with respect to the use of such areas:

- (a) Monthly Reserved Delivery Vehicle Parking permits may be issued to businesses licensed to operate in town-regulated parking areas and for which delivery services have been determined by Town Manager to be requisite for operation.
- (b) No space may be reserved for delivery vehicles on Main Street or Buckmarsh Street.
- (c) Rental fees for reserved spaces will be set by Town Council.
- (d) The Town will design, purchase, and install signage to designate the reserved space and the expenses incurred shall be payable by the reserving business.
- (e) No person shall stop, stand, or park a vehicle for any purpose or length of time, except a delivery vehicle registered to the business reserving the space and identified by the owner's or company's name in letters at least three (3) inches high on both sides of the vehicle.
- (f) No more than one space may be reserved per business.
- (g) Permits issued pursuant to this section shall not be transferable, and may be revoked for nonpayment, failure to use the space as intended, or in the event the Town Manager determines the scope of business no longer requires delivery services.

Sec. 10-62. - General penalty for parking violations; certification of contest of parking citation.

- (a) Unless otherwise provided, any person violating the provision of section 10-70 relating to parking in metered spaces shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of five dollars (\$5.00) within twenty-four (24) hours of such violation, or seven dollars (\$7.00) within fifteen (15) days of such violation. If payment for such violation is not received within fifteen (15) days, the fine shall be assessed at thirty dollars (\$30.00).
- (b) Unless otherwise provided, any person violating the provision of section 10-48(a)(1)—(17) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided however, that any such violation may be satisfied, in full, by payment to the town treasurer of ten dollars (\$10.00) within five (5) days of such violation.
- (c) Unless otherwise provided, any person violating the provisions of section 10-18(a) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.
- (d) Unless otherwise provided, any person violating the provisions of section 10- 57 shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.**
- (e)** All uncontested parking citations paid under this section shall be accounted for by the town treasurer.

(Ord. of 1-9-18(2))

State Law reference— §§ 46.2-613, 46.2-1157 and 46.2-1220.

Note— The penalty for unauthorized parking in spaces reserved for the handicapped is provided in Code section 10-64 and is authorized by the Code of Virginia, § 46.2-1242 B.1.

**BERRYVILLE TOWN COUNCIL: Motion to approve and adopt text amendments to
Town of Berryville Code *Chapter 10- Motor vehicles and traffic.***

Date:

Motion By:

I move that the Council of the Town of Berryville Motion adopt the attached ordinance amending Berryville Code: *Sec. 10-57 Reserved Delivery Vehicle Parking* and *Sec. 10-62. General penalty for parking violations; certification of contest of parking citation* as presented.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Erecka L. Gibson, Vice Mayor

AN ORDINANCE ADOPTING
CHANGES TO AN ORDINANCE SECTION OF THE BERRYVILLE
CODE – MOTOR VEHICLES AND TRAFFIC

BE IT ORDAINED, by the Council of Town of Berryville, that the Code of the Town of Berryville, is amended by modifying Chapter 10, Sections 10-57 and 10-62 as follows:

Sec. 10-57 Reserved Delivery Vehicle Parking

Where a Reserved Delivery Vehicle Parking space has been set apart by the Town Manager in accordance with applicable provisions of this section, the following regulations shall apply with respect to the use of such areas:

- (a) **Monthly Reserved Delivery Vehicle Parking permits may be issued to businesses licensed to operate in town-regulated parking areas and for which delivery services have been determined by Town Manager to be requisite for operation.**
- (b) **No space may be reserved for delivery vehicles on Main Street or Buckmarsh Street.**
- (c) **Rental fees for reserved spaces will be set by Town Council.**
- (d) **The Town will design, purchase, and install signage to designate the reserved space and the expenses incurred shall be payable by the reserving business.**
- (e) **No person shall stop, stand, or park a vehicle for any purpose or length of time, except a delivery vehicle registered to the business reserving the space and identified by the owner's or company's name in letters at least three (3) inches high on both sides of the vehicle.**
- (f) **No more than one space may be reserved per business.**
- (g) **Permits issued pursuant to this section shall not be transferable, and may be revoked for nonpayment, failure to use the space as intended, or in the event the Town Manager determines the scope of business no longer requires delivery services.**

Sec. 10-62. - General penalty for parking violations; certification of contest of parking citation.

- (a) Unless otherwise provided, any person violating the provision of section 10-70 relating to parking in metered spaces shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of five dollars (\$5.00) within twenty-four (24) hours of such violation, or seven dollars (\$7.00) within fifteen (15) days of such violation. If payment for such violation is not received within fifteen (15) days, the fine shall be assessed at thirty dollars (\$30.00).
- (b) Unless otherwise provided, any person violating the provision of section 10-48(a)(1)—(17) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided however, that any such violation may be satisfied, in full, by payment to the town treasurer of ten dollars (\$10.00) within five (5) days of such violation.
- (c) Unless otherwise provided, any person violating the provisions of section 10-18(a) shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided, however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.
- (d) **Unless otherwise provided, any person violating the provisions of section 10- 57 shall be guilty of a traffic infraction and punished as prescribed in section 10-1; provided,**

however, that any such violation may be satisfied, in full, by payment to the town treasurer of twenty-five (\$25.00) within five (5) days of such violation.

- (e) All uncontested parking citations paid under this section shall be accounted for by the town treasurer.

VOTE:

Aye –

Nay –

Absent –

ATTEST: _____
Erecka L. Gibson, Vice Mayor

DATE: _____

Short-term Rentals Update for Berryville Town Council
13 June 2023

Item Title: *Short-term Rentals*

Prepared By: *Jean Petti*

Background/History General Information

Since February 2023, short-term rental regulation has been reviewed, drafted, and revised in Public Safety Committee, Community Development Committee, and Planning Commission.

Findings/Current Activity

Planning Commission has scheduled a public hearing 27 June 7pm for the following proposed text amendment to the definitions section of *T. of Berr. Zoning Regulations (July 2022)*, creating Short-term rental as a use permitted by special permit in the R-1, R-2, R-3, OSR, DR-1, DR-2, DR-4, AR, MR, BC, L1, C, and C-1 zoning districts.

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

In addition, an annual registration requirement and form has been drafted to 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 and maximum occupancy of short-term rental unit;
- f. listing platforms that will be used for advertisement of unit;
- g. copy of Town of Berryville Business License;
- h. copy of certificate of occupancy issued by Clarke County Building Department;
- and
- i. filing fee as set by Town Council.

Recommendation

No action needed- information only.

Hogan's Alley Update
13 June 2023

Item Title: *Hogan's Alley Improvement Project Update*

Prepared By: *Jean Petti*

Background/History General Information

A cooperative action between Berryville Main Street (BMS) and TOB to refurbish Hogan's Alley has been discussed for several years. A 2022 grant award to BMS has increased activity in pursuit of this goal.

Findings/Current Activity

- A certificate of Appropriateness was received from the ARB for planters, bollards, and alley topcoat color following their 11 May meeting.

-REC will deliver a new electric pole to TOB Public Works to be painted black, reducing the aesthetic impact.

-ARB approved an alley topcoat in a light tan "cement" looking color that is anticipated to reduce glare/heat, be neutral with other elements such as the mural, and hopefully look "gently weathered" when the asphalt eventually peeps through.

-One adjacent property owner has provided written permission to redirect downspouts and install string lights, the other has offered verbal approval pending an on-site Q&A. ARB verbally approved limited string lights to preserve dark skies and requested installation of a timer, if at all possible, set from dusk to 11pm.

-BMS also is seeking to acquire ironwork that was salvaged from former Berryville depot to serve as an additional decorative accent.

Financial Considerations

All project expenses aside from planters, colored top-coating, string lights, and mural are anticipated to be borne by Town. In May 2023, BMS applied for additional funding through Virginia Main Street.

Attachments -None.

Schedule/Deadlines

REC delivery of electric pole is next action item.

Recommendation- None at this time. Information only.

Boundary Line Adjustments Between Clarke County Public Schools, Paul Howell, and the Town of Berryville

History

As a part of the site development and construction of the Clarke County High School at 627 Mosby Blvd., Mosby Blvd. (Mosby) from its temporary terminus near the eastern-most entrance to the CCHS site to its intersection with West Main Street was planned and constructed. Instead of dedicating a right-of-way for this final section of Mosby, Clarke County Public Schools (CCPS) chose to grant an easement for the street and associated improvements. This approach was employed to prevent the property north of Mosby from being subdivided from the rest of the school site.

Construction of the final section of Mosby stranded CCPS property along the west side of the street easement. As soon as this condition was discovered, efforts to remedy this matter began. Unfortunately, these efforts stalled and no action has been taken in this regard over the past eleven years.

Proposal

The Town of Berryville (TOB) and Paul Howell (Howell) propose that the CCPS agree to several boundary line adjustments to fine-tune property boundaries, facilitate orderly development, and provide for proper maintenance of properties in the area. The proposed boundary line adjustments have been configured in a manner that ensures that the CCPS is made whole once the adjustments have been approved and recorded.

The attached maps provide a graphical representation of the proposal.

Proposal Specifics

8,007 square feet of CCPS property situated along the west side of Mosby, along with 11,249 square feet of property owned by TOB, would be transferred to Howell.

4,565 square feet of CCPS property situated along the west side of Mosby would be transferred to TOB.

12,572 square feet of TOB property along TOB's common boundary with CCPS property would be transferred to CCPS.

These adjustments would:

- provide Howell with frontage along the west side of Mosby,
- provide TOB with additional frontage along the west side of Mosby north of its entrance (this will facilitate maintenance of sight distance),

- provide TOB with additional property south of its current boundary with Howell, and
- provide CCPS with an even trade for land transferred to Howell and TOB.

Summary of transfers with amounts

In to Howell

In 11,249 square feet from TOB
 In 8,007 square feet from CCPS
 Total in = 19,256 square feet

Out from Howell

Out 18,543 square feet to TOB
 Total out = 18,743 square feet

Howell: + 713 square feet

In to TOB

In 4,565 square feet from CCPS
 In 18,543 square feet from Howell
 Total in = 23,108 square feet

Out from TOB

Out 11,249 square feet to Howell
 Out 12,572 square feet to CCPS
 Total out = 23,821 square feet

TOB: - 713 square feet

In to CCPS

In 12,572 square feet from TOB
 Total in 12,572 square feet

Out from CCPS

Out 8,007 square feet to Howell
 Out 4,565 square feet to TOB
 Total Out = 12,572

CCPS: 0+/-

It is important to note that Howell may dedicate some frontage along West Main Street to ensure that existing street-related improvements are on the street right-of-way and accommodate extension of the sidewalk/path along the north side of West Main Street.

Other Considerations

Zoning/Jurisdictional Boundaries

The attached maps show the current zoning for each area property to be transferred and the new zoning that would need to be applied during this process (if applicable).

The maps also show the jurisdiction in which the area of property to be transferred is located.

Boundary line adjustments will be administered by the Town's Community Development Department and reviewed/approved by the Berryville Area Development Authority (BADA).

The Berryville Planning Commission and Town Council will review/approve the rezoning of land transferred from the CCPS to the TOB (4,565 square feet from DR-4 to ITL) and the land transferred from TOB to the CCPS (12,572 square feet from ITL to DR-4).

Easements

Several utility easements will have to be established during this work.

Clarke County owns a water main that is located in the strip of land that TOB would transfer to Howell. An easement will be established for this main.

At least two service lines from the County main traverse the Howell property. If easements have not been established for these laterals, then they will need to be established during this project.

Cost to Implement Proposal

The cost of implementing the proposed boundary line adjustments and associated rezonings will be borne by Paul Howell and the Town of Berryville.

Howell will provide all necessary boundary line adjustment and easement plats and TOB will cover the cost of deeds, proposal review, and deed recordation.

Process/Tentative Schedule

June 13, 2023

Formally introduce proposal to the Berryville Town Council.

Purpose:

- 1) Provide the Town Council with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

None

June 19, 2023

Formally introduce proposal to the Clarke County School Board.

Purpose:

- 1) Provide the School Board with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Authorize a public hearing on boundary line adjustments for August 28, 2023.

{Note: Plats and deeds will be provided to staff by July 12, 2023}

August 28, 2023

School Board conducts public hearing on proposed boundary line adjustments.

Purpose:

- 1) Receive public comment on proposal.
- 2) Make determinations on the proposal.

Actions:

- 1) Conduct a public hearing and discuss the proposal.
- 2) Approve the proposed boundary line adjustments, contingent upon the following:
 - a. approval of the boundary line adjustments by the Berryville Town Council and Paul Howell, and
 - b. approval of rezonings as represented in the proposal.

September 26, 2023

Formally introduce this matter to the Berryville Planning Commission.

Purpose:

- 1) Provide Planning Commission with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Set joint public hearing with the Berryville Area Development Authority for October 24, 2023.

September 27, 2023

Formally introduce this matter to the Berryville Development Authority.

Purpose:

- 1) Provide Authority with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Set joint public hearing with the Berryville Planning Commission for October 24, 2023.

October 24, 2023

Berryville Planning Commission and Berryville Area Development Authority conduct a public hearing on the proposed boundary line adjustments and rezonings.

Purpose:

- 1) Receive public comment on proposal.
- 2) Make determinations on the proposal.

Actions:

- 1) Conduct a public hearing and discuss proposal.
- 2) Approve the proposed boundary line adjustments, contingent upon the approval of rezonings as represented in the proposal.
- 3) Recommend approval of the proposed rezonings.

November 14, 2023

Proposed boundary line adjustments and rezonings placed before the Berryville Town Council.

Purpose:

- 1) Provide Council with details of proposal.
- 2) Determine if there are concerns/questions and address same.

Actions:

Set a public hearing for December 12, 2023.

December 12, 2023

Town Council makes determinations on proposed rezonings.

Purpose:

- 1) Receive public comment on proposal.
- 2) Make determinations on the proposal.

Actions:

Approve proposed boundary line adjustments and rezonings.

December 13-22, 2023

All documents are signed by CCPS, TOB, CC, and Howell.

Purpose:

Finalize boundary line adjustment plats and deeds.

Actions:

Secure all required signatures on boundary line adjustments and deeds.

December 28, 2023

All documents recorded in the land records of Clarke County.

Purpose:

Complete the transfer of property through boundary line adjustments.

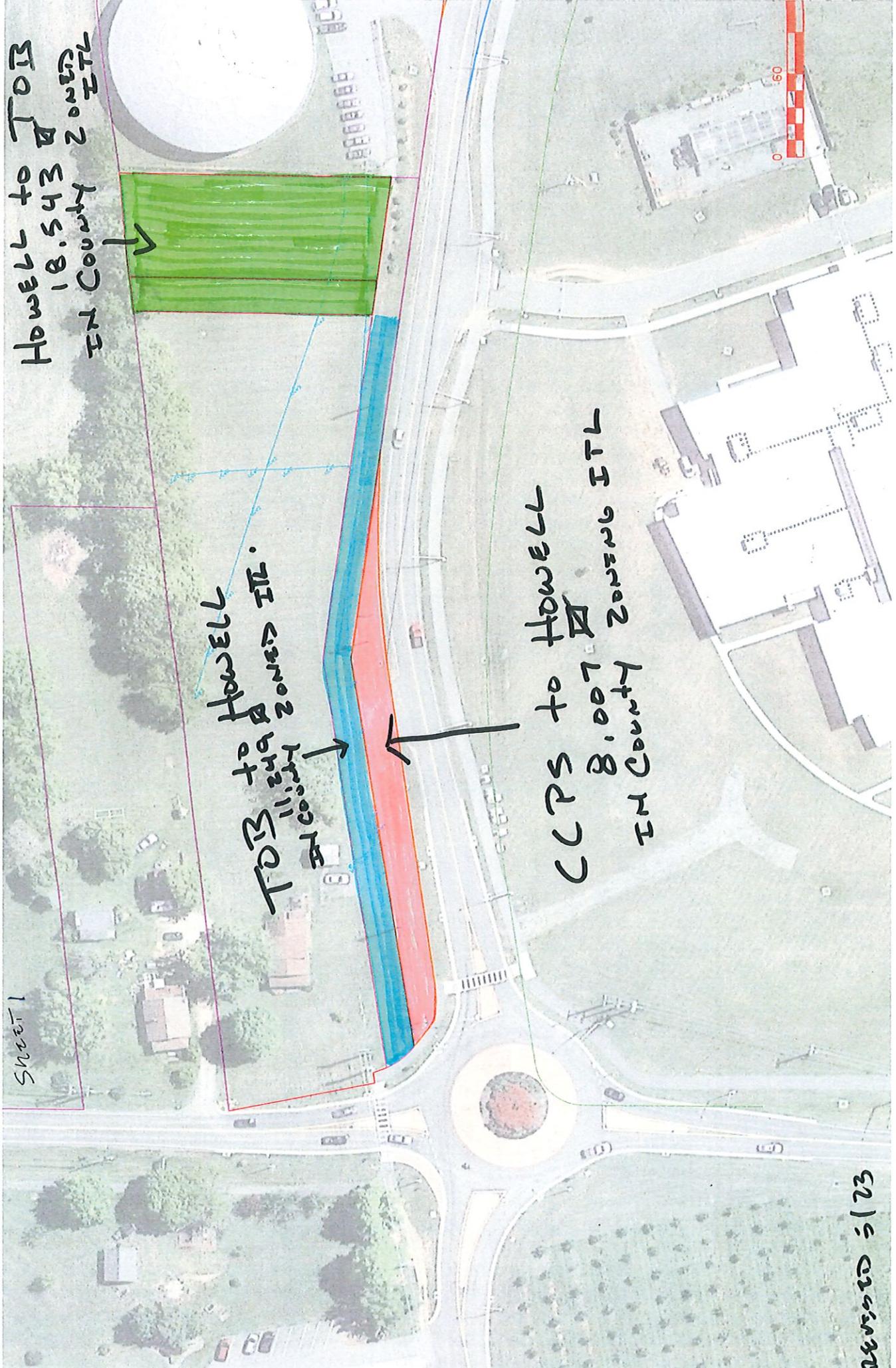
Actions:

Finalize process by recording executed boundary line adjustment plats and deeds in the land records of the Clerk of the Circuit Court of Clarke County.

{Note: Between September 1, 2023 and December 1, 2023 Clarke County will review/approve utility easements across Howell and TOB.}

Attachment

- Three-part map on which proposed boundary line adjustments are represented
 - o TOB to Howell – BLUE
 - o CCPS to Howell – PINK
 - o Howell to TOB – GREEN
 - o CCPS to TOB – ORANGE
 - o TOB to CCPS – YELLOW



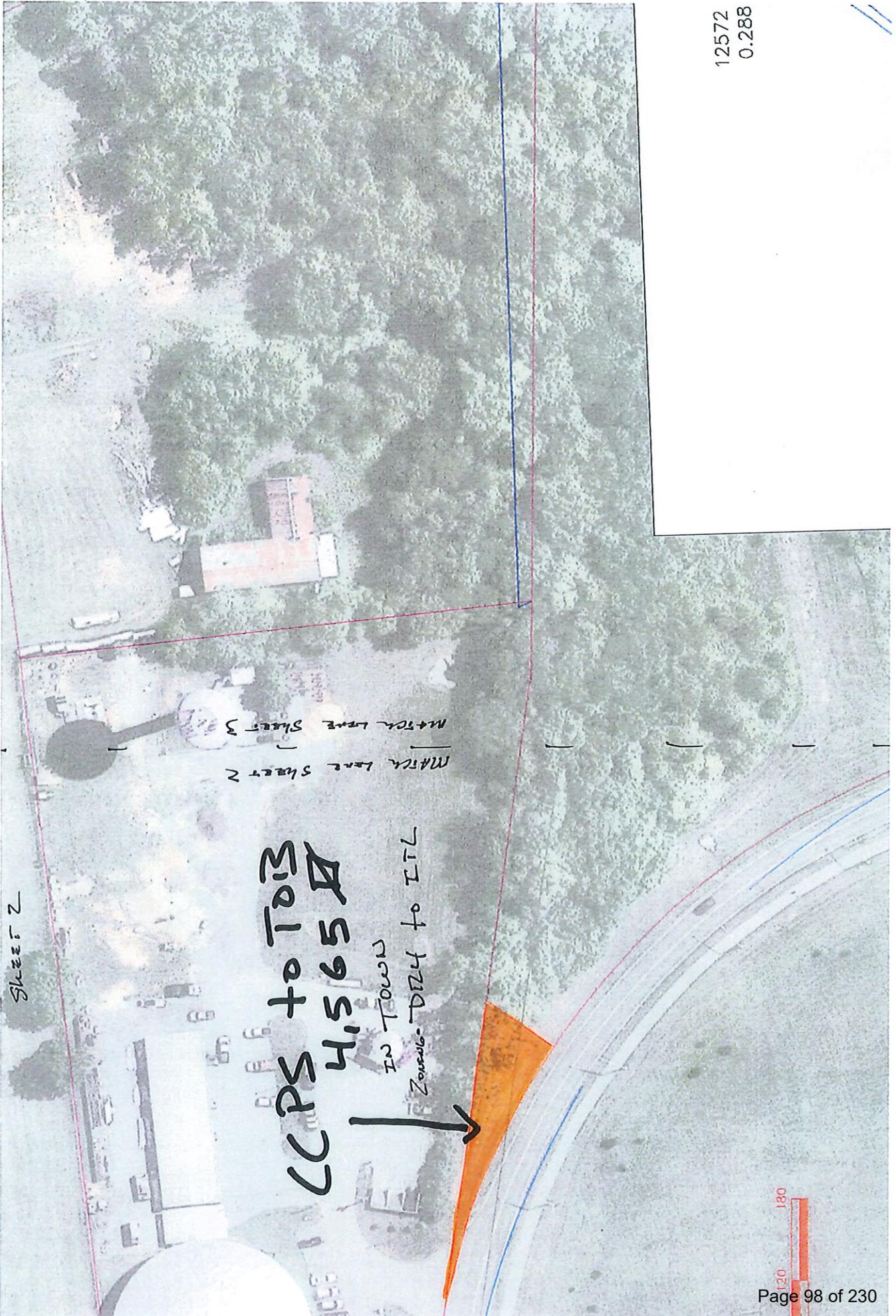
Howell to TOB
18.543
IN County ZONE ITR

TOB to Howell
11.249
IN County ZONE ITR

CCPS to Howell
8.007
IN County ZONE ITR

SHEET 1

REVISED 3/23



SHEET 2

MATCH LINE SHEET 2
MATCH LINE SHEET 3

CCPS to TOIS
4,565 sq ft
IN TOWN
Zoning: D124 to I1L



Sheet 3

TORS to CCPS
12,572 sq

IN TOWN
ZONING I TL to DR 4

12572 Sq. Feet
0.2886 Acres

June 13, 2023
Discussion

Proposed Amendment to Berryville Code Section §13-35. – Regulation of use and conduct in Rose Hill Park

Overview

Mrs. Harrison contacted Town staff to discuss goings-on in Rose Hill Park about which she has received complaints. For the most part, the concerns expressed by the citizens with which Mrs. Harrison spoke were noise and vandalism related.

This discussion prompted review of Berryville Code Section §13-35. The town manager and chief of police are also discussing other aspects of this topic.

Current discussion

Town staff reviewed Berryville Code Section §13-35 and has developed draft language for several code amendments.

Staff's draft reduces the regulations that are enumerated in the code and authorizes the town manager to adopt rules for the park. The draft also authorizes the town manger to adopt rules for other Town properties.

Staff seeks the Council's input and guidance in this regard. Once the Council has determined whether it wishes to amend the sections in question, then proposed language will be reviewed by legal counsel.

After the language is reviewed by legal counsel the matter will be returned to the Council for review and determination.

Attachments

- Draft Berryville Code §13-35 and §13-36
- Draft Rules for the John Rixey Moore and Crow Street Municipal Parking Lots and Rose Hill Park.
- Current Berryville Code §13-35

Recommended action

Review the draft language and provide Town staff with direction in this regard.

Sec. 13-35. - Regulation of use and conduct in Rose Hill Park.

It shall be unlawful for any person or persons to violate the following regulations pertaining to the use of Rose Hill Park.

- (a) Park is open from dawn until dusk unless hours are extended by the town council or town manager. Use of or presence in park when closed will be considered trespassing.
- (b) Consumption of alcoholic beverages is prohibited, unless approved by the Virginia Alcoholic Control Authority and the town manager as a part of a special event. Consumption of other intoxicants, including but not limited to marijuana and products derived therefrom, is prohibited.
- (c) Glass containers are prohibited.
- (d) Fires may not be built except in grills designed for food preparation or for special ceremonies as authorized by the town manager.
- (e) Camping is prohibited.
- (f) Relic hunting or use of metal detectors or similar devices, except by authorized town employees or contractors, is prohibited.
- (g) Littering is prohibited.
- (h) Hunting, except by authorized town employees or contractors, is prohibited.
- (i) Discharge of firearms except by law enforcement personnel while in performance of their official duties, or by authorized town employees or contractors, is prohibited. Nothing in this section prohibits the firing of military salutes as a part of an event approved by the town council or town manager.
- (j) Use of bow and arrow, slingshots, or other similar devices, except by authorized town employees or contractors, is prohibited.
- (k) Motorized vehicles, except those driven by authorized law enforcement personnel, emergency services personnel, town employees, contractors, or event staff, are prohibited. At no time may any motorized vehicle drive across the park's paved paths or picnic table pads.
- (l) The town manager shall cause these rules to be posted in the park.
- (m) The police department and the town manager are authorized to eject any person violating the rules enumerated above. The town manager is authorized to revoke future use of the park by persons who violate the rules enumerated above.

Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.

Sec. 13-36.- Town manager authorized to establish rules for use of or restrict access to town-owned property.

- (a) The town manger is authorized to establish and enforce rules for use of town-owned property. Rules established by the town manager shall be posted in a conspicuous location on said property.
- (b) The town manager is authorized to restrict access to town-owned property.
- (c) The police department and the town manager are authorized to eject any person violating rules established in accordance with this section. The town manager is authorized to revoke

future use of the park by persons who violate the rules established in accordance with this section.

13-37 renumbered to 13-38

13-38 renumbered to 13-39

13-39 renumbered to 13-40



Rules for Rose Hill Park established by the town manager

The following rules and regulations concerning the use of town property were adopted by the town manager in accordance with Sections 13-36 and 13-37 of the Berryville Code.

Use of playground equipment and basketball courts when equipment or courts are wet is prohibited.

Use of playground equipment or basketball courts during thunderstorms is prohibited.

Unless permitted as a part of a special event, no amplified sound that is detectable outside of the boundaries of Rose Hill Park or that disturbs the peace of other park patrons, is permitted.

Making loud noises, yelling, or use of profanity that is detectable outside the boundaries of Rose Hill Park or that disturbs the peace of other park patrons, is prohibited.

Application of paint, tape, chalk, or other non-permanent or permanent markings to the gazebo, basketball court, walkways, or other surfaces in the park is prohibited, unless authorized by the town manager as a part of a special event.

Play in Town Run (Dog Run) is prohibited.

Adult supervision required for children 12 years of age and under.

Shoes are required to be worn at all times.

Pet excrement deposited in the park must be collected by the owner or custodian of the animals and disposed of in litter receptacles.

No wheeled or tracked conveyances, with or without a motor, including but not limited to bicycles, scooters, rollerblades, roller skates, skateboards, or the like are permitted in the basketball court or gazebo. Non-motorized bicycles, scooters, rollerblades, roller skates, skateboards, or the like may be used in other areas of the park, provided that they are operated in a safe manner. Nothing in this section shall be construed to prohibit the use of personal assistance mobility devices anywhere in the park.

Hanging on basketball rim, nets, or goals is prohibited.

Pets are prohibited from the basketball court.

Access to basketball court is determined on a first-come-first-served basis. Use of court is limited to one hour when others are waiting.

Rules for the John Rixey Moore and Crow Street Municipal Parking Lots established by the town manager

Unless permitted as a part of an approved special event, no amplified sound that is detectable outside of the boundaries of the parking lots or that disturbs the peace of other parking lot patrons, is permitted.

Making loud noises, yelling, or use of profanity that is detectable outside the boundaries of the parking lots or that disturbs the peace of other parking lot patrons, is prohibited.

Application of paint, tape, chalk, or other non-permanent or permanent markings to surfaces in the parking lot is prohibited, unless authorized by the town manager as a part of a special event.

Wheeled or tracked conveyances, with or without a motor, including but not limited to bicycles, scooters, rollerblades, roller skates, skateboards, or the like used in the parking lots may not be operated in an unsafe manner in the parking lots. Such conveyances may be used for traveling through the parking lots, but play or sporting events are not permitted, unless authorized by the town manager as a part of a special event. Motorized toy vehicles are prohibited from being operated in the parking lots, unless authorized by the town manager as a part of a special event. Nothing in this section shall be construed to prohibit the use of personal assistance mobility devices anywhere in the parking lot.

Consumption of alcoholic beverages is prohibited, unless approved by the Virginia Alcoholic Control Authority and the town manager as a part of a special event. Consumption of other intoxicants, including but not limited to marijuana and products derived therefrom, is prohibited.

Camping is prohibited.

Littering is prohibited.

Parking of vehicles in a manner that utilizes more than one parking space or blocks travel ways, is prohibited, unless authorized by the town manager as a part of a special event.

Those parking in these lots must abide by posted parking time limitations and, where applicable pay meter fees as required, unless authorized by the town manager as a part of a special event.

The police department and the town manager are authorized to eject any person violating these rules. The town manager is authorized to revoke future use of the park by persons who violate these rules.

Sec. 13-36. - Regulation of use and conduct in Rose Hill Park.

It shall be unlawful for any person or persons to violate the following regulations which shall be posted pertaining to the use and the behavioral conduct of any such person or persons in Rose Hill Park.

- (a) No trespassing from dusk until dawn. Hours may be extended by the town council or town manager as the need arises.
- (b) No alcoholic beverages or glass containers.
- (c) No bare feet.
- (d) Playground equipment is intended for use only by children twelve (12) years old or younger.
- (e) Do not use equipment when it is wet.
- (f) No, pushing, shoving or other dangerous play.
- (g) Do not use equipment improperly.
- (h) No camping.
- (i) No building of fires except in park grills designed for food preparation, or for the purposes of special ceremonies with permission from the town manager.
- (j) No relic hunting or use of metal detectors or similar devices.
- (k) No littering.
- (l) Waste from domestic animals must be immediately collected and disposed of properly.
- (m) No skateboarding.
- (n) No hunting or discharge of firearms, fireworks, explosives, box and arrows, slingshots, or similar weapons and devices. This section does not preclude the firing of military salutes as a part of an event authorized by the town.
- (o) No vehicles are permitted in the park unless authorized by the town manager or designee. Driving over or parking on walkways or picnic table pads is prohibited.
- (p) The Town of Berryville is not responsible for injuries. This area to be used with adult supervision only.

Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.

(Ord. of 10-13-87; Ord. of 12-9-14(1))

Cross reference— Penalty for Class 4 misdemeanor, § 1-11.

State Law reference— Similar provisions, Code of Virginia, §§ 15.2-1800, 15.2-1806.

Sec. 13-37. - Damage or defacement of recreational facilities.

It shall be unlawful for any person to willfully and maliciously damage or deface any real or personal property constituting the recreational facilities set forth in section 13-35 and section 13-36 of this chapter.

A violation of this section shall constitute a Class 1 misdemeanor.

(Ord. of 10-13-87; Ord. of 12-9-14(1))

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Similar provisions, Code of Virginia, § 15.2-1812.2.

Sec. 13-38. - Designation of date and hours for Halloween activities.

- (a) The council may, in its discretion and as it may deem appropriate, designate on an annual basis the date upon which, and hours during which, Halloween night will be celebrated in the Town of Berryville for the purpose of the conduct of such activity as is embraced in the colloquial expression "trick or treating." Such designation shall be made by appropriate formal motion of the council in meeting duly assembled.
- (b) Any such designation as is provided for in subparagraph (a) herein will be advertised in a manner to advise residents of the designation as deemed appropriate by the town manager.
- (c) It shall be unlawful for any minor, as defined in subsection 13-3(a) herein, to violate, or for any parent, guardian or other adult person having the care, custody and control of any minor to permit or allow such minor child to violate the provisions of this section.
- (d) Violations of this section shall be prosecuted as a misdemeanor. Any minor violating the provisions of this section shall be dealt with in accordance with the state juvenile and domestic relation law and procedure.

(Ord. of 10-10-89; Ord. of 12-9-14(1))

State Law reference— Similar provisions, Code of Virginia, § 15.2-926.

Sec. 13-39. - Urination and defecation in public prohibited.

It shall be unlawful for any person to urinate or defecate in a public place not specifically designated as a public restroom or public bathroom. Any violation of this section shall be punishable as a Class 4 misdemeanor.

(Ord. of 4-10-90; Ord. of 12-9-14(1))

Cross reference— Penalty for Class 4 Misdemeanor, § 1-11.

State Law reference— Enabling legislation, Code of Virginia, § 15.2-1700.

June 13, 2023
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The May 2023 expenditure report is attached.

Attachments

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

May-23

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>	
<u>Water and sewer bill accounts</u>						
Estimated cost of these actions:						
- Payment of delinquent accounts	\$ 10,000.00	\$ -	\$ 4,069.34	\$ 5,930.66	41%	\$ 10,000.00
- Water and sewer account credits	\$ 169,100.00	\$ -	\$ 171,191.48	\$ (2,091.48)	101%	\$ 169,100.00
- 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	\$ 2,730.00	\$ 12,075.50	\$ 135,194.50	8%	\$ 150,000.00
- Total			\$ 14,805.50			\$ 150,000.00
Fund balance from first payment						\$ 55,194.50
Fund balance from second payment						\$ 80,000.00

Improvements in Central Business District

Estimated cost of these actions						
- Facades, signs, accessibility	\$ 250,000.00	\$ 9,724.91	\$ 125,000.00	\$ 85,653.44	66%	\$ 250,000.00
- Total			\$ 39,346.56			\$ 250,000.00
			\$ 85,653.44			
Fund balance from first payment						\$ -
Fund balance from second payment						\$ 85,653.44

	<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%	\$ 80,000.00
- Barns of Rose Hill	\$ 40,000.00	\$ -	\$ 40,000.00	\$ -	100%	\$ 40,000.00
- Housing assistance	\$ 120,000.00	\$ -	\$ 80,000.00	\$ 40,000.00	67%	\$ 120,000.00
- Total			\$ 80,000.00			\$ 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%	\$ 25,000.00
- 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%	\$ 8,000.00
- Radios	\$ 60,000.00	\$ -	\$ 60,000.00	\$ -	100%	\$ 60,000.00
- Other imp.	\$ 60,000.00	\$ -	\$ 12,842.19	\$ 47,157.81	21%	\$ 60,000.00
- 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%	\$ 172,000.00
- Total			\$ 174,323.86			\$ 172,000.00
Fund balance from first payment						\$ (2,323.86)

Complete necessary water and sewer infrastructure projects

Estimated cost of these actions						
- Cost of the projects	\$ 3,060,886.00	\$ 204,645.52	\$ 1,328,393.00	\$ 1,602,354.75	47.65%	\$ 3,060,886.00
- Total			\$ 130,138.25			\$ 3,060,886.00
			\$ 1,458,531.25			
Fund balance from first payment						\$ -
Fund balance from second payment						\$ 1,602,354.75

	<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
Fund balance from first payment					\$ 99,831.11
Fund balance from second payment					\$ 190,000.00

NOTES:

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

<u>INFRASTRUCTURE COSTS:</u>			
Frazier Assoc.(Wayfinding)	\$ 2,730.00	1st Tranche	\$ 2,267,493.00
General Excavation(Josephine)	\$ 192,945.52	Used to date	\$ 2,066,504.31
Broy & Sons (River Pump #1)	\$ -	Balance	\$ 200,988.69
Kidwell Fencing	\$ 11,700.00	2nd Tranche	\$ 2,267,493.00
GWP(Boom Road Generator)	\$ -	Used to date	\$ 249,484.81
Pennoni(Osborne, Church,Josephine)	\$ -	Balance	\$ 2,018,008.19
Pennoni (I&I, SSES Study)	\$ -		
Webster Nursery(Concrete walls)	\$ -		
Total	\$ 207,375.52		

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	\$ 164,346.56	\$ 85,653.44	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	SSIS 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	\$ 733,594.23	\$ 1,547,353.87	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/admi	\$ 39,179.09
24	Drainage Dorsey, Walnut, Treadwell	\$ 310,000.00	\$ 1,500.00	\$ 308,500.00	5% infra	
25	Bel Vol and Battletown Water Main Repl		\$ 11,612.50		infra	
26	Wayfinding Signs	\$ 140,000.00	\$ 14,805.50	\$ 125,194.50	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	\$ 2,315,989.12	\$ 2,218,996.88		\$ 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: 6/13/2023

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: 6/13/2023

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: 6/13/2023

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

Date: 6/13/2023

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: \$164,346.56
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

Date: 6/13/2023

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: 6/13/2023

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: 6/13/2023

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: \$733,594.23
Schedule/Timeline	On Track	% Complete: 50

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: 6/13/2023

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: 6/13/2023

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: 6/13/2023

Project Name:

Bel Voi Drive and Battletown Dr Water Main Replacement

Project Budget: \$

Expected Completion Date: December 2024

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

26

Date: 6/13/2023

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: \$14,805.50
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

Date: 6/13/2023

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

Date: 6/13/2023

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 June 13, 2023

Update

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.

The owner removed building material and the like from the dwelling and is storing the material on the lot. Staff will discuss lot maintenance with the owner in the coming weeks.

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 and the building materials have been removed from the site.

Town staff will attempt to meet with the owner on site in the coming weeks to determine if the property now complies with the approved abatement plan.

203 Josephine Street

Town staff is working with owner of 203 Josephine to bring the property into compliance with the Berryville Code. Staff was informed that the owner is working to secure a contractor to raze the structure and remove the debris from the site.

Over the coming weeks Town staff will work with the owner to establish a schedule for completion of the work. The Town manager hopes to have the blight abated no later than October 1, 2023. If the required work is not completed by that time, then it is likely that a preliminary blight determination will be issued. This would start the formal process by which a spot blight abatement plan is reviewed/approved by the Town Council.

229 Josephine Street

Town staff has been working with a representative of the owner of 229 Josephine Street to bring the property into compliance with the Berryville Code. Recent correspondence with that representative is attached to this report.

On June 6, 2023 the Town received a letter from the from the property owner. In that letter the owner claimed:

- The town manager will not engage him regarding the property.
- He thought that the repair work that he did was sufficient to comply with the requirements of the Berryville Code.
- He was asked to board up the windows and now the Town is saying the boards need to be removed.
- The town manager has now asked about a cistern on the property.
- The cistern is small, shallow, and only useful as a rain collector.
- He intends to make sure that the building stays standing.

In response to the claims enumerated above, Town staff offers the following:

- On several occasions the town manager has attempted to contact the owner by phone. Because the town manager found it difficult to reach the owner (please note: property owner does not communicate through email and has not been able to make it to the area for a meeting with Town staff), he has been working with Susan French who agreed to be an intermediary between the town manager and the property owner.
- Staff does not know how the owner came to believe that his work to date was sufficient to comply with the requirements of the Berryville Code.
- Information provided to the owner since 2021 has not requested that the owner cover the door and window openings with plywood. In fact, plans to which the property owner agreed (on 1/14/22 and 1/26/23) to comply, included the following statement "Owner will cause the structure to be secured utilizing widows and doors (structure may not be boarded up after project is completed)".
- With regard to the implied claim that the town manager has just recently broached the matter of cistern abandonment, plans to which the owner agreed (on 1/14/22 and 1/26/23) to comply, included the following heading and statement: "Abandonment of on-site sewer treatment system and/or well or cistern ... 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."
- The cistern is not secured and therefore may present a hazard. If the cistern is small and shallow, then it should be relatively easy to abandon. With regard to the owner's statement that the cistern is "only being useful as a rain collector," cisterns are reservoirs used for collecting and storing rainwater.

Because the owner's representative claimed (in an email dated 5/18/23) that the owner was confused about what has to be done to get the property in question into compliance with the requirements of the Berryville Code, on 5/22/23 the Town Manager provided a draft letter that outlines what he has determined to be the obvious violations of the

requirement of Chapter 5 of the Berryville Code. It is important to note that the town manager has not been permitted to enter the property to conduct an inspection; therefore he must rely on what can be seen from the street and the adjoining property (to the east and south).

The town manager requests that the Council review the draft letter referenced above and determine whether it wants to review the items listed as potential violations of §5-3 of the Berryville Code. If the Council determines that conditions on the property violate §5-3 of the Berryville Code, then the it would also direct Town staff to provide required notice.

With regard to blight issues (§5-5 of the Berryville Code), unless the owner abates the blight by October 1, 2023, the town manager will likely issue a preliminary determination of blight for the property. This would start the formal process by which a spot blight abatement plan is reviewed/approved by the Town Council.

Attachments

- 229 Josephine Street correspondence

Requested action

The town manager requests that the Council review the draft letter referenced above and determine whether it wants to review the items listed as potential violations of §5-3 of the Berryville Code.

If the Council determines that conditions on the property violate §5-3 of the Berryville Code, then the it would also direct Town staff to provide required notice.

If the Council determines that the enumerated conditions should be abated through the process outlined in §5-5 of the Berryville Code, then the draft preliminary determination would be amended to include these items.

Report of May 9, 2023

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

229 Josephine Street Correspondence

CERTIFIED MAIL

{DATE}

Richard A. Jenkins Estate
c/o Richard E. Jenkins, Jr.
6402 7th Street, NW
Washington, DC 20012

Email address: susan@susanlfrench.com

Dear Mr. Jenkins:

This letter is written concerning your property at 229 Josephine Street (also identified as Tax Map Parcel 14A6-((3))-B-5).

The property in question has been examined to determine whether its condition violates provisions of Chapter 5 of the Berryville Code. I have examined the property to determine whether it "might endanger the public health or safety of other residents of town." I have also examined the property to determine whether it is blighted as defined in §5-5.b of the Berryville Code. This examination occurred from the street/sidewalk on the north side of the property and the access drive east of the property.

I am of the opinion that the condition of the property violates §5-3 of the Berryville Code because at various places on the structure (including the foundation, sill, and soffits) there are large holes that serve as entry points for rodents and birds.

I will also note that I understand that there is an unsecured cistern behind the structure. If this condition exists, then this too would likely violate §5-3 of the Berryville Code.

Please address these problems by {DATE}. Once these problems have been properly addressed, then please contact me and schedule a date and time at which Town staff may inspect the work. This inspection must occur by {DATE}. If the work is not completed, inspected, and deemed sufficient by Town staff by deadline established above, then the matter will be forwarded to the Town Council for review/action.

Richard A. Jenkins Estate
{DATE}
Page 2 of 2

I am also of the opinion that the condition of the property violates §5-5 of the Berryville Code. In accordance with the requirements of the Berryville Code, I hereby make a preliminary determination that the above-referenced property is blighted because:

- the structure's doors and windows have been boarded up for years,
- trees are growing against the structure's foundation,
- portions of structure's gutter/downspout system are missing, and
- the roof is in disrepair.

In accordance with §5-5 of the Berryville Code the property owner must provide the Town with a written spot blight abatement plan to address the blight within a reasonable time. This plan must be received by the Town before {DATE}.

I have also attached a sample spot blight abatement plan that you may use as a template for your plan if you choose. It is important to note that the timeframe for blight abatement that the Town will find reasonable and acceptable would not extend beyond {DATE}.

Failure to meet the spot blight abatement plan submission deadline will result in this matter being forwarded to the Berryville Planning Commission. If the Planning Commission reviews this matter the Town will develop a spot blight abatement plan for the property, and once that plan is reviewed by the Planning Commission (and Architectural Review Board) the matter will be forwarded to the Berryville Town Council for final disposition.

You may send your spot blight abatement plan to:

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

or

townmanager@berryvilleva.gov and townclerk@berryvilleva.gov

Thank you for your attention to this matter.

Sincerely,

Keith R. Dalton
Town Manager

Cc: Town Council
Planning Commission
Architectural Review Board
Christy Dunkle, Director of Community Development

Chapter 5 - BUILDING REGULATIONS

Footnotes:

— (1) —

Cross reference— Fire prevention and protection, Ch. 6; restrictions on building operations at night, §§ 11-13, 11-14; street numbers for buildings, § 15-5; placing building materials on street or sidewalk, § 15-7; use of sidewalk during construction or demolition operations, § 15-8; construction and preparation of sidewalks, curbs and gutters, § 15-35 et seq.; water, sewers and sewage disposal, Ch. 17; zoning ordinance, App. A; subdivision ordinance, App. B.

State Law reference— General authority of town to regulate construction and repair of buildings, Code of Virginia, §§ 15.1-863, 15.1-864, 15.1-869; razing or repair of unsafe buildings, § 15.1-867.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Building code.

- (a) There is hereby adopted by the town council the Virginia Uniform Statewide Building Code and all amendments thereto, the provisions of which shall control all matters concerning the construction, alteration, repair, removal, demolition, equipment, use and occupancy of all buildings and structures and all other functions which pertain to the installation of plumbing, electrical and mechanical systems vital to all buildings and structures and their service equipment, as defined by such code, including permits and penalties, and such code is hereby incorporated in and made a part of this section as fully as if set out at length herein and the provisions thereof shall be applicable throughout the town.
- (b) The provisions of the code adopted by this section shall be enforced by the county building official.
- (c) Any person violating any provision of the code adopted by this section shall be guilty of a misdemeanor and, upon conviction thereof, punished by a fine of not more than one thousand dollars (\$1,000.00).

State Law reference— Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.

Sec. 5-2. - Approval of building permits by zoning administrator.

Each permit issued by the county for construction within the town shall be approved by the town zoning administrator for compliance with the zoning ordinance of the town.

(Ord. of 1-8-74)

Cross reference— Zoning ordinance, App. A.

Sec. 5-3. - Removal, repair, etc., of buildings and other structures.

- (a) Notwithstanding any provision of section 5-1 to the contrary, owners of property in the town shall, at such time or times as council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.
- (b) Agents or employees of the town council are hereby authorized and empowered to remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, if the owner and lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure. The aforesaid reasonable notice shall be a written notice (i) mailed by certified or registered mail, return receipt requested, to the last known address of the property owner, or personally served on the owner by a person authorized to serve process under the Code of Virginia, and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the town. No action shall be taken by the town to remove, repair, or secure any building, wall or other structure for at least thirty (30) days following the later of (i) the date of receipt shown on the return receipt, or the date of personal service, or (ii) the last date of newspaper publication.
- (c) In the event that the town council, through its agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.
- (d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid town taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia, 1950, as amended. Council may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Ord. of 10-15-91; Ord. of 8-16-94; Ord. of 6-11-96; Ord. of 12-9-97; Ord. of 12-9-97; Ord. of 7-11-00, §§ 1—4; Ord. of 7-11-00; Ord. of 6-11-02)

State Law reference— Authority for above section, Code of Virginia, Section 15.2-906.

Sec. 5-4. - Action to secure property.

The town council of the Town of Berryville hereby ordains and prescribes that whenever the chief of police certifies in writing to the town manager that any building or any other structure in the town has remained unsecured for a continuous period of forty-eight (48) hours so as to permit the entry of any person, the town manager is authorized to proceed to secure the property pursuant to section 5-3 of the Code of the Town of Berryville.

(Ord. of 6-11-96; Ord. of 6-11-02)

Sec. 5-5. - Spot blight abatement.

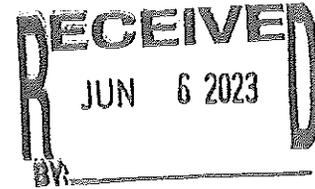
- (a) The Town of Berryville, in accordance with Code of Virginia § 36-49.1:1, may acquire or repair any blighted property, as defined in (b), below, by purchase or the exercise of the power of eminent domain provided in Chapter 2 of Title 25.1 of the Code of Virginia, and, further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this section. In addition, the town may recover the cost of any repair or disposal of such property from the owner or owners of record, determined in accordance with Virginia Code § 36-27(B).
- (b) "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.
- (c) The town manager, or his/her designee, shall make a preliminary determination that a property is blighted in accordance with this section. The town manager or his/her designee shall send notice to the owner or owners of record, determined in accordance with Virginia Code § 36-27(B), specifying the reasons why the property is blighted. The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.
- (d) If the owner or owners of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the town manager or his/her designee, the town (i) may request the planning commission to conduct a public hearing and make findings and recommendations that shall be reported to town council concerning the repair or other disposition of the property in question; and (ii) in the event a public hearing is scheduled, shall prepare a written spot blight abatement plan for the repair or other disposition of the property.
- (e) Not less than three (3) weeks prior to the date of the public hearing before the planning commission, the commission shall provide, by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service or notices concerning the payment of real estate taxes within the town; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication in a newspaper published or having general circulation in the town. The notice shall be posted on the property. The notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after the second publication.
- (f) The planning commission, following the public hearing, shall determine whether:
 - (1) The property is blighted;
 - (2) The owner has failed to cure the blight or present a reasonable plan to do so;
 - (3) 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;
 - (4) The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the architectural review board regarding the proposed repair or other disposition of the property by the town council.
- (g) The planning commission shall report its findings and recommendations concerning the property to the town council. The town council, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the repair or other disposition of the property is approved, the town may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law.
- (h) The town shall have a lien on all property so repaired or acquired, under an approved plan to recover the cost of (i) improvements made by the town to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this section shall be filed in the circuit court of Clarke County and shall be subordinate to any prior liens of record. The town council may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the town through eminent domain, the cost of repair may be recovered when town council sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
- (i)

If the blighted property is occupied for personal residential purposes, town council, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisition, under an approved spot blight abatement plan, by the Town of property which has been condemned for human habitation for more than one year. In addition, upon the town exercising the powers of eminent domain in accordance with Title 25.1 of the Code of Virginia, it may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such persons.

- (j) In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections (a) through (i), town council by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to Virginia Code § 15.2-900 or 15.2-1115. Such ordinance shall be adopted only after the written notice by certified mail to the owner or owners of the property at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.
- (k) The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

(Ord. of 12-12-06)

RICHARD E. JENKINS, III
604 7th Street NW
6402
District of Columbia 20012



June 3, 2023

Mr. Dalton and Town Council,

I have called Mr. Dalton about three times to talk about my family's property at 229 Josephine Street but my call was sent to Mr. Culp. It has been some time since I have spoken with Mr. Dalton. I thought that the repair work I had done was sufficient. The property at 229 Josephine Street is private property so no one should walk on it. I had a No Trespass sign on 229 but someone tore it down. A new one has been posted.

Mr. Dalton said that the front porch was a safety hazard so I had it removed. I was asked to board up the windows to keep birds out so I did. Now, I am told the boards need to come off the windows so I am confused. I do have some windows to replace any broken windows. There was a tree that was close to the house that was a concern. I had it cut down. Two panels of the roof were damaged and a storm was blowing them around. I had them replaced-repaired.

Mr. Dalton has now asked about a cistern on the property. The Cistern is small and I don't see how it is a problem. I asked that photographs be taken and sent to Mr. Dalton which I understand has been done. It is not deep and only useful as a rain collector. I can arrange for a small cover for the small opening. Again, this is private property so no one should be near the cistern. I was also told the doors were an issue yet the original doors are on the house, the front door has some covering over it. I don't see how this is a safety issue.

The house at 229 Josephine Street is historic and part of an historic community. I intend to make sure it stays standing.

Thank you,

A handwritten signature in cursive script that reads "Richard E. Jenkins III".

Richard E. Jenkins, III

Keith Dalton

From: susan french <susan@susanlfrench.com>
Sent: Thursday, June 1, 2023 6:44 AM
To: Keith Dalton
Subject: Cistern Photographs
Attachments: cistern1.jpg; cistern2.jpg; cistern3.jpg; cistern4.jpg; cistern5.jpg; cistern6.jpg

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

Mr. Dalton,
Photographs of the 229 "cistern" - more a rain collector - are attached. The exterior dimensions are 63x65 inches, the opening about 17x17 inches, the depth 25".
A letter will follow.
Susan French











Keith Dalton

From: Keith Dalton
Sent: Tuesday, May 23, 2023 8:10 AM
To: susan french
Cc: Paul Culp
Subject: FW: Richard Jenkins: 229 Josephine Street
Attachments: 20230522144706279.pdf

Importance: High

As promised.

From: Keith Dalton
Sent: Monday, May 22, 2023 2:22 PM
To: susan french <susan@susanlfrench.com>
Cc: Deputy Town Manager <deputytownmanager@berryvilleva.gov>; Christy Dunkle <planner@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Rick Boor <directordpw@berryvilleva.gov>
Subject: RE: Richard Jenkins: 229 Josephine Street
Importance: High

Ms. French:

In your email of May 18, 2023, you stated that you were of the opinion that Mr. Jenkins was not clear on the process for getting the property in compliance. Accordingly, I am providing additional information to inject more structure to this discussion.

As promised on 18 May, a draft letter that addresses my concerns about the property is attached to this email.

I request that you speak with your client about both the §5-3 issues and the §5-5 issues addressed in the draft letter. I suggest that you develop schedules for abatement of the §5-3 issues and §5-5 issues addressed in the draft letter. Please contact me when you have a feel for when the work in question can be completed. Please note that the §5-3 issues are the highest priority.

Though I have not determined when the letter in question will be finalized and sent, I will discuss this matter with the Town Council on June 13, 2023. Generally, if the Council determines that the condition of property may endanger the public health or safety of other residents of town, then they direct Town staff to move quickly to abate the conditions creating the possible danger. Please contact me by May 30 with any information that you have regarding the work 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: susan french <susan@susanlfrench.com>
Sent: Thursday, May 18, 2023 10:30 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,
Mr. Jenkins asks that he be able to work on the property issues without it becoming formal. I am working on the cistern. He also is not wanting anyone on property until he can ensure any unsafe areas are corrected.
Susan French

Sent from my iPhone

On May 18, 2023, at 9:09 AM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. French:

I have attached the thread of our most recent conversation to the end of your email of May 18, 2023.

I thought that my April 26 email (which is included in that thread) provided sufficient information as to what needs to be done on the property.

To provide clarity and structure to this matter, I will develop a draft determination of preliminary blight for the property and send it to you. The letter will identify the problems that need to be addressed and a timeframe in which these repairs must be made. I will visit the site today to take another look at conditions before I develop the draft.

I expect to have the letter to you by the end of business on Monday.

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 <susan@susanfrench.com>
Sent: Thursday, May 18, 2023 7:15 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: 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 have spoken with Mr. Jenkins. My sense is that he is unclear about the process he seems to be subject to. I have permission to investigate the cistern situation. He plans to send you a letter in the next two weeks with an update. He tells me that he wants to work towards preservation of 229.
Susan French

From: Keith Dalton
Sent: Tuesday, May 9, 2023 8:56 AM
To: susan french <susan@susanfrench.com>
Cc: Christy Dunkle <planner@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Paul Culp <townclerk@berryvilleva.gov>
Subject: RE: Richard Jenkins: 229 Josephine Street

Ms. French:

Gutters

The structure still has vestiges of a gutter and downspout system (see attached photo).

<image001.jpg>

Windows and doors

Good to hear.

Cistern

Please let me know how the cistern was rendered safe.

Openings

There are several open areas that are clearly being used by animals. This needs to be addressed.

Engineer's report

I do not recall asking Mr. Jenkins for such a report in our recent discussions. I will have to review this and get back with 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: susan french <susan@susanlfrench.com>
Sent: Friday, May 5, 2023 9:22 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,

The October 26, 2021 "Blight" letter from you to Mr. Jenkins lists " windows/doors, removal of front porch, and gutters/downspouts - the latter did not exist when these structures were built and is NOT a Blighted Property issue. Mr. Jenkins states that he has a contractor who will correct the windows and doors. Following the October 26, 2021 letter, you added additional repair items. Mr. Jenkins believes the cistern has been made safe. I will attempt to have someone look into that. You also added closing any possible openings at the base of the house. My comment: there are alot of houses in Berryville who would be on your Blight list if your position is this is a "Blighted Property" issue. Finally, at the Council meetings I have attended, the structural engineer inspection was removed from lists due to expense? Is Mr. Jenkins an exception? I will check the timeline for window/door contractor work.

Susan French

On Fri, Apr 28, 2023 at 2:04 PM Keith Dalton <townmanager@berryvilleva.gov> wrote:

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 <susan@susanlfrench.com>
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 conservative 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 <susan@susanlfrench.com>
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: Tuesday, May 23, 2023 8:09 AM
To: susan french
Cc: Paul Culp
Subject: RE: Richard Jenkins: 229 Josephine Street

Ms. French:

A letter was attached. I will forward the email and attachment again. Please let me know if you do not get something from me right after this email.

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 <susan@susanfrench.com>
Sent: Monday, May 22, 2023 5:13 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,

Did you intend to attach a letter? I am working on an inspection of the cistern and , if necessary, having it filled or secured. Would you please send me the letter you reference?

Susan French

Sent from my iPhone

On May 22, 2023, at 2:22 PM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. French:

In your email of May 18, 2023, you stated that you were of the opinion that Mr. Jenkins was not clear on the process for getting the property in compliance. Accordingly, I am providing additional information to inject more structure to this discussion.

As promised on 18 May, a draft letter that addresses my concerns about the property is attached to this email.

I request that you speak with your client about both the §5-3 issues and the §5-5 issues addressed in the draft letter. I suggest that you develop schedules for abatement of the §5-3 issues and §5-5 issues addressed in the draft letter. Please contact me when you have a feel for when the work in question can be completed. Please note that the §5-3 issues are the highest priority.

Though I have not determined when the letter in question will be finalized and sent, I will discuss this matter with the Town Council on June 13, 2023. Generally, if the Council determines that the condition of property may endanger the public health or safety of other residents of town, then they direct Town staff to move quickly to abate the conditions creating the possible danger. Please contact me by May 30 with any information that you have regarding the work 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: susan french <susan@susanfrench.com>
Sent: Thursday, May 18, 2023 10:30 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,

Mr. Jenkins asks that he be able to work on the property issues without it becoming formal. I am working on the cistern. He also is not wanting anyone on property until he can ensure any unsafe areas are corrected.

Susan French

Sent from my iPhone

On May 18, 2023, at 9:09 AM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. French:

I have attached the thread of our most recent conversation to the end of your email of May 18, 2023.

I thought that my April 26 email (which is included in that thread) provided sufficient information as to what needs to be done on the property.

To provide clarity and structure to this matter, I will develop a draft determination of preliminary blight for the property and send it to you. The letter will identify the problems that need to be addressed and a timeframe in which these repairs must be made. I will visit the site today to take another look at conditions before I develop the draft.

I expect to have the letter to you by the end of business on Monday.

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 <susan@susanfrench.com>
Sent: Thursday, May 18, 2023 7:15 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: 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 have spoken with Mr. Jenkins. My sense is that he is unclear about the process he seems to be subject to. I have permission to investigate the cistern situation. He plans to send you a letter in the next two weeks with an update. He tells me that he wants to work towards preservation of 229.

Susan French

From: Keith Dalton
Sent: Tuesday, May 9, 2023 8:56 AM
To: susan french <susan@susanfrench.com>
Cc: Christy Dunkle <planner@berryvilleva.gov>; Neal White

<chiefofpolice@berryvilleva.gov>; Paul Culp <townclerk@berryvilleva.gov>

Subject: RE: Richard Jenkins: 229 Josephine Street

Ms. French:

Gutters

The structure still has vestiges of a gutter and downspout system (see attached photo).

<image001.jpg>

Windows and doors

Good to hear.

Cistern

Please let me know how the cistern was rendered safe.

Openings

There are several open areas that are clearly being used by animals. This needs to be addressed.

Engineer's report

I do not recall asking Mr. Jenkins for such a report in our recent discussions. I will have to review this and get back with 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: susan french <susan@susanlfrench.com>

Sent: Friday, May 5, 2023 9:22 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,

The October 26, 2021 "Blight" letter from you to Mr. Jenkins lists "windows/doors, removal of front porch, and gutters/downspouts - the latter did not exist when these structures were built and is NOT a Blighted Property issue. Mr. Jenkins states that

he has a contractor who will correct the windows and doors. Following the October 26, 2021 letter, you added additional repair items. Mr. Jenkins believes the cistern has been made safe. I will attempt to have someone look into that. You also added closing any possible openings at the base of the house. My comment: there are a lot of houses in Berryville who would be on your Blight list if your position is this is a "Blighted Property" issue. Finally, at the Council meetings I have attended, the structural engineer inspection was removed from lists due to expense? Is Mr. Jenkins an exception? I will check the timeline for window/door contractor work.

Susan French

On Fri, Apr 28, 2023 at 2:04 PM Keith Dalton <townmanager@berryvilleva.gov> wrote:

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 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 <susan@susanfrench.com>
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 conservative 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 <susan@susanlfrench.com>
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>

<20230522144706279.pdf>

Keith Dalton

From: Keith Dalton
Sent: Tuesday, May 30, 2023 9:17 AM
To: susan french
Cc: Deputy Town Manager; Rick Boor; Neal White; Paul Culp
Subject: RE: 229 Josephine Street
Attachments: 20230530094909460.pdf

Ms. French:

As I stated previously, I will take this matter to the Council on June 13, 2023. I suspect that the Council will want Town staff to have seen this potential hazard, but it is possible that they will accept photos from the owner.

If photos are to be sent to me from a heretofore unknown email address, then please provide me with a notice that includes the address from which the email was sent and the date on which the email was sent. I do not want any such email to languish in a junk file.

The thread that preceded this email is attached.

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

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

From: susan french <susan@susanlfrench.com>
Sent: Tuesday, May 30, 2023 6:51 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: 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,

Mr. Jenkins will be sending you a letter via a friend's internet or the mail. Mr. Jenkins wants me to tell you that I have offered to take photographs of the cistern with a measuring tape and send to you. At this time, Mr. Jenkins does not give permission for you to walk on the property. My intention is to send you the photos this week.

Regards,

Susan French

Sent from my iPhone

Keith Dalton

From: Keith Dalton
Sent: Thursday, May 25, 2023 11:27 AM
To: susan french
Cc: Paul Culp
Subject: RE: Richard Jenkins: 229 Josephine Street

Ms. French:

I would like to see the cistern. Do you have a few dates/times next week at which you and I can visit the property and see the cistern or will you authorize me to go take a look?

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 <susan@susanlfrench.com>
Sent: Thursday, May 25, 2023 8:44 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 visited 229 yesterday and will talk with Mr. Jenkins soon. The cistern is small and shallow with a very small opening. As the person who met me there said - if this is a blighted structure all the rain barrels in the county also are. Either I or Mr. Jenkins will write to you before the June Council meeting.
Susan French

Sent from my iPhone

On May 23, 2023, at 8:10 AM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

As promised.

From: Keith Dalton
Sent: Monday, May 22, 2023 2:22 PM
To: susan french <susan@susanlfrench.com>
Cc: Deputy Town Manager <deputytownmanager@berryvilleva.gov>; Christy Dunkle <planner@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Rick Boor <directordpw@berryvilleva.gov>
Subject: RE: Richard Jenkins: 229 Josephine Street
Importance: High

Ms. French:

In your email of May 18, 2023, you stated that you were of the opinion that Mr. Jenkins was not clear on the process for getting the property in compliance. Accordingly, I am providing additional information to inject more structure to this discussion.

As promised on 18 May, a draft letter that addresses my concerns about the property is attached to this email.

I request that you speak with your client about both the §5-3 issues and the §5-5 issues addressed in the draft letter. I suggest that you develop schedules for abatement of the §5-3 issues and §5-5 issues addressed in the draft letter. Please contact me when you have a feel for when the work in question can be completed. Please note that the §5-3 issues are the highest priority.

Though I have not determined when the letter in question will be finalized and sent, I will discuss this matter with the Town Council on June 13, 2023. Generally, if the Council determines that the condition of property may endanger the public health or safety of other residents of town, then they direct Town staff to move quickly to abate the conditions creating the possible danger. Please contact me by May 30 with any information that you have regarding the work 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: susan french <susan@susanlfrench.com>
Sent: Thursday, May 18, 2023 10:30 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,

Mr. Jenkins asks that he be able to work on the property issues without it becoming formal. I am working on the cistern. He also is not wanting anyone on property until he can ensure any unsafe areas are corrected.

Susan French

Sent from my iPhone

On May 18, 2023, at 9:09 AM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

Ms. French:

I have attached the thread of our most recent conversation to the end of your email of May 18, 2023.

I thought that my April 26 email (which is included in that thread) provided sufficient information as to what needs to be done on the property.

To provide clarity and structure to this matter, I will develop a draft determination of preliminary blight for the property and send it to you. The letter will identify the problems that need to be addressed and a timeframe in which these repairs must be made. I will visit the site today to take another look at conditions before I develop the draft.

I expect to have the letter to you by the end of business on Monday.

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 <susan@susanlfrench.com>
Sent: Thursday, May 18, 2023 7:15 AM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: 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 have spoken with Mr. Jenkins. My sense is that he is unclear about the process he seems to be subject to. I have permission to investigate the cistern situation. He plans to

send you a letter in the next two weeks with an update. He tells me that he wants to work towards preservation of 229.

Susan French

From: Keith Dalton

Sent: Tuesday, May 9, 2023 8:56 AM

To: susan french <susan@susanlfrench.com>

Cc: Christy Dunkle <planner@berryvilleva.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Paul Culp <townclerk@berryvilleva.gov>

Subject: RE: Richard Jenkins: 229 Josephine Street

Ms. French:

Gutters

The structure still has vestiges of a gutter and downspout system (see attached photo).

<image001.jpg>

Windows and doors

Good to hear.

Cistern

Please let me know how the cistern was rendered safe.

Openings

There are several open areas that are clearly being used by animals. This needs to be addressed.

Engineer's report

I do not recall asking Mr. Jenkins for such a report in our recent discussions. I will have to review this and get back with 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: susan french <susan@susanlfrench.com>

Sent: Friday, May 5, 2023 9:22 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,

The October 26, 2021 "Blight" letter from you to Mr. Jenkins lists" windows/doors, removal of front porch, and gutters/downspouts - the latter did not exist when these structures were built and is NOT a Blighted Property issue. Mr. Jenkins states that he has a contractor who will correct the windows and doors. Following the October 26, 2021 letter, you added additional repair items. Mr. Jenkins believes the cistern has been made safe. I will attempt to have someone look into that. You also added closing any possible openings at the base of the house. My comment: there are a lot of houses in Berryville who would be on your Blight list if your position is this is a "Blighted Property" issue. Finally, at the Council meetings I have attended, the structural engineer inspection was removed from lists due to expense? Is Mr. Jenkins an exception? I will check the timeline for window/door contractor work.

Susan French

On Fri, Apr 28, 2023 at 2:04 PM Keith Dalton <townmanager@berryvilleva.gov> wrote:

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

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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?

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<townmanager@berryvilleva.gov> wrote:

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

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

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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

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<townmanager@berryvilleva.gov> wrote:

Ms. French:

Thank you for contacting me.

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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?

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I will update the Town Council on these developments.

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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.

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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 <susan@susanifrench.com>
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)

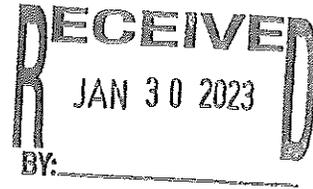
<mayorarnold@berryvilleva.gov>
Subject: Richard Jenkins: 229 Josephine Street

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>

<20230522144706279.pdf>



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

Richard E. Jenkins III

Richard E. Jenkins III

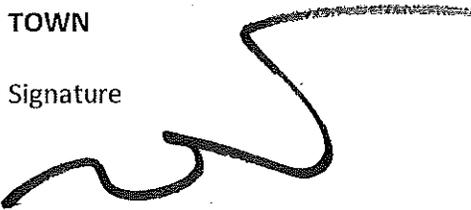
Jan. 26, 2023

TOWN

Signature

Printed Name and title

Date



Keith R. Dalton, Town Manager

1/30/23

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 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 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

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 Manger 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
_____	_____	_____
<i>[Handwritten Signature]</i>	_____	_____
_____	_____	_____
<i>[Handwritten Signature]</i>	_____	_____

TOWN

Signature	Printed Name and title	Date
_____	Keith R. Dalton, Town Manager	_____

SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date

Richard E. Jenkins III

Richard E. Jenkins III 11/14/2022

TOWN

Signature

Printed Name and title

Date

[Handwritten Signature]

Keith R. Dalton, Town Manager

11/21/22

note - I received this signed form 4 without the rest of the BUDGET APPORTIONMENT PLAN. I HAVE ATTACHED PAGES 1-3.

CERTIFIED MAIL

January 5, 2021

Richard A. Jenkins Estate
C/o Richard E. Jenkins, Jr.
6402 7th Street, NW
Washington, DC 20012

Dear Mr. Jenkins:

This letter is written concerning your property at 229 Josephine Street (also identified as Tax Map Parcel 14A6-((3))-B-5).

I am examining the property in order to determine whether it is blighted as defined in §5-5 of the Berryville Code (copy attached). I would like to meet with you prior to finalizing a preliminary determination in this regard.

I have attached a draft blight abatement plan that I have developed for your property. If I make a preliminary determination that your property is blighted, then a blight abatement plan such as the one attached to this letter will be developed for review by the Planning Commission and Town Council.

I am available to meet with you at the property in question on the following dates/timeframes:

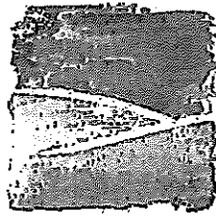
January 20, 2021 / morning
January 21, 2021 / afternoon

Please either email me at townmanager@berryvilleva.gov or call me at 540.955.1099 to confirm a meeting date/time.

I look forward to meeting with you.

Sincerely,

Keith R. Dalton
Town Manager



COPY

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

BERRYVILLE
EST. 1798 *Genuine* CERTIFIED MAIL VIRGINIA

December 8, 2021

Richard E. Jenkins III
6402 7th St., NW
Washington, DC 20012-2620

Dear Mr. Jenkins:

I am in receipt of your letter dated November 23, 2021. The letter in question was written in response to the preliminary blight determination that I made regarding your property located at 229 Josephine Street, Berryville, VA.

I find that the spot blight abatement plan that you submitted does not sufficiently abate the blight within a reasonable time period. The reasons for this determination include:

- plan did not fully enumerate actions that will be taken to abate the blight,
- plan did not provide a schedule for abatement work to occur, and
- actions that the Town will take if the property owner fails to meet requirements of the plan.

Accordingly, I have attached a Spot Blight Abatement Plan for the property in question that I would deem acceptable. If the owners of record agree to the attached plan, then it must be signed and returned to me by noon on December 20, 2021.

If we are unable to agree on an abatement plan, then I will initiate a formal process to determine if the property is blighted and what actions must be taken to abate any identified blight. A plan prepared by Town staff and the plan that you submitted would be forwarded to Berryville's Planning Commission, Architectural Review Board, and Town Council for review. The Town Council, after receiving advice and recommendations from the Planning Commission and Architectural Review Board, will render a determination in this matter. The plan that will be prepared by Town staff will provide for the demolition of the dwelling and associated buildings.

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

Thank you for your efforts in this regard. If you have any questions or concerns, then please feel free to contact me at townmanager@berryvilleva.gov or 540.955.1099.

Sincerely,

Keith R. Dalton
Town Manager

Cc: Town Council
Planning Commission
Architectural Review Board
Christy Dunkle, Director of Community Development
Jamie Royston, Clarke County Building Official

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 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 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 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

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 Manger 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

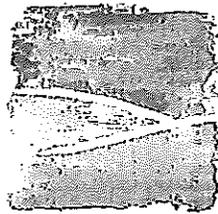
TOWN

Signature

Printed Name and title

Date

Keith R. Dalton, Town Manager



BERRYVILLE
EST. 1798 *Genuine* VIRGINIA
CERTIFIED MAIL

October 26, 2021

Richard A. Jenkins Estate
c/o Richard E. Jenkins, Jr.
6402 7th Street, NW
Washington, DC 20012

Dear Mr. Jenkins:

This letter is written concerning your property at 229 Josephine Street (also identified as Tax Map Parcel 14A6-((3))-B-5).

I have examined the above-referenced property in order to determine whether it is blighted as defined in §5-5 of the Berryville Code (copy attached). I have made a preliminary determination that the above-referenced property is blighted because:

- the structure's doors and windows have been boarded up for years,
- the structure's gutter/downspout system is missing, and
- the structure's front porch appears to be structurally unsound.

In accordance with §5-5 of the Berryville Code the property owner must provide the Town with a written spot blight abatement plan to address the blight within a reasonable time. This plan must be received by the Town before November 29, 2021.

I have also attached a sample spot blight abatement plan that you may use as a template for your plan if you choose. It is important to note that the timeframe for blight abatement that the Town will find reasonable and acceptable would not extend beyond July 1, 2022.

Failure to meet the spot blight abatement plan submission deadline will result in this matter being forwarded to the Berryville Planning Commission. If the Planning Commission reviews this matter, the Town will develop a spot blight abatement plan for the property, and once that plan is reviewed by the Planning Commission, the matter will be forwarded to the Berryville Town Council for final disposition.

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

Richard A. Jenkins Estate
October 26, 2021
Page 2 of 2

You may send your spot blight abatement plan to:

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

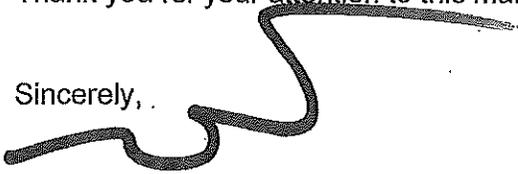
or

townmanager@berryvilleva.gov and townclerk@berryvilleva.gov

I have reserved the Main Meeting Room at the Berryville-Clarke County Government Center on November 4, 2021 at 6:30 p.m. to provide property owners who receive this notice with the opportunity to hear more about the blight abatement process and ask Town staff questions about this matter. Please attend if you wish to hear more about the blight abatement process. The meeting is expected to last no more than an hour.

Thank you for your attention to this matter.

Sincerely,



Keith R. Dalton
Town Manager

Cc: Town Council
Planning Commission

Chapter 5 - BUILDING REGULATIONS

Footnotes:

--- (1) ---

Cross reference— Fire prevention and protection, Ch. 6; restrictions on building operations at night, §§ 11-13, 11-14; street numbers for buildings, § 15-5; placing building materials on street or sidewalk, § 15-7; use of sidewalk during construction or demolition operations, § 15-8; construction and preparation of sidewalks, curbs and gutters, § 15-35 et seq.; water, sewers and sewage disposal, Ch. 17; zoning ordinance, App. A; subdivision ordinance, App. B.

State Law reference— General authority of town to regulate construction and repair of buildings, Code of Virginia, §§ 15.1-863, 15.1-864, 15.1-869; razing or repair of unsafe buildings, § 15.1-867.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Building code.

- (a) There is hereby adopted by the town council the Virginia Uniform Statewide Building Code and all amendments thereto, the provisions of which shall control all matters concerning the construction, alteration, repair, removal, demolition, equipment, use and occupancy of all buildings and structures and all other functions which pertain to the installation of plumbing, electrical and mechanical systems vital to all buildings and structures and their service equipment, as defined by such code, including permits and penalties, and such code is hereby incorporated in and made a part of this section as fully as if set out at length herein and the provisions thereof shall be applicable throughout the town.
- (b) The provisions of the code adopted by this section shall be enforced by the county building official.
- (c) Any person violating any provision of the code adopted by this section shall be guilty of a misdemeanor and, upon conviction thereof, punished by a fine of not more than one thousand dollars (\$1,000.00).

State Law reference— Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.

Sec. 5-2. - Approval of building permits by zoning administrator.

Each permit issued by the county for construction within the town shall be approved by the town zoning administrator for compliance with the zoning ordinance of the town.

(Ord. of 1-8-74)

Cross reference— Zoning ordinance, App. A.

Sec. 5-3. - Removal, repair, etc., of buildings and other structures.

- (a) Notwithstanding any provision of section 5-1 to the contrary, owners of property in the town shall, at such time or times as council may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town.
- (b) Agents or employees of the town council are hereby authorized and empowered to remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the town, if the owner and lien holder of such property, after reasonable notice and a

reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure. The aforesaid reasonable notice shall be a written notice (i) mailed by certified or registered mail, return receipt requested, to the last known address of the property owner, or personally served on the owner by a person authorized to serve process under the Code of Virginia, and (ii) published once a week for two (2) successive weeks in a newspaper having general circulation in the town. No action shall be taken by the town to remove, repair, or secure any building, wall or other structure for at least thirty (30) days following the later of (i) the date of receipt shown on the return receipt, or the date of personal service, or (ii) the last date of newspaper publication.

- (c) In the event that the town council, through its agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.
- (d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid town taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia, 1950, as amended. Council may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Ord. of 10-15-91; Ord. of 8-16-94; Ord. of 6-11-96; Ord. of 12-9-97; Ord. of 12-9-97; Ord. of 7-11-00, §§ 1—4; Ord. of 7-11-00; Ord. of 6-11-02)

State Law reference— Authority for above section, Code of Virginia, Section 15.2-906.

Sec. 5-4. - Action to secure property.

The town council of the Town of Berryville hereby ordains and prescribes that whenever the chief of police certifies in writing to the town manager that any building or any other structure in the town has remained unsecured for a continuous period of forty-eight (48) hours so as to permit the entry of any person, the town manager is authorized to proceed to secure the property pursuant to section 5-3 of the Code of the Town of Berryville.

(Ord. of 6-11-96; Ord. of 6-11-02)

Sec. 5-5. - Spot blight abatement.

- (a) The Town of Berryville, in accordance with Code of Virginia § 36-49:1:1, may acquire or repair any blighted property, as defined in (b), below, by purchase or the exercise of the power of eminent domain provided in Chapter 2 of Title 25.1 of the Code of Virginia, and, further, shall have the power to hold, clear, repair, manage, or dispose of such property for purposes consistent with this section. In addition, the town may recover the cost of any repair or disposal of such property from the owner or owners or record, determined in accordance with Virginia Code § 36-27(B).

- (b) "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.
- (c) The town manager, or his/her designee, shall make a preliminary determination that a property is blighted in accordance with this section. The town manager or his/her designee shall send notice to the owner or owners of record, determined in accordance with Virginia Code § 36-27(B), specifying the reasons why the property is blighted. The owner or owners of record shall have thirty (30) days from the date the notice is sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time.
- (d) If the owner or owners of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the town manager or his/her designee, the town (i) may request the planning commission to conduct a public hearing and make findings and recommendations that shall be reported to town council concerning the repair or other disposition of the property in question; and (ii) in the event a public hearing is scheduled, shall prepare a written spot blight abatement plan for the repair or other disposition of the property.
- (e) Not less than three (3) weeks prior to the date of the public hearing before the planning commission, the commission shall provide, by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service or notices concerning the payment of real estate taxes within the town; (ii) the abutting property owners in each direction, including those property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended repair or other disposition of the property. The notice of the public hearing shall be published at least twice, with not less than six (6) days elapsing between the first and second publication in a newspaper published or having general circulation in the town. The notice shall be posted on the property. The notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, not less than six (6) days nor more than twenty-one (21) days after the second publication.
- (f) The planning commission, following the public hearing, shall determine whether:
- (1) The property is blighted;
 - (2) The owner has failed to cure the blight or present a reasonable plan to do so;
 - (3) 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;
 - (4) The property is located within an area listed on the National Register of Historic Places. In such instances, the planning commission shall consult with the architectural review board regarding the proposed repair or other disposition of the property by the town council.
- (g) The planning commission shall report its findings and recommendations concerning the property to the town council. The town council, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and

recommendations. If the repair or other disposition of the property is approved, the town may carry out the approved plan to repair or acquire and dispose of the property in accordance with the approved plan, the provisions of this section, and applicable law.

- (h) The town shall have a lien on all property so repaired or acquired, under an approved plan to recover the cost of (i) improvements made by the town to bring the blighted property into compliance with applicable building codes and (ii) disposal, if any. The lien authorized by this section shall be filed in the circuit court of Clarke County and shall be subordinate to any prior liens of record. The town council may recover its costs of repair from the owner or owners of record of the property when the repairs were made at such time as the property is sold or disposed of by such owner or owners. If the property is acquired by the town through eminent domain, the cost of repair may be recovered when town council sells or disposes of the property. In either case, the costs of repair shall be recovered from the proceeds of any such sale.
- (i) If the blighted property is occupied for personal residential purposes, town council, in approving the spot blight abatement plan, shall not acquire by eminent domain such property if it would result in a displacement of the person or persons living in the premises. The provisions of this subsection shall not apply to acquisition, under an approved spot blight abatement plan, by the Town of property which has been condemned for human habitation for more than one year. In addition, upon the town exercising the powers of eminent domain in accordance with Title 25.1 of the Code of Virginia, it may provide for temporary relocation of any person living in the blighted property provided the relocation is within the financial means of such persons.
- (j) In lieu of the acquisition of blighted property by the exercise of eminent domain, and in lieu of the exercise of other powers granted in subsections (a) through (i), town council by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to Virginia Code § 15.2-900 or 15.2-1115. Such ordinance shall be adopted only after the written notice by certified mail to the owner or owners of the property at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.
- (k) The provisions of this section shall be cumulative and shall be in addition to any remedies for spot blight abatement that may be authorized by law.

(Ord. of 12-12-06)

SAMPLE PLAN

Spot Blight Abatement Plan
{ADDRESS}, Berryville, VA
Tax Map Parcel _____

Overview

This Blight Abatement Plan (Plan), prepared in accordance with § 5-5 of the Berryville Code, provides for the repair or demolition of the structure on the subject property and the removal of all trash and refuse from the property. In accordance with this plan the owner is responsible for meeting the requirements of the Plan.

The Plan also establishes the actions that the Town will take if the property owner fails to meet his/her commitments under the Plan.

Permitting

The owner agrees to obtain all necessary permits including building, demolition, erosion and sedimentation control etc.

Utilities

As applicable, the owner will:

Request disconnection of all non-town utilities and verify the work has been completed.

Disconnect sewer service by cutting and capping lateral near the property line at the front of the property.

Disconnect water service by cutting lateral on house side of meter cock. Provide protection for existing water meter cock.

Erosion and Sedimentation Control

All required erosion and sedimentation controls will be installed.

Repair of Structure/Removal of Debris

{Provide details of required work.}

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

Any on-site sewer treatment system discovered on the site will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Any well or cistern discovered on the site will be abandoned in accordance with Virginia Department of Health regulations and recommended best practices.

Clearing and removal of plant material

The site will be cleared of trees, vines, and weeds.

All material from clearing and plant material removal will be removed from the site and disposed of in a manner consistent with applicable law.

Blight Abatement Plan

{ADDRESS}

Page 2 of 2

Stabilization

All disturbed areas will be stabilized in accordance with the Virginia Erosion and Sediment Control Handbook.

Unforeseen Hazards

Should other health hazards be discovered during abatement work, action will be taken to address those hazards.

Process / Schedule

The following steps will occur as required by the Plan:

- 1) All required permits will be applied for and received by {DATE}.
- 2) Work will commence on site on or before {DATE}.
- 3) Work enumerated as a part of the Plan will be completed and all required inspections completed and passed by {DATE}.

If the owner fails to complete work required as a part of the Plan in accordance with established deadlines, then the Town Manager will, without further notice immediately begin work in accordance with the Alternate Blight Abatement Plan attached to this Plan. The owner will be responsible for costs incurred by the Town to implement the Alternate Blight Abatement Plan.

AGREED TO:

OWNERS:

Owner Signature

Owner Name Printed

Date Signed

Owner Signature

Owner Name Printed

Date Signed

Owner Signature

Owner Name Printed

Date Signed

APPROVED BY:

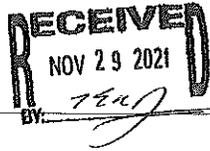
TOWN OF BERRYVILLE

Signature

Keith R. Dalton, Town Manager

Date Signed

November 23, 2021



Dear Mr. Dalton,

I am writing in response to your concern for my property at 229 Josephine Street (also identified as Tax Map Parcel 14A6 3 B5). You have made a preliminary determination that the property is blighted because the structure's doors and windows have been boarded up for years, the gutter/downspout system is missing and the front porch appears to be structurally unsound.

Here are plans for spot blight abatement

- The boards to the doors and windows will be replaced with new boards until the need for new doors and windows.
- The gutter/downspout system to my knowledge was not on the house. (I will have to further look into this.)
- The front porch will have to be replaced.

Hopefully, I can come down to further inspect what has to be done to the property. I will consult with some contractors to get these items taken care of.

For further information contact me at (202)-723-4812 or (202)-351-9596.

With Best Regards,

Richard E. Jenkins III

**Motion for Approval
2023-2024 Fiscal Year Budget
of the Town of Berryville**

Date: June 13, 2023

Motion By:

I hereby move that the Council of the Town of Berryville adopt the attached budget for fiscal year 2023-2024, an approved copy of which shall be incorporated into the and become a part of the official minutes of this meeting, and further as set forth in this approved budget shall hereby be appropriated for fiscal year 2023-2024.

VOTE

Aye:

Nay:

Absent:

Abstain:

ATTEST

Erecka Gibson, Vice Mayor

FY 23-24 BUDGET REVENUES

Account Number	Account Description	FY APPROVED 2022-2023	FY23-24 DRAFT 2023-2024
GENERAL FUND			
FUND BALANCE			
100-3000000-0000	FUND BALANCE FORWARD	\$ 40,000.00	\$ -
	TOTAL FUND BALANCE	\$ 40,000.00	\$ -
REVENUE FROM LOCAL SOURCES			
100-3110101-0000	CURRENT REAL ESTATE TAXES	\$ 1,154,000.00	\$ 1,355,575.00
100-3110102-0000	DEL REAL ESTATE TAXES	\$ -	\$ -
100-3110201-0000	UTILITY REAL ESTATE TAXES	\$ 11,200.00	\$ 11,200.00
100-3110301-0000	CURRENT PERS PROP TAXES	\$ 400,000.00	\$ 410,000.00
100-3110302-0000	DEL PERS PROP TAXES	\$ -	\$ -
100-3110303-0000	REFUSE COLLECTION(EXTRA TOTERS)	\$ 7,000.00	\$ 13,000.00
100-3110401-0000	MACHINERY & TOOLS	\$ 175,000.00	\$ 175,000.00
100-3110601-0000	TAX PENALTIES	\$ 8,000.00	\$ 8,000.00
100-3110602-0000	TAX INTEREST	\$ 2,000.00	\$ 2,000.00
	TOTAL REV FROM LOCAL SOURCES	\$ 1,757,200.00	\$ 1,974,775.00
OTHER LOCAL TAXES			
100-3120101-0000	LOCAL SALES TAX	\$ 260,000.00	\$ 280,000.00
100-3120201-0000	CONSUMER UTILITY TAX	\$ 100,000.00	\$ 100,000.00
100-3120300-0000	BUSINESS LICENSE	\$ 240,000.00	\$ 240,000.00
100-3120402-0000	REC FRANCHISE FEES	\$ 35,000.00	\$ 35,000.00
100-3120501-0000	AUTO LICENSE	\$ 95,000.00	\$ 102,000.00
100-3120601-0000	BANK FRANCHISE TAXES	\$ 140,000.00	\$ 150,000.00
100-3120801-0000	CIGARETTE TAX (10¢)	\$ 13,000.00	\$ 13,000.00
100-3121001-0000	LODGING TAX (2%)	\$ 8,500.00	\$ 10,000.00
100-3121101-0000	MEALS TAX (4%)	\$ 350,000.00	\$ 400,000.00
	TOTAL OTHER LOCAL TAXES	\$ 1,241,500.00	\$ 1,330,000.00
PERMITS, FEES & LICENSES			
100-3130304-0000	LAND USE APPLICATION FEES	\$ 1,000.00	\$ 1,000.00
100-3130307-0000	ZONING & SUBDIVISION FEES	\$ 10,000.00	\$ 10,000.00
	TOTAL PERMITS, FEES & LICENSES	\$ 11,000.00	\$ 11,000.00
FINES & FORFEITURES			
100-3140101-0000	COURT FINES	\$ 12,000.00	\$ 12,000.00
100-3140102-0000	PARKING METER FINES	\$ 3,000.00	\$ 2,000.00
100-3140103-0000	ESUMMONS	\$ 1,000.00	\$ 1,000.00
	TOTAL FINES & FORFEITURES	\$ 16,000.00	\$ 15,000.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
REVENUE FROM MONEY OR PROP					
100-3150101-0000	INTEREST ON DEPOSITS	\$	85,000.00	\$	95,000.00
100-3150201-0000	RENTAL OF PROPERTY	\$	12,500.00	\$	12,500.00
100-3150205-0000	WATER TANK SITE LEASE	\$	85,000.00	\$	86,000.00
100-3150206-0000	CHARGE CARD REBATE	\$	15,000.00	\$	17,000.00
	TOTAL FROM MONEY OR PROP	\$	197,500.00	\$	210,500.00
CHARGES FOR SERVICES					
100-3160703-0000	PARKING METERS	\$	10,000.00	\$	8,000.00
100-3161502-0000	SALE OF PUBLICATIONS	\$	-	\$	-
	TOTAL CHARGES FOR SERVICES	\$	10,000.00	\$	8,000.00
MISCELLANEOUS REVENUES					
100-3189905-0000	SALE OF SURPLUS	\$	5,000.00	\$	5,000.00
	TOTAL MISC REVENUES	\$	5,000.00	\$	5,000.00
TOTAL LOCAL REVENUES		\$	3,278,200.00	\$	3,554,275.00
REVENUE FROM THE COMMONWEALTH					
NON-CATEGORICAL AID					
100-3220107-0000	ROLLING STOCK TAX	\$	1,850.00	\$	1,850.00
100-3220109-0000	PPTRA	\$	209,917.00	\$	209,917.00
100-3220201-0000	COMMUNICATION TAX	\$	70,000.00	\$	65,000.00
100-3220106-0000	ARPA FUNDS (2ND TRANCHE)	\$	2,267,493.00	\$	-
	TOTAL NON-CATEGORICAL AID	\$	2,549,260.00	\$	276,767.00
CATEGORICAL AID					
100-3220108-0000	599 LAW ENFORCEMENT GRANT	\$	82,350.00	\$	90,600.00
100-3240103-0000	LE BLOCK GRANT	\$	1,000.00	\$	1,000.00
100-3240201-0000	FIRE FUND PROGRAM	\$	15,250.00	\$	15,250.00
100-3240300-0000	VDOT LANE MILE ALLOWANCE	\$	503,000.00	\$	503,000.00
100-3240301-0000	VDOT ROAD MAINTENANCE	\$	55,555.00	\$	55,555.00
100-3240302-0000	LITTER CONTROL GRANT	\$	1,900.00	\$	2,500.00
100-3240312-0000	VA COMMISSION FOR THE ARTS	\$	4,500.00	\$	4,500.00
100-3240710-0000	DMV ANIMAL FRIENDLY PLATES	\$	-	\$	-
	TOTAL CATEGORICAL AID	\$	663,555.00	\$	672,405.00
TOTAL FROM THE COMMONWEALTH		\$	3,212,815.00	\$	949,172.00

Account Number	Account Description	FY APPROVED 2022-2023	FY23-24 DRAFT 2023-2024
REVENUE FROM THE FEDERAL GOVERNMENT			
CATEGORICAL AID			
100-3340102-0000	FEDERAL FIRE FUND PROGRAM	\$ -	\$ -
100-3340311-0000	FEDERAL EMERGENCY R&R	\$ -	\$ -
	TOTAL CATEGORICAL AID	\$ -	\$ -
TOTAL FROM FEDERAL GOVERNMENT		\$ -	\$ -
REVENUE FROM OTHER SOURCES			
NON-REVENUE RECEIPTS			
100-3410201-0000	MISCELLANEOUS REVENUES	\$ 1,000.00	\$ 1,000.00
	TOTAL FROM OTHER SOURCES	\$ 1,000.00	\$ 1,000.00
TOTAL FROM OTHER SOURCES		\$ 1,000.00	\$ 1,000.00
TOTAL GENERAL FUND REVENUES		\$ 6,492,015.00	\$ 4,504,447.00
WATER FUND			
FUND BALANCE			
501-3000000-0000	FUND BALANCE	\$ 200,000.00	\$ 615,000.00
	TOTAL FUND BALANCE	\$ 200,000.00	\$ 615,000.00
REVENUE FROM MONEY OR PROP			
501-3150102-0000	INTEREST ON INVESTMENTS	\$ 30,000.00	\$ 65,000.00
	TOTAL FROM USE OF MONEY OR PROP	\$ 30,000.00	\$ 65,000.00
CHARGES FOR SERVICES			
501-3160110-0000	TREATMENT FEES	\$ 1,000,000.00	\$ 1,200,000.00
501-3160111-0000	DELINQUENT ACCT PENALTIES	\$ 30,000.00	\$ 40,000.00
501-3160113-0000	AVAILABILITY CHARGES	\$ 745,000.00	\$ 30,500.00
501-3160114-0000	CONNECTION CHARGES	\$ -	\$ -
501-3160115-0000	METER FEES	\$ 16,000.00	\$ 1,000.00
501-3160116-0000	LOAN PROCEEDS	\$ -	\$ 1,200,000.00
	TOTAL CHARGES FOR SERVICES	\$ 1,791,000.00	\$ 2,471,500.00
TOTAL WATER FUND		\$ 2,021,000.00	\$ 3,151,500.00

Account Number	Account Description	FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
SEWER FUND				
FUND BALANCE				
502-3000000-0000	FUND BALANCE	\$	-	\$ 1,095,000.00
	TOTAL FUND BALANCE	\$	-	\$ 1,095,000.00
REVENUE FROM MONEY OR PROP				
502-3150101-0000	INTEREST INCOME	\$	35,000.00	\$ 35,000.00
	TOTAL REVENUE FROM MONEY OR PROP	\$	35,000.00	\$ 35,000.00
CHARGES FOR SERVICES				
502-3160110-0000	TREATMENT FEES	\$	1,700,000.00	\$ 1,800,000.00
502-3160112-0000	SECURITY DEPOSITS	\$	-	\$ -
502-3160113-0000	AVAILABILITY CHARGES	\$	850,000.00	\$ 32,750.00
	TOTAL CHARGES FOR SERVICES	\$	2,550,000.00	\$ 1,832,750.00
REVENUE FROM OTHER SOURCES				
NON-REVENUE RECEIPTS				
502-3410401-0000	VRA LOAN	\$	-	\$ -
502-3410402-0000	WQIF Grant	\$	-	\$ -
502-3410404-0000	NUTRIENT CREDIT REBATE	\$	500.00	\$ 500.00
	TOTAL NON-REVENUE RECEIPTS	\$	500.00	\$ 500.00
	TOTAL FROM OTHER SOURCES	\$	500.00	\$ 500.00
	TOTAL SEWER FUND	\$	2,585,500.00	\$ 2,963,250.00
	TOTAL REVENUES ALL FUNDS	\$	11,098,515.00	\$ 10,619,197.00

Account Number	Account Description	FY APPROVED 2022-2023	FY23-24 DRAFT 2023-2024
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FY 22-23 BUDGET EXPENSES

Account Number	Account Description	FY22-23 APPROVED 2022-2023	FY23-24 DRAFT 2023-2024
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GENERAL FUND

TOWN COUNCIL

100-4011100-1111	EXPENSE COMPENSATION	\$ 18,900.00	\$ 18,900.00
100-4011100-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 1,450.00	\$ 1,450.00
100-4011100-5540	TRAINING	\$ 4,000.00	\$ 4,000.00
100-4011100-5699	LOCAL CONTRIBUTIONS	\$ 10,000.00	\$ 5,000.00
100-4011100-5800	MISCELLANEOUS	\$ 5,000.00	\$ 5,000.00
100-4011100-5810	DUES	\$ 3,000.00	\$ 3,000.00
100-4011100-6017	TOWN CODE SUPPLEMENTS	\$ 2,000.00	\$ 2,000.00
100-4011100-6018	STATE CODE SUPPLEMENTS	\$ -	\$ -
TOTAL TOWN COUNCIL		\$ 44,350.00	\$ 39,350.00

TOWN CLERK

100-4011200-1114	SALARIES/WAGES/TNCLK	\$ 48,500.00	\$ 52,100.00
100-4011200-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 3,700.00	\$ 4,100.00
100-4011200-5510	MILEAGE	\$ 250.00	\$ 250.00
100-4011200-5540	EDUCATION/TRAINING	\$ 1,000.00	\$ 1,000.00
100-4011200-5810	DUES	\$ 100.00	\$ 100.00
TOTAL TOWN CLERK		\$ 53,550.00	\$ 57,550.00

OFFICE OF TOWN MANAGER

100-4012110-1112	COMPENSATION	\$ 70,000.00	\$ 83,000.00
100-4012110-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 5,400.00	\$ 6,500.00
100-4012110-3399	BLIGHT ABATEMENT	\$ 50,000.00	\$ 50,000.00
100-4012110-5230	TELECOMMUNICATIONS	\$ 600.00	\$ 600.00
100-4012110-5510	MILEAGE	\$ 150.00	\$ 150.00
100-4012110-5540	TRAINING	\$ 1,000.00	\$ 1,000.00
100-4012110-5810	DUES	\$ 500.00	\$ 750.00
TOTAL TOWN MANAGER		\$ 127,650.00	\$ 142,000.00

LEGAL SERVICES

100-4012210-3150	PROFESSIONAL SERVICES	\$ 50,000.00	\$ 50,000.00
TOTAL LEGAL SERVICES		\$ 50,000.00	\$ 50,000.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
PERSONNEL					
100-4012220-2100	SOCIAL SECURITY	\$	-	\$	-
100-4012220-2210	VRS	\$	160,000.00	\$	169,000.00
100-4012220-2220	VMLIP - STD	\$	645.00	\$	650.00
100-4012220-2230	VMLIP - LTD	\$	6,600.00	\$	6,900.00
100-4012220-2250	Line of Duty Act	\$	8,500.00	\$	8,500.00
100-4012220-2300	HEALTH INSURANCE	\$	212,000.00	\$	227,000.00
100-4012220-2400	LIFE INSURANCE	\$	16,230.00	\$	17,400.00
100-4012220-2600	UNEMPLOYMENT INSURANCE	\$	600.00	\$	230.00
100-4012220-2700	WORKER'S COMPENSATION	\$	35,000.00	\$	35,000.00
100-4012220-3110	RANDOM DRUG SCREENING	\$	750.00	\$	750.00
100-4012220-9001	EMPLOYEE RECOGNITION	\$	2,000.00	\$	2,000.00
	TOTAL PERSONNEL	\$	442,325.00	\$	467,430.00
INDEPENDENT AUDITOR					
100-4012240-3120	CONTRACTUAL SERVICES	\$	20,000.00	\$	20,000.00
	TOTAL INDEPENDENT AUDITOR	\$	20,000.00	\$	20,000.00
TOWN TREASURER					
100-4012410-1113	COMPENSATION	\$	82,000.00	\$	85,500.00
100-4012410-2100	MATCHING FICA EXPENSE (7.65 %)	\$	6,275.00	\$	6,700.00
100-4012410-3130	PROFESSIONAL SER/TAX CONV	\$	2,500.00	\$	2,500.00
100-4012410-3150	PROFESSIONAL SER/VEC	\$	-	\$	-
100-4012410-5306	SURETY BONDS	\$	500.00	\$	500.00
100-4012410-5540	TRAINING	\$	2,000.00	\$	2,000.00
100-4012410-5810	DUES	\$	1,000.00	\$	1,000.00
100-4012410-6015	AUTO DECALS	\$	-	\$	-
100-4012410-6020	CIGARETTE TAX STAMPS	\$	-	\$	-
	TOTAL TOWN TREASURER	\$	94,275.00	\$	98,200.00
FINANCE/ACCOUNTING					
100-4012430-1113	COMPENSATION	\$	110,000.00	\$	130,000.00
100-4012430-2100	MATCHING FICA EXPENSE (7.65 %)	\$	8,450.00	\$	9,700.00
100-4012430-5540	TRAINING	\$	3,400.00	\$	3,400.00
	TOTAL FINANCE/ACCOUNTING	\$	121,850.00	\$	143,100.00
CENTRAL ADM/PURCHASING					
100-4012530-3320	MAINTENANCE CONTRACTS	\$	51,100.00	\$	52,250.00
100-4012530-3400	WEB SITE	\$	1,000.00	\$	1,000.00
100-4012530-3450	DIGITIZING	\$	7,000.00	\$	7,000.00
100-4012530-3501	NEWSLETTER	\$	1,000.00	\$	1,000.00
100-4012530-3600	ADVERTISING	\$	6,000.00	\$	8,000.00
100-4012530-5210	POSTAGE	\$	15,000.00	\$	16,000.00
100-4012530-5230	TELECOMMUNICATIONS	\$	4,200.00	\$	4,300.00
100-4012530-5250	SOCIAL MEDIA ARCHIVING	\$	2,700.00	\$	3,300.00
100-4012530-5415	COPIER LEASE	\$	4,900.00	\$	5,100.00
100-4012530-5540	TRAINING	\$	1,500.00	\$	2,500.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
100-4012530-5699	CONTRIBUTION / CC SOCIAL MEDIA	\$	5,000.00	\$	5,000.00
100-4012530-5810	DUES	\$	500.00	\$	500.00
100-4012530-6001	OFFICE SUPPLIES	\$	11,500.00	\$	15,000.00
	TOTAL CENTRAL ADM/PURCHASING	\$	111,400.00	\$	120,950.00
	RISK MANAGEMENT				
100-4012550-5304	BLANKET EXCESS LIABILITY	\$	16,000.00	\$	16,000.00
100-4012550-5305	AUTOMOBILE INSURANCE	\$	13,000.00	\$	13,000.00
100-4012550-5308	SEMI-MULTI PERIL INS	\$	28,900.00	\$	36,500.00
100-4012550-5800	INSURANCE DEDUCTABLES	\$	-	\$	-
	TOTAL RISK MANAGEMENT	\$	57,900.00	\$	65,500.00
	ENGINEERING SERVICES				
100-4012600-3140	ENGINEERING SERVICES	\$	5,000.00	\$	5,000.00
	TOTAL ENGINEERING SERVICES	\$	5,000.00	\$	5,000.00
	ELECTIONS				
100-4013100-1125	ELECTION OFFICIALS	\$	3,000.00	\$	2,500.00
100-4013100-6001	OFFICE SUPPLIES	\$	3,000.00	\$	1,500.00
	TOTAL ELECTIONS	\$	6,000.00	\$	4,000.00
	PUBLIC DEFENDER FEES				
100-4021500-3150	PUBLIC DEFENDER FEES	\$	2,000.00	\$	2,000.00
	TOTAL PUBLIC DEFENDER FEES	\$	2,000.00	\$	2,000.00
	POLICE DEPARTMENT				
100-4031100-1139	COMPENSATION	\$	667,000.00	\$	700,500.00
100-4031100-2100	MATCHING FICA EXPENSE (7.65 %)	\$	51,500.00	\$	54,000.00
100-4031100-3110	MEDICAL EXAMINATIONS	\$	500.00	\$	900.00
100-4031100-3115	PRE EMPLOYMENT DRUG SCREEN	\$	500.00	\$	250.00
100-4031100-3190	INTERPRETER	\$	400.00	\$	400.00
100-4031100-3310	REPAIR & MAINTENANCE	\$	12,000.00	\$	12,000.00
100-4031100-3320	MAINTENANCE CONTRACTS	\$	29,000.00	\$	40,100.00
100-4031100-4081	RICH RAU SAFETY FUND	\$	5,000.00	\$	5,000.00
100-4031100-4082	WILDLIFE MANAGEMENT	\$	250.00	\$	250.00
100-4031100-5210	POSTAGE	\$	500.00	\$	500.00
100-4031100-5230	TELECOMMUNICATIONS	\$	3,000.00	\$	3,000.00
100-4031100-5415	COPIER LEASE	\$	4,400.00	\$	4,400.00
100-4031100-5540	TRAINING	\$	16,000.00	\$	19,000.00
100-4031100-5545	OFFICE ACCREDIATION	\$	1,000.00	\$	500.00
100-4031100-5810	DUES	\$	850.00	\$	850.00
100-4031100-5815	COMMUNITY RELATIONS	\$	2,000.00	\$	2,000.00
100-4031100-6001	OFFICE SUPPLIES	\$	1,600.00	\$	1,600.00
100-4031100-6008	GASOLINE & OIL	\$	19,440.00	\$	20,000.00
100-4031100-6010	POLICE SUPPLIES	\$	13,500.00	\$	13,500.00
100-4031100-6011	UNIFORMS	\$	3,000.00	\$	3,000.00

Account Number	Account Description	FY APPROVED 2022-2023	FY23-24 DRAFT 2023-2024
TOTAL POLICE DEPARTMENT		\$ 831,440.00	\$ 881,750.00
TRAFFIC CONTROL			
100-4031300-5699	COUNTY CONT/CROSSING GD	\$ 2,500.00	\$ 2,500.00
TOTAL TRAFFIC CONTROL		\$ 2,500.00	\$ 2,500.00
EMERGENCY SERVICES			
100-4031400-5699	CONTRIBUTION/CC CENT ALRM	\$ 5,000.00	\$ 5,000.00
TOTAL EMERGENCY SERVICES		\$ 5,000.00	\$ 5,000.00
VOLUNTEER FIRE DEPARTMENT			
100-4032200-5699	CONTRIBUTION/JHEVFD	\$ 30,000.00	\$ 30,000.00
100-4032200-5707	FIRE FUND PROGRAM	\$ 15,250.00	\$ 18,500.00
100-4032200-8411	CAPITAL PROJECT	\$ 50,000.00	\$ 10,000.00
TOTAL VOLUNTEER FIRE DEPT		\$ 95,250.00	\$ 58,500.00
CORRECTION & DETENTION			
100-4033200-5550	CONFINEMENT OF PRISONERS	\$ -	\$ -
TOTAL CORRECTION & DETENTION		\$ -	\$ -
PUBLIC WORKS ADMINISTRATION			
100-4041100-1140	COMPENSATION	\$ 40,000.00	\$ 38,000.00
100-4041100-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 3,100.00	\$ 2,900.00
100-4041100-3110	MEDICAL EXAMS	\$ 1,000.00	\$ 1,000.00
100-4041100-3310	VEHICLE REP & MAINTENANCE	\$ 11,000.00	\$ 11,000.00
100-4041100-5120	FUEL OIL/HEAT	\$ 2,500.00	\$ 3,000.00
100-4041100-5230	TELECOMMUNICATIONS	\$ 8,000.00	\$ 8,000.00
100-4041100-5415	COPIER LEASE	\$ 2,700.00	\$ 2,700.00
100-4041100-5540	TRAINING	\$ 2,500.00	\$ 6,000.00
100-4041100-6001	OFFICE SUPPLIES	\$ 500.00	\$ 500.00
TOTAL PUBLI WKS ADMINISTRATION		\$ 71,300.00	\$ 73,100.00
HWYS, STS BRIDGES & SDWLKS			
100-4041200-1183	COMPENSATION	\$ 175,000.00	\$ 191,000.00
100-4041200-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 13,400.00	\$ 14,800.00
100-4041200-3310	EQUIPMENT MAINTENANCE	\$ 12,000.00	\$ 12,000.00
100-4041200-3311	STREET TREES/SIDEWALKS	\$ 15,000.00	\$ 15,000.00
100-4041200-3315	TOWN STREET RESERVE	\$ 16,000.00	\$ 16,000.00
100-4041200-3316	STREET SIGN MAINTENANCE	\$ -	\$ -
100-4041200-5425	NORFOLK/SOUTHERN R-O-W'S	\$ 1,200.00	\$ 1,200.00
100-4041200-6007	MATERIALS & SUPPLIES	\$ 5,000.00	\$ 6,000.00
100-4041200-6008	GASOLINE & OIL	\$ 24,000.00	\$ 24,000.00
100-4041200-6011	UNIFORMS	\$ 6,000.00	\$ 6,000.00
TOTAL HWYS, STS BRIDGES & SWLKS		\$ 267,600.00	\$ 286,000.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
VDOT STREET MAINTENANCE					
100-4041250-3140	ENGINEERING	\$	10,000.00	\$	10,000.00
100-4041250-3300	VDOT STREET MAINTENANCE	\$	-	\$	-
100-4041250-3310	EQUIPMENT MAINTENANCE	\$	10,000.00	\$	15,000.00
100-4041250-3311	STORM SEWER MAINTENANCE	\$	15,000.00	\$	15,000.00
100-4041250-3316	SIGNS	\$	10,000.00	\$	10,000.00
100-4041250-5800	CONTINGENCY	\$	25,000.00	\$	25,000.00
100-4041250-6007	MATERIALS AND SUPPLIES	\$	10,000.00	\$	10,000.00
100-4041250-6050	STREET MAINTENANCE	\$	121,500.00	\$	125,000.00
100-4041250-6060	SIDEWALK REPLACEMENT	\$	45,000.00	\$	45,000.00
100-4041250-6135	MOWING/TREE REMOVAL	\$	15,000.00	\$	15,000.00
100-4041250-6207	STREET SWEEPING	\$	18,000.00	\$	18,000.00
100-4041250-6307	SNOW REMOVAL	\$	60,000.00	\$	60,000.00
100-4041250-8801	EQUIPMENT PURCHASE	\$	123,500.00	\$	-
100-4041250-8803	PW SITE IMPROVEMENTS	\$	35,000.00	\$	150,000.00
100-4041250-8804	SAFETY EQUIPMENT	\$	5,000.00	\$	5,000.00
TOTAL VDOT STREET MAINTENANCE		\$	503,000.00	\$	503,000.00
STREET LIGHTS					
100-4041320-5110	ELECTRICITY	\$	75,000.00	\$	90,000.00
TOTAL STREET LIGHTS		\$	75,000.00	\$	90,000.00
SNOW REMOVAL - DOWNTOWN					
100-4041330-3220	CONTRACTUAL SERVICES	\$	20,000.00	\$	20,000.00
100-4041330-6007	MATERIALS & SUPPLIES	\$	2,000.00	\$	2,000.00
TOTAL SNOW REMOVAL-DOWNTOWN		\$	22,000.00	\$	22,000.00
PARKING METERS & LOTS					
100-4041340-6007	MATERIALS & SUPPLIES	\$	1,500.00	\$	2,000.00
TOTAL PARKING METERS & LOTS		\$	1,500.00	\$	2,000.00
STREET & ROAD CLEANING					
100-4042200-6007	MATERIALS & SUPPLIES	\$	-	\$	-
TOTAL PARKING METERS & LOTS		\$	-	\$	-
REFUSE COLLECTION					
100-4042300-3220	CONTRACTUAL SERVICES	\$	219,000.00	\$	240,000.00
100-4042300-6225	RECYCLING SERVICES	\$	85,000.00	\$	110,000.00
TOTAL REFUSE COLLECTION		\$	304,000.00	\$	350,000.00
REFUSE DISPOSAL					
100-4042400-3800	FCO LANDFILL CHARGES	\$	45,000.00	\$	50,000.00
TOTAL REFUSE DISPOSAL		\$	45,000.00	\$	50,000.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
GENERAL PROPERTIES					
100-4043200-3310	REPAIR & MAINTENANCE	\$	17,000.00	\$	47,000.00
100-4043200-3325	HERMITAGE SWPOND MAINT	\$	4,100.00	\$	4,100.00
100-4043200-6007	MATERIALS & SUPPLIES	\$	500.00	\$	500.00
100-4043200-6017	CHRISTMAS WREATHS	\$	500.00	\$	500.00
	TOTAL GENERAL PROPERTIES	\$	22,100.00	\$	52,100.00
BUILDING SERVICES					
100-4064200-3150	PROFESSIONAL SERVICES	\$	1,000.00	\$	1,000.00
100-4064200-3200	CONTRACTURAL SERVICES	\$	10,000.00	\$	10,000.00
100-4064200-5110	ELECTRICITY	\$	20,100.00	\$	20,100.00
100-4064200-5120	NATURAL GAS/HEAT	\$	3,000.00	\$	3,000.00
100-4064200-5130	WATER/SEWER	\$	800.00	\$	800.00
100-4064200-5230	TELECOMMUNICATIONS	\$	1,500.00	\$	1,500.00
100-4064200-5304	LIABILITY INSURANCE	\$	1,500.00	\$	1,500.00
100-4064200-7113	IN KIND COSTS	\$	13,000.00	\$	13,000.00
100-4064200-7115	SHARED MAINTENANCE	\$	19,000.00	\$	19,000.00
100-4064200-8411	CAPITAL ASSET RESERVES	\$	10,000.00	\$	10,000.00
	TOTAL BUILDING SERVICES	\$	79,900.00	\$	79,900.00
PARKS & RECREATION					
100-4071310-3160	CONTRACTURAL SER/JN BLUE	\$	1,000.00	\$	1,000.00
100-4071310-6017	CHRISTMAS LIGHTS	\$	3,500.00	\$	3,500.00
100-4071310-6018	ROSE HILL PARK MAINTENANCE	\$	7,000.00	\$	15,000.00
	TOTAL PARKS & RECREATION	\$	11,500.00	\$	19,500.00
PLANNING					
100-4081100-1155	COMPENSATION	\$	95,975.00	\$	97,000.00
100-4081100-2100	MATCHING FICA EXPENSE (7.65 %)	\$	7,345.00	\$	7,500.00
100-4081100-3190	PROFESSIONAL SERVICES	\$	3,000.00	\$	3,000.00
100-4081100-3195	PREPAID APPLICATION FEES	\$	-	\$	-
100-4081100-3500	PRINTING	\$	250.00	\$	250.00
100-4081100-5510	MILEAGE	\$	100.00	\$	100.00
100-4081100-5540	TRAINING	\$	-	\$	-
100-4081100-5810	DUES	\$	-	\$	-
100-4081100-6001	OFFICE EQUIPMENT	\$	100.00	\$	100.00
100-4081100-6012	PUBLICATIONS	\$	-	\$	-
	TOTAL PLANNING	\$	106,770.00	\$	107,950.00
BOARD OF ZONING APPEALS					
100-4081400-1110	EXPENSE COMPENSATION	\$	500.00	\$	500.00
100-4081400-5540	TRAINING	\$	750.00	\$	750.00
	TOTAL BOARD OF ZONING APPEALS	\$	1,250.00	\$	1,250.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
ECONOMIC DEVELOPMENT					
100-4081500-5693	VA COMMISSION FOR ARTS FUNDING	\$	4,500.00	\$	4,500.00
100-4081500-5695	TOWN/COUNTY ECONOMIC DEV	\$	19,500.00	\$	20,500.00
100-4081500-5696	ECONOMIC DEVELOPMENT RESERVE	\$	2,500.00	\$	2,500.00
100-4081500-5699	DBI/ECO DEV PROF SERVICES	\$	2,000.00	\$	-
100-4081500-5700	ANNEXATION AREA PROF SERVICES	\$	-	\$	-
TOTAL ECONOMIC DEVELOPMENT		\$	28,500.00	\$	27,500.00
PLANNING COMMISSION					
100-4081600-1111	EXPENSE COMPENSATION	\$	5,000.00	\$	5,000.00
100-4081600-5540	TRAINING	\$	1,000.00	\$	1,500.00
100-4081600-5810	DUES	\$	-	\$	-
TOTAL PLANNING COMMISSION		\$	6,000.00	\$	6,500.00
B'VILLE AREA DEV AUTHORITY					
100-4081700-1111	EXPENSE COMPENSATION	\$	2,400.00	\$	2,500.00
100-4081700-5540	TRAINING	\$	500.00	\$	1,000.00
100-4081700-5810	DUES	\$	-	\$	-
TOTAL B'VILLE AREA DEV AUTHORITY		\$	2,900.00	\$	3,500.00
ARCHITECTURAL REVIEW BOARD					
100-4081800-5540	TRAINING	\$	400.00	\$	500.00
TOTAL ARCHITECTURAL REVIEW BD		\$	400.00	\$	500.00
TREE BOARD					
100-4081900-5800	MISCELLANEOUS	\$	500.00	\$	-
TOTAL TREE BOARD		\$	500.00	\$	-

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
CAPITAL OUTLAY					
100-4094200-8225	COMPUTER REPLACEMENT	\$	8,500.00	\$	35,000.00
100-4094200-8231	PATROL VEHICLE	\$	-	\$	57,500.00
100-4094200-8338	SNOW PLOW(S)	\$	30,000.00	\$	-
100-4094200-8340	MOWER	\$	1,500.00	\$	-
100-4094200-8341	ROSE HILL PARK REPAIRS (PW)	\$	-	\$	30,000.00
100-4094200-8345	PW TON DUMP	\$	32,000.00	\$	-
100-4094200-8411	CAPITAL RESERVE	\$	19,695.91	\$	-
100-4094200-8602	3/4 TON TRUCK (PW)	\$	15,000.00	\$	191,088.10
100-4094200-8702	WAYFINDING SIGNS RESERVE	\$	-	\$	-
100-4094200-8803	PUBLIC WORKS SITE IMPROVEMENTS	\$	35,000.00	\$	-
100-4094200-8915	HOGAN'S ALLEY IMPROVEMENTS	\$	-	\$	10,000.00
100-4094200-8951	PD RADIO REPLACEMENT RESERVE	\$	-	\$	-
100-4094200-8959	CHRISTMAS DECORATIONS FOR STS(PW)	\$	20,000.00	\$	-
100-4094200-9002	JACKSON DR SWMA/DORSEY ST STMWTR	\$	-	\$	-
100-4094200-9003	BACKHOE (PW)	\$	45,000.00	\$	-
100-4094200-9004	MOSBY BOULEVARD SIDEWALK	\$	20,000.00	\$	20,000.00
100-4094200-9005	FAIRFAX (E&W) SIDEWALK RESERVE	\$	60,000.00	\$	60,000.00
100-4094200-9006	SECOND STREET REPAIRS	\$	20,000.00	\$	-
100-4094200-9007	INTERVIEW ROOM AV (PD)	\$	-	\$	6,500.00
100-4094200-9008	SALT BUILDING (PW)	\$	-	\$	-
100-4094200-9009	TOWN STREET REPAIRS	\$	-	\$	20,000.00
	TOTAL CAPITAL OUTLAY	\$	306,695.91	\$	430,088.10
ARPA EXPENSES					
100-4094300-5700	ARPA EXPENSES	\$	2,267,493.00	\$	-
	TOTAL ARPA EXPENSES	\$	2,267,493.00	\$	-
CONTINGENCY					
100-4094300-5800	CONTINGENCY (3.00%)	\$	176,616.09	\$	115,128.90
	TOTAL CONTINGENCY	\$	176,616.09	\$	115,128.90
DEBT SERVICE					
100-4095000-9110	RDA PRINCIPAL	\$	44,500.00	\$	46,500.00
100-4095000-9120	RDA INTEREST	\$	77,000.00	\$	75,100.00
100-4095000-9130	RDA DEBT SER RESERVE	\$	-	\$	-
	TOTAL DEBT SERVICE	\$	121,500.00	\$	121,600.00
	TOTAL GENERAL FUND OPERATIONAL	\$	5,887,203.00	\$	3,837,630.00
	TOTAL GENERAL FUND CONTINGENCY	\$	176,616.09	\$	115,128.90
	TOTAL GENERAL FUND CAP OUTLAY	\$	306,695.91	\$	430,088.10
	TOTAL GENERAL FUND DEBT SERVICE	\$	121,500.00	\$	121,600.00
TOTAL GENERAL FUND EXPENSES		\$	6,492,015.00	\$	4,504,447.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
WATER FUND					
PERSONNEL					
501-4012220-1140	COMPENSATION	\$	120,000.00	\$	130,000.00
501-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	\$	9,200.00	\$	9,950.00
501-4012220-2210	VRS	\$	65,000.00	\$	79,000.00
501-4012220-2220	VMLIP - STD	\$	300.00	\$	300.00
501-4012220-2230	VMLIP - LTD	\$	2,700.00	\$	3,200.00
501-4012220-2300	HEALTH INSURANCE	\$	87,000.00	\$	105,500.00
501-4012220-2400	LIFE INSURANCE	\$	6,600.00	\$	7,500.00
501-4012220-2600	UNEMPLOYMENT INSURANCE	\$	76.00	\$	110.00
501-4012220-2700	WORKER'S COMPENSATION	\$	25,200.00	\$	21,000.00
501-4012220-3170	MISS UTILITY	\$	1,500.00	\$	1,750.00
501-4012220-3320	HANDHELD MAINT	\$	4,500.00	\$	5,000.00
501-4012220-3450	DIGITIZING	\$	7,000.00	\$	7,000.00
501-4012220-5210	POSTAGE	\$	4,400.00	\$	4,700.00
501-4012220-5540	TRAINING	\$	2,500.00	\$	2,500.00
501-4012220-6001	OFFICE SUPPLIES	\$	500.00	\$	2,000.00
	TOTAL PERSONNEL	\$	336,476.00	\$	379,510.00
TREATMENT					
501-4012222-1147	COMPENSATION	\$	200,000.00	\$	273,000.00
501-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	\$	15,300.00	\$	21,000.00
501-4012222-2830	CERTIFICATION FEES	\$	600.00	\$	600.00
501-4012222-2840	STATE CONNECTION FEES	\$	5,900.00	\$	5,900.00
501-4012222-2850	LAB TESTING	\$	9,000.00	\$	11,000.00
501-4012222-3110	MEDICAL EXAMS	\$	200.00	\$	200.00
501-4012222-3145	PROFESSIONAL SERVICES	\$	10,000.00	\$	10,000.00
501-4012222-3210	SLUDGE REMOVAL	\$	27,000.00	\$	27,000.00
501-4012222-3220	CLEAN RIVER INTAKE	\$	2,000.00	\$	3,000.00
501-4012222-3310	REPAIR & MAINTENANCE	\$	65,000.00	\$	75,000.00
501-4012222-3510	CONSUMER CONFIDENCE RPT	\$	1,000.00	\$	1,000.00
501-4012222-5110	ELECTRICITY	\$	70,000.00	\$	70,000.00
501-4012222-5120	PROPANE HEAT WTP	\$	4,000.00	\$	7,200.00
501-4012222-5230	TELECOMMUNICATIONS	\$	4,300.00	\$	4,700.00
501-4012222-5415	COPIER LEASE	\$	900.00	\$	1,300.00
501-4012222-5540	TRAINING	\$	3,500.00	\$	3,500.00
501-4012222-5690	DISCHARGE PERMIT RENEWAL	\$	3,000.00	\$	3,000.00
501-4012222-5810	DUES	\$	1,000.00	\$	1,000.00
501-4012222-6001	OFFICE SUPPLIES	\$	1,000.00	\$	1,000.00
501-4012222-6004	LAB SUPPLIES	\$	5,000.00	\$	7,000.00
501-4012222-6005	JANITORIAL SUPPLIES	\$	1,000.00	\$	1,300.00
501-4012222-6008	GASOLINE & OIL	\$	7,250.00	\$	7,200.00
501-4012222-6011	UNIFORMS	\$	1,000.00	\$	1,000.00
501-4012222-6014	TOOLS	\$	500.00	\$	1,000.00
501-4012222-6019	SAFETY EQUIPMENT	\$	2,000.00	\$	2,000.00
501-4012222-6020	PERSONAL EQUIPMENT	\$	600.00	\$	600.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
501-4012222-6025	CHEMICALS	\$	43,000.00	\$	50,000.00
	TOTAL TREATMENT	\$	484,050.00	\$	589,500.00
DISTRIBUTION & MAINTENANCE					
501-4012224-1183	COMPENSATION	\$	165,000.00	\$	192,000.00
501-4012224-2100	MATCHING FICA EXPENSE (7.65 %)	\$	12,625.00	\$	14,700.00
501-4012224-3330	LINE REPAIR & MAINTENANCE	\$	50,000.00	\$	50,000.00
501-4012224-6007	MATERIALS & SUPPLIES	\$	30,000.00	\$	30,000.00
501-4012224-6019	SAFETY EQUIPMENT	\$	700.00	\$	700.00
501-4012224-6030	NEW SERVICE SUPPLIES	\$	2,000.00	\$	2,000.00
501-4012224-9008	STORAGE TANK MAINT CONTRACT	\$	155,700.00	\$	25,000.00
	TOTAL DISTRIBUTION & MAINT	\$	416,025.00	\$	314,400.00
CAPITAL OUTLAY					
501-4094200-8102	TANK REPAIR & MAINTENANCE	\$	-	\$	-
501-4094200-8105	PICKUP (1/2)	\$	-	\$	-
501-4094200-8118	WTP BACKWASH LAGOON REPAIR	\$	-		
501-4094200-8144	WATER TREATMENT PLANT UPGRADES	\$	150,000.00	\$	1,200,000.00
501-4094200-8211	CAPITAL RESERVES	\$	316,352.47	\$	11,587.70
501-4094200-8225	COMPUTER UPGRADE	\$	3,000.00	\$	3,000.00
501-4094200-8340	MOWER (1/3)	\$	1,500.00	\$	-
501-4094200-8345	PW ONE TON DUMP TRUCK	\$	16,500.00	\$	-
501-4094200-8360	HANDHELD METER READER	\$	-	\$	-
501-4094200-8361	WATER DIST SYSTEM UPGRADES	\$	-	\$	400,000.00
501-4094200-8602	3/4 TON TRUCK	\$	15,000.00	\$	-
501-4094200-8605	WTP BUILDING MAINTENANCE	\$	-		
501-4094200-8703	PICKUP (1/2)	\$	-		
501-4094200-8704	FINISH PUMP PROJECT	\$	-	\$	50,000.00
501-4094200-8958	WATER METER REPLACEMENT	\$	-	\$	165,000.00
501-4094200-9003	BACKHOE(PW)	\$	45,000.00	\$	-
501-4094200-9004	SECURITY IMPROVEMENTS	\$	-	\$	-
501-4094200-9005	WATER RIVER PUMP DISCONNECT ELIM	\$	-	\$	-
501-4094200-9006	WTP UPGRADE- PER	\$	200,000.00		0.00
	TOTAL CAPITAL OUTLAY	\$	747,352.47	\$	1,829,587.70
CONTINGENCY					
501-4094300-5800	CONTINGENCY (3.00%)	\$	37,096.53	\$	38,502.30
	TOTAL CONTINGENCY	\$	37,096.53	\$	38,502.30
	TOTAL WATER FUND OPERATIONAL	\$	1,236,551.00	\$	1,283,410.00
	TOTAL WATER FUND CONTINGENCY	\$	37,096.53	\$	38,502.30
	TOTAL WATER FUND CAP OUTLAY	\$	747,352.47	\$	1,829,587.70
TOTAL WATER FUND EXPENSES		\$	2,021,000.00	\$	3,151,500.00

Account Number	Account Description	FY APPROVED 2022-2023	FY23-24 DRAFT 2023-2024
SEWER FUND			
PERSONNEL			
502-4012220-1114	COMPENSATION	\$ 100,000.00	\$ 130,000.00
502-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 7,650.00	\$ 10,000.00
502-4012220-2210	VRS	\$ 56,500.00	\$ 54,300.00
502-4012220-2220	VMLIP - STD	\$ 210.00	\$ 200.00
502-4012220-2230	VMLIP - LTD	\$ 2,300.00	\$ 2,250.00
502-4012220-2300	HEALTH INSURANCE	\$ 75,000.00	\$ 73,000.00
502-4012220-2400	LIFE INSURANCE	\$ 5,700.00	\$ 5,600.00
502-4012220-2600	UNEMPLOYMENT INSURANCE	\$ 220.00	\$ 75.00
502-4012220-2700	WORKER'S COMPENSATION	\$ 15,000.00	\$ 14,000.00
502-4012220-3320	HANDHELD MAINT	\$ 3,000.00	\$ 5,000.00
502-4012220-3450	DIGITIZING	\$ 7,000.00	\$ 7,000.00
502-4012220-5210	POSTAGE	\$ 7,500.00	\$ 7,500.00
502-4012220-6001	OFFICE SUPPLIES	\$ 1,000.00	\$ 2,500.00
	TOTAL PERSONNEL	\$ 281,080.00	\$ 311,425.00
TREATMENT			
502-4012222-1147	COMPENSATION	\$ 205,000.00	\$ 275,000.00
502-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 15,700.00	\$ 21,000.00
502-4012222-2830	CERTIFICATION FEES	\$ 900.00	\$ 600.00
502-4012222-2850	LAB TESTING	\$ 36,000.00	\$ 33,000.00
502-4012222-3145	PROFESSIONAL SERVICES	\$ 18,000.00	\$ 18,000.00
502-4012222-3210	LANDFILL-SOLIDS DISPOSAL	\$ 70,000.00	\$ 85,000.00
502-4012222-3310	REPAIR & MAINTENANCE	\$ 130,000.00	\$ 174,000.00
502-4012222-5110	ELECTRICITY	\$ 180,000.00	\$ 145,000.00
502-4012222-5230	TELECOMMUNICATIONS	\$ 6,500.00	\$ 6,500.00
502-4012222-5415	COPIER LEASE	\$ 4,000.00	\$ 4,300.00
502-4012222-5540	TRAINING	\$ 3,000.00	\$ 3,000.00
502-4012222-5690	Discharge Permit Renewal	\$ 3,500.00	\$ 3,500.00
502-4012222-5810	DUES	\$ 600.00	\$ 600.00
502-4012222-6001	OFFICE SUPPLIES	\$ 1,300.00	\$ 1,500.00
502-4012222-6004	LAB SUPPLIES	\$ 6,200.00	\$ 6,200.00
502-4012222-6005	JANITORIAL SUPPLIES	\$ 1,500.00	\$ 3,500.00
502-4012222-6008	GASOLINE & DIESEL FUEL	\$ 10,800.00	\$ 10,000.00
502-4012222-6011	UNIFORMS	\$ 1,000.00	\$ 1,000.00
502-4012222-6014	TOOLS	\$ 1,500.00	\$ 1,500.00
502-4012222-6019	SAFETY EQUIPMENT	\$ 2,500.00	\$ 2,500.00
502-4012222-6020	PERSONAL EQUIPMENT	\$ 800.00	\$ 800.00
502-4012222-6025	CHEMICALS	\$ 87,000.00	\$ 120,000.00
	TOTAL TREATMENT	\$ 785,800.00	\$ 916,500.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
DISTRIBUTION & MAINTENANCE					
502-4012224-1183	COMPENSATION	\$	90,000.00	\$	95,000.00
502-4012224-1183	MATCHING FICA EXPENSE (7.65 %)	\$	6,900.00	\$	7,500.00
502-4012224-3310	EQUIPMENT MAINTENANCE	\$	5,000.00	\$	5,000.00
502-4012224-3330	REPAIR & MAINTENANCE	\$	10,000.00	\$	15,000.00
502-4012224-6007	MATERIALS & SUPPLIES	\$	3,000.00	\$	3,000.00
502-4012224-6019	SAFETY EQUIPMENT	\$	500.00	\$	500.00
502-4012224-6030	NEW SERVICE SUPPLIES	\$	-	\$	-
	TOTAL DISTRIBUTION & MAINT	\$	115,400.00	\$	126,000.00
CAPITAL OUTLAY					
502-4094200-8110	WWTP UPGRADES	\$	-	\$	775,000.00
502-4094200-8134	Sewer Collection Sys Rehab	\$	100,000.00	\$	100,000.00
502-4094200-8225	COMPUTER UPGRADE	\$	3,000.00	\$	3,000.00
502-4094200-8340	MOWER (1/3)	\$	1,500.00	\$	-
502-4094200-8345	PW ONE TON DUMP TRUCK	\$	16,500.00	\$	-
502-4094200-8360	HANDHELD METER READER	\$	-		
502-4094200-8367	SEWER JET RODDER				
502-4094200-8411	CAPITAL RESERVES	\$	546,751.60	\$	707.25
502-4094200-8540	MEMBRANE REPLACEMENT RESERVE	\$	-		
502-4094200-8545	MEMBRANE PRE-PURCHASE	\$	110,000.00	\$	-
502-4094200-8550	EQUIPMENT REPAIR RESERVE	\$	-		
502-4094200-8602	3/4 TON PICKUP (1/3 VDOT)	\$	15,000.00	\$	-
502-4094200-8703	PICKUP (1/2)				
502-4094200-9003	BACKHOE PW	\$	45,000.00	\$	-
502-4094200-9006	WWTP BLOWERT DISCONNECTS	\$	-	\$	-
502-4094200-9007	WWTP PERMEATE DISCONNECTS	\$	-	\$	-
502-4094200-9008	HARMONIC BALANCER	\$	60,000.00	\$	70,000.00
502-4094200-9009	BAR SCREEN WWTP	\$	-	\$	150,000.00
	TOTAL CAPITAL OUTLAY	\$	897,751.60	\$	1,098,707.25
CONTINGENCY					
502-4094300-5800	CONTINGENCY (3.00%)	\$	35,468.40	\$	40,617.75
	TOTAL CONTINGENCY	\$	35,468.40	\$	40,617.75
DEBT SERVICE					
502-4095000-9118	VRA PRINCIPAL	\$	470,000.00	\$	470,000.00
	TOTAL DEBT SERVICE	\$	470,000.00	\$	470,000.00
	TOTAL SEWER FUND OPERATIONAL	\$	1,182,280.00	\$	1,353,925.00

Account Number	Account Description		FY APPROVED 2022-2023		FY23-24 DRAFT 2023-2024
	TOTAL SEWER FUND CONTINGENCY	\$	35,468.40	\$	40,617.75
	TOTAL SEWER FUND CAP OUTLAY	\$	897,751.60	\$	1,098,707.25
	TOTAL SEWER FUND DEBT SERVICE	\$	470,000.00	\$	470,000.00
	TOTAL SEWER FUND EXPENSES	\$	2,585,500.00	\$	2,963,250.00
	TOTAL EXPENSES ALL FUNDS	\$	11,098,515.00	\$	10,619,197.00

Town of Berryville
Town Council
MOTION TO ENTER CLOSED SESSION

Date: June 13, 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.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: June 13, 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