



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

September 12, 2023

7:00 PM

Item

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15. Adjourn

Town Council Agenda Item Report Summary
September 12, 2023

Item Title

Public Hearing – Special Use Permit – Day Care Center

Prepared By

Christy Dunkle

Zion Baptist Church (Alethia Burks, Agent) is requesting a Special Use Permit in order to operate a day care center under Section 604.3(e) of the Berryville Zoning Ordinance at the property located at 13 Josephine Street, identified as Tax Map Parcel number 14A5-B-((8))-15, zoned DR-4 Detached Residential. SUP 02-23

Background/History/General Information

Zion Baptist Church is located at 10 Josephine Street. The church owns the building located across the street at 13 Josephine Street which is used for a number of activities including vacation bible school and overflow from events at the church.

Church leaders would like to open a day care center which would also offer a before- and after-school program.

Findings/Current Activity

Public hearing notices were published in the Winchester Star on August 29 and September 5, 2023. Adjacent property owners were notified via first class mail on August 29, 2023. No comments were received in the Planning Department. Previous comments submitted for the Planning Commission public hearing are included with this staff report.

The Planning Commission held a public hearing at their July 25, 2023 meeting. They recommended approval of the request with the following conditions:

- A fence is installed around the multi-purpose court and playground at the rear of the property (included in sample motion)
- The number of maximum students in the building be clarified (24 maximum)
- Update a signature on the application due to the death of a previous signatory (the application has been updated)

The approved minutes of the July 25, 2023 Planning Commission meeting can be reviewed at this link: <https://www.berryvilleva.gov/ArchiveCenter/ViewFile/Item/1161>

Church leaders are proposing hours of operation from 6:00 a.m. until 6:00 p.m. With a maximum number of 18 children in the daycare program, they will offer the service for ages six

months to five years old and after school programs for a maximum of 15 students ages five through 12 years old with a maximum of 24 students onsite at one time. Representatives of the church have met with the County Building Official to determine any necessary upgrades required for this use.

There will be approximately 10 jobs created including a director, three to four certified teachers, full time maintenance staff, and certified kitchen personnel.

They will be adding a multi-purpose court and playground area at the rear of the property. There will be a perimeter fence around the back of the property.

Section 305 of the Zoning Ordinance regulates parking requirements. Section 305.11 requires one space for each eight students for this use. With no more than 24 students on-site at one time, three parking spaces are required. The site plan identifies five (5) parking spaces, all located on an existing concrete pad. The original site plan identified six (6) parking spaces however one was removed in order to construct a drop-off area in front of the building. The applicant is required to obtain a Land Use Permit and Entrance Permit prior to installation of the expanded apron.

Schedule/Deadlines

It would be appropriate for Town Council to make a decision at the meeting.

Other Considerations

N/A

Recommendation

Approve the request with the following conditions:

- A fence (minimum 4' high) is installed that fully encloses the rear of the property prior to the opening of the day care center
- Permissible Hours of Operations – 6:00 a.m. to 6:00 p.m. Hours of operations may be extended by ninety minutes on any given day to address emergencies or unforeseen circumstances. The number of days during which such extensions are provided may not exceed ten in any calendar year.
- A maximum of 24 students onsite at one time.

Sample Motion

I move that the Council of the Town of Berryville approve the Special Use Permit in order to operate a day care center at the Zion Baptist Church property located at 13 Josephine Street with the following conditions:

- A fence (minimum 4' high) is installed that fully encloses the rear of the property prior to the opening of the day care center

- Permissible Hours of Operations – 6:00 a.m. to 6:00 p.m. Hours of operations may be extended by ninety minutes on any given day to address emergencies or unforeseen circumstances. The number of days during which such extensions are provided may not exceed ten in any calendar year.
- A maximum of 24 students onsite at one time.

Attachments:

- Public hearing notice published in the Winchester Star on Tuesday, August 29 and Tuesday, September 6, 2023
- Special Use Permit application
- Vicinity map
- Aerial map of the site
- Public comments received from Planning Commission public hearing
- Section 604 DR-4 Detached Residential zoning district
- Section 503 Special Use Permit Berryville Zoning Ordinance
- Previous comments received by Planning staff from the Planning Commission public hearing held on July 25, 2023.

Winchester Star

8/29/23

9/5/23

Legal Notices Legal Notices

BERRYVILLE TOWN COUNCIL PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon thereafter as this matter may be heard, on Tuesday, September 12, 2023, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Zion Baptist Church (Alethia Burks, Agent) is requesting a Special Use Permit in order to operate a day care center under Section 604.3(e) of the Berryville Zoning Ordinance at the property located at 13 Josephine Street, identified as Tax Map Parcel number 14A6-B-(8)-15, zoned DR-4 Detached Residential. SUP 02-23

Copies of the applications, amendments, and maps may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Community Development Director Christy Dunkle at 540 955-4081. Any person desiring to be heard on this matter should appear at the appointed time and place.

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

By order of the Berryville Town Council
Christy N. Dunkle, Community Development Director

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

SPECIAL USE PERMIT APPLICATION

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

To be completed by Applicant: Date: 8/18, 20 23
 Applicant's Name: Dorothy Firestone
 Applicant's Address: 1028 South Kent St., Winchester, VA 22601
 Use Applied For: Day Care Center
 At the following address: 13 Josephine Street Berryville VA 22611
 Special Conditions: _____

✓ Property Owner's Name: Dorothy Firestone
 Property Owner's Address: 13 Josephine St Berryville VA 22601

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

✓ Signature: Dorothy Firestone Date: 8/17/23

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense.

✓ Signature: Dorothy Firestone Date: 8/17/23

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: DAY CARE CENTER (604.3(e)) Zone: DR-4
 Street Address: 13 Josephine St Tax Map #: 14A58B15
 Special Use Permit Fee: \$2000 Paid: 6.13.23
 Site Plan Fee: \$125 Paid: 6.13.23
 Signature of Zoning Administrator: [Signature] Date: 8.18.23



Zion Baptist Church

Deacons Ministry
Otis O Harper, Sr. Chairman
(540)665-1998

P.O. Box 102
10 Josephine Street
Berryville, VA 22611
(540) 955-1353
Rev. Karlyle Hill, Pastor

Trustees Ministry
Steve Washington,
Chairman
(540)327-1368

Church Clerk
Sharlene Harris
(540)662-7781

Finance
Dottie Firestone
(540)514-7557

June 13, 2023

Town of Berryville,

Zion Baptist Church on 10 Josephine Street, owns a historical building on 13 Josephine Street that we used over the years for children's church, vacation bible school, lock in for teens and a host of other activities for children in our community.

As of 2021 Zion Baptist Church is under new leadership. Rev Karlyle Hill's vision for the church is to serve the community in different capacities. We started by adopting D.G. Cooley Elementary School, providing school supplies and coats for cold winters. Today in 2023 we are ready to embark on serving the community in a larger capacity by opening a daycare and before/after school program.

Name of Daycare/Before/After school: Zion Christian Academy (Early Learning Development Center)

Hours of Operation: 6:00am to 6:00pm

Daycare Ages: 6 months to 5 years old (number of children 18)

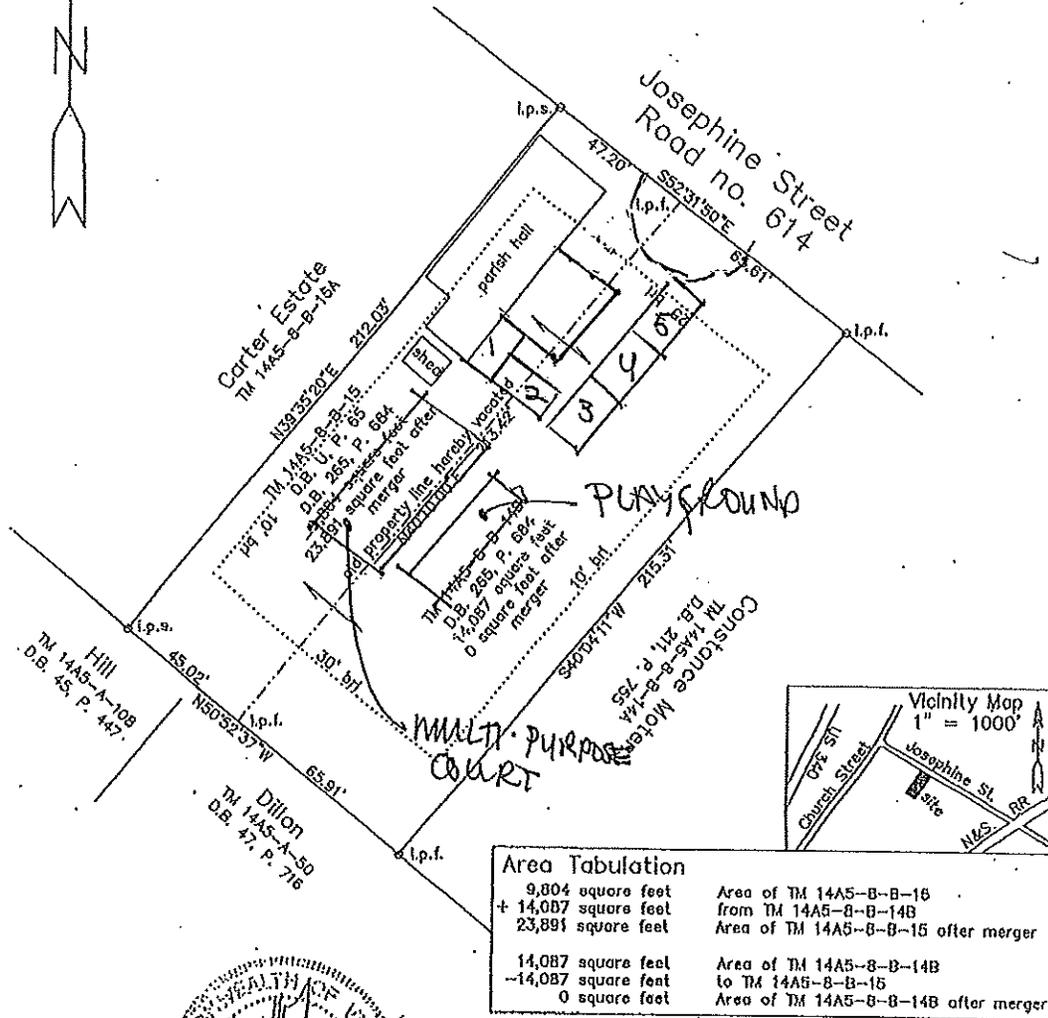
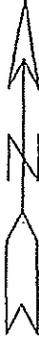
Before and After school Ages: 5 years old to 12 years old (number of students 10-15)

Employees: Director, 3 to 4 certified teachers, 1 to 2 teacher assistants, 1 teacher and 1 assistant for before and after school, 1 full-time maintenance, 1 certified Kitchen personnel, and volunteers.

Parking: Zion Christian Academy will offer drop off and pick up, 4 parking spaces and transportation will be available. A picture of parking is attached to the letter.

Rev. Karlyle Hill, Pastor

Sharlene Harris, Church Clerk



Lot Merger of the Lands of
the Trustees of the Zion Baptist Church
 Tax Map Reference 14A5-B-B-14B Deed Book 265, Page 684
 and Tax Map Reference 14A5-B-B-15 Deed Book U, Page 65 Deed Book 265, Page 684
 Town of Berryville Clarke County Virginia

SURVEY NO. 717
SHEET NO. 1 OF 3

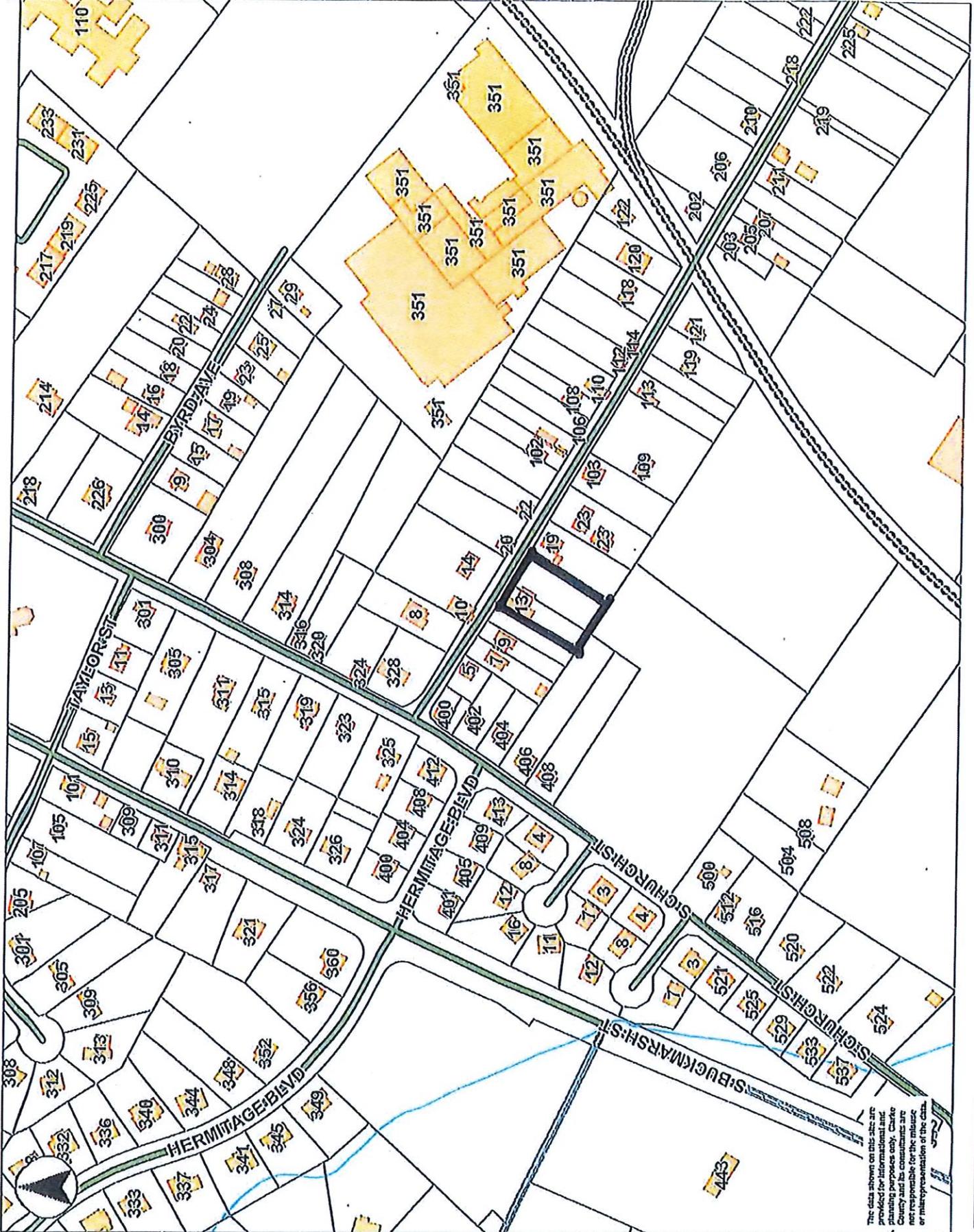
Clarke Co., SGT.
 This instrument of writing was produced to me on
 the 24th day of April, 2001.
 I, W. DUNN, a M. and with certificate of
 acknowledgement therein attached was
 admitted to record.

Witness Helen Britton Clerk

DUNN LAND SURVEYS, INC.
 30 East Main Street
 Berryville, Virginia 22611
 Tel.: 540-955-3388
 April 24, 2001

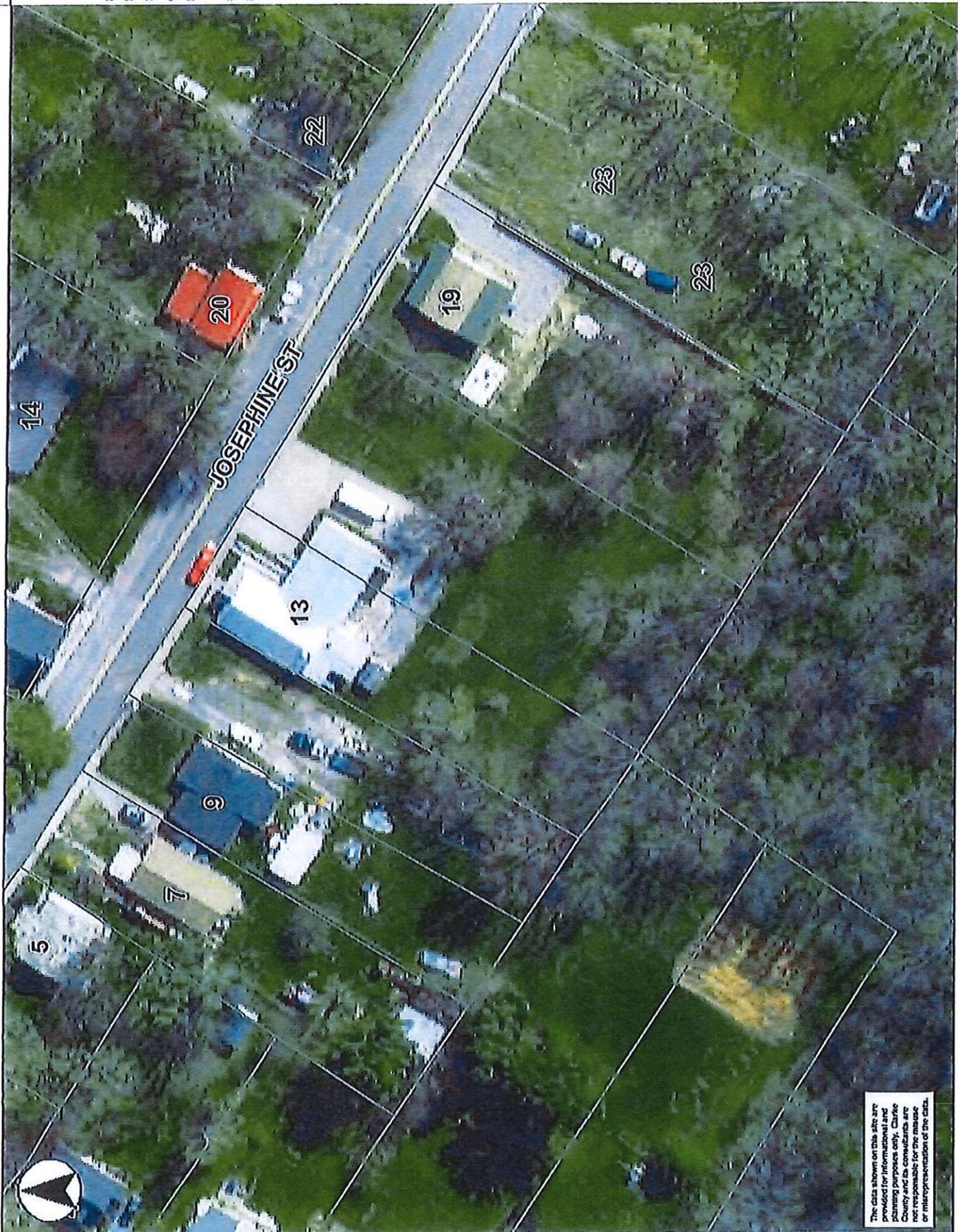


- Public
- Parcels
- Clarke County Boundary
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties
- Clarke County Roads
- Private Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
- Perennial Streams
- Intermittent Streams
- Ponds
- Rivers





- Public
- Parcels
- Parcels With Orphans
- Clarke County Boundary
- Water Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties
- Non



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



Printed on 06/22/2023 at 01:00 PM

(4/92) SECTION 604 - DETACHED RESIDENTIAL-4 (DR-4) DISTRICT

604.1 PURPOSE AND INTENT

The Detached Residential-4 District is created to provide for single-family detached residences at higher densities than other single-family detached districts. A maximum of four (4.0) units per net developable acre establishes a medium- to low-density district for detached residences. The application of this district shall be to undeveloped tracts lying within the Town of Berryville and within the precincts of the Berryville Plan, as well as to "infill" lots within the existing stable neighborhoods, with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land-use goals may be promoted.

604.2 PERMITTED USES

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

604.3 SPECIAL PERMIT USES

- (a) Bed and breakfast lodging occupying more than 300 square feet of residence.
- (b) Cemeteries.
- (c) Churches and shrines.
- (d) Community buildings, public and private.
- (e) Day care centers and nursery schools. (10/94)
- (f) Fire stations.
- (g) Home occupations as defined in Section 315. (12/93)
- (h) Libraries, museums, and historic markers.
- (i) Plant nurseries with no sale of nursery products permitted on premises.
- (j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (k) Recreational uses such as public swimming pools, tennis courts, and golf courses.
- (l) Public schools, parks, playgrounds and related uses. (3/09)

604.4 MAXIMUM DENSITY

- (a) Four (4.0) dwelling units per net developable acre.
- (b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

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

- (1/93) (a) Lot area: Minimum--10,000 square feet; maximum - 30,000 square feet (7/04). (Refer to Section 614 regarding the impact of critical environmental areas on lot Size requirements.

Section 604 Detached Residential-4 (DR-4)

- (b) Minimum lot width
 - (1) Interior lot: 75 feet
 - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
 - (1) Front yard: 20 feet for primary structures;
25 feet for garages, carports or other structures used to house vehicles (7/04)
 - (2) Side yard: 10 feet
 - (3) Rear yard: 30 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

604.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISIONS
Minimum district size for cluster subdivision: two (2) acres.

604.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTERED LOTS

- (a) Minimum lot area: 7,500 square feet.
Maximum lot area: 20,000 square feet (7/04)
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width
 - (1) Interior lot: 60 feet
 - (2) Corner lot: 75 feet
- (c) Minimum yard requirements
 - (1) Front yard: 15 feet for primary structures;
25 feet for garages, carports, or other structures used to house vehicles (7/04)
 - (2) Side yard: 10 feet
 - (3) Rear yard: 25 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setback)
- (d) Maximum building height: 35 feet

604.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL SUBDIVISIONS

- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.
- (b) In cluster subdivisions, at least one-fourth (1/4) of the required open space (five {5} percent of the net site area) shall be developed and designed for recreational and active community open space.

604.9 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 615 for special regulations relating to cluster subdivisions, critical environmental areas, and open space.
- (e) Refer to Section 317 Karst Features for additional requirements. (7/04)
- (f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. (12/14)

Section 502 – Certificate of Occupancy

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

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

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

Section 503 -- Special Use Permit

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

503.2 APPLICATIONS

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

503.3 APPLICATION REQUIREMENTS

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

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

503.4 APPLICATION PROCEDURE

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

Christy Dunkle

From: Tracey Little <traceyclittle@yahoo.com>
Sent: Monday, July 17, 2023 5:18 PM
To: Christy Dunkle
Cc: Tracey Little
Subject: Berryville Planning Commission: Zion Baptist Church

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

Dear Christy Dunkle,

I hope this email finds you well. Unfortunately, I am currently out of town and won't be able to make the Town Hall meeting but I want to reach out with my concerns about the Zion Baptist Church. Please DO NOT Approve the special permit license to operate a daycare at the church. The new owners of the Church have caused more hassle and disturbance on my street and it's really getting old. Sunday service is enough of a hassle to get in and out of my home, They have currently changed my perspective of the reason why I purchased my home on Josephine Street.

Best regards,

Tracey Coleman Little

Home Owner on Josephine Street

Christy Dunkle

From: donna andrews <jazzieda@yahoo.com>
Sent: Thursday, July 20, 2023 1:56 PM
To: Christy Dunkle
Cc: donna andrews
Subject: Zion Baptist Church Daycare

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

As a homeowner and part-time resident on Josephine Street, I'm willing to express my family's disappointment and outrage with the events occurring at Zion Baptist Church. The Josephine City family has a rich history and legacy, and the current state of our community church is eroding that. Four generations of my family attended Zion Baptist Church, and throughout this history there has never been such chaos and division as the present.

Instead of making plans to generate income with a daycare center, why not address the issue of reinstating the memberships of lifetime members who were actually born and raised in the community, began their spiritual journey at Zion, and actively worked in the church? There may never be 100% consensus on any issue, but members voices must be heard and not be fearful of being chastised for expressing a different opinion. Until this is done, there will never be unity or growth.

This is our home, our village, where we grow up; and I look forward to the day when family members and childhood friends can once again live in peace and harmony as our ancestors taught us. We cannot let anyone come between us!

What would Jesus do?

Regards,

Donna Reynolds Andrews and the Reynolds Family

Christy Dunkle

From: DEBORAH LIGGINS <darcell4@comcast.net>
Sent: Thursday, July 20, 2023 4:12 PM
To: Christy Dunkle; DEBORAH LIGGINS
Subject: Zion Baptist Church Daycare

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

I'm a resident of Josephine St. was baptized in Zion Baptist Church in 1969 and sit under 5 Pastors and never once have they call the police or had guards. Rev. Paul Brown Mrs. Viola Brown second husband a grandmother to us and train us to take care of people and each other. Rev. Holmes, Rev. White, Rev. Scott and Rev. Hicks. They all showed Love for God's people. We were raised in the church, learning about Jesus!!!! Not putting people out of God's house.

Ask for financial records and to have a church meeting, papers were serve no trespassing. I have been part of the church for years and gave my 10% tithes and offering and my time to the church as well as the community.

Going on the church properties a fine \$2500.00 and up to a 12 months in jail, with me that is not going to happen. Zion Baptist Church is still in litigation in the courts. It's all about money now, the Zion I grew up in was LOVE. The Benjamin Franklin Annex built in 1882 is a great part of the Josephine City Historic District. It was used for our community center were able to use that building for 5 to 6 generations and it's now Zion's Fellowship hall. Zion became debt free in 2008 under the leadership of Rev. Hicks. He left in 2018 with part of the hard work we did in the church, had a large congregation and now maybe on a Sunday it's 35-40 people and sometimes less.

As a long time resident of Josephine and was a member of Zion Baptist for over 50 years, I'm asking the Planning Commission to table this Daycare.

Regards,

Dee-Dee

"Have a blessed day!"

Dana Libby DL
7 Josephine St
Berryville, VA 22611

July 23, 2023

Town of Berryville
Planning Commission
c/o Christy Dunkle, Community Development Director
via E-Mail

RE: Town of Berryville, Planning Commission – Public Hearing Comment July 25, 2023

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Synopsis

Zion Baptist Church has applied for a Special Use Permit to operate a daycare center at 13 Josephine St.

Based on the established criteria for a Special Use Permit, I request that the Planning Commission consider the following observations and comments in preparing their recommendation to the Town Council:

- 1. The proposed daycare center will result in a daily increase in vehicle traffic on Josephine St. Although sufficient information is lacking to determine the number of vehicles, there will be some impact on the community's health, safety, and welfare. Given the likelihood of these trips being clustered during particular periods in the morning and evening, there will be short-term congestion with turning vehicles at the daycare center and the intersection with South Church.
- 2. Due to a conflict between the survey submitted by the applicant and the boundaries published on the Clarke County GIS site (see: Proposed Site Plan), the potential impact is unclear. The boundary line published by Clarke County reflects insufficient land to implement the applicant's site plan. If the survey submitted by the applicant is an accurate representation of ownership, there should be no significant impact on the adjacent property.
- 3. Short-term parking for the daycare center is likely to have an adverse impact on the local community.

4. A Special Use Permit seems required to comply with the adopted master plan.
5. Environmental Compatibility – No Comments.
6. Community Sentiment – One element of the Special Use Permit criteria is the "sentiment of the community." Although small daycare center proposals do not usually generate negative sentiments in a community, this one has done so. The Church congregation of Zion Church has served as the anchor and foundation of the Josephine Community throughout the life of the community and the Church. Unfortunately, during the past 18 months or so, a significant conflict has grown between the Church Leadership and several current or former long-term members of the Church. Although the dispute seems to have arisen as an internal Church matter, it has since become a cause of public discord and division within the community. I do not have personal knowledge or the facts giving rise to this division. However, there is a public litigation record in Federal District Court, Clarke County Court, and at least one additional case is pending. Several community members and current/former long-standing Church Members have been notified that they are not permitted on Church property. These understandably aggrieved parties have engaged in a lawful and peaceful exercise of their rights of free speech and assembly twice weekly for more than a year. In response, the Church hired one and sometimes two armed security guards, wearing body armor, to stand outside the Church on Sunday Mornings for many months. On several occasions, a representative of the Church requested that law enforcement respond, despite no evident illegal activity. At one point, Berryville Police, the Clarke County Sheriff's Office, and the Virginia State Police responded simultaneously. As this took place 10 yards from my driveway, I would have noticed if civil disobedience or violence had broken out.

Recommendations

Until the following conditions are fulfilled, I do not support the Planning Commission forwarding a positive recommendation for Special Use Permit approval to the Town Council.

- A. Clarification on the property line location for the applicant site -- Is the County GIS correct, or is the survey submitted by the applicant?
- B. An estimate of the daily vehicle counts associated with the daycare center.
- C. The long-standing contentious situation between Church Leadership and community members needs to end. This conflict has resulted in twice-weekly peaceful public protests for more than 12 months, community division, the Church hiring armed security officers, and multiple unnecessary responses by law enforcement.

References

Criteria for Special Use Permit Approval

Criteria established by Town Ordinance: Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):

1. The health, safety, and welfare of the general public.
2. Physical and visual impact on adjoining and abutting properties.
3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.
4. Compliance with the adopted master plan.

- 5. Environmental compatibility.
- 6. Community sentiment.

Zoning Commission Agenda – 6/27/2023 ([1147 \(berryvilleva.gov\)](http://berryvilleva.gov))

Zion Baptist Church (Alethla Burks, Agent) is requesting a Special Use Permit in order to operate a day care center under Section 604.3(e) of the Berryville Zoning Ordinance at the property located at 13 Josephine Street, identified as Tax Map Parcel number 14A5-B-((B))-15, zoned DR-4 Detached Residential. SUP 02-23

Definitions – From 2023 Zoning Ordinance

Day Care Center - A day care program offered to two or more persons in a facility that is not a residence for any family. The persons receiving care may be either children ("child care") or adults ("elder care" or "adult care"). Such centers must be licensed, when required by the Commonwealth of Virginia.

Special Use Permit - A permit granted by Town Council, upon review and recommendation of the Planning Commission for a use permitted by the Council to occupy land and/or erected thereon for a specific purpose not yet permitted by right, but in accordance with standards or conditions and procedures included in this Ordinance or by the Town Council.

2023 Zoning Ordinance

604.1 PURPOSE AND INTENT The Detached Residential-4 District is created to provide for single-family detached residences at higher densities than other single-family detached districts. A maximum of four (4.0) units per net developable acre establishes a medium- to low-density district for detached residences. The application of this district shall be to undeveloped tracts lying within the Town of Berryville and within the precincts of the Berryville Plan, as well as to "infill" lots within the existing stable neighborhoods, with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land-use goals may be promoted.

604.3 SPECIAL PERMIT USES (a) Bed and breakfast lodging occupying more than 300 square feet of residence. . . . (e) Day care centers and nursery schools. (10/94)

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

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

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

503.4 APPLICATION PROCEDURE

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

State Licensing for Child Care Center <https://www.doe.virginia.gov>

Religious Exempt Child Day Center

Religious exempt child day centers are child day centers operated by religious institutions that are exempt from licensure if the facility is sponsored by an institution that is exempt from federal taxes for religious purposes or is exempt from paying local real estate taxes on the property owned by the sponsoring religious institution.

Code of Virginia § 22.1-289.031. Child day center operated by religious institution exempt from licensure; annual statement and documentary evidence required; enforcement; injunctive relief.

A. Notwithstanding any other provisions of this chapter, a child day center, including a child day center operated or conducted under the auspices of a religious institution, shall be exempt from the licensure requirements of this chapter, but shall comply with the provisions of this section unless it chooses to be licensed. If such religious institution chooses not to be licensed, it shall file with the Superintendent, prior to beginning operation of a child day center and thereafter annually, a statement of intent to operate a child day center, certification that the child day center has disclosed in writing to the parents or guardians of the children in the center the fact that it is exempt from licensure and has posted the fact that it is exempt from licensure in a visible location on the premises, the qualifications of the personnel employed therein, and documentary evidence that:

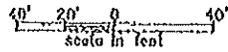
1. Such religious institution has tax exempt status as a nonprofit religious institution in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.
2. Within the prior 90 days for the initial exemption and within the prior 180 days for exemptions thereafter, the local health department and local fire marshal or Office of the State Fire Marshal, whichever is appropriate, have inspected the physical facilities of the child day center and have determined that the center is in compliance with applicable laws and regulations with regard to food service activities, health and sanitation, water supply, building codes, and the Statewide Fire Prevention Code or the Uniform Statewide Building Code.
3. The child day center employs supervisory personnel according to the following ratio of staff to children:
 - a. One staff member to four children from ages zero to 16 months.
 - b. One staff member to five children from ages 16 months to 24 months.
 - c. One staff member to eight children from ages 24 months to 36 months.
 - d. One staff member to 10 children from ages 36 months to five years.
 - e. One staff member to 20 children from ages five years to nine years.
 - f. One staff member to 25 children from ages nine years to 12 years.

Proposed Site Plan

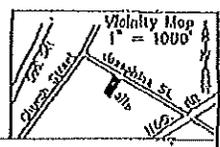
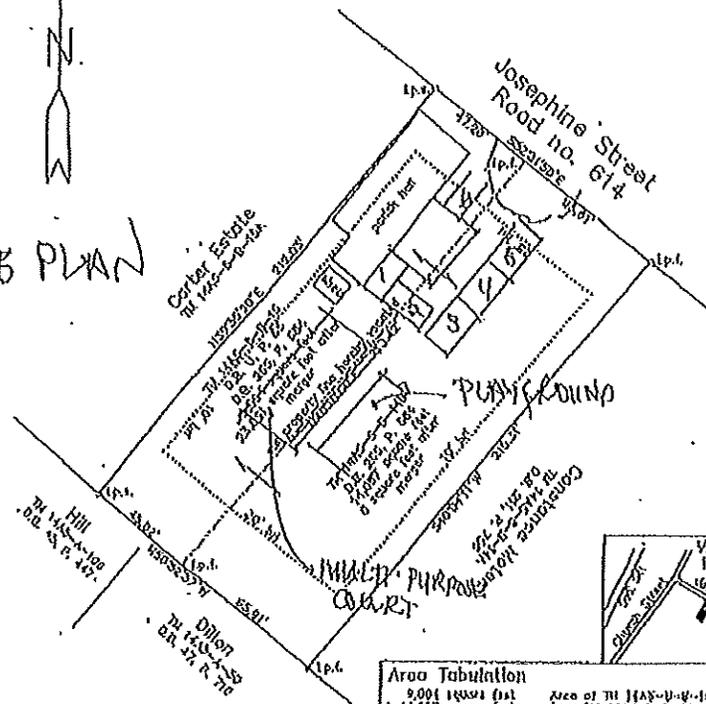
The applicant submitted the following site plan diagram as an element of the Special Use Permit. The site plan appears based on a property survey recorded in May 2001. There seems to be a discrepancy when comparing this annotated survey with the parcel ownership listed in the current Clarke County GIS map. The online GIS record does not reflect the same parcel size as the site plan. Of course, there are countless reasons why such conflict between diagrams could exist, most of which would affirm the accuracy of the applicant's site plan.

If the Clarke County Parcel Map accurately represents property ownership, it sufficiently conflicts with the applicant's site plan to require significant modification or use of the adjacent property. If the applicant's site plan is accurate, correction to the Clarke County parcel map might be warranted.

SITE PLAN



EXX 327 m.203



Area Tabulation	
9,001 square feet	Area of Tr 14AS-0-0-10
+ 11,027 square feet	less Tr 14AD-8-1-118
23,021 square feet	Area of Tr 14AS-0-0-15 after merger
11,027 square feet	less Tr 14AS-0-0-14B
- 11,027 square feet	to Tr 14AS-0-0-15
0 square feet	Area of Tr 14AS-0-0-14B after merger



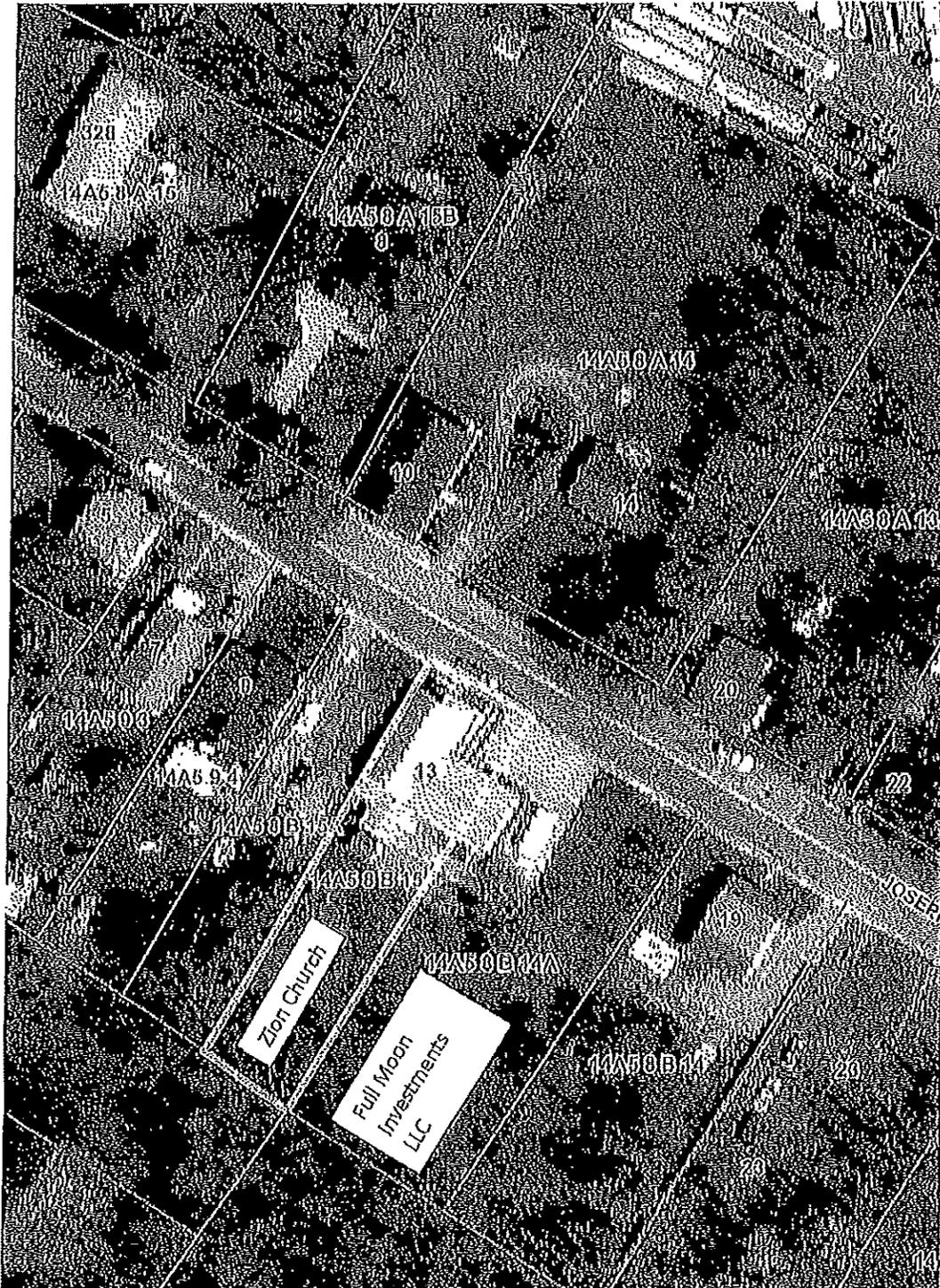
Let Merger of the Lands of
the Trustees of the Zion Baptist Church
 Trust Agreement 14AS-0-0-14B Book 263, Page 641
 and Trust Agreement 14AS-0-0-15 Book 263, Page 642
 Town of Henric, Henric County, Virginia

Survey No. 717
 Survey No. 1073

C. M. Currier,
 Surveyor
 1101 North Main Street
 Henric, Virginia 23041
 Tel: 510-235-3318
 April 24, 2001
Alan Little

DIVISION OF SURVEYS, INC.
 3015 North Street
 Henric, Virginia 23041
 Tel: 510-235-3318
 April 24, 2001







Clarke County, VA Real Estate

Account Name FULL MOON INVESTMENTS LLC
 Account Number
 Care Of
 Address1 22942 GOLDFHROD DR
 Address2
 City, State Zip BRAMBLETON, VA 20148
 Business Name
 Location Address(es) 17 JOSEPHINE ST

Map Details

Map Number	Sheet	Insert	Double Circle	Block	Lot	S. Lot
16A5-R-B-14A	14	A5	B	B	14	A

Tax Acres 0.0
 Deed D-640-411
 Address/Deed
 VGI NONE
 P&L NONE
 Address/Plat
 Route
 Legal Desc 1 17 JOSEPHINE STREET
 Legal Desc 2 LOT
 Zoning
 State Class SINGLE-FAMILY URBAN
 Topology ROLLING/SLOPING
 Utilities NONE

Assessed Values

Type	Current Value (2023)	Previous Value (2022)
Land	\$45,000	\$45,000
MS'n Structures	\$0	\$0
Other Structures	\$0	\$0
TOTALS	\$45,000	\$45,000

NOTE: Previous values show total improvements as MS'n Structures value.

Sales History

Grantor	Grantee	Sale Price
NOTEN CONSTANCE		\$12,100
		\$0
		\$0

I, Marco Santander, Resident at 9 Josephine Street, am
Voting against the Day Care Next door. I Work with
Dangerous Machinery that I have outside my house and
It's far too dangerous to have children around.

Marco Antonio Santander

07/23/23

To: PLANNING Commission

RECEIVED

JUL 25 2023

7/25/2023
City of Berryville, VA

I grew up on Josephine St, family home is on Josephine St, was a life long member at Zion Baptist Church and a resident of Clarke County. I am speaking against the day care.

The leadership at ZBC now is about ways to make money, pay Maryland employees and go back to Maryland. There has been nothing but chaos and how to destroy ZBC and the community since Karlyle Hill has been in Clarke County.

Would you or your family bring your children or grandchildren to ZBC day care to a non-loving environment with armed security guards standing at the front door? A picture speaks a thousand words, pictures included.

Sincerely
Martha A. Jones
Clarke

ZION BAPTIST CHURCH
10 JOSEPHINE ST
BERRYVILLE VA.

KARVILE
HILL



Berryville Town Council Item Report Summary September 12, 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 07.11.2023 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
July 11, 2023
7:00 p.m.

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

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

Press: Mickey Powell, *The Winchester Star*

Also present: Tom Frederick of Pennoni Associates

1. Call to Order

Mayor Arnold called the meeting to order at 7:00 p.m. and Vice Mayor Gibson made the **attached** motion for Mr. Mazzarino’s remote participation, which passed by unanimous voice vote.

2. Pledge of Allegiance

3. Approval of Agenda

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

4. Presentations, Awards, and Recognitions

Mr. Frederick of Pennoni Associates, the engineering firm engaged by the Town, briefed the Council on the water treatment process that had resulted in the recent presence of excessive chlorine byproducts in the Town’s water supply. He explained that the Town has performed at a high level in treating water and that its source is cleaner than most, but that chlorine is necessary, which can result in disinfection byproducts as the chemicals encounter organic matter. He noted that, as discussed in previous meetings, quarterly testing in late 2022 had displayed a higher than permissible level of byproducts, which though minuscule had required notification of the public. He said the balance of chemical processes is difficult to achieve and that the planned upgrades to Berryville’s treatment plant would enhance efficiency, especially when combined with optional targeted destruction system flushing techniques that are available.

Ms. Harrison asked if the new testing methods could be applied immediately or only after the plant upgrades, and Mr. Frederick said their use was possible now. Ms. Harrison suggested the wisdom of

more frequent testing in order to achieve early detection of problems. Mr. Frederick said the Department of Environmental Quality had been helping Town staff work toward this.

Messrs. Steinmetz and Frederick discussed sources of organic matter.

Messrs. Tibbens and Frederick discussed the time span in which improved sampling processes might lead to fiscal savings.

Messrs. Steinmetz, Frederick, and Dalton discussed how long automatic sampling and flushing devices had been available, and Mr. Dalton said the Town was already using automatic flushing devices without sampling, which he said saves labor costs.

Mr. Frederick concluded with a brief summary of the status of the water treatment plant upgrade process so far. He said an application for Department of Health funding had been submitted and that U.S. Department of Agriculture loans were a possibility. He said Pennoni Associates is in the process of evaluating technology options and that a report likely would be available within a few days.

5. Public Hearings

None.

6. Discussion of Public Hearing Items

Not applicable.

7. Citizens' Forum

Stephanie Jones, owner of one of the blighted properties discussed in previous meetings, briefly described current progress toward abating the blight.

Susan French, legal counsel for the owners of two of the blighted properties, said 112 Josephine Street had been incorporated on a non-profit basis and was proceeding with the organization associated with that status. She said work toward resolution of title matters was forthcoming. She said the owner of 229 Josephine Street had dealt with hazardous trees and had filled a cistern that had caused concern. She said extenuating circumstances had adversely affected communication and the pace of work but that further blight abatement processes were proceeding.

DeeDee Liggins addressed the Council concerning the proposed special use permit for a daycare center at Zion Baptist Church, saying that as a matter of regard for history the Benjamin Franklin name should be retained rather than the name being changed to Zion Christian Academy.

Craig Mattice expressed concern about the cost of additional water testing measures and said the figures indicating contamination had risen too sharply in too short a span of time. He said citizen participation in meetings is minimal because keeping abreast of developments requires too much effort and that the Town should alleviate this by using flash notifications related to agendas. He said the removal of barriers on Tyson and Dunlap Drives had resulted in excessive traffic and in speeding.

8. Consent Agenda

The consent agenda comprised the minutes of the June 13 Town Council regular meeting and the June 26 meeting of the Budget and Finance Committee.

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

9. Unfinished Business

None.

10. New Business

Mr. Dalton directed the Council's attention to the agenda items related to the Town's bank account policy and to the potential closure of three accounts. He said staff had explored the possibility of diversifying its accounts via additional local options, and that the proposed closures were of the PPTRA account and two accounts intended as pass-throughs for online bill payment but never used.

Mr. Dalton explained that the Budget and Finance Committee had recommended the above, plus depositing \$500,000 in a money market account and revising the Town's policy document to reflect changes to titles and to specify that the committee is to review the policy every other year.

Mr. Tibbens initiated a discussion about the fact that not all money market accounts are insured by the FDIC in the manner applicable to checking accounts, with Mr. Tibbens expressing concern about risks. There was also a brief discussion of the use of local banks. Mr. Tibbens said he could support the proposed changes other than use of an inadequately insured account, and the consensus was that action on that matter should occur only after acquisition of further information.

Vice Mayor Gibson moved that the Council of the Town of Berryville close the PSN Refund/Payment, PSN Deposit, and PPTRA bank accounts and that it approve the **attached changes to the Town of Berryville Bank Account policy. The motion passed by unanimous voice vote.**

11. Council Member Reports

Mayor Arnold ascertained that the other members were amenable to following the custom of not

meeting in August. There were no objections.

Ms. Harrison of Ward 2 noted the upcoming Josephine Museum 20th anniversary open house scheduled for July 15.

The other members had nothing to add.

12. Staff Reports

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

Community Development

Ms. Dunkle asked the Council to set a public hearing regarding a special use permit for a daycare center at Zion Baptist Church, concerning which the Planning Commission would hold its own public hearing in the interim between Council meetings.

Ms. Harrison moved that the Council of the Town of Berryville set a public hearing for the September 12, 2023 meeting to consider a Special Use Permit in order to operate a daycare center at the Zion Baptist Church property located at 13 Josephine Street. The motion passed by unanimous voice vote.

Ms. Dunkle provided a short briefing on the wayfinding signage project, over which she and Ms. Harrison had exercised oversight. She said construction intent documents had arrived, with information on fabrication, location, and message panels, and that the Virginia Department of Transportation had been conferring with the Town regarding rights-of-way.

Deputy Town Manager

Ms. Petti being absent, Mr. Dalton noted her report on the short-term rental matter discussed in previous meetings, and said action in the present meeting would be premature. He said September action was likely. Ms. Dunkle said the Planning Commission would need to examine Code language.

Town Manager

Mr. Dalton said he had followed through on the Council's request in June that staff confer further with VDOT regarding proposed truck-length restrictions on certain streets, and that VDOT's comments should be available in September.

Mr. Dalton said proposed changes to regulations for use of Rose Hill Park were being reviewed by the Town attorney, that Hermitage V streets had been opened on July 5, and that he was engaging with

the school board on the previously discussed boundary line adjustment involving the Town, the school board, and a local property owner.

Mr. Dalton said the owner of the blighted property at 225 Josephine Street had provided assurances that he was clearing the property of debris and making plans to raze the house and erect an accessory building. He said the owner of the property at 114 Josephine Street would still need to remove some debris, fill a depression, and cap the sewer lateral, all of which they had discussed.

13. Committee Updates

The committee chairs had nothing to report and did not set any meetings for July or August.

14. Other

No other business was discussed.

15. Closed Session

Not applicable.

16. Adjourn

The Council adjourned at 7:57 p.m. on a motion by Vice Mayor Gibson.

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, July 11, 2023

7:00 p.m.

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

S. J. Jones _____ Yes No

S. French _____ Yes No

Deirdre Higgins _____ Yes No

Craig Mathis _____ Yes No

BERRYVILLE TOWN COUNCIL
MOTION TO APPROVE REMOTE PARTICIPATION IN A TOWN COUNCIL
MEETING BY A TOWN COUNCIL MEMBERS

Date: July 11, 2023

Motion By: *Gibson*

Second By: *—*

I move that the Council of the Town of Berryville, with a quorum present in the Main Meeting Room of the Berryville-Clarke County Government Center, approve remote participation via telephone by Council member Grant Mazzarino because the need to attend to family business.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Abstain:

Absent:

ATTEST:



Erecka L. Gibson, Vice Mayor

Town Council Policies

Bank Accounts

Approved 10/9/18

Amended:

Purpose

This policy sets certain requirements for opening, closing, updating, and maintaining Town of Berryville bank accounts. For purposes of this policy, "Town bank accounts" mean any bank account opened by or for the Town or any of its departments. The purpose of this policy is to establish adequate control procedures over Town assets and minimize the Town's risk of financial loss.

Responsible Town Department

The Finance & Administration Department by direction of the Treasurer.

Who Is Governed by this Policy

Each individual or department requiring and utilizing Town bank accounts should review and understand this policy.

Scope

In accordance with the Town's policies, bank accounts may be opened and closed only by the authorization of the Town Council after review and recommendation by the Budget and Finance Committee. This condition applies to all Town bank accounts as defined above, regardless of how the accounts are named.

Policy

A Town of Berryville bank account may be used only for legitimate and allowable revenue and/or expense activities of the Town. Proposals for new bank accounts must be submitted by Town ~~d~~Departments to the Treasurer, and the ultimate decision to open a bank account is at the discretion of the Town Council. All Town bank accounts must have the Town of Berryville's Employer Identification Number (EIN) and either the name "Town of Berryville" or the name of the Town department in the account title.

Choosing a Bank

It is important to open and maintain bank accounts whenever possible with entities that have ~~well~~-established Town banking relationships. The Town has relationships with both local banks (Bank of Clarke and ~~BB&T~~.Truist).

Opening Bank Accounts

Applicants for bank accounts must submit their requests to the ~~T~~reasurer.

The following information is required prior to opening a new Town bank account:

1. Account Specifications:

- Town's Employer Identification Number (EIN).
 - Account name.
 - Purpose of account.
 - Type of account (receipts only, receipts and disbursements, internally funded project expense account, other).
 - Source of funding.
2. Suggested bank, address, and contact information. Once the selection of the bank is ~~agreed with~~approved by the Treasurer's office, additional bank account documentation may be required.
 3. Approval of Town Council after review and recommendation by the Budget and Finance Committee.

Signing of Checks on Town Funds (Town Code Sec. 2-6)

Checks for duly authorized disbursements of Town funds shall be signed by either the ~~T~~town treasurer or ~~T~~town Mmanager and, except for payroll checks, cosigned by either the ~~M~~mayor or ~~V~~vice Mmayor.

Bank Account Reconciliation

Bank accounts must be reconciled monthly by the ~~T~~treasurer and available for review by Council members at any time. The ending bank balance on the bank statement must be reconciled with the bank balance in the Town of Berryville general ledger.

Updating Bank Accounts

~~The Budget and Finance Committee will review and confirm all bank accounts every two years and as needed.~~ Requests to update bank accounts shall be forwarded to the Treasurer. ~~‡~~The following ~~information is~~are required:

1. Explanation of the purpose for the update.
2. Approval by Town Council after review and recommendation by the Budget and Finance Committee.
3. ~~The Budget and Finance Committee will review and confirm all bank account every two years.~~ Review and confirmation of all bank accounts by the Budget and Finance Committee every two years.

Updates to bank accounts may include:

- Shift in purpose or type of account.
- Account name change.
- Address change.
- ~~Local bank communication relevant to~~Changes to bank procedures and/or systems.;

Closing Bank Accounts

All requests to close a bank account must be directed to Treasurer for approval. **Contact with the treasurer to request the closing of a bank account.**

The following information is required:

1. The business purpose for the closure.
2. Confirmation that the bank account has a \$0 balance.
3. Confirmation that the Town of Berryville general ledger account has a \$0 balance.
4. Approval of Town Council after review and recommendation by the Budget and Finance Committee.

Reasons to close bank accounts may include:

- Unauthorized activity.
- No activity/dormant account.
- Change in business purpose or type of account.

Proposed Amendment to the Schedule of Water and Sewer
Fees and Charges

Report of September 12, 2023

The Town Council held a public hearing on this proposal at its May 9, 2023 meeting. Staff has received no comment on this matter subsequent to the hearing.

Proposed changes

Highlights of the proposed schedule adjustments include:

Water:

An increase of \$6.28 in the monthly administrative and facilities fee charge. The fee will increase from \$18.07 to \$24.35.

A 6.4% increase in availability fees (increase was determined by CIP).

An increase in inspection fees.

An increase in required deposits to account for the increase in the administrative and facilities fee.

Sewer:

An increase of \$2.53 in the monthly administrative and facilities fee charge. The fee will increase from \$9.65 to \$12.18.

A 6.4% increase in availability fees (increase was determined by CIP).

An increase in required deposits to account for the increase in the administrative and facilities fee.

Requested Action

Staff requests that the Council adopt the amended Town of Berryville Schedule of Water and Sewer Fees and Charges and that the new schedule become effective on November 21, 2023.

Attachments

- Draft Schedule of Water and Sewer Fees and Charges
- Utility Rate Study Town of Berryville July 2019

Sample Motion

I move that the Council of the Town of Berryville approve the attached Schedule of Water and Sewer Fees and Charges and that the new schedule become effective on November 21, 2023.

Report from May 9, 2023

History

The Town maintains a general fund and two enterprise funds (water and sewer). The water and the sewer enterprise funds operate in a manner that is very similar to a private business. These funds must meet capital and operating expenses with the

revenues available from user fees (monthly customer bills), availability fees (charged for new or enlarged system connections), borrowing, or grants.

In 2019 an engineering firm completed a utility rate study that identified water and sewer system needs over the next two decades and provided the Town Council with a schedule of recommended fee and rate increases that should be considered over the subsequent five-year period to provide sufficient income to meet system needs (including replacement of wastewater treatment plant membranes in FY24 and construction of a water treatment plant in FY26). The rates should be reviewed again when the estimated cost of the water treatment plant is known. This review should take into account recent inflation and expected availability fee revenue. This analysis should be taken into account when the schedule of fees and charges is reviewed next spring.

The Council adjusted water and sewer fees in 2019, 2020, 2021, and 2023. The proposed FY2024 Budget anticipates income from adjusted fees (effective in November 2023). The attached amended fee schedule was used in the development of the proposed FY2024 Budget.

Proposed changes

Highlights of the proposed schedule adjustments include:

Water:

An increase of \$6.28 in the monthly administrative and facilities fee charge. The fee will increase from \$18.07 to \$24.35.

A 6.4% increase in availability fees (increase was determined by CIP).

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Sample Motion

I move that the Council of the Town of Berryville approve the attached Schedule of Water and Sewer Fees and Charges and that the new schedule become effective on November 21, 2023.

Proposed Fee Schedule

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.~~ _____

Utility Rate Study

Utility Rate Study
Town of Berryville, Virginia
Utility Rate Study
Pennoni Associates, Inc., Winchester VA
July 2019



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1. Introduction

The Town of Berryville operates a water system to supply, treat, and distribute water for human consumption and 5*other uses and operates a wastewater system to collect and treat sewage. Town billing data for the period September 2017 through August 2018 would conclude there were an average 1,515 homes served water and 208 other water accounts during that period. Most of these same accounts are served both water and wastewater, but the Town reports that as of September 2018 there were 45 water-only accounts, including 20 residential, six commercial, and three industrial accounts inside the Town limits, with the remaining 16 water-only accounts being outside the Town limits including 12 residential, two commercial, and two institutional accounts. In order to continue to operate this system adequately and provide the level of service expected by these customers, the water and wastewater systems will need to maintain adequate financing.

In order to maintain adequate funding for daily operations, maintenance and renewal of assets, and meet the increasingly stringent regulatory requirements, the Town is undertaking an important study to forecast future service demands, perform an initial evaluation of its water and wastewater assets, review its financial condition, and provide options for water and wastewater rate setting to provide sufficient capital to maintain its assets and meet customer and regulatory requirements. This report summarizes the findings of this study.

According to the American Water Works Association of Denver, Colorado in a Manual of Practice for Developing Rates for Small Systems, several underlying principles are suggested:

- A. That water utilities provide sufficient revenue for annual operations and maintenance expenses, capital costs and debt service, and working capital and reserves. *This study addresses all these issues.*
- B. Water utilities should account for its funds separate from other governmental entity operations. *The Town has achieved this principle through establishing and maintaining a Water Fund and a Sewer Fund separate from the General Fund.*
- C. That water systems adopt a uniform system of accounts for accounting and management controls. *The Town has developed such a system.*
- D. Financial reporting should meet requirements of legislative, judicial, or regulatory bodies. *This requirement is audited annually by the Town through a Certified Public Accountant.*
- E. Water rate schedules should be designed to distribute the cost of water service equitably among each function and class of service. *This study and report follow this principle; where segregation of data for this purpose is not available, assumptions are used based on industry norms.*
- F. Water utilities should maintain asset records with sufficient information to monitor and manage the physical condition of infrastructure and should support planned and preventive maintenance programs and budgets adequate to maintain and rehabilitate/renew assets at levels of service consistent with good utility practice. *This study initiates a structure to provide asset listing and condition based upon basic data to include age, size, material specifications, and engineering judgment reflecting known maintenance history and past design work. The rate structure proposed by this study incorporates judgment on the future need to replace existing assets and is a starting point in identifying large financial impact where more detailed analyses beyond this study may be appropriate to continue to optimize costs of asset performance and reliability.*

Background on Water System

The Town supplies its water through an intake facility on the Shenandoah River which receives and screens river water and then pumps the untreated (“raw”) water to the Berryville Water Treatment Facility. The Treatment Facility treats the water to excel beyond federal and state drinking water standards through a Neptune Microfloc package system built in 1984 that includes conventional filtration to remove particles, after which the water is disinfected and pumped through a high service pumping station to the Town’s transmission and distribution system. The water supply, treatment, and pumping system is permitted by the Virginia Department of Health for a capacity of 864,000 gallons per day, and the water intake and pumping and water treatment facility can achieve that capacity. The high service pump station is limited to 754,000 gallons per day as a result of internal constraints, thereby this limitation becomes the “choking” point on how much treated water can be delivered into the distribution system.

From a review of Town water production records between 2013 and 2018, the monthly average daily water pumped into the distribution system varied from 261,000 gallons per day in April 2018 to 394,000 gallons per day in April 2014. For the period between September 2017 through August 2018, the annual average daily volume of water pumped to the distribution system was 325,000 gallons per day. During that same one-year period, billed consumption averaged 282,000 gallons per day. From this data one would conclude that 13.2% of the treated water pumped to the distribution system is not metered and billed, referred to in the industry as the non-revenue water rate. All water distribution systems have a component of non-revenue water which can be contributed from numerous sources, including water use from a fire hydrant, leaks from water system assets including water main breaks, water theft, and under-registration of water consumed by meters not accurately calibrated. The water industry sets a standard of striving for non-revenue water below 10%, and above 15% is a “flag” for the need of significant improvement. The Town of Berryville falls in an adequate range but can still strive to improve water accountability. A key place to start is accurate meter registration. It is noted the Town plans to replace the water meters in its system in 2022 and the performance of this action is favorably recommended in this study.

There are also expected water “losses” between the quantity of water filtered or purified and the quantity of water pumped into the distribution system. The largest uses in this category include essential backwashing of the water filters and clean “make-up” water for diluting chemicals, as well as other water used in the treatment process. Plant production records between September 2017 and August 2018 suggest that an average 10.5% of water treated is used within the treatment process, therefore, to pump 325,000 gallons per day into the distribution system, a total of 363,000 gallons per day is treated and filtered.

Based on operational records reported monthly to the Virginia Department of Health and the data distributed by the Town through its annual consumer confidence reports, its treated water is currently meeting all quality drinking water standards of federal and state regulations.

The water transmission and distribution systems consist of an interconnected network of water mains, most within public street rights-of-way, within two pressure zones, and include two elevated water tanks, one ground storage tank, and a booster pump station. The two pressure zones are identified as the 758 Zone and the 808 Zone, where 758 and 808 represent the static head elevations of the two zones in reference to mean sea level. Most of the water distribution system and service connections are on the 758 Zone, with the 808 Zone serving the northwest corner of the system near Route 7 West where the Town’s natural ground elevations are highest. One elevated tank and one ground storage tank are located in the 758 Zone, and a second elevated tank serves to maintain water pressure in the 808 Zone as water demand in that zone fluctuates. All treated water at the water plant is pumped into the 758 Zone, a separately located booster pump station transfers water from the 758 Zone to the 808 Zone.

More detailed information on the water system assets is provided under the Evaluation of Assets chapter of this report.

Background on Wastewater System

The Town collects wastewater through a system of underground pipes sloped to allow flow by gravity to the wastewater treatment plant, supplemented by four wastewater pump stations that pump or lift sewage from isolated low points through a "force main" back into the gravity system.

The Berryville Wastewater Treatment Plant is a 700,000 gallons per day (monthly average) state-of-the art facility constructed in 2010 that consists of 4-Stage Bardenpho Bioreactor Basins and a Membrane Bioreactor for advanced nutrient removal to meet stringent nutrient discharge limits for Chesapeake Bay watersheds. The facility also includes a flow equalization tank of 0.7 million gallons to hold incoming peak sewer flows and allow the Bioreactors to operate optimally at a steady rate. Berryville is consistently meeting its stringent effluent limits and is a member of the Virginia Nutrient Credit Exchange Association whereby nutrient removal in excess of the facility's allocation can be sold on an exchange for a modest amount of revenue. Most importantly, this membership also allows the Town to purchase credits at the member rates should circumstances ever be necessary for the Town to maintain regulatory compliance.

Metered sales records from the Town between September 2017 and August 2018 indicate that an average 279,000 gallons of wastewater per day was registered for billing purposes.

2. Water and Wastewater Demand Projections

This chapter of the report summarizes the review of historical water and wastewater system demand, including treatment plant metering and reporting data, customer billing data, and reported growth trends. A long-term growth projection is provided in 5-, 10-, 15- and 20-year intervals based upon information provided by the Town of Berryville's Planning and Zoning Department. This chapter also discusses capacities of water and wastewater system components and the abilities of these capacities to meet growth needs.

This study reviewed development information from the Town's Department of Planning and Zoning, including recent development activity and forecasted ultimate growth in water and wastewater use through build-out of undeveloped land by zoning sub areas. Table 2-1 summarizes recent development activity, and Table 2-2 summarizes growth in demand by potential long-term build-out. Potential quantities in additional water demand from build-out in gallons per day are taken directly from the Town's Planning and Zoning projections and suggest the very long-term potential that the Town's metered water consumption could increase from the present 283,000 gallons per day annual average to up to as high as 816,000 gallons per day. This data also suggests that although current consumption from outside Town limits is a very small percentage, a significant amount of future growth to water and wastewater demand could come from property presently outside of the Town's corporate limits. The Town has a defined Annexation Area and may intend to annex much of this property at some future date, but to the extent future service increases beyond the Town limits, ratemaking may need to consider more closely the equity of charges to outside vs. inside customers.

Table 2-1
Recent Commercial Activity

Source: Town of Berryville Department of Planning and Zoning, October 15, 2018

Date of Approval	Planning Area	Development	Data from Capacity of Waterworks: 12 VAC 5-590-690	
			VDH Criteria	Capacity Added (gpd)
January 25, 2017	Sub Area 7	McDonald's (assumes 60 seats)	Restaurant - 50 gpd/seat	3,000
August 9, 2017	Sub Area 6	67-bed assisted care	Nursing Home - 200 gpd/bed	13,400
October 24, 2018	Sub Area 6A	120 age-income restricted apartments	Residential - 100 per unit	12,000
Total Capacity Added (gpd):				28,400

Note: Capacity is how VDH looks at what excess capacity the water system needs to assure service to a specific new project at the time of application. It may be conservative and therefore not reflective of long-term consumption and revenue.

Table 2-2

Future Activity - Long-Term Build-Out

Source: Town of Berryville Department of Planning and Zoning, October 15, 2018

	Total Build-Out Flow Added (gpd)	Build-Out Flow Added by User Class				Town Limits	Comments
		Residential Flow (gpd)	Commercial Flow (gpd)	Institutional Flow (gpd)	Industrial Flow (gpd)		
Sub Areas 1 and 2	189,700	170,730		18,970		Outside	Zoned to allow Institutional but forecasted likely mostly residential. Assume 90% Institutional; 10% Residential
Sub Area 6A	24,000	14,400		9,600		Inside	Mostly residential; includes 120 Income restricted apartments; limited small commercial
Sub Areas 6 and 7	182,800		182,800			Inside	Business Commercial, includes grocery store and bank
Sub Area 12B	7,500		7,500			Outside	Business Park
Sub Area 19A	11,000		11,000			Inside	Business Park
Sub Area 27A	24,850	24,850				Partial	Residential - Hermitage V
Sub Area 9	47,600	47,600				Inside	Residential - Includes 22,050 gpd for Fellowship Square; also includes Shenandoah Crossing
Sub Areas 13, 14, 15	45,300	45,300				Outside	Identified by Town as likely Residential

Totals						
Inside Town Limits	277,800	74,400	193,800	9,600		-
Outside Town Limits	255,000	228,500	7,500	19,000		-
Totals	532,800	302,900	201,300	28,600		-

Historical growth trends and qualified population projections should be strongly considered in forecasting future growth in water and wastewater demands over a 20 to 30-year horizon. The best sources of information in Virginia on population trends and growth projections are the U. S. Census Bureau, Virginia Employment Commission and The Weldon Cooper Center at the University of Virginia. Table 2-3 summarizes historical population trends for both the Town of Berryville and Clarke County, from census information reported by *World Population Review*. Also shown is Weldon Cooper Center for Clarke County (The Weldon Cooper Center does not report data for Towns < 5,000 population). The data reflects “up and down” patterns of growth typical for actual historical data over the past 57 years, with higher growth in the 1980s and the 2000s. Recent growth averaged over several years fall into a range of 0.28% to 1.25% per year.

Table 2-3
Berryville and Clarke County Population

Source 1: *World Population Review: Reporting Claims Using U S Census Data and Census Estimates*

Source 2: *University of Virginia Weldon Cooper Center, Demographics Research Group (2017), Virginia Population Projections. Retrieved from https://demographics_coopercenter.org/virginia-population-projection*

Year	Population			Average Annual Growth		
	Town Population	County Population		Town	County	
	Source 1	Source 1	Source 2		Source 1	Source 2
1960			7,942			
1970			8,102			0.20%
1980			9,965			2.09%
1990	3,097	12,101	12,101			1.96%
2000	2,963	Not Provided	12,652	-0.44%		0.45%
2010	4,179	14,011	14,034	3.50%		1.04%
2011	4,222	14,187	14,211	1.03%	1.26%	1.26%
2012	4,237	14,242	14,276	0.36%	0.39%	0.46%
2013	4,246	14,250	14,148	0.21%	0.06%	-0.90%
2014	4,264	14,320	14,323	0.42%	0.49%	1.24%
2015	4,266	14,255	14,206	0.05%	-0.45%	-0.82%
2016	4,286	14,322	14,240	0.47%	0.47%	0.24%
2017	4,338	14,508	14,312	1.21%	1.30%	0.51%
Total 1990 to 2017				1.25%	0.67%	0.62%
Total 2000 to 2017				2.27%	Not Available	0.73%
Total 2010 to 2017				0.54%	0.50%	0.28%

Table 2-5 uses this 0.50% per year average demand to forecast water and sewer metered customer consumption demands over the next 20 years. Current demand is segregated by customer class and represented as inside or outside the Town's limits based on customer billing data provided by the Town. Forecast growth is assigned to customer class and inside or outside Town limits based on a straight-line projection from current class of use toward build-out using the current classification of land use for future development provided by the Town's Planning and Zoning Department. As noted previously in this report, a greater amount of the future growth is projected on land that is presently outside Town limits.

Table 2-5
Forecasted Future Average Day Billed Consumption for Town of Berryville

Customer Class	Current Annual Average Daily Billed		Forecasted Annual Average Daily Billed Consumption (MGD)							
			2025		2030		2035		2040	
	Inside Town Limits	Outside Town Limits	Inside Town Limits	Currently Outside Town Limits	Inside Town Limits	Currently Outside Town Limits	Inside Town Limits	Currently Outside Town Limits	Inside Town Limits	Currently Outside Town Limits
Water Service										
SF Residential	0.169	0.002	0.170	0.005	0.171	0.008	0.172	0.011	0.173	0.014
MF Residential	0.015	0.000	0.015	0.000	0.015	0.001	0.016	0.001	0.016	0.002
Commercial	0.022	0.000	0.025	0.000	0.028	0.000	0.032	0.000	0.035	0.000
Institutional	0.031	0.013	0.031	0.013	0.031	0.014	0.031	0.014	0.032	0.014
Industrial	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000
Totals	0.267	0.015	0.271	0.018	0.276	0.023	0.281	0.026	0.285	0.030
	0.282		0.289		0.299		0.307		0.316	
Wastewater Service										
SF Residential	0.167	0.000	0.168	0.003	0.169	0.006	0.170	0.009	0.171	0.012
MF Residential	0.015	0.000	0.015	0.000	0.015	0.001	0.016	0.001	0.016	0.002
Commercial	0.021	0.000	0.024	0.000	0.027	0.000	0.031	0.000	0.034	0.000
Institutional	0.032	0.014	0.032	0.014	0.032	0.015	0.032	0.015	0.033	0.015
Industrial	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000
Totals	0.265	0.014	0.269	0.017	0.273	0.022	0.279	0.025	0.284	0.029
	0.279		0.286		0.295		0.304		0.313	

An important part of capital planning is an understanding if the capacity of the utility system can meet projected future demands. The projected 2040 average day customer metered consumption of 315,000 gallons per day for water and 313,000 gallons per day for wastewater are both well within the current capacities for the treatment facilities (864,000 gallons per day water treatment and 700,000 gallons per day wastewater treatment) and further provide adequate excess capacity to meet expected peak demands. The Town is presently updating its analysis of the full capacity of the water distribution system through a calibrated computer model and it is recommended the Town consider a similar updated analysis of its sewer collection system.

3. Evaluation of Assets

Water and wastewater utilities are capital intensive. Expensive underground pipelines, pumping stations, storage tanks, river intake facilities, and treatment facilities require significant funding for construction, operation and maintenance, and for adequate repair, renewal or replacement as facilities age. Without proper assets and asset care, the utility will fail to continuously provide a reliable level of service. Community citizens expect this high level of service to be maintained 24 hours per day, 7 days per week, and every day of the calendar year. Operation and maintenance should be planned, executed and documented, and a condition of the assets should be regularly assessed.

The Town of Berryville is to be commended for initiating an asset management program through this study to provide an initial assessment of the condition of the assets of the water and wastewater systems. The scope of this work includes relying upon a review of existing available information provided by the Town together with some engineering judgment from Pennoni's Senior Engineer who has performed previous inspection and design work for the Town. The scope of this study did not include a visual inspection of the assets or a detailed assessment. The review did include review of the Town's fixed asset data and available information regarding initial construction, material, age, and reported significant improvements made after initial construction. Data on underground water distribution and sewer collection system assets were obtained from the Town's water and wastewater data within the Clarke County GIS database. Expected service life was estimated from engineering judgment using experience within the water and wastewater industry based on basic types of material or design, understanding of the quality of manufacture at time of installation, maintenance history available, and any other known related factors. This study then provides a budget that assumes the full replacement of the asset once the estimated remaining life is complete. This evaluation is considered a useful guide to preparing an initial financial estimate to maintain the reliability of aging assets, but beyond this study it is recommended that a more detailed condition assessment be considered, particularly as assets approach the time of expected replacement, to confirm the appropriate actions that are optimal in the actual expenditure of funds. Sometimes full replacement is the optimal solution, whereas other times some significant repair or partial replacement that extends the life of the asset can be more cost-effective over the long-term. The optimal solution comes through later detailed assessment.

Water System

The assets of the Berryville water system generally function adequately to meet the system demand and level of service with limited interruptions. Small local interruptions are sometimes necessary to isolate small areas of the system for repair of water main breaks, but large-scale interruptions are minimal. Like many water systems across the United States, some of the water system assets are aging at or near the expected service life. Table 3-1 provides a 20-Year replacement schedule for water system assets estimated to reach the end of life within the next 20 years in their present condition. The assets in this table have significant above-ground structures, referred to as vertical assets. Table 3-2 provides a separate 20-Year replacement schedule for underground water main pipe and appurtenances referred to as horizontal assets. The combination of vertical and horizontal assets provides the complete fixed assets of the water system.

Tables 3-1 and 3-2 are summarized from an Excel spreadsheet with the summary listing only those assets expected to reach end of life within the next 20 years, based on available information. The larger spreadsheet provides a listing of all water system vertical and horizontal assets, along with estimated remaining service life, date of replacement, and estimated cost of replacement in 2019=\$. The spreadsheet is being provided separately in electronic form to the Town of Berryville, providing a way that these spreadsheets become a living document to be amended as further conditions are assessed and adjustment to the schedules are made.

Table 3-1
Vertical Assets of the Berryville Water System - 20-Year Replacement
Schedule

	Type of Asset	Estimated Replacement Year	Budgeted Replacement Cost (2019=\$)
Shenandoah River Intake	Equipment	2026	\$ 520,000
	Land	2026	\$ 50,000
Raw Water Pumping Station	Equipment	2026	\$ 340,000
Berryville Water Treatment Plant	Building	2026	\$ 2,500,000
	Equipment	2026	\$ 13,000,000
Finished Water Pumping Station	Equipment	2019	\$ 260,000
Booster Pump Station to Zone 808	Building	2032	\$ 250,000
	Equipment	2032	\$ 715,000
			\$ 17,635,000

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patterns for faster leak detection, better customer service, and better water system planning, and though they cost more initially they can lead to cost savings in the longer run.

Through a “budget” level review of water meter options it was concluded that \$400,000 is sufficient to cover the capital cost of replacing all water meters in the Town’s system with meters performing an equal function to the present, however, \$600,000 would be a more appropriate budget if the Town intends to also contract the cost of installation. Option 1 in Table 3-2 summarizes this option.

Option 2 describes a “smart” meter option. In order to provide the capability for all new meters to transmit meter reading by an electronic signal, an additional \$350,000 to \$400,000 is recommended to be budgeted depending on whether the transmission is a fixed polling system that can read all meters nearly continuously, or transmission is to a mobile vehicle with local polling capability. With the further addition of software and personnel training and licensing to provide customer service and analytical capability, it would be suggested that a total budget of up to \$1,200,000 be considered.

Wastewater System

Similar to the water system assets, all the wastewater system assets have been identified on an Excel spreadsheet, that includes an estimated service life and replacement costs in 2019=\$. Table 3-3 summarizes vertical assets and Table 3-4 summarizes horizontal assets expected to reach end of life within 20 years. The Berryville Wastewater Treatment Plant is less than 10 years old and generally expected to be in very good condition, but the advanced filtering membranes are expected to be replaced every 10 years, at a pre-purchased cost of \$1,120,000 (2019=\$), and some plant process equipment will reach end of life within the next 20 years. Several horizontal assets, including aging concrete gravity sewer pipe, aging cast iron force main, and up to 275 older manholes are shown for replacement within 20 years. Total replacement cost for end life assets within 20 years is estimated to be \$11.3 million, or an average of near \$565,000 per year. This compares to a capital improvement investment by the Town in its FY 2018-19 budget of \$300,225, of which \$15,000 was funded by reserves.

Table 3-3
Vertical Assets of the Berryville Wastewater System - 20-Year Replacement
Schedule

	Type of Asset	Estimated Replacement Year	Budgeted Replacement Cost (2019=\$)
Lift Station 1	Building	2021	\$ 75,000
	Equipment		\$ 130,000
Lift Station 2	Building	2022	\$ 75,000
	Equipment		\$ 130,000
Lift Station 3	Equipment	2030	\$ 260,000
Lift Station 4	Equipment	2030	\$ 260,000
Lift Station 5	Equipment	2030	\$ 130,000
Lift Station 6	Equipment	2030	\$ 325,000
Berryville Wastewater Treatment Plant	Membranes	2023	\$ 1,120,000
	Equipment	2029	\$ 150,000
	Membranes	2033	\$ 1,120,000
	Equipment	2034	\$ 1,950,000
			\$ 5,725,000

Table 3-4

Horizontal Assets of the Berryville Wastewater System - 20-Year Replacement Schedule

	Diameter (In)	Total Length (linear feet) or Quantity (each)	Budgeted Replacement Year	Budgeted Replacement Cost (2019=\$)	Comments
PVC Sewer Gravity Main	6	1000	2025	\$ 124,000	To be replaced with 8" PVC
Concrete Gravity Sewer Main	4	500	2026	\$ 62,000	To be replaced with 8" PVC
	8	15000	2026	\$ 1,853,000	To be replaced with 8" PVC
		4000	2026	\$ 494,000	To be replaced with 8" PVC
		3000	2026	\$ 371,000	To be replaced with 8" PVC
		1000	2026	\$ 124,000	To be replaced with 8" PVC
Concrete Gravity Sewer Main (Lined)	4	1000	2035	\$ 124,000	To be replaced with 8" PVC
	8	3000	2026	\$ 371,000	To be replaced with 8" PVC
		2000	2026	\$ 124,000	To be replaced with 8" PVC
		2000	2026	\$ 247,000	To be replaced with 8" PVC
		1000	2035	\$ 247,000	To be replaced with 8" PVC
Sanitary Sewer Manholes		225	2026	\$ 900,000	
		50	2035	\$ 200,000	
Cast Iron Sanitary Sewer Force Main	8	2500	2035	\$ 334,000	
				\$ 5,575,000	

4. Revenue Requirements and Future Rates

A very important component of utility rate setting is to understand the operating and capital renewal goals of the Town for its utility systems, and perform the following: (1) analyze existing budget and audit data to thoroughly understand existing costs; (2) develop revenues and costs under existing rates for a test year or normalized year valued as typical and average for the Town without anomalies such as weather that may skew costs or revenues during unusual periods; then (3) use the test year to predict future financial performance under the existing rates and establish the amount of the need for additional revenue. A further part of developing utility rates is public acceptance, which in part can be understood by comparing the Town's existing rates to nearby communities similar in characteristics to the Town. This chapter of the report begins with a comparison of rates with other communities, addresses water availability fees, then presents the results of the financial review and quantifies the need for additional revenue to meet the Town's objectives. These objectives include implementing a prudent replacement program for assets at the end of service life as addressed in Chapter 3.

Comparison of Rates with Other Communities

Utility rates must generate sufficient financial capital to maintain water and sewer system assets to a reliable level of performance that meets community expectations. To the extent consistent with this goal, the rates themselves should attempt to be acceptable to the community and should be fair and reasonable. An important part of rate consideration is to make comparisons with the utility rates and rate structure of other nearby communities that demographically and geographically similar to the Town of Berryville. For comparison purposes, the following eight communities were selected for this study — In Virginia: Frederick County Sanitation Authority (Frederick Water); Town of Front Royal; Town of Luray; Town of Purcellville; Town of Round Hill; and City of Winchester. In West Virginia: Charles Town Utility Board and City of Martinsburg.

Similar to the current Town of Berryville rates, each of the eight communities has a minimum charge for a customer account per billing cycle with a consumption allowance, and a volumetric charge for consumption above the minimum allowance. The Town of Round Hill has a flat volumetric charge that remains the same for each additional 1,000 gallons of consumption, like Berryville, but the other seven communities have tiered volumetric rates where the rate per 1,000 gallons changes as consumption moves from one block to the next block. Four of the tiered rates are declining, and three are inclining. Four of the eight communities charge higher rates to customers outside of the corporate limits of the city or town providing the service.

All eight communities, like Berryville, require a system development charge (sometimes called "availability fee", "capital cost fee", or "facility fee") for new connections to the system, to help defray the costs of providing the higher system capacity required for the new service. Seven of the eight communities determine the fee for the new connection based upon the capacity of the water meter needed for the service, like Berryville. Charles Town uses a schedule listing types of facilities (e.g., restaurant, office building, etc.) and size of the development to determine the fee. System Development Charges (Town of Berryville calls "Availability Fee") are often based on water meter size and AWWA declares this an acceptable method. Some would argue that a schedule of facilities is more accurate, but implementing that approach comes with higher administrative costs and is rarely used by smaller communities.

Since fee structures are designed differently, the best means to compare the cost of water and sewer service between multiple communities is by selecting specific values of monthly metered consumption and comparing the cost in each community for that particular volume of use. Table 4-1, and Figures 4-1 and 4-2 compare the Town of Berryville to each of the eight communities for monthly water and sewer charges for a metered consumption of 3,000 gallons per month, 10,000 gallons per month, and 20,000 gallons per month.

Table 4-1
Comparison of Water and Sewer Charges for Selected Monthly Consumption
Based on Rate Schedules Published on Internet as of February 2019

	3,000 Gallons Per Month			10,000 Gallons Per Month			20,000 Gallons Per Month		
	Water	Sewer	Total	Water	Sewer	Total	Water	Sewer	Total
Town of Berryville VA	\$ 25.20	\$ 51.00	\$ 76.20	\$ 84.00	\$ 170.00	\$ 254.00	\$ 168.00	\$ 340.00	\$ 508.00
Charles Town Utility Board WV	30.99	38.26	69.25	103.30	99.79	203.09	191.20	187.69	378.89
Frederick Water VA	30.41	51.64	82.05	60.65	87.83	148.48	103.85	139.53	243.38
Town of Front Royal VA	29.76	48.51	78.27	89.33	145.88	235.21	174.43	284.98	459.41
Town of Luray VA	35.67	47.24	82.91	72.07	96.03	168.10	125.07	167.13	292.20
City of Martinsburg WV	23.32	30.13	53.45	73.16	94.46	167.62	144.36	186.36	330.72
Town of Purcellville VA	34.41	61.47	95.88	90.50	169.90	260.40	204.40	324.80	529.20
Town of Round Hill VA	24.90	28.83	53.73	83.00	96.10	179.10	166.00	192.20	358.20
City of Winchester VA	45.58	34.89	80.47	90.24	116.30	206.54	154.04	232.60	386.64

Figure 4-1: Comparison of Water Charges/Month (\$)

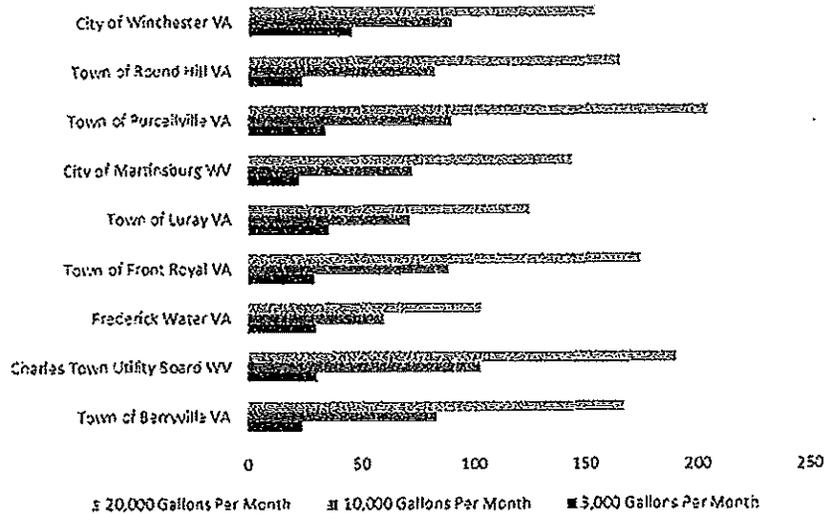
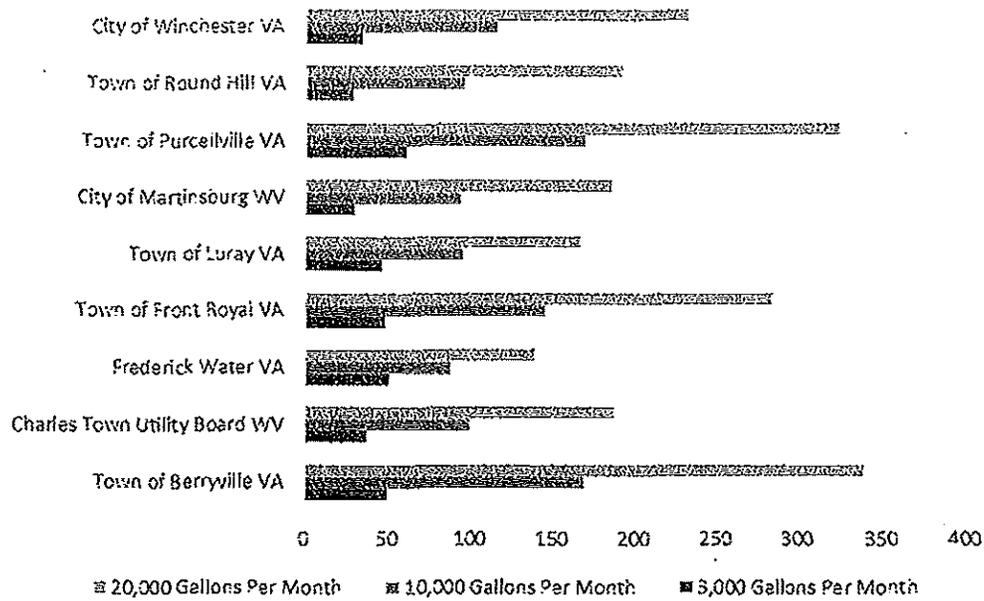


Figure 4-2: Comparison of Sewer Charges/Month (\$)



At a consumption of 3,000 gallons per month, which is slightly above the median residential water bill, the Town of Berryville has the third lowest water rates and the third highest sewer rates of the nine communities shown in Table 4-1. The total water and sewer bill at 3,000 gallons per month use is fourth of nine from the lowest, or near the median. At a consumption of 10,000 gallons per month, Berryville's water rates are the fourth highest of nine, and the sewer rates are the highest, with the total bill the second highest. At 20,000 gallons per month, Berryville remains near the median for water service and highest for sewer service, and second highest overall. This comparison would suggest that the Town of Berryville has very competitive rates at 3,000 gallons per month consumption but becomes less competitive based on the higher sewer charges for customers whose use approaches or exceeds 10,000 gallons per month.

Table 4-2 shows the distribution of water consumption by number of accounts within each major customer class for the Town of Berryville, from billing data averaged over a one-year period between September 2017 and August 2018. Customer classes shown include Residential both within and outside the Town limits, Commercial both within and outside the Town limits, and Industrial. Within this table Multi-Family and Institutional customers are shown as a part of the Commercial class. Within the one-year period as defined above, all Industrial customers were Inside the Town limits. Most of the Town customers are Inside residential. Looking more closely at the Residential – Inside Town class, 60% of these customers use 3,000 gallons per month or less, and 90% use 6,000 customers or less. So, while the data suggests the Town's rates become less competitive at consumption of 10,000 gallons per month and higher, these higher rates affect only a small number of the highest consumers of water and sewer service.

Table 4-2

Town of Berryville - Distribution of Water Consumption by Account for Typical Month

Source: Town of Berryville Utility Billing System - Averaged from Meter Reading and Billing Data from September 2017 through September 2018

Metered Consumption (1000 gallons)	Residential - Inside Town Limits		Residential - Outside Town Limits		Commercial ¹ - Inside Town Limits		Commercial - Outside Town Limits		Industrial ²	
	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to
-	92	6.1%	1	7.7%	39	21.4%	2	11.8%	3	25.0%
1	209	20.0%	3	30.8%	38	42.3%	0	11.8%	2	41.7%
2	312	40.7%	3	53.8%	19	52.7%	1	17.6%	1	50.0%
3	296	60.4%	2	69.2%	13	59.9%	1	23.5%	1	58.3%
4	223	75.2%	2	84.6%	9	64.8%	1	29.4%	0	58.3%
5	147	84.9%	1	92.3%	7	68.7%	1	35.3%	0	58.3%
6	89	90.8%	0	92.3%	6	72.0%	1	41.2%	1	66.7%
7	53	94.4%	0	92.3%	6	75.3%	1	47.1%	0	66.7%
8	34	96.6%	0	92.3%	3	76.9%	1	52.9%	0	66.7%
9	20	97.9%	0	92.3%	4	79.1%	1	58.8%	0	66.7%
10	12	98.7%	0	92.3%	3	80.8%	1	64.7%	0	66.7%
11 - 20	16	99.8%	1	100.0%	16	89.6%	2	76.5%	1	75.0%
21 - 50	2	99.9%	0	100.0%	10	95.1%	2	88.2%	1	83.3%
51 - 100	1	100.0%	0	100.0%	5	97.8%	1	94.1%	0	83.3%
Greater Than 100	0	100.0%	0	100.0%	4	100.0%	1	100.0%	2	100.0%

Notes:

¹For purposes of this table, accounts in billing system identified as Multi-Family and Institutional are grouped with Commercial.

²There were no industrial accounts in the billing system identified as Outside Town Limits

With respect to Availability Fees, the Town of Berryville is at the median by comparison with the other eight communities for the water utility (for an equivalent residential unit four communities charge higher fees and four charge lower fees) but is the highest of all nine communities with respect to wastewater fees. Table 4-3 depicts this comparison.

Table 4-3

Comparison of System Development Charges¹ (Availability Fee) for New Service Connection Equivalent to One Residential Unit (5/8-inch Water Meter)

	Water	Sewer	Total
Town of Berryville VA	\$ 5,250.00	\$ 22,750.00	\$ 28,000.00
Charles Town Utility Board WV	2,576.00	1,127.00	3,703.00
Frederick Water VA	14,115.00	2,461.00	16,576.00
Town of Front Royal VA	4,340.00	9,750.00	14,090.00
Town of Luray VA	3,320.00	5,940.00	9,260.00
City of Martinsburg WV	1,301.00	2,260.00	3,561.00
Town of Purcellville VA	25,754.00	21,600.00	47,354.00
Town of Round Hill VA	8,197.23	12,676.23	20,873.46
City of Winchester VA	5,300.00	7,200.00	12,500.00

¹Separate Fees for cost of service lateral and meter/meter box not included

When considering the future need to raise additional revenue, the Town should also consider what actions other communities are likely to take. One of the eight communities surveyed, the City of Winchester, has published its proposed rates through FY 2022-23. Winchester proposed annual increases over the next four years compounding to a total of 34%, or an average of 7.5% per year. Studies published nationally by organizations such as the American Water Works Association suggest that water and sewer rates are increasing an average of about 4% per year nationally, in response to new regulations, growth, and aging infrastructure.

Water System Availability Fees

The Town's Availability Fees, referenced generically by the American Water Works Associations (AWWA) as System Development Charges, represent the costs of providing the additional systemwide capacity to serve new customers. The laws of the Commonwealth of Virginia permit these charges but require that the charges are "fair and reasonable". AWWA provides discussion in its manual of practice on Principles of Water Rates, Fees, and Charges that offer additional guidance toward what the industry considers fair and reasonable, but also defers water utilities specifically to its legal counsel regarding specific questions of legal interpretation. The proposal offered in this report regarding Availability Fees follows guidance in the AWWA manual but it is also strongly recommended that the Town review this proposal with the Town Attorney for an opinion on the appropriate application of the law to the specific and unique circumstances of the Town's water and wastewater systems before any action is taken regarding the proposal herein or any other proposal.

AWWA suggests there should be a rational nexus between Availability Fees and the reasonable expected added costs to a particular water system to provide expanded capacity for new service to its system. AWWA goes on to list several factors to consider in providing that a "proportionate share be borne by new development." Three methods are defined: a "buy-in" method, an incremental cost method, and a combined cost method. The "buy-in" method is the best and fairest approach for a community like Berryville that has sufficient capacity already provided by existing customers for capacity expansion over a reasonable period, the incremental method works best for a utility at or near existing capacity and facing the need for a capital program that would not be necessary except to expand capacity, and the combined method is best for communities where some functions of its system have extra capacity and other functions need capital improvements to expand.

From the review of assets summarized in the previous chapter, the Town of Berryville has available capacity in all major functional aspects to provide additional capacity to and beyond 2040. From Table 2-5, the future forecast for annual average daily billed water consumption for the Town in 2040 is 0.315 million gallons per day, or 315,000 gallons per day. The existing water system for the Town of Berryville has a river intake and water treatment capacity of 864,000 gallons per day and a raw water pumping station capacity of 786,000 gallons per day, and a treatment water pumping station capacity of 754,000 gallons per day. Though the capacity of pumping and treatment facilities must also consider non-revenue water uses, water plant uses, and peak daily capacity needs, as shown in Table 4-4, the existing system capacities remain sufficient to provide future needs. It is also understood that the water distribution system has excess capacity, which should be confirmed by updated calibration and analysis of water system modeling, to confirm the specific capacity available.

Table 4-4
Capacity of Water System Functions

Demand Factors:

<i>Assumed Losses in Raw Water Transmission</i>	2%
<i>Water Supplied and Treated but Not Pumped to Transmission (%)</i>	10.5%
<i>Water Supplied and Treated but Not Metered to Customer (%)</i>	13.3%
<i>Maximum Day to Average Day Ratio</i>	1.6
<i>Annual Growth Rate</i>	0.5%

	Capacity (MGD)	Demand Factor	Average Current Monthly Metered Consumption (MGD)	Capacity Used by Existing Customers (MGD)	Capacity Available for New Customers (MGD)	% of Capacity Available	Current Capacity Forecasted Available in Future Years Based Upon 0.5% Growth Per Year			
							2030	2040	2050	2060
Water Supply	0.786	2.04		0.576	0.210	26.7%	22.6%	18.6%	14.5%	10.1%
Water Treatment	0.864	2.00		0.565	0.299	34.6%	30.9%	27.4%	23.7%	19.8%
Water Transmission Pumping	0.754	1.81	0.282	0.511	0.243	32.2%	28.4%	24.7%	20.9%	16.9%

Given the Town of Berryville system has reasonable excess capacity and is not planning capital improvements for increasing its existing capacity except for upsizing on three minor projects replacing water distribution mains, the “buy-in” method is the proper method for looking at Availability Fees. This study constructs that method though the listing of assets summarized in chapter 3 of this report and valuing them based on the current replacement cost. AWWA accepts this method and refers to it as “Replacement Cost New”.

The value obtained from this method is then divided by the number of equivalent residential units (ERUs) in the system to determine a cost per ERU. The Town’s billing system separates customers into classes, and by evaluating the single-family residential class through billing data between September 2017 through August 2018, which was an average and typical year, average consumption per account was 113 gallons per day inside the Town limits and 123 gallons per day outside the Town limits. As stated previously, water system assets also need to account for peaking factors and unmetered water in developing system capacity to serve existing and new customers, and using measured or reasonable assumptions for these added factors, it is reasonable to conclude that the water and wastewater systems must provide a capacity of 230 gallons per day for each single-family residence, which is also a 5/8-inch meter connection as an equivalent residential unit. Based on current system capacity, we would conclude that the utility systems have 3,320 capacity units at a 5/8-inch meter size, and the estimated cost of providing system capacity per equivalent residential unit (a 5/8-inch meter) is approximately \$12,100 for the water system and \$13,100 for the wastewater system. The Town should consider its policy objectives, including comparative rates with other communities, and consult with legal advice, in considering if the Town desires to amend its current fees by the amount identified above.

This study also evaluated the water consumption of Multiple-Family residential units as compared to Single-Family residential units, based on data from the Town regarding the number of Multiple-Family units within each billed account. It was concluded from that evaluation that with respect to the Town of Berryville, consumption per residential unit for Multi-Family is about 80% of Single-Family. The Town’s current Availability Fee Schedule uses 90%, and it is recommended that the schedule be adjusted to 80%.

In the event the Town wishes to adjust its Availability Fees by the adjustment calculated above, the current and proposed fees for the 5/8-inch meter are shown in Table 4-5. The fees for other meter sizes, like the Town’s current Availability Fee structure, can be derived by applying the same multiplication factors as are used for the current fees.

Table 4-5
Existing and Proposed Availability Fees (Meter Charges and Administrative Fees Not Included)

Water Meter Size	Water		Sewer	
	Current Availability Fee	Proposed Availability Fee	Current Availability Fee	Proposed Availability Fee
Single Family Residential: 5/8-inch	\$ 5,250	\$ 12,100	\$ 22,750	\$ 13,100
Townhouse/Duplex: 5/8-inch	5,250	12,100	22,750	13,100
Multi-Family Per Unit	4,725	9,700	20,475	10,500
3/4-inch	7,825	18,000	34,125	20,000
1-inch	13,125	30,300	56,875	33,000
1-1/2-inch	22,970	52,900	99,535	57,000
2-inch	42,000	96,800	182,000	105,000
3-inch	84,000	193,600	364,000	210,000
4-inch	131,250	302,500	568,750	328,000
6-inch	262,500	605,000	1,137,500	655,000

Development of Multiple Year Flow of Funds and Determination of Revenue Requirements

The two core pieces of the scope of this rate study are developing the asset tables with condition assessment and a replacement schedule (summarized in Chapter 3) and the determination of future revenue requirements to maintain operations and implement the asset renewal. The first step in determining future revenue requirements is to determine the revenues and expenses under current rates and current consumption for a typical or average fiscal year, which AWWA refers as a “test year”. From the test year, escalating factors are then used to account for future growth in consumption from new connections, expected changes over time in consumption patterns, inflation, salary increases, and other anticipating factors that will increase costs or revenues (at current rates).

In order to develop a test year, this study reviewed six adopted budgets provided by the Town for the Water Fund and Sewer Fund from FY 2014 through FY 2019 at the detailed line-item level, identifying trends as well as anomalies, in order to assess a reasonable test year value. Where expenses or revenues were showing a reasonable and progressive upward trend, more value was placed in the final year as indicative of a test year, but where a line-item showed a haphazard or declining trend, and there was no other explanation of the changes over time, six-year averages were identified for the test year.

The review also included operating and non-operating revenues and operating expenses by line-items reported in the audited financial statements for FY 2013 through FY 2017 (the audit for FY 2018 was not available), and trends from the audited statements were compared to the budgeted forecast for the same line-item or function. In some cases, the audited actual revenues and expenses closely tracked the budgeted amounts, but in many cases audited actual expenses were 10% to 20% below the budgeted amounts. This phenomenon is not unusual, as it is natural in the day-to-day world to manage operations with the overall budget serving as a “not-to-exceed” amount except under extraordinary circumstances. For purposes of developing a test year, audited trends were matched closely with budgeted trends, and the test year was adjusted accordingly, as it is desired that the test year be as true an indication of actual expenditures as is feasible as a base in forecasting future financial performance. Finally, expenses were placed into broader categories. The test year was developed on a cash basis, typical of rate studies performed for most local government agencies.

Table 4-6 shows the test year identified for both the water fund and the sewer (wastewater) fund, in 2019=\$.

Table 4-6
Town of Berryville - Test Year for Revenue and Expense Forecasting

	Water System	Wastewater System
<u>Operating Revenues</u>		
Water Service at Existing Rates	850,000	-
Wastewater Service at Existing Rates	-	1,660,000
Other Fees and Charges	33,000	2,000
<i>Total Operating Revenues</i>	<u>883,000</u>	<u>1,662,000</u>
<u>Operating Expenses</u>		
Wages and Fringe Benefits	(344,000)	(522,000)
Power	(58,000)	(135,000)
Chemicals	(40,000)	(90,000)
Repairs and Maintenance	(136,000)	(141,000)
Other Materials and Supplies	(37,000)	(22,000)
Other Purchases	(56,000)	(84,000)
<i>Total Operating Expenses</i>	<u>(671,000)</u>	<u>(994,000)</u>
<u>Non-Operating Revenues</u>		
Interest on Investments	6,000	9,000
Availability Fees (Existing Rates)	33,000	143,000
Grants and Other Funds	-	-
<i>Non-Operating Revenues</i>	<u>39,000</u>	<u>152,000</u>

With the test year in place, forecasts for revenues (at existing rates) and expenses for future years were developed using the following escalation factors:

- Growth in metered sales = 0.5% per year;
- Increases in salaries and benefits = 3% per year
- Increases in other expenses = 2% per year, except that expenses varying with meter sales (chemicals and electricity) reflect both the 2% per unit cost increase and the 0.5% volume increase = 2.5% per year
- When new debt is incurred it is assumed the terms of a new loan will be 30 years at an interest rate of 4% with uniform annual principle and interest payments

Table 4-7 shows a five-year forecast for the water system as a flow of funds using the test year as a base with the escalation factors above. For capital outlay or contributions, the existing Town of Berryville 2018-23 Capital Improvements Program (CIP) adopted by the Town Council in 2018 was used. As reflected by that CIP, an issuance of new debt with a principal of \$1.75 million is shown in fiscal year 2022.

Table 4-7

Water System Current Year Plus Five-Year Flow of Funds with Existing Capital Improvement Plan at Existing Rates

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Operating Revenues						
Water Service at Existing Rates	850,000	854,000	858,000	862,000	866,000	870,000
Other Fees and Charges	33,000	33,000	33,000	33,000	33,000	33,000
<i>Total Operating Revenues</i>	<u>883,000</u>	<u>887,000</u>	<u>891,000</u>	<u>895,000</u>	<u>899,000</u>	<u>903,000</u>
Operating Expenses						
Wages and Fringe Benefits	(344,000)	(354,000)	(365,000)	(376,000)	(387,000)	(399,000)
Power	(58,000)	(59,000)	(60,000)	(62,000)	(64,000)	(66,000)
Chemicals	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)
Repairs and Maintenance	(136,000)	(139,000)	(142,000)	(145,000)	(148,000)	(151,000)
Other Materials and Supplies	(37,000)	(38,000)	(39,000)	(40,000)	(41,000)	(42,000)
Other Purchases	(56,000)	(57,000)	(58,000)	(59,000)	(60,000)	(61,000)
<i>Total Operating Expenses</i>	<u>(671,000)</u>	<u>(688,000)</u>	<u>(706,000)</u>	<u>(725,000)</u>	<u>(744,000)</u>	<u>(764,000)</u>
<i>Net Operating Revenue</i>	212,000	199,000	185,000	170,000	155,000	139,000
Non-Operating Revenues						
Interest on Investments	6,000	6,000	6,000	6,000	6,000	6,000
Availability Fees (Existing Rates)	33,000	37,000	37,000	37,000	37,000	37,000
Grants and Other Funds	-	-	-	-	-	-
<i>Non-Operating Revenues</i>	<u>39,000</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>
<i>Total Revenue Minus Operating Expenses (Net Revenue)</i>	251,000	242,000	228,000	213,000	198,000	182,000
Debt Service						
Payment on Outstanding Bonds	-	-	-	-	-	-
Payment on Proposed Bonds	-	-	-	(35,000)	(129,000)	(129,000)
<i>Total Debt Service</i>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(35,000)</u>	<u>(129,000)</u>	<u>(129,000)</u>
<i>Debt Service Coverage (Net Revenue/Total Debt Service)</i> <i>(Minimum 1.5 Recommended)</i>	NA	NA	NA	6.1	1.5	1.4
<i>Existing CIP Contribution to Capital Expense</i>	(501,000)	(215,000)	(200,000)	(1,750,000)	(120,000)	-
<i>Sale of Bonds</i>	-	-	-	1,750,000	-	-

The end of year balance shows a deficit for 2019 (expected and planned as set aside reserves were programmed for some capital expenses) and a small deficit for 2023, with small surpluses in the other years. Overall, through the end of fiscal year 2024, forecasted revenues fall \$15,000 short of meeting forecasted expenses, which is well below 1% of the total expenses for the period. Only one need is identified which would require further action. In 2024, two years following the forecasted sale of \$1.75 million in new debt, the debt service coverage, which is a ratio of net revenues to debt expenses, falls to 1.4, slightly below the 1.5 minimum recommended as a good financial practice. The coverage ratio could be corrected by an increase in water rates in 2024 by 2%, which would also correct the \$15,000 overall deficit for the 2019-2024 period.

Table 4-8 provided a similar analysis for the wastewater system. Payments on an existing VRA Loan for the new wastewater treatment plant are shown in this table, but no new debt was programmed into the adopted CIP through 2023. This forecast shows one year in deficit, but all other years in surplus, with an overall surplus for the period of \$42,000.

Table 4-8
Wastewater System Current Year Plus Five-Year Flow of Funds with Existing Capital Improvement Plan at Existing Rates

	2019	2020	2021	2022	2023	2024
Operating Revenues						
Wastewater Service at Existing Rates	1,660,000	1,668,000	1,676,000	1,684,000	1,692,000	1,700,000
Other Fees and Charges	2,000	2,000	2,000	2,000	2,000	2,000
Total Operating Revenues	1,662,000	1,670,000	1,678,000	1,686,000	1,694,000	1,702,000
Operating Expenses						
Wages and Fringe Benefits	(522,000)	(538,000)	(554,000)	(571,000)	(588,000)	(606,000)
Power	(135,000)	(138,000)	(141,000)	(145,000)	(149,000)	(153,000)
Chemicals	(90,000)	(92,000)	(94,000)	(96,000)	(98,000)	(100,000)
Repairs and Maintenance	(141,000)	(144,000)	(147,000)	(150,000)	(153,000)	(156,000)
Other Materials and Supplies	(22,000)	(22,000)	(22,000)	(22,000)	(22,000)	(22,000)
Other Purchases	(84,000)	(86,000)	(88,000)	(90,000)	(92,000)	(94,000)
Total Operating Expenses	(994,000)	(1,020,000)	(1,046,000)	(1,074,000)	(1,102,000)	(1,131,000)
Net Operating Revenue	668,000	650,000	632,000	612,000	592,000	571,000
Non-Operating Revenues						
Interest on Investments	9,000	9,000	9,000	9,000	9,000	9,000
Availability Fees (Existing Rates)	143,000	159,000	159,000	159,000	159,000	159,000
Grants and Other Funds	-	-	-	-	-	-
Non-Operating Revenues	152,000	168,000	168,000	168,000	168,000	168,000
Total Revenue Minus Operating Expenses (Net Revenue)	820,000	818,000	800,000	780,000	760,000	739,000
Debt Service						
Payment on Outstanding Bonds	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)
Payment on Proposed Bonds	-	-	-	-	-	-
Total Debt Service	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)
Debt Service Coverage (Net Revenue/Total Debt Service) <i>(Minimum 1.5 Recommended)</i>	1.7	1.7	1.7	1.7	1.6	1.6
Existing CIP Contribution to Capital Expense	(300,000)	(255,000)	(240,000)	(810,000)	(250,000)	-
End of Year Balance (Surplus/Deficit)	50,000	93,000	90,000	(500,000)	40,000	269,000

The overall financial performance in Tables 4-7 and 4-8 looks good, but the existing CIP behind this performance does not include the asset replacement program developed in Chapter 3 of this report. The pathway portrayed in these two tables would continue to postpone the renewal of aging assets, which would ultimately lead to a failure of assets, including critical assets that may result in significant consequences to public health, the environment, or interruptions in metered sales and financial performance. In short, though appealing in the short-term, the performance shown in Tables 4-7 and 4-8 is not sustainable in the long-term. The Town recognized this shortfall in requesting that an evaluation of assets be conducted as a part of this study.

Tables 4-9 and 4-10 produce a similar multi-year view of water system financial performance but is different from Table 4-7 in reflecting the asset capital replacement program from Chapter 3 as the Capital Improvement Program instead of the currently adopted one. An additional escalation factor was added: the asset replacement tables in Chapter 3 provide estimates for all projects in 2019=\$, these estimates are escalated in Tables 4-9 and 4-10 by 2% per year for every year

after 2019. Further, inasmuch as the asset replacement program shows a large expenditure in 2026 which would require the building of additional financial reserves in earlier years, Tables 4-9 and 4-10 are extended to forecast performance through 2027. A line is added to Operating Revenues to identify additional revenue to be derived by increasing water rates, and a line at the bottom of the Tables shows the increase as a percentage of the rates in place before each increase. The objective in these tables were to deliver the asset replacement program developed in Chapter 3 for all years through 2027, maintain uniform annual percentage increases of water rate revenue optimized to produce the lowest percentage increase that maintains positive reserves and maintains adequate debt coverage (ratio = 1.5 or greater). In order to achieve each of those objectives, an iterative process ensued to determine the optimal balance of capital reserves and bond funds to be used to meet the large capital expenditures forecasted in 2026. The 2026 expenditures include replacement of the water treatment plant, raw water pumping station, and the intake on the Shenandoah River.

To achieve the entire asset replacement program, significant uniform annual rate increases are required. Table 4-9 is based upon Option 1 for water meter replacements, budgeted at \$600,000 in FY 2022 using available water capital reserves, and Table 4-10 is based upon Option 2 for water meter replacements, upgrading to "Smart Meters" in FY 2022 at a budget of \$1,200,000 using debt financing. Table 4-9 concludes that annual water revenue increases of 9.6% are required through 2027, whereas in Table 4-10 annual water revenue increases of 10.1% are required.

Table 4-11 produces a forecast for the wastewater system using the asset replacement schedule, which also shows bond funding for a significant capital expenditure programmed for 2026. The 2026 wastewater expenditures are shown for replacement of end-of-life concrete sewer mains, cast iron force mains, and aging sanitary sewer manholes. The wastewater treatment plant is relatively new and does not require significant capital replacement, other than the anticipated replacement of tertiary membranes which have already been factored into the Town's maintenance and collection of financial reserves. The uniform annual rate increase for sewer is 2.4%.

Separate from this report, the Town of Berryville will receive the actual Excel spreadsheets that include the data in Tables 4-9 through 4-11, allowing the Town to make further assumptions and look at multiple "what-if" scenarios.

For a Town customer at the 60th percentile using 3,000 gallons per month, the current water and sewer bill would equal \$76.20 per month. If increases of 10.1% for water and 2.4% for wastewater were adopted for one year, assuming consumption remains unchanged, the total bill would increase to \$79.98, or an additional 5.0% overall. If the same percentage increases were adopted in a second year, the overall bill would increase to \$84.03, or 5.0%. In summary, the impact on the total bill would be about 5% per year.

Table 4-9

Water System Flow of Funds - Asset Replacement Plan Option 1 with Equal Annual Water Rate Increase

	2019	2020	2021	2022	2023	2024	2025	2026	2027
Operating Revenues									
Water Service at Existing Rates	350,000	854,000	858,000	862,000	866,000	870,000	874,000	878,000	882,000
Water Service from Increased Rates	-	82,000	173,000	274,000	385,000	508,000	644,000	794,000	960,000
Other Fees and Charges	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000
Total Operating Revenues	383,000	969,000	1,064,000	1,169,000	1,284,000	1,411,000	1,551,000	1,705,000	1,875,000
Operating Expenses									
Wages and Fringe Benefits	(344,000)	(354,000)	(365,000)	(376,000)	(387,000)	(399,000)	(411,000)	(423,000)	(436,000)
Power	(58,000)	(59,000)	(60,000)	(62,000)	(64,000)	(66,000)	(68,000)	(70,000)	(72,000)
Chemicals	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)	(46,000)	(47,000)	(48,000)
Repairs and Maintenance	(136,000)	(139,000)	(142,000)	(145,000)	(148,000)	(151,000)	(154,000)	(157,000)	(160,000)
Other Materials and Supplies	(37,000)	(38,000)	(39,000)	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)
Other Purchases	(56,000)	(57,000)	(58,000)	(59,000)	(60,000)	(61,000)	(62,000)	(63,000)	(64,000)
Total Operating Expenses	(671,000)	(688,000)	(706,000)	(725,000)	(744,000)	(764,000)	(784,000)	(804,000)	(825,000)
Net Operating Revenue	212,000	281,000	358,000	444,000	540,000	647,000	767,000	901,000	1,050,000
Non-Operating Revenues									
Interest on Investments	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Availability Fees (Proposed Rates)	33,000	84,700	84,700	84,700	84,700	84,700	84,700	84,700	84,700
Grants and Other Funds	-	-	-	-	-	-	-	-	-
Total Non-Operating Revenues	39,000	90,700							
Total Revenue Minus Operating Expenses (Net Revenue)	251,000	371,700	448,700	534,700	630,700	737,700	857,700	991,700	1,140,700
Debt Service									
Payment on Outstanding Bonds	-	-	-	-	-	-	-	-	-
Payment on Proposed Bonds	-	-	-	-	-	-	-	(272,000)	(786,000)
Total Debt Service	-	(272,000)	(786,000)						
Debt Service Coverage (Net Revenue/Total Debt Service):	NA	3.6	1.5						
Minimum 1.5 Recommended	NA	3.6	1.5						
Capital Contributions and Expenses									
Capital Expense Need (from Asset Tables)	(501,000)	-	(31,000)	(741,000)	(32,000)	(861,000)	(413,000)	(16,528,000)	-
"Pay-Go" Contribution to Capital Expense	501,000	-	31,000	741,000	32,000	861,000	413,000	2,928,000	-
Contribution of Bond Sale to Capital Expense	-	-	-	-	-	-	-	13,600,000	-
Contribution from Grants/ Other Outside Capital Revenue	-	-	-	-	-	-	-	-	-
Net Balance	-								
Capital Reserve Balances									
Prior Year End Capital Reserves	1,987,141	1,737,141	2,108,841	2,526,541	2,320,241	2,918,941	2,795,641	3,240,341	1,032,041
"Pay-Go" Contribution to Capital Expense	(501,000)	-	(31,000)	(741,000)	(32,000)	(861,000)	(413,000)	(2,928,000)	-
Addition of Current Year Net Revenues Less Debt Service	251,000	371,700	448,700	534,700	630,700	737,700	857,700	991,700	354,700
Payments	1,737,141	2,108,841	2,526,541	2,320,241	2,918,941	2,795,641	3,240,341	1,032,041	1,386,741
New Capital Reserve Balance	-	(94,000)	(944,000)						
Capital Reserves Restricted by Debt Indenture	1,737,141	2,108,841	2,526,541	2,320,241	2,918,941	2,795,641	3,240,341	88,041	442,741
Capital Reserves Available	-	-	-	-	-	-	-	-	-
Percent Rate Increase/(Decrease)	9.6%								

Table 4-10
Water System Flow of Funds - Asset Replacement Plan Option 2 with Equal Annual Water Rate Increase

	2019	2020	2021	2022	2023	2024	2025	2026	2027
Operating Revenues									
Water Service at Existing Rates	850,000	854,000	858,000	862,000	866,000	870,000	874,000	878,000	882,000
Water Service from Increased Rates	-	86,000	182,000	289,000	408,000	540,000	686,000	848,000	1,028,000
Other Fees and Charges	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000
Total Operating Revenues	883,000	973,000	1,073,000	1,184,000	1,307,000	1,443,000	1,593,000	1,759,000	1,943,000
Operating Expenses									
Wages and Fringe Benefits	(344,000)	(354,000)	(365,000)	(376,000)	(387,000)	(399,000)	(411,000)	(423,000)	(436,000)
Power	(58,000)	(59,000)	(60,000)	(62,000)	(64,000)	(66,000)	(68,000)	(70,000)	(72,000)
Chemicals	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)	(46,000)	(47,000)	(48,000)
Repairs and Maintenance	(136,000)	(139,000)	(142,000)	(145,000)	(148,000)	(151,000)	(154,000)	(157,000)	(160,000)
Other Materials and Supplies	(37,000)	(38,000)	(39,000)	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)
Other Purchases	(56,000)	(57,000)	(58,000)	(59,000)	(60,000)	(61,000)	(62,000)	(63,000)	(64,000)
Total Operating Expenses	(671,000)	(688,000)	(706,000)	(725,000)	(744,000)	(764,000)	(784,000)	(804,000)	(825,000)
Net Operating Revenue	212,000	285,000	367,000	459,000	563,000	679,000	809,000	955,000	1,118,000
Non-Operating Revenues									
Interest on Investments	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Availability Fees (Proposed Rates)	33,000	84,700	84,700	84,700	84,700	84,700	84,700	84,700	84,700
Grants and Other Funds	-	-	-	-	-	-	-	-	-
Total Revenue Minus Operating Expenses (Net Revenue)	251,000	375,700	457,700	549,700	653,700	769,700	899,700	1,045,700	1,208,700
Debt Service									
Payment on Outstanding Bonds	-	-	-	-	-	-	-	-	-
Payment on Proposed Bonds	-	-	-	(24,000)	(69,000)	(69,000)	(69,000)	(192,604)	(827,000)
Total Debt Service	-	-	-	(24,000)	(69,000)	(69,000)	(69,000)	(192,604)	(827,000)
Debt Service Coverage (Net Revenue/Total Debt Service):	NA	NA	NA	22.9	9.5	11.2	13.0	5.4	1.5
Minimum 1.5 Recommended	NA	NA	NA	1.5	1.5	1.5	1.5	1.5	1.5
Capital Contributions and Expenses									
Capital Expense Need (from Asset Tables)	(501,000)	-	(31,000)	(1,484,000)	(32,000)	(861,000)	(413,000)	(16,528,000)	-
"Pay-Go" Contribution to Capital Expense	501,000	-	31,000	284,000	32,000	861,000	413,000	3,428,000	-
Contribution of Bond Sale to Capital Expense	-	-	-	1,200,000	-	-	-	13,100,000	-
Contribution from Grants/ Other Outside Capital Revenue	-	-	-	-	-	-	-	-	-
Net Balance	-								
Capital Reserve Balances									
Prior Year End Capital Reserves	1,987,441	1,737,141	2,112,841	2,539,541	2,781,241	3,333,941	3,173,641	3,591,341	1,016,437
"Pay-Go" Contribution to Capital Expense	(501,000)	-	(31,000)	(284,000)	(32,000)	(861,000)	(413,000)	(3,428,000)	-
Addition of Current Year Net Revenues Less Debt Service	-	-	-	-	-	-	-	-	-
Payments	251,000	375,700	457,700	525,700	584,700	700,700	830,700	853,096	381,700
New Capital Reserve Balance	1,737,441	2,112,841	2,539,541	2,781,241	3,333,941	3,173,641	3,591,341	1,016,437	1,398,137
Capital Reserves Restricted by Debt Incurrence	-	-	-	(83,000)	(83,000)	(83,000)	(83,000)	(992,000)	(992,000)
Capital Reserves Available	1,737,441	2,112,841	2,539,541	2,698,241	3,250,941	3,090,641	3,508,341	24,437	406,137
Percent Rate Increase/(Decrease)	10.1%								

Table 4-11
Wastewater System Flow of Funds – Asset Replacement Plan with Equal Annual Water Rate Increase

	2019	2020	2021	2022	2023	2024	2025	2026	2027
Operating Revenues									
Wastewater Service at Existing Rates	1,560,000	1,568,000	1,676,000	1,584,000	1,692,000	1,700,000	1,709,000	1,718,000	1,727,000
Wastewater Service from Increased Rates	-	40,000	82,000	125,000	170,000	216,000	263,000	311,000	361,000
Other Fees and Charges	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Total Operating Revenues	1,562,000	1,710,000	1,760,000	1,811,000	1,864,000	1,918,000	1,974,000	2,031,000	2,090,000
Operating Expenses									
Wages and Fringe Benefits	(522,000)	(538,000)	(554,000)	(571,000)	(588,000)	(606,000)	(624,000)	(643,000)	(662,000)
Power	(135,000)	(138,000)	(141,000)	(145,000)	(149,000)	(153,000)	(157,000)	(161,000)	(165,000)
Chemicals	(90,000)	(92,000)	(94,000)	(96,000)	(98,000)	(100,000)	(103,000)	(106,000)	(109,000)
Repairs and Maintenance	(141,000)	(144,000)	(147,000)	(150,000)	(153,000)	(156,000)	(159,000)	(162,000)	(165,000)
Other Materials and Supplies	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)
Other Purchases	(84,000)	(86,000)	(88,000)	(90,000)	(92,000)	(94,000)	(96,000)	(98,000)	(100,000)
Total Operating Expenses	(995,000)	(1,023,000)	(1,047,000)	(1,075,000)	(1,103,000)	(1,132,000)	(1,162,000)	(1,193,000)	(1,224,000)
Net Operating Revenue	567,000	689,000	713,000	736,000	761,000	786,000	812,000	838,000	866,000
Non-Operating Revenues									
Interest on Investments	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000
Availability Fees (Existing Rates)	143,000	92,000	92,000	92,000	92,000	92,000	92,000	92,000	92,000
Grants and Other Funds	-	-	-	-	-	-	-	-	-
Total Non-Operating Revenues	152,000	101,000							
Total Revenue Minus Operating Expenses (Net Revenue)	819,000	790,000	814,000	837,000	862,000	887,000	913,000	939,000	967,000
Debt Service									
Payment on Outstanding Bonds	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)
Payment on Proposed Bonds	-	-	-	-	-	-	-	(66,000)	(131,000)
Total Debt Service	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(536,000)	(601,000)
Debt Service Coverage (Net Revenue/Total Debt Service):	1.7	1.7	1.7	1.8	1.8	1.9	1.9	1.8	1.5
Minimum 1.5 Recommended									
Capital Contributions and Expenses									
Capital Expense Need (from Asset Tables)	(200,000)	-	(284,000)	(274,000)	(1,436,000)	(360,000)	(699,000)	(5,923,000)	(35,000)
"Pay-Go" Contribution to Capital Expense	200,000	-	284,000	274,000	1,436,000	360,000	699,000	2,623,000	35,000
Contribution of Bond Sale to Capital Expense	-	-	-	-	-	-	-	3,300,000	-
Contribution from Grants/ Other Outside Capital Revenue	-	-	-	-	-	-	-	-	-
Net Balance	-	-	-	-	-	-	-	-	-
Capital Reserve Balances									
Prior Year End Capital Reserves	3,705,161	3,854,161	4,174,161	4,234,161	4,327,161	3,283,161	3,340,161	3,084,161	864,161
"Pay-Go" Contribution to Capital Expense	(200,000)	-	(284,000)	(274,000)	(1,436,000)	(360,000)	(699,000)	(2,623,000)	(35,000)
Addition of Current Year Net Revenues Less Debt Service	349,000	320,000	344,000	367,000	392,000	417,000	443,000	409,000	306,000
Payments	3,854,161	4,174,161	4,234,161	4,327,161	3,283,161	3,340,161	3,084,161	864,161	1,135,161
New Capital Reserve Balance	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(599,000)	(599,000)
Capital Reserves Restricted by Debt Indenture	3,384,161	3,704,161	3,764,161	3,857,161	2,843,161	2,870,161	2,614,161	165,161	436,161
Capital Reserves Available	-	-	-	-	-	-	-	-	-
Percent Rate Increase/(Decrease)	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%

Review of Adequacy of Financial Reserves

The Town of Berryville provided a calculation of its financial reserves as of September 30, 2018 for purposes of this study and asked that they be evaluated for adequacy. The Town reported "liquid accounts" with \$665,425 from the Water Fund and \$2,726,742 for the Sewer Fund. The Town also reported it has a "CIP Account" with \$1,987,141 from the Water Fund and \$3,235,161 from the Sewer Fund. Some of the funds in the CIP Account were designated for a particular future project and other funds were represented as "Capital Reserve", "Unencumbered", or "VRA Reserve". Future projects included Clearwell Expansion, Membrane Replacement, Water Line Improvements, Sewer Collection System Rehabilitation, SCADA, Equipment Repair Reserve, Water Plant Building Maintenance, and Utility Rate Study. Designating capital reserve funds to future projects can be a useful internal management tool to guide in assuring future needs are adequate but can be reviewed in the future and revised and are not binding on the Town. From the information reviewed in the analysis of financial reserves, the only funds binding on the Town from parties outside the Town were the VRA Reserve and Membrane Replacement. It is not necessary to evaluate the condition of financial reserves at the project level, and this review combined the funds into simpler categories of operating reserves (which represents the "liquid accounts") and capital reserves (which represents the CIP Account).

Two conditions are recommended for consideration in maintaining operating reserves: a minimum operating reserve for short-term cash flow, and a "rate stabilization" reserve for unanticipated conditions. For operating cash flow, best practices suggest a minimum of "60-days cash" and preferably "90-days cash". As 90 days represents approximately three months or one-fourth of a year, the minimum required for this reserve is derived by computing 25% of the projected annual expenditures. Rate stabilization can provide a cushion for events such as a significant emergency repair, an emergency declaration, a drought, or other similar unanticipated conditions that dramatically increase expenses and/or decrease revenues. The rate stabilization is calculated as 20% of operating revenues for the year. To identify the necessary minimum operating reserves, the cash flow reserve and the rate stabilization reserve are added.

The Town of Berryville presently conforms to best management practices and maintains adequate operating reserves and it is forecasted that by maintaining current levels, operating reserves will be adequate through 2027 based on the flow of funds predicted in Tables 4-10 and 4-11. Table 4-12 illustrates the adequacy of operating reserves both for the Water and Wastewater systems.

An analysis of the capital reserves is included as a part of Tables 4-10 and 4-11 and the use of such reserves are critical to the identification of additional revenue requirements. *The Town's current capital reserve levels are strong, and the Town should be commended for its excellent fiscal discipline in developing strong reserves and the tools to manage them appropriately for future capital expenses.* In the Flow of Funds shown in Tables 4-10 and 4-11, reserves are used toward funding of major capital expenditures in the year 2026 together with acquiring a loan or bonds to optimize financial performance that yields the benefits of the asset program. The Town's capital reserves in its Sewer Fund are especially useful to keep down the increases in rates required to meet revenue requirements. Table 4-10 shows a slow building of additional capital reserves in anticipation of the revenue required in 2026 to hold down the amount of funds borrowed and meet debt coverage requirements without large spikes in water rate increases.

Table 4-12
Analysis of Operating Reserves

	2019	2020	2021	2022	2023	2024	2025	2026	2027
WATER									
<i>Minimum Recommended:</i>									
Minimum Operating Reserve by Policy (90 days cash)	(168,000)	(172,000)	(177,000)	(181,000)	(186,000)	(191,000)	(196,000)	(201,000)	(206,000)
Minimum Rate Stabilization Reserve (20% of Operating Revenues)	(177,000)	(195,000)	(215,000)	(237,000)	(251,000)	(289,000)	(319,000)	(352,000)	(389,000)
<i>Total as Minimum Required</i>	(345,000)	(367,000)	(392,000)	(418,000)	(447,000)	(480,000)	(515,000)	(553,000)	(595,000)
<i>Operating Reserves Available</i>									
Operating Cash Balance Beginning of Year	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000
Budgeted Use During Year	-	-	-	-	-	-	-	-	-
Operating Cash Balance End of Year	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000
<i>Operating Cash Reserve Surplus/(Deficit)</i>	320,000	298,000	278,000	247,000	218,000	185,000	150,000	112,000	70,000
WASTEWATER									
<i>Minimum Recommended:</i>									
Minimum Operating Reserve by Policy (90 days cash)	(249,000)	(255,000)	(262,000)	(269,000)	(276,000)	(283,000)	(291,000)	(298,000)	(306,000)
Minimum Rate Stabilization Reserve (20% of Operating Revenues)	(332,000)	(342,000)	(351,000)	(361,000)	(371,000)	(382,000)	(392,000)	(403,000)	(415,000)
<i>Total as Minimum Required</i>	(581,000)	(597,000)	(613,000)	(630,000)	(647,000)	(665,000)	(683,000)	(701,000)	(721,000)
<i>Operating Reserves Available</i>									
Operating Cash Balance Beginning of Year	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000
Budgeted Use During Year	-	-	-	-	-	-	-	-	-
Operating Cash Balance End of Year	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000
<i>Operating Cash Reserve Surplus/(Deficit)</i>	2,146,000	2,130,000	2,114,000	2,097,000	2,080,000	2,062,000	2,044,000	2,026,000	2,006,000

5. Future Rate Design Options and Recommendations for Meeting Additional Revenue Requirements

The Town of Berryville is taking an important step in total management and sustainability of the assets of its water and wastewater system through an analysis of the age and general condition of the assets, with a schedule for replacing assets at the expected end of their service life. Further, this report has developed a schedule for replacing those assets in which the service life will come due within the next 20 years and has provided a financial analysis through the year 2027 of the revenues that would be required to achieve the asset replacement scheduled within those years, including obtaining a loan in 2026.

This analysis should be viewed as a starting point for further discussion and may inform but not fully represent the final decisions made by the Town over the next 8 to 10 years. First, the analysis in this report assumes that the only source of revenue for this asset program will be local water and wastewater revenues from fee increases. Every effort should be made to find other potential sources of revenue, possibly in the form of grants or below-market interest rates on loans, even though the market for grant opportunities is very difficult. A few years ago, the Town was successful in obtaining an interest-free loan from the Virginia Resource Authority toward financing a new wastewater treatment plant and was also able to take advantage of grants from the Virginia Water Quality Improvement Fund.

Second, the asset evaluation described in this report should be a starting point for further steps toward sustainable asset management, with the ultimate goal of optimizing expenses for asset renewal and reliability. It is recommended that a next step be a more detailed asset evaluation of large projects scheduled for replacement within the next 10 years. These projects include the water treatment plant, raw water pumping station, and river intake facility for the water system, and the replacement of aging concrete and cast-iron pipe and aging manholes in the wastewater system. The goal of a detailed evaluation would be to identify if there are any strategies whereby assets could be modified or extended to increase their service life at less overall life-cycle cost than the replacement of the asset. For the water plant and the intake and pumping facilities, this would be accomplished through a detailed engineering study well beyond the scope of this study. Its conclusions could better inform the Town as to the optimal strategy for long-term asset performance. For the wastewater system, it is suggested that a sewer system evaluation survey using closed circuit cameras and physical manhole inspections be conducted in an engineering study to determine if alternative renewal strategies may be more cost-effective. Numerous "in-situ" strategies today provide lining systems without excavation and replacement that could provide extended service life.

For all discussions within this Chapter 5 regarding rate designs, it is assumed that Water Meter Option 2 is selected for the asset replacement schedule.

Even though additional engineering studies may refine the asset management program developed by this study, which may then refine the financial strategy, it is very clear that the Town of Berryville has aging water and wastewater assets that will require capital expenditures within the next 5 to 10 years and beyond, and these expenditures will require greater revenues than the Town is currently collecting. There are numerous directions in which the Town Council and management could choose to initiate the collection of revenues that will ultimately be required. This report suggests one strategy as implementing the changes in the Town's water and wastewater rates identified by the analysis herein (increase overall operating revenue by 10.1% for water per year and 2.4% for wastewater per year) for a 5-year period while conducting the additional engineering studies recommended to refine the asset management program. It will require several months to perform these engineering studies, and once they are completed, to the extent the recommendations modify the revenue requirements, the water and wastewater rates can be revisited and modified as appropriate.

Rate Design Options

Several different forms or rate designs are accepted within the water industry and used to obtain sufficient revenue to meet future operating and capital needs. The specific design selected by any given community is a choice reflective of the community's strategic plan, vision and goals as much or more than any technical or management need for the water and wastewater utility. Different rate designs can produce the same amount of overall annual revenue, each satisfying the utility's need. The difference between rate designs is in the weight that different classes of customers carry in providing that revenue, based on the size, class, or volume of use by the customer.

Three different types of rate designs are the most commonly used and each is evaluated in this Chapter. The three designs include: (1) Flat Rates; (2) Declining Rates; and (3) Inclining Rates. The methodologies for calculating each of these types of rate design are well accepted and defined by AWWA. For each type of rate design a minimum charge can be overlaid; for purposes of comparing rate designs the discussion of minimum charge is postponed until a later part of this Chapter.

Flat Rates describes a condition where one rate is set per unit of consumption (the Town uses 1,000 gallons as a unit of consumption) and applies to each and every unit registered without respect to the size of the customer or the amount of water or wastewater service used. The Town presently uses this design. For example, the current Town water rate is \$8.40 per 1,000 gallons. A customer using 3,000 gallons or 3 units in a month pays \$8.40 for each unit, for a total of \$25.20 – the customer pays the same amount for each unit. Likewise, a customer using 100,000 gallons or 100 units still pays the same for each unit, including an added \$8.40 for the last 1,000 gallons consumed.

Declining Rates describe a condition where the unit cost of water declines with a greater number of units consumed within a billing cycle and is commonly provided in three to four blocks of consumption. An example would be that a customer pays \$10 each 1,000 gallons for the first 4,000 gallons, then pays \$9 per 1,000 gallons for the next 4,000 gallons, etc. Inclining Rates describe the opposite condition, where the unit cost of water increases for higher consumption within a billing cycle.

Each rate design has its own advantages as well as disadvantages, which may or may not be in harmony with the community goals, thereby a public policy choice. Advantages of Flat Rates include the ease of use and understanding, and a strong appearance of fairness in that each unit of consumption costs the same. Declining Rates have an advantage of reflecting the reality that customers using higher quantities of water through larger meters, including commercial, institutional and industrial accounts, more often than not use water at a more steady rate with lower peaks than smaller (residential) customers, and higher peaks require greater utility system capacity and higher costs to manage. Declining Rates also signal as public policy an encouragement for the growth and development of new business that can produce jobs in the community but require larger volumes of water. Inclining Rates, properly designed, speak to the sustainability of water and encouragement of conservation practice, and if they are successful in reducing consumption can be financially favorable to utilities nearing system capacity by postponing the need for system expansion. The caution with Inclining Rates is that they must apply only within a relatively homogeneous customer class. Comparing water use of one single-family residence to another single-family residence is fairly homogeneous, whereas comparing water use by a single-family residence to water consumed through one meter and account serving a 100-unit hotel can never be homogeneous.

To overcome this caution with Inclining Rates, this report suggests its use only within the residential class, applied as water and wastewater use per residential unit.

Flat Rate Design Option for the Town of Berryville Revenue Needs

All Rate Designs provided in this section of the report are targeted to achieve the forecasted annual revenue requirements shown in Table 4-10 (Water) and Table 4-11 (Wastewater) and provide funding for the schedule of asset replacements shown in Chapter 3. The Flat Rate Design is the simplest, once the total operating revenues required for a given year and the forecasted total consumption are both determined, the expected total consumption is simply divided into the total revenue needed. Table 4-10 and Table 4-11 provide both the revenue needed and consumption anticipated (as a percent of growth from the “test year”). The Flat Rate Design for a 5-Year period for the Town of Berryville is provided in Table 5-1.

Table 5-1
Flat Rate Design for Town of Berryville Water and Wastewater Rates

	Current	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
WATER						
Per 1,000 gallons of usage	\$ 8.40	\$ 9.26	\$ 10.20	\$ 11.24	\$ 12.39	\$ 13.65
SEWER						
Per 1,000 gallons of usage	\$ 17.00	\$ 17.39	\$ 17.79	\$ 18.20	\$ 18.62	\$ 19.05

Declining Rate Design Option for the Town of Berryville Revenue Needs

The design of the Declining Rate Option followed the guidelines and recommendations published in Manual of Practice M1 published by AWWA. The Base-Extra Capacity Method was chosen and a distribution of water consumption by customer class and account was provided through billing data by the Town of Berryville. Billing data from the 12-month period of September 2017 through August 2018 was chosen. Customer classes evaluated included Residential, Commercial, Institutional, and Industrial. When it was determined that Commercial and Institutional were similar, these two classes were combined into one. The Industrial class was retained separately though it was noted that this database is much smaller as the Town of Berryville has a limited number of Industrial accounts. As is typical of most utilities, the Town of Berryville did not have real-time data on maximum day and maximum hour peak uses for individual customer classes, accordingly these peak conditions were assumed from examples provided in the AWWA Manual as typical.

Table 5-2 provides the results of the Declining Rate Design. By comparison to the Flat Rates in Table 5-1, customers will pay more for the first 3,000 gallons of water under declining rates, but for larger customers the cost of water decreases as use increases. Most residential customers, which is a significant percentage of the Town’s accounts, will pay more per month for water under Declining Rates than Flat Rates, and most Commercial, Institutional and Industrial customers will pay less.

Table 5-2

Declining Block Rate Design for Town of Berryville Water and Wastewater Rates

	Current	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
WATER						
First 6,000 gallons of usage	\$ 8.40	\$ 10.24	\$ 11.28	\$ 12.44	\$ 13.70	\$ 15.10
Next 8,000 gallons of usage	\$ 8.40	\$ 8.54	\$ 9.41	\$ 10.37	\$ 11.43	\$ 12.59
Next 46,000 gallons of usage	\$ 8.40	\$ 7.53	\$ 8.30	\$ 9.14	\$ 10.08	\$ 11.11
Usage beyond 60,000 gallons	\$ 8.40	\$ 6.18	\$ 6.81	\$ 7.51	\$ 8.27	\$ 9.11

SEWER						
First 6,000 gallons of usage	\$ 17.00	\$ 18.20	\$ 18.62	\$ 19.05	\$ 19.48	\$ 19.93
Next 8,000 gallons of usage	\$ 17.00	\$ 15.70	\$ 16.06	\$ 16.43	\$ 16.81	\$ 17.20
Next 46,000 gallons of usage	\$ 17.00	\$ 15.10	\$ 15.45	\$ 15.80	\$ 16.17	\$ 16.54
Usage beyond 60,000 gallons	\$ 17.00	\$ 11.95	\$ 12.22	\$ 12.51	\$ 12.79	\$ 13.09

Note: Usage is as measured within a single billing cycle. Billing is monthly. All rates are cost per 1,000 gallons.

Inclining Rate Design Option for the Town of Berryville Revenue Needs

The design of the Inclining Rate Option followed the guidelines and recommendations published in Manual of Practice M1 published by AWWA. First and foremost, AWWA recommends this type design apply only to a homogeneous class of customers of similar size and required usage patterns. As a result, inclining rates are rarely used within the water industries for customer classes other than residential. A review of the Town’s commercial, institutional, and industrial accounts confirms that these customers are of varying sizes and usage patterns (e.g., a commercial laundry will by nature of its business have a very different water use pattern compared to a retail store. For simplicity of administration of the rate design, Inclining Rates proposed to the Town of Berryville will apply only to residential customers, and other classes of customers will be charged Flat Rates.

Multiple-Family accounts may be billed as Residential Customers, provided the Rate Table is applied as per dwelling unit. This does require the Town to maintain within its billing records the number of dwelling units applied to a single account, and a billing system that is able to calculate an individual account rate table using the adopted rates applied to multiple dwelling units; some billing systems require program modification for this calculation to occur. As an example, assume an Inclining Rate Block is adopted as \$8.95 per 1,000 gallons for the first 3,000 gallons then \$9.86 per 1,000 gallons for the next 3,000 gallons used per dwelling unit. Then assume a meter is read and 5,000 gallons is consumed in a billing cycle. If that meter were attached to a single-family dwelling, \$8.95 would apply to the first 3,000 gallons and \$9.86 to the next 2,000 gallons. However, if that meter were attached to a triplex serving three separate dwellings, \$8.95 would apply to all 5,000 gallons as the first 3,000 gallons per unit is 3,000 x 3 equals the first 9,000 gallons on the meter.

Further, on occasion water piping within a Multiple-Family complex may be looped to serve multiple buildings and include fire protection, connected to the multiple system through two or more meters. If such situations exist within the Town, it may be necessary to combine multiple meters into a single account for billing purposes and define how billing is adjusted when there is water use for fire protection.

The principle behind Inclining Rates is that among users of similar size and usage patterns, a customer who chooses to use more water places a higher burden on the cost of peak capacity of the water and wastewater system than a customer who conserves and uses less water. AWWA methodology allows a degree of flexibility in how this peaking capacity is charged. For this study, only the depreciation cost of the replacement of the future assets is weighted based on water use, in increments of 3,000-gallon blocks, to establish the inclining rates.

There is a financial risk in converting from Flat Rates to Inclining Rates that is extremely difficult to measure as foresight. The risk is that residential customers presently using higher volumes of water (e.g., irrigation of lawns) may reduce consumption to avoid the charges in the higher blocks. This may be a desirable outcome from the standpoint of sustainability, but it can also mean lower actual operating revenues than forecasted. Some attempt to plan for this possibility has been built into the design of rates in this report, as it was assumed that residential customers now using greater than 6,000 gallons per month per dwelling will reduce consumption by 5% under the Inclining Rates. If Inclining Rates are adopted, this trend should be monitored, and rates adjusted if needed.

Table 5-3 provides the results of the Inclining Rate Table design.

Table 5-3
Inclining Block Rate Design for Town of Berryville Water and Wastewater Rates

Residential Customers Only - Usage is per dwelling unit within a single monthly billing cycle

	Current	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
WATER						
First 3,000 gallons of usage	\$ 8.40	\$ 8.95	\$ 9.86	\$ 10.87	\$ 11.98	\$ 13.20
Next 3,000 gallons of usage	\$ 8.40	\$ 9.75	\$ 10.74	\$ 11.84	\$ 13.05	\$ 14.38
Next 3,000 gallons of usage	\$ 8.40	\$ 11.35	\$ 12.51	\$ 13.78	\$ 15.19	\$ 16.74
Usage beyond 9,000 gallons	\$ 8.40	\$ 14.85	\$ 16.36	\$ 18.03	\$ 19.87	\$ 21.90

SEWER						
First 3,000 gallons of usage	\$ 17.00	\$ 17.15	\$ 17.54	\$ 17.95	\$ 18.36	\$ 18.78
Next 3,000 gallons of usage	\$ 17.00	\$ 18.10	\$ 18.52	\$ 18.94	\$ 19.38	\$ 19.82
Next 3,000 gallons of usage	\$ 17.00	\$ 19.40	\$ 19.85	\$ 20.30	\$ 20.77	\$ 21.25
Usage beyond 9,000 gallons	\$ 17.00	\$ 23.00	\$ 23.53	\$ 24.07	\$ 24.62	\$ 25.19

Commercial, Institutional and Industrial Customers

WATER						
Per 1,000 gallons of usage	\$ 8.40	\$ 9.26	\$ 10.20	\$ 11.24	\$ 12.39	\$ 13.65

SEWER						
Per 1,000 gallons of usage	\$ 17.00	\$ 17.39	\$ 17.79	\$ 18.20	\$ 18.62	\$ 19.05

Note: Multiple-Family accounts use Residential Customers table with rates calculated per dwelling unit

Discussion Regarding Rate Design Options

Three different rate designs have been provided above, each of which are designed to achieve the same revenue requirements. Each design serves a different purpose, and the purposes are embedded in community goals and public policy. In that sense there is no right or wrong answer as long as the objectives of each design are understood and the rate design that is adopted is in harmony with community goals. This discussion does not attempt to make a firm recommendation as to which option the Town Council should adopt but does make a few observations as suggestions toward the Council's deliberation.

- The Town's current Flat Rates are very competitive with nearby communities for accounts with 3,000 gallons per month or less water use, but its fees are higher than most nearby communities at higher levels of consumption. A shift to Inclining Rates will increase that effect with respect to residential customers. A shift to Declining Rates will reduce that effect.

- Inclining Rates work best for a water or wastewater system that is approaching its capacity and facing major capital costs to expand its infrastructure that can be delayed through conservation – if revenue declines as a result of Inclining Rates, it can be offset by a reduced short-term capital improvement program. This structure does not work as well for a utility with plenty of excess capacity in its infrastructure but facing a need for renewal of end of life assets. Revenue is needed for renewal without respect to reductions in consumption, thereby lower consumption requires higher rates in an attempt to retain the needed revenue, and customers who expect to pay less as a reward for conservation can be frustrated.
- The Town of Berryville average consumption per residential unit is 113 gallons per day. This quantity is lower than current averages in published statistics throughout North America, indicating that some reasonable level of conservation is already a part of the fabric in the community. Approximately 60% of single dwelling households in the Town use 3,000 gallons per month or less.
- Trends within the water industry today are moving in the direction of Flat Rates to Inclining Rates and away from Declining Rates. Most communities used Declining Rates in the 1960s through 1980s, but many moved away from this design in a greater promotion of sustainability and conservation. Interestingly, Declining Rates are still a part of a majority of the nearby communities surveyed as part of this study.
- Flat Rates are the simplest and easiest to administer. Greater complexity can make customer understandability and satisfaction more complex and can increase the risk of billing errors.

Through its review of data as a part of this study, Pennoni did not identify any compelling reasons to recommend that the Town of Berryville shift its rate design from the current Flat Rates to either the Declining or Inclining Rate structures. At the same time, each of the rate structures presented in this Chapter represent fair and reasonable approaches with acceptable and proven methods to obtain the revenue the Town requires to effectively maintain and replace its assets to maintain an acceptable level of service to the community. Most important is that the rate design selected be aligned with the strategic vision and goals of the community.

Review of Minimum Charge in the Current Rate Structure

Expenses for water and wastewater operations can be segregated into two-types: expenses that are variable with the quantity of water or wastewater conveyed and treated, and expenses that are fixed without respect to quantity of flow or treatment. General administrative costs are considered fixed costs as are some of the costs of operation and maintenance. For the most part, personnel costs in operation and maintenance are considered fixed costs. By example, an appropriately certified treatment plant operator is required by permitting to be on-site to operate most water treatment and wastewater treatment facilities when the facilities are in operation. Except for extraordinary circumstances, the number of personnel on-site do not vary with flow.

AWWA rate methodology endorses a strategy whereby water and wastewater utilities can establish a minimum charge per account in order to assure that all customers are contributing reasonably to the fixed costs of the utility regardless of metered consumption. Many utilities, including the Town of Berryville and the utilities represented in the comparative analysis performed in this study, include a minimum charge per bill as well as a charge per unit volume of water or wastewater service provided. This study included a review of the Town of Berryville's current minimum charges of \$5.00 per bill for water service and \$15.00 per bill for wastewater service.

To conduct this review, operating expenses for the "test year" were reviewed at a budget summary level to identify a percentage of expenses to be labeled as "fixed". Fixed costs included all general administration expenses, all personnel wages and fringe benefits, and select operating costs that included 20% of electricity costs (representing demand and customer components of electric rates), permit, fees and laboratory testing costs, Miss Utility costs, and professional services costs. If only general administrative expenses are considered, a fixed cost would be \$3.00 per bill for water and \$3.00 per bill for wastewater service. If operating personnel and select operating costs are added, fixed costs could be as high as \$13.75 per bill for water service and \$30.25 per bill for wastewater service.

There are two widely accepted practices for applying fixed costs in utility bills. One method is to establish a specific fixed cost for every bill that is added to a variable cost based on consumption, with the bill being the sum of a fixed cost and a variable cost. The second method is to calculate all bills based on the variable cost (\$ per 1000 gallons), and then apply the unit of consumption times the variable cost as the bill except when this calculation is below the minimum amount, in which case the minimum applies. The Town presently uses the second method, with a minimum charge, and in the comparative analysis it was identified that other nearby communities' trend toward the second method as well. When using the second method, the minimum bill is generally set higher than the fixed cost calculation, recognizing that within the minimum amount is an allowance for some consumption within the variable costs.

In reviewing the Town of Berryville's accounts, this study recommends that the Town retain the current method of a minimum charge that includes an allowance for consumption, but further recommends that the minimum charge be increased from the current \$5.00 for water and \$15.00 for wastewater to an amount equivalent to the first 2,000 gallons of consumption. This increased allowance is a very reasonable and good fit when considering all administrative and operating fixed costs as defined above. For simplicity, the minimum charge equivalent to 2,000 gallons of consumption could apply to whichever rate design the Town selected.

If the Town were to prefer a fixed cost per bill separate from consumption allowance, this study would suggest that fixed amount be set at \$3.00 per bill for water and \$3.00 per bill for wastewater, considering only the general administrative costs. A fixed charge as high as \$13.75 per bill for water and \$30.25 for wastewater is not recommended, as it would result in an unintended significant increase in cost to customers using between 2,000 gallons and 4,000 gallons per month, which represents 51% of the customer base.

Rates for Customers Outside Town Limits

The Town of Berryville currently does not include a surcharge for customers who are outside of the Town's corporate limits, but such practice is allowed both by AWWA's defined practices and under laws of the Commonwealth of Virginia, and many municipalities in the Commonwealth of Virginia do adopt this surcharge. The legal test is that such surcharges be fair and reasonable. The Town has a very limited number of customers outside the Town's limits, but review of the billing data on these limited accounts within the residential category does show about 10% higher consumption than per dwelling consumption for accounts within the Town. Furthermore, it is known within the industry that suburban residential areas have larger lots on average and higher peak water use as a ratio to average consumption compared to in-town lots and residences. Finally, AWWA suggest that a rate of return should be considered by the Town for outside Town customers, similar to how a private sector water utility may expect a return for its investors, as property owners outside the Town are not contributing to tax revenues and ultimately it is the Town and its residences who bear the burden for the risks and consequences of risk failure should they occur in operating an water and wastewater utility.

Considering all these factors, it would be reasonable for the Town to consider a 25% surcharge on all accounts outside the Town's corporate limits as a part of monthly billing. This surcharge would apply to the rate calculated by whatever rate design the Town Council chooses and would apply to every class of customer.

The 25% surcharge could also apply to Availability Fees for a new service approved outside the Town's corporate limits, if there are no current plans to annex the property in the foreseeable future. Since Availability Fees are a one-time "buy-in" for a new customer proposed to be added to the system for the long-term, the Town should consider waiving the surcharge on the Availability Fee for new customers within the proposed Annexation Area, although surcharges would apply to monthly billing until the month when the property served effectively becomes a part of the Town limits.

"Crystal Balling" the Future of Water and Wastewater Regulations

The advance of federal and state regulations regarding drinking water and water discharge to streams and rivers has made a dramatic impact on the quality of both public health and the environment over the past 50 years, starting with the passage of the federal Clean Water Act and the Safe Drinking Water Act in the 1970s as well as the creation of the Environmental Protection Agency. At the same time, the emerging regulatory environment has often created a significant challenge to long-term financial planning for water and wastewater utilities. As advancement in public health and the environment has occurred, new issues were often discovered, and the public interest in quick results has produced new regulations, often requiring significant capital improvement, with a short timeline for implementation and compliance. A case-in-point is the development of wastewater regulations and impact on wastewater treatment facilities, with primary treatment in the 1960s growing to secondary treatment in the 1980s, advanced ammonia removal in the 1990s, and enhanced nitrogen and phosphorus removal in the 2000s to the present. Although developing a "crystal ball" for future regulations can be very tricky and speculative, it has become a part of today's rate studies.

There are no specific changes in capital improvement planning currently being recommended to the Town of Berryville based on anticipating future recommendations, but this section of the report does discuss some trends that the Town should keep in its vision. One is a trend toward requiring utilities to adopt and maintain asset management programs as a condition in federal and state revolving fund low-interest financing, and even some trends toward making asset management a regulatory requirement in permitting. The Evaluation of Assets in this report makes a strong effort in this direction, but today's discussion within the water industry is moving toward asset management as a continuing program integrating maintenance and performance in contrast to a study performed periodically. This report recommends efforts toward asset renewal and maintenance, which is aligned with this regulatory trend.

Another trend to watch is the development of new drinking water regulations that may result from EPA's Contaminant Candidate List and Regulatory determinations, an ongoing process of regulating new contaminants incorporated into the Safe Drinking Water Act. One current topic of significant conversation is perfluoroalkyl and polyfluoroalkyl substances, expected to be regulated at the federal level within the next two years. These substances are not known to be in the Town's water supply but is an area of awareness, as special removal technology is required. Other organic compounds and a class of "emerging contaminants" that include by-products of endocrines or personal care products are on the EPA's current Candidate List. EPA published its Candidate Lists at <https://www.epa.gov/ccl/basic-information-ccl-and-regulatory-determination>.

On the wastewater side, clean water regulations in Virginia have seen significant changes within the past 15 years, largely as a result of the public goal of "cleaning up" the Chesapeake Bay. Nitrogen and phosphorus allocations were established for most wastewater plants in Virginia in 2005, including the Town's facility, and significant capital expenditures have been required to address these regulations. EPA adopted a Total Maximum Daily Load (TMDL) standard for the Chesapeake Bay in 2010, and is under an ongoing review presently, but most expectations are that there will not be significant changes, if any, in wastewater plant allocations within the Potomac/Shenandoah river basin. The Town of Berryville constructed a new wastewater treatment plant about 2010 and is in compliance with the current nitrogen and phosphorus standards.

The Virginia Division of Environmental Quality (DEQ) has recently proposed new ammonia standards for wastewater treatment plants, but the Town's current advanced facility should meet the ammonia criteria. Other current DREQ initiatives have focused more on stormwater.

Similar to the Contaminant List for Drinking Water, the federal Clean Water Act requires a Tri-Annual Review for Clean Water in which states report to EPA on the health of the nation's rivers and invite public comment, and the Clean Water Act has provisions for developing TMDL's for rivers that are not meeting designated use standards. These processes bear watching to be abreast as early as possible if trends develop that may affect local capital needs.

Halloween Trick-or-Treating

Background

§13-38 of the Berryville Code enables the Town Council to designate the date upon which, and hours during which, trick-or-treating may occur within the Town. The full text of the code section in question is:

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.

Typically, the decisions made in this regard center on the whether the observance should be moved from October 31 or whether the hours may need to be altered from the previous year for some reason. The decision on this designation is usually made in September of a given year.

Recommendation

Establish trick-or-treating observance in Town for October 31, 2023 between the hours of 6:00 p.m. and 8:30 p.m.

Sample Motion

I move that the Council of the Town of Berryville, in accordance with §13-38 of the Berryville Code, designate October 31, 2023 between the hours of 6:00 p.m. and 8:30 p.m. as the period in which trick-or-treating may occur within the Berryville town limits. Residents who wish to participate in giving treats should turn on their porch lights during designated hours. Trick-or-treaters should only visit homes at which a porch light is activated.

Berryville Main Street

September 5, 2023

Town Council Summer End Report

Prepared by: Christina Kraybill

June

- Berryville's 225 Parade- provided insurance & volunteer assistance
- Acquired RR Station Window Grate for Hogan's Alley project
- Board of Directors met 3rd Tuesday, approved 2 new Board members
- Attended virtual meeting for Virginia Main Street
- Continued Livery clean-out of BMS & Fire House Gallery supplies

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- Finished Livery clean-out of BMS & Fire House Gallery supplies
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- National Night Out- provided volunteers
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- Prepared for 990 Tax return

All Summer

- Music in the Park- Friday nights, except week of Clarke County Fair
- Social Media (Facebook & Instagram) & Website presence

Community Board

- Note: Town now has key access- Cathy Kuehner has retained a key.

September 12, 2023
Update

Water Supply Warning Declaration September 2, 2023

§17-25 of the Berryville Code (attached) establishes the law under which the Town will address drought conditions. In accordance with this section, the mayor and town manager are authorized to issue drought response declarations.

On August 30, 2023 the Commonwealth of Virginia issued a drought warning (attached) for the following counties on the Shenandoah River: Augusta, Rockingham, Shenandoah, Frederick, Page, Warren, and Clarke. In response to the Commonwealth's drought warning, Mayor Arnold and Town Manager Dalton approved a Water Supply Declaration (attached) that would become effective on September 2, 2023.

The notice of the declaration was publicized in the following manner:

- Posted on Town website
- Notification sent to website users who have signed up for notifications
- Notification sent by CODE RED
- Notification posted on the Clarke County Facebook page
- Notification posted at the Town's Business Office
- Article about the declaration was published in the *Winchester Star*

A Water Supply Watch Declaration (attached) had been issued on June 12, 2023.

Sec. 17-25. - Drought response ordinance.

- (a) *Drought supply situations.* The Town of Berryville acknowledges that there may be situations where the water supply to the town's water system is reduced by a variety of factors. In recognition of this, the town intends to apply educational, and ultimately enforcement actions, to achieve water conservation measures of varying degrees. This plan should enable appropriate water usage by appropriate water users at reduced consumption levels during these periods as declared by the town council.
- (b) *Drought water supply response plan.* The town council adopts by reference the current version of the Northern Shenandoah Valley Regional Commission (NSVRC) Drought Response Plan. The adoption of this plan, or a substitution plan authorized by the town council, is pursuant to, and authorized by, applicable sections of the Virginia Code (as required by 9VAC 25-780-120; and as authorized by § 15.2-923(ii) of the Code of Virginia - Local Water-Saving Ordinances, and § 15.2-924 - Water Supply Emergency Ordinances).
- (c) *Construction site stabilization during drought conditions.* To stabilize construction sites during drought conditions, strict adherence to the Erosion and Sediment Control (ESC) Minimum Standards and the Virginia ESC Handbook, along with frequent site inspection, must be applied. The Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3 recommends the following construction site stabilization methods during drought conditions:
- (1) Preserve established vegetation on construction sites.
 - (2) Establish new vegetation to stabilize construction sites while conserving water.
 - (3) Stabilize construction sites using nonvegetative methods.
 - (4) Research other water conservation resources as identified on the bulletin.
- (d) *Decisions/declarations and data sources.*
- (1) The town council reserves the right to interpret local water system data, and have sole control over the declaration of a drought/low water supply watch, warning, or emergency. Likewise, the town council reserves the right to reduce, rescind, or eliminate any such declaration. The mayor and town manager may make the following declarations in accordance with provisions of this section.

WATCH—When a ten-percent reduction or more in available water supply is observed. Under a watch declaration, the following voluntary measures are sought:

 - a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage and be aware of and limit high water use including but not limited to overwatering lawns, washing sidewalks and driveways.

- ii. Residents/businesses are asked to only water on even or odd days based on their address. If their address is an even number, water on even numbered days, if their address is an odd number, water on odd numbered days.

WARNING— When a reduction or more in available water supply is observed. Under a warning declaration, the following voluntary measures are sought:

- a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage and be aware of and limit high water use.
- b. Mandatory water restrictions.
 - i. Residents shall only water on even or odd days based on their address as specified above.
 - ii. Where possible, non-vegetative erosion and sediment control methods shall be employed as identified in the Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3. Drought bond is in an amount designated by the community development director.
 - iii. No car washing or outdoor washing. Commercial carwashes utilizing public water will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
 - iv. No washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.
 - v. No operation of any outdoor fountain or other structure making a similar use of water.
 - vi. No filling of swimming and/or wading pools.
 - vii. No use of water from fire hydrants for any purpose other than fire suppression or other public emergency.

EMERGENCY— When a twenty-percent reduction or more in available water supply is observed. Under an emergency declaration the following are mandatory restrictions

- a. Mandatory water restrictions.
 - i. Public/businesses are required to conserve. Penalties/sanctions are enforceable pursuant to town ordinance for failure to comply with restrictions as listed.
 - ii. Public notification will be posted of "Mandatory water restrictions in effect."
 - iii. All mandatory restrictions listed under the warning level shall be enforced.

- iv. High water uses (those consistently using more than one thousand (1,000) gal/day) shall have prepared curtailment plans demonstrating how they shall respond to emergency situations and shall implement such.
- v. No car washing or outdoor washing. Commercial carwashes will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
- vi. No lawn watering. Use of gray water permitted for plants, shrubs and gardens in accordance with Virginia Department of Health and Virginia Department of Environmental Quality standards. Definitions of gray water:
 - Relatively clean waste water, such as from kitchen, bathroom (not the toilet), and laundry cycles. This water can be reused or recycled with little or no treatment for landscape irrigation and other nonpotable uses.
 - Waste water discharged from residential lavatories, bathtubs, showers, clothes washers, and laundry trays.
- vii. No "topping off" of swimming pools.

- (2) The town council shall choose their local data sources, establish their local trigger points for the varying declarations, and evaluate various information sources prior to enabling or rescinding any noted declaration.
- (3) Should the NSVRC drought response plan become unsuitable to the Town of Berryville, the council reserves the right to substitute its own drought/low water supply response plan (as approved by the commonwealth) in lieu of subsection (b).
- (4) Should the water usage reduction measures implemented by the town, either voluntary or mandatory, prove inadequate, the town council shall have the authority to impose additional measures to achieve the water usage reduction goals.

(e) *Enforcement.*

- (1) Violations of this section shall constitute an offense as outlined herein. The Berryville Police Department shall be charged with enforcing this section.
- (2) During a watch declaration:
 - a. Verbal reminder for any noted issues.
- (3) During a warning declaration enforcement for mandatory restrictions:

a.	First offense	Verbal warning
----	---------------	----------------

b.	Second offense	Written warning notice
c.	Third offense	Disconnection of service and initiation of legal action

(4) During an emergency declaration enforcement for mandatory restrictions:

a.	First offense	Written warning notice
b.	Second offense	Disconnection of service
c.	Third offense	Disconnection of service and initiation of legal action

(5) Reconnect fees shall apply to any customer whose service was disconnected under in violation of the emergency declaration.

(6) Flagrant and/or repeat offenders of any declaration may, by decision of the town manager, initiate legal action of this provision.

(f) *Enforcement actions.* Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by the mayor and town manager pursuant thereto, shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each act or each day's continuation of the violation shall be considered a separate offense. In addition to the foregoing, the town manager may suspend water service to any person continuing to violate the provisions of this section or the regulations promulgated hereunder. If such water service is terminated, the person shall pay a reconnection fee as established by town council before service will be restored.

(g) *Appeal process.*

(1) If a customer wishes to appeal any decision by the town manager, they may present their case before the town council.

(2)

If a customer wishes to appeal any decision by the town council, they may present their case before the circuit court.

(h) *Notification.*

- (1) The mayor and town manager, upon rendering a decision pursuant to this chapter, may make such decision known to the public by a variety of media sources such as newspaper, local television access channel, written notices, and/or telephone contacts.

(Ord. of 4-10-12)

Keith Dalton

From: Dave Tyrrell
Sent: Wednesday, August 30, 2023 4:33 PM
To: Deputy Town Manager; Keith Dalton
Subject: Fw: NEWS RELEASE: Drought Risk Increases for Much of Virginia

From: Virginia Department of Environmental Quality <communications@deq.virginia.gov>
Sent: Wednesday, August 30, 2023 3:50 PM
To: Dave Tyrrell <dirutilities@berryvilleva.gov>
Subject: NEWS RELEASE: Drought Risk Increases for Much of Virginia

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



NEWS RELEASE

CONTACT: Irina Calos
Irina.Calos@DEQ.Virginia.gov
(804) 659-1333

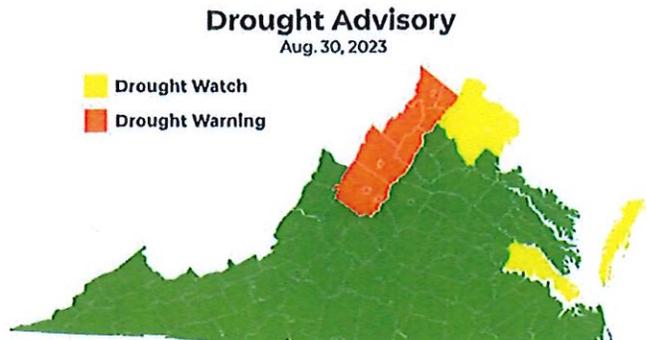
August 30, 2023

Drought Risk Increases for Much of Virginia
Drought watch or warning advisories declared for 20 counties

RICHMOND, Va. – The Virginia Department of Environmental Quality (DEQ) has issued a drought watch advisory for 13 counties and a drought warning advisory for 7 counties concentrated in the northern and eastern regions of the Commonwealth. DEQ, in coordination with the [Virginia Drought Monitoring Task Force](#) (DMTF), evaluates precipitation, groundwater, stream flows, and reservoir levels to determine the risk and facilitate preparedness for a drought.

A drought watch advisory has been declared for the following areas:

- Eastern Shore: Accomack and Northampton counties (existing drought watch continued)
- Northern Virginia: Fauquier, Loudoun, Prince William, Arlington, and Fairfax counties



- York-James: Hampton, Newport News, James City, York, Charles City, and New Kent counties

A **drought warning** advisory, which indicates that a significant drought is imminent, has been declared for the following areas:

- Shenandoah: Augusta, Rockingham, Shenandoah, Frederick, Page, Warren, and Clarke counties.

Several factors have contributed to the current drought watch and warning advisories in the affected regions. There was abnormally low precipitation over the last two weeks, with limited precipitation forecasted. Stream flows are below the 25th percentile of historical normal values with flows observed below the 5th percentile in the Shenandoah region. Groundwater levels are currently below the 5th percentile in the Shenandoah region, below the 10th percentile in Northern Virginia, York-James, and below the 25th percentile in the Eastern Shore. Currently, all major water supply reservoirs throughout Virginia remain within normal ranges, except for Skidmore Fork Lake (Switzer Lake), in Harrisonburg.

DEQ is working with local governments, public water works, and water users in the affected areas to ensure that conservation and drought response plans and ordinances are followed. All Virginians are encouraged to protect water supplies by minimizing water use, monitor drought conditions, and detect and repair leaks.

See the current drought status on the [DEQ website](#).

###

About DEQ

The Virginia Department of Environmental Quality protects and enhances Virginia's environment and promotes the health and well being of the citizens of the commonwealth. We are committed to cleaner water, improved air quality and the productive reuse of contaminated land.



Virginia Department of Environmental Quality | 1111 East Main Street, Richmond, VA 23219

[Unsubscribe dirutilities@berryvilleva.gov](mailto:unsubscribe_dirutilities@berryvilleva.gov)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by communications@deq.virginia.gov powered by



Water Supply WARNING Declaration September 2, 2023

On August 30, 2023 the Virginia Department of Environmental Quality issued a *Drought Warning Advisory Declaration* for Clarke, Augusta, Rockingham, Shenandoah, Frederick, Page, and Warren Counties.

Therefore, in accordance with §17-25 of the Berryville Code, a Water Supply WARNING is hereby declared.

Under a WARNING Declaration, the following **mandatory water use restrictions** become effective:

Mandatory water restrictions

- Residents/businesses may water lawns and/or landscaping only on even or odd days on the basis of their addresses. If the address is an even number, water on even-numbered days; if the address is an odd number, water on odd-numbered days.
- Where possible, non-vegetative erosion and sedimentation control methods (as identified in the Virginia Department of Conservation and Recreation Erosion and Sediment Control Technical Bulletin Number 3) shall be employed. Drought bonds will be required by the Community Development Director.
- Car-washing or outside washing is prohibited. Commercial car washes utilizing Town water may operate only if they demonstrate that at least fifty percent of the water used is recycled during the car washing process. Car washes utilizing well water may operate as usual, but shall post signs at the business indicating the use of that source.
- That shall be no washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces.
- There shall be no operation of outdoor fountains or other structures making a similar use of water.
- There shall be no filling of swimming and/or wading pools.
- There shall be no use of water from fire hydrants for any purpose other than fire suppression or other public emergency.

Under a WARNING Declaration, the following voluntary measures are sought:

Voluntary water conservation

- Residents/businesses are asked to review their water usage and be aware of and limit high water use.

This declaration will become effective at 12:00 a.m. September 2, 2023 and will remain in effect until it is rescinded.

Water Supply WATCH Declaration June 12, 2023

On June 9, 2023 the Virginia Department of Environmental Quality issued a *Drought Watch Advisory Declaration* for seventeen counties in Virginia. Clarke, Augusta, Rockingham, Shenandoah, Frederick, Page, and Warren Counties were included in the declaration.

Therefore, in accordance with §17-25 of the Berryville Code, a Water Supply WATCH is hereby declared. Under a WATCH Declaration, the following voluntary measures are sought:

Voluntary water conservation.

- Residents/businesses are asked to review their water usage and be aware of and limit high water use including but not limited to overwatering lawns and washing sidewalks and driveways.
- Residents/businesses are asked to water on even or odd days on the basis of their addresses. If the address is an even number, water on even-numbered days, if the address is an odd number, water on odd-numbered days.

This declaration will remain in effect until it is rescinded.

Berryville Main Street

September 5, 2023

Town Council Summer End Report

Prepared by: Christina Kraybill

June

- Berryville's 225 Parade- provided insurance & volunteer assistance
- Acquired RR Station Window Grate for Hogan's Alley project
- Board of Directors met 3rd Tuesday, approved 2 new Board members
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All Summer

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- Social Media (Facebook & Instagram) & Website presence

Community Board

- Note: Town now has key access- Cathy Kuehner has retained a key.

Report of the Department of Public Works

September 5, 2023

General Information

This year's concrete and sidewalk contract was awarded. The contractor replaced sidewalk on Josephine Street, Swan Avenue, Mosby Boulevard, and Walnut Street. It is likely that additional sidewalk work will be completed in the spring.

The Josephine Street, North Church Street, Bundy Street, & Osborne Street utility project is in its final stages of completion. Work on the Virginia Avenue drainage improvement project will begin soon.

Paving is scheduled to begin this week on Josephine Street and should be completed by September 15th. Once Josephine Street is paved the contractor will then pave N. Church Street, Bundy Street, and Osborne Street.

Water

We experienced two water main breaks during the past two months. The first break occurred on the 8" water main at the intersection of Walnut St. and N. Buckmarsh Street. This break was caused by the PVC line laying on rock.

The second main break was on the 10" transmission line on Springsbury Road. This break caused damage to a private asphalted driveway and some private landscape. The water main split for approximately 25 feet and was repaired by using 25 feet of C909 PVC and two 10" Hy-Max Couplings. I believe the cause of this break was due to the dry weather and the ground shifting and cracking.

Sewer

We had several sewer pump stations problems the past two months.

The Josephine East Pump Station was damaged on two separate occasions by trucks hitting the power pole and guy-wires. In all the accidents the trucking companies have been identified and the Town is working to secure reimbursement of repair costs.

The Public Works Department assisted the Utilities Department with the Sewer Treatment Plant Membrane Replacement project.

Public Utilities Department Report 12 September 2023

Item Title:

Department Update

Prepared By:

Jean Petti

Water Treatment Plant Activity

Expanded and special testing for disinfection by-products and other constituents continues. Staff is in regular contact with Virginia's Office of Drinking Water as we seek to address the HAA5 exceedance.

On September 6th, the backwash lagoons were cleaned at water treatment plant.

REC installed a voltage monitoring device to investigate intermittent power outages at the plant. A faulty switch was found on the circuit and replaced. This appears to have addressed the issue. Backup generators continue to ensure uninterrupted operations.

Wastewater Treatment Plant Activity

Effective September 1st, Inboden Environmental Services has been contracted to serve as Operator in Responsible Charge at the wastewater treatment plant. They will be ensuring regulatory compliance and directing staff in the operation and maintenance of the plant.

The membrane replacement project has concluded successfully. Public Utilities staff recognizes and appreciates the assistance of Public Works staff in this effort.

Department General Activity

A water supply warning declaration was declared September 1. With the cooperation of the community in water conservation efforts, operators are confident that the department will be able to continue to meet Berryville's water needs.

Attachments

None



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: 09/06/2023
TO: Town Council
FROM: Chief W. Neal White
CC:
RE: Police Department Monthly Report – 09/12/2023

Monthly Activity Report

The activity reports for the months of July and August 2023 are attached to this document.

Public Safety Committee

The Public Safety Committee did not meet in July or August 2023.

Commercial Motor Vehicles

I continue to work with a variety of stakeholders to tackle the issue of commercial vehicle drivers disregarding posted signs in order to follow mapping instructions from mobile platforms. There are some short-term solutions on the horizon, but the primary issue of mapping will take additional resources and time to develop solutions. I will continue to work with a group from VDOT, Virginia Trucking Association and the Eastern Transportation Coalition on this project.

Bertelsmann Printing Group (BPG) is also in the process of moving the Josephine Street access gate in on their property an additional 75-100 feet so that large trucks will have additional space to maneuver with the hope of limiting any future property damage. This work will hopefully be completed by mid-October 2023.



BERRYVILLE POLICE DEPARTMENT

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 W. Neal White – Chief of Police

Police and Security Report

	Year To Date	July	June
Month/Year: July	2023	2023	2023
<u>Complaints Answered</u>			
911 Hang Up:	8	0	3
Alarms:	48	6	9
Animal Complaint:	79	12	12
Assault:	17	3	2
Assist County:	87	17	11
Assist EMS and Fire:	67	8	6
Auto Larceny:	0	0	0
Burglary:	2	0	0
Civil Complaints:	58	10	7
Disturbance:	22	4	6
Domestic Disturbance:	20	2	2
Driving Under the Influence	3	0	0
Drunk In Public:	0	0	0
Fraud:	14	1	0
Larceny:	26	1	6
Harassment/Intimidation:	11	2	3
Homicide:	0	0	0
Identity Theft	3	0	0
Juvenile Related:	19	2	1
Mental Health Crisis:	63	8	6
Narcotics Related:	2	1	0
Noise	21	2	5
Public Service:	3	0	2
Sexual Assault:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	58	2	9
Trespassing:	4	1	0
Vandalism:	23	3	4
Welfare Check:	68	8	14
Miscellaneous Complaints:	409	71	62
Total Complaints Answered:	1135	164	170



BERRYVILLE POLICE DEPARTMENT

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policeadmin@berryvilleva.gov

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2023	July 2023	June 2023
<u>Traffic</u>			
Accidents Investigated:	29	3	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	3	1	0
Funeral Escort:	19	3	2
Hit & Run:	7	1	2
Parking Tickets:	126	26	2
Traffic Warnings:	128	17	21
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	1	0	0
Expired Inspection:	3	0	0
Expired Registration:	2	1	0
Fail to Obey Highway Sign:	39	3	9
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	5	0	0
No Seat Belt:	0	0	0
Reckless Driving:	1	0	0
Speeding:	36	5	4
Miscellaneous Summons:	4	0	0
Total Traffic Summons Issued:	93	9	13
<u>Found Open at Businesses in Town</u>			
Doors:	8	2	1
Windows:	0	0	0
Garage Doors:	0	0	0



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policeadmin@berryvilleva.gov
 W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	July	June
	2023	2023	2023
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	18	4	3
Assault and Battery on Police Officer:	2	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	3	1	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	2	0	2
Drunk In Public:	3	1	2
Fail to Obey Police Officer:	1	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	1	0	0
Fraud:	4	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	7	0	2
Larceny:	1	0	0
Possess Alcohol Underage:	1	0	0
Protective Order Violations:	6	0	0
Rape:	0	0	0
Resisting Arrest:	1	0	1
Robbery:	0	0	0
Shoplifting:	19	0	0
Trespassing:	0	0	0
Vandalism:	4	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	26	5	3
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	99	11	13



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

Police and Security Report (Continued)

	Year To Date 2023	July 2023	June 2023
<u>Response to Resistance</u>			
Total Community Interface	1491	205	222
Total Enforcement Contacts	321	37	47
Physical Custody	22	3	6
Reported Force Involved	3	0	1
Administrative Review - Justified	3	0	1
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	1	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	2	0	0
Takedown	1	0	1
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	10	1	4
Black Male	7	1	1
Other Male	0	0	0
White Female	5	1	1
Black Female	0	0	0
Other Female	0	0	0



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Police and Security Report

	Year To Date	August	July
Month/Year: August	2023	2023	2023
<u>Complaints Answered</u>			
911 Hang Up:	8	0	0
Alarms:	53	5	6
Animal Complaint:	85	6	12
Assault:	18	1	3
Assist County:	102	15	17
Assist EMS and Fire:	72	5	8
Auto Larceny:	0	0	0
Burglary:	2	0	0
Civil Complaints:	68	10	10
Disturbance:	27	5	4
Domestic Disturbance:	22	2	2
Driving Under the Influence	3	0	0
Drunk In Public:	1	1	0
Fraud:	15	1	1
Larceny:	31	5	1
Harassment/Intimidation:	14	3	2
Homicide:	0	0	0
Identity Theft	3	0	0
Juvenile Related:	24	5	2
Mental Health Crisis:	67	4	8
Narcotics Related:	3	1	1
Noise	24	3	2
Public Service:	3	0	0
Sexual Assault:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	76	18	2
Trespassing:	5	1	1
Vandalism:	26	3	3
Welfare Check:	76	8	8
Miscellaneous Complaints:	480	71	71
Total Complaints Answered:	1308	173	164



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2023	August 2023	July 2023
<u>Traffic</u>			
Accidents Investigated:	37	8	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	6	3	1
Funeral Escort:	21	2	3
Hit & Run:	7	0	1
Parking Tickets:	146	20	26
Traffic Warnings:	145	17	17
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	1	0	0
Expired Inspection:	3	0	0
Expired Registration:	2	0	1
Fail to Obey Highway Sign:	44	5	3
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	5	0	0
No Seat Belt:	0	0	0
Reckless Driving:	2	1	0
Speeding:	37	1	5
Miscellaneous Summons:	5	1	0
Total Traffic Summons Issued:	101	8	9
<u>Found Open at Businesses in Town</u>			
Doors:	10	2	2
Windows:	0	0	0
Garage Doors:	0	0	0



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Police and Security Report (Continued)

	Year To Date	August	July
	2023	2023	2023
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	19	1	4
Assault and Battery on Police Officer:	2	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	3	0	1
Disorderly Conduct:	0	0	0
Driving Under the Influence:	2	0	0
Drunk In Public:	4	1	1
Fail to Obey Police Officer:	1	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	1	0	0
Fraud:	4	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	7	0	0
Larceny:	2	1	0
Possess Alcohol Underage:	1	0	0
Protective Order Violations:	6	0	0
Rape:	0	0	0
Resisting Arrest:	1	0	0
Robbery:	0	0	0
Shoplifting:	19	0	0
Trespassing:	0	0	0
Vandalism:	4	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	27	1	5
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	103	4	11



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	August	July
	2023	2023	2023
<u>Response to Resistance</u>			
Total Community Interface	1693	202	205
Total Enforcement Contacts	350	29	37
Physical Custody	23	1	3
Reported Force Involved	3	1	0
Administrative Review - Justified	3	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	1	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	11	1	1
Black Male	7	0	1
Other Male	0	0	0
White Female	5	0	1
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary
September 12, 2023

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission held a meeting on Tuesday, July 25, 2023. They held a public hearing for a Special Use Permit for Zion Baptist Church. A full staff report is included in this packet.

Planning Commission held a meeting on Tuesday, August 22, 2023. They discussed the Friant rezoning application.

Planning Commission's next meeting is scheduled for Tuesday, July 25, 2023 at 7:00 p.m. They will be holding a work session at 6:00 p.m. to discuss the rezoning application and will hold their regular meeting at 7:00 p.m.

Berryville Area Development Authority

The BADA held a meeting on Wednesday, August 2, 2023. They discussed the Berryville Area Plan review process. Their next meeting is scheduled for Wednesday, October 25 at 5:00 p.m.

Architectural Review Board

The ARB held a meeting on Wednesday, August 2, 2023. They reviewed a sign for Sacred Hearts Goods. County Administrator Chris Boies updated Board members on the County Court House Master Plan.

Their next meeting is scheduled for Wednesday, October 4, 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, October 4, 2023 at 6:00 p.m.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary
September 12, 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
- Staff has discussed water restrictions with the developer

Commercial Site Plan – 410 Jack Enders Boulevard

- Site work on the second building pad is underway

Town Council Agenda Item Report Summary
September 12, 2023

Item Title

Set Public Hearing – Text amendments for short-term rentals

Prepared By

Christy Dunkle

Background/History/General Information

The Planning Commission held a public hearing in July for proposed amendments to the Berryville Zoning Ordinance concerning short-term rentals. Topics of discussion included parking, noise, number of occupants, and hosted and un-hosted facilities. A local short-term rental owner attended the March meeting to discuss her business and answer questions Commissioners had about the operation of such facilities prior to the public hearing.

Commissioners recommended that the following definition to Article I be considered by Council:

Short-term rental- 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, whichever is less, and at no time exceed 13 individuals.

Additionally, Planning Commissioners recommended that the following zoning districts allow short-term rentals as a use by Special Permit:

- R-1 Residential
- R-2 Residential
- R-3 Residential
- OSR Open Space Residential
- DR-1 Detached Residential
- DR-2 Detached Residential
- DR-4 Detached Residential
- AR Attached Residential

MR Multifamily Residential
BC Business Commercial
C General Commercial
C-1 Commercial
L-1 Industrial

Additional information concerning the proposed amendment:

- A short-term rental would not be considered a home occupation, therefore a property owner renting rooms in their home would not be required to obtain a second special use permit for this use.
- Existing legally-operated short-term rentals may continue operation as long as there is no extension, change of use, or removal or destruction of the building in which a non-conforming use is located (Berryville Zoning Ordinance Section 408 Non-Conforming Uses of Structures or Buildings).
- The Town Business Office would be responsible for maintaining the registry.

Findings/Current Activity

Proposed modifications to the Town Code are included in this packet for Council's review. The Town's legal counsel has reviewed both proposed zoning and Town Code amendments.

Schedule/Deadlines

Set a public hearing for the October 10, 2023 meeting.

Other Considerations

N/A

Recommendation

Set a public hearing for the October 10, 2023 meeting.

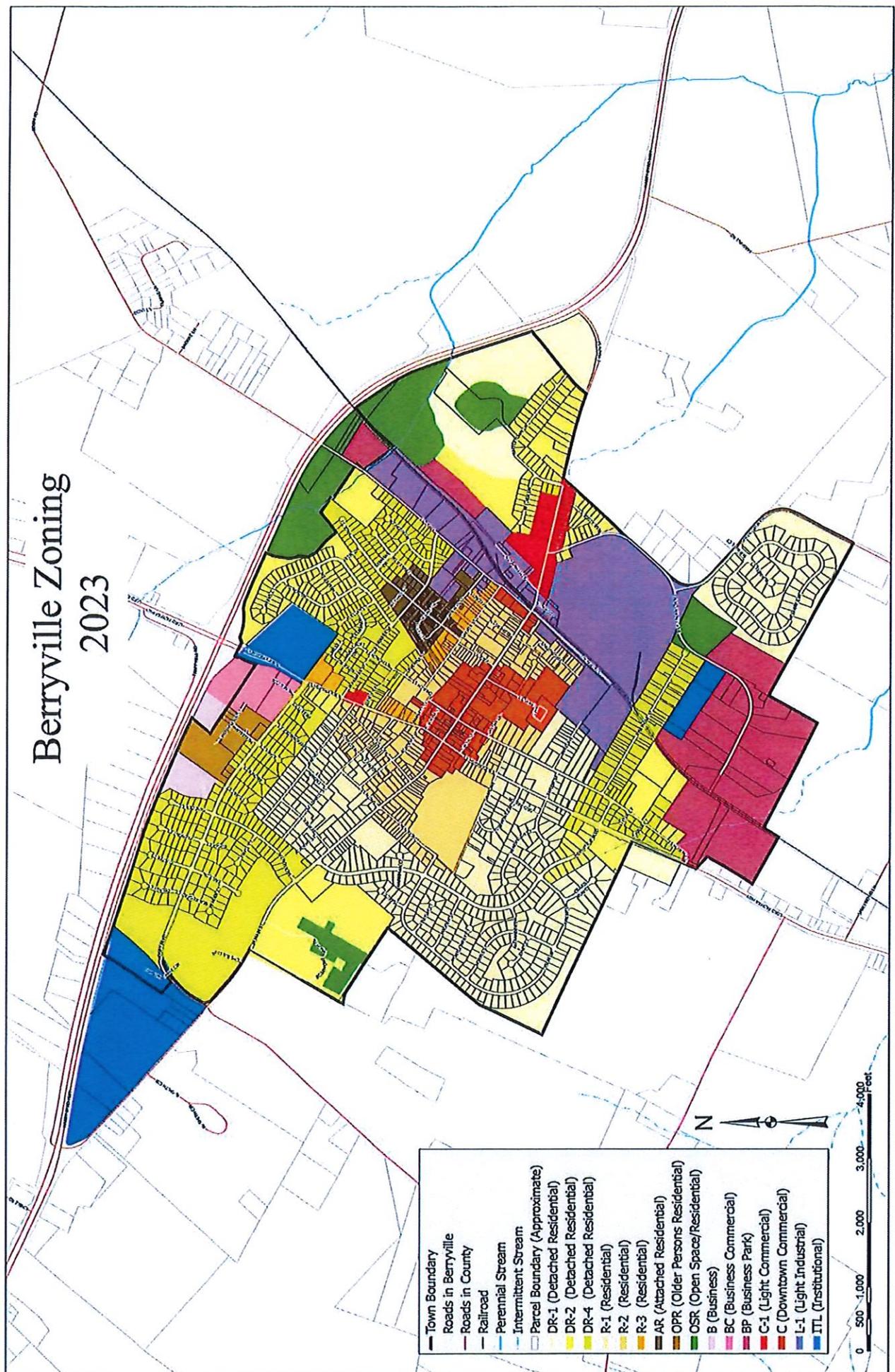
Sample Motion

I move that the Council of the Town of Berryville set a public hearing for text amendments to establish zoning regulations for short-term rentals.

Attachments:

- Zoning map
- Proposed zoning district modifications
- Proposed changes to ARTICLE III. - OTHER LICENSES, LICENSE REQUIREMENTS (Town Code)
- Proposed changes to ARTICLE VIII. - TRANSIENT OCCUPANCY TAX (Town Code)

Berryville Zoning 2023



- Town Boundary
- Roads in Berryville
- Roads in County
- Railroad
- Perennial Stream
- Intermittent Stream
- Parcel Boundary (Approximate)
- DR-1 (Detached Residential)
- DR-2 (Detached Residential)
- DR-4 (Detached Residential)
- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- AR (Attached Residential)
- OPR (Older Persons Residential)
- OSR (Open Space/Residential)
- B (Business)
- BC (Business Commercial)
- BP (Business Park)
- C-1 (Light Commercial)
- C (Downtown Commercial)
- L-1 (Light Industrial)
- ITL (Institutional)



ARTICLE VI – ADDITIONAL DISTRICTS (2/90)

SECTION 600 - GENERAL PROVISIONS

600.1 APPLICATION

The additional zoning districts described in Article VI shall apply to designated property within the Berryville Town Limits.

600.2 INCONSISTENCIES BETWEEN ARTICLE VI AND THE REMAINING PARTS OF THIS ORDINANCE

All other parts of the Berryville Zoning Ordinance which are inconsistent with the provisions of Article VI shall be invalid as they relate to any districts within Article VI.

(4/92) SECTION 601 - OPEN SPACE RESIDENTIAL

601.1 PURPOSE AND INTENT

The Open Space Residential (OSR) District is created to preserve and protect two sensitive areas in the Town of Berryville and within the precincts of the Berryville Area Plan: (1) existing residential properties and estates which have cultural and/or historical value, and (2) property with critical environmental features, including 100-year floodplains, sinkholes, slopes in excess of fifteen (15) percent, and rock outcrops. The maximum density of one residence per ten (10.0) net developable acres establishes this district as one with a low-density residential character. This district shall have the intent of preserving valued residences, promoting open space, and protecting existing vegetation and sensitive environmental areas within the district boundaries.

601.2 PERMITTED USES

- (a) Single family detached dwellings.
- (b) Accessory uses to include detached carports and garages, tool sheds, children's playhouses, swimming pools, doghouses and Temporary Family Health Care Structures as established in Section 323. (11/10)
- (c) Municipal utilities.

601.3 SPECIAL PERMIT USES

- (a) Commercial swimming pools, tennis courts, and golf courses.
- (b) Home occupations as defined in Section 315. (12/93)
- (c) Libraries, museums, and shrines.
- (d) Plant nurseries, with no sale of nursery products permitted on premises.
- (e) Private and public schools, parks, playgrounds, and related uses.
- (f) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (g) Country inn. (6/09)
- (h) **Short-term rentals (XX/XX)**

601.4 MAXIMUM DENSITY

- (a) One (1.0) dwelling unit per ten (10.0) net developable acres or one-tenth (0.1) unit per net acre.

Section 601 Open Space Residential (OSR) District

- (b) A maximum floor area ratio of 0:10 shall apply to uses other than residential.

601.5 LOT SIZE REQUIREMENTS

- (a) Minimum lot area: 10 acres
- (b) Minimum lot width: 300 feet
- (c) Minimum lot depth: 300 feet

601.6 BULK REGULATIONS

- (a) Maximum building height: 35 feet
- (b) All other structures: 35 feet
- (c) Minimum yard requirements
 - (1) Front yard: 50 feet (7/04)
 - (2) Side yard: 50 feet (7/04)
 - (3) Rear yard: 50 feet (7/04)

601.7 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 317 Karst Features for additional requirements (7/04)
- (e) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. (12/14)

(4/92) SECTION 602 - DETACHED RESIDENTIAL-1 (DR-1) DISTRICT

602.1 PURPOSE AND INTENT

The Detached Residential-1 (DR-1) District is created to provide for single-family detached residences in a carefully planned pattern, compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. A maximum density of one (1) unit per net developable acre establishes a low-density district for detached residences. This district shall be applied with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character.

602.2 PERMITTED USES

- (a) Single-family detached dwellings.
- (b) Accessory uses to include detached carports and garages, tool sheds, children's playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. (11/10)
- (c) Municipal utilities.

602.3 SPECIAL PERMIT USES

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

602.4 MAXIMUM DENSITY

- (a) One (1) dwelling unit per net developable acre.
- (b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

602.5 LOT SIZE, YARD AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

- (a) Lot area: Minimum--40,000 square feet; maximum--60,000 square feet. (Refer to Section 615.2 regarding the impact of Critical Environmental Areas on lot size requirements.)
- (b) Minimum lot width
 - (1) Interior lot: 125 feet (7/04)
 - (2) Corner lot: 150 feet (7/04)

Section 602 Detached Residential-1 (DR-1)

- (c) Minimum yard requirements
 - (1) Front yard: 40 feet (7/04)
 - (2) Side yard: 15 feet
 - (3) Rear yard: 50 feet (residences) (7/04)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
 - (5) Maximum building height: 35 feet

602.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISION
Minimum district size for cluster subdivision is four acres.

602.7 LOT SIZE, YARD AND BULK REQUIREMENTS FOR CLUSTER LOTS

- (a) Minimum lot Area: 20,000 square feet, Maximum Area 45,000 square feet (7/04)
(Please refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width:
 - (1) Interior lot: 100 feet
 - (2) Corner lot: 120 feet
- (c) Minimum lot yard requirements:
 - (1) Front yard: 35 feet
 - (2) Side yard: 15 feet
 - (3) Rear yard: 45 feet (7/04)
 - (4) Accessory structure: 5 feet (rear and side setback)
- (d) Maximum building height: 35 feet

602.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL (DR-1) SUBDIVISIONS

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

602.9 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 611 for special regulations relating to cluster subdivisions, open spaces and critical environmental areas.
- (e) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force.
(12/14)

602.10 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 615.2 for special regulations relating to cluster subdivisions, open spaces, and critical environmental areas.
- (e) Refer to Section 317 Karst Features for additional requirements. (7/04)

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

603.1 PURPOSE AND INTENT

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

603.2 PERMITTED USES

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

603.3 SPECIAL PERMIT USES

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

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

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

Section 603 Detached Residential-2 (DR-2)

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

603.6 MINIMUM DISTRICT SIZE FOR CLUSTERING
Minimum district size for cluster subdivision: 4 acres

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

- 603.8** OPEN SPACE REQUIREMENTS FOR DR-2 CLUSTER SUBDIVISIONS
- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.

- 603.9** ADDITIONAL REGULATIONS
- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
 - (b) Refer to Section 305 for off-street parking requirements.
 - (c) Refer to specific Overlay Zoning Districts where applicable.
 - (d) Refer to Section 614 for special regulations relating to cluster subdivisions, critical environmental areas, and open spaces.
 - (e) Refer to Section 317 Karst Features for additional requirements. (7/04)
 - (f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. (12/14)

(4/92) SECTION 604 - DETACHED RESIDENTIAL-4 (DR-4) DISTRICT

604.1 PURPOSE AND INTENT

The Detached Residential-4 District is created to provide for single-family detached residences at higher densities than other single-family detached districts. A maximum of four (4.0) units per net developable acre establishes a medium- to low-density district for detached residences. The application of this district shall be to undeveloped tracts lying within the Town of Berryville and within the precincts of the Berryville Plan, as well as to "infill" lots within the existing stable neighborhoods, with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land-use goals may be promoted.

604.2 PERMITTED USES

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

604.3 SPECIAL PERMIT USES

- (a) Bed and breakfast lodging occupying more than 300 square feet of residence.
- (b) Cemeteries.
- (c) Churches and shrines.
- (d) Community buildings, public and private.
- (e) Day care centers and nursery schools. (10/94)
- (f) Fire stations.
- (g) Home occupations as defined in Section 315. (12/93)
- (h) Libraries, museums, and historic markers.
- (i) Plant nurseries with no sale of nursery products permitted on premises.
- (j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities.
- (k) Recreational uses such as public swimming pools, tennis courts, and golf courses.
- (l) Public schools, parks, playgrounds and related uses. (3/09)
- (m) Short-term rentals (XX/XX)**

604.4 MAXIMUM DENSITY

- (a) Four (4.0) dwelling units per net developable acre.
- (b) A maximum floor area ratio of 0:15 shall apply to uses other than residential.

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

- (1/93)
- (a) Lot area: Minimum--10,000 square feet; maximum - 30,000 square feet (7/04). (Refer to Section 614 regarding the impact of critical environmental areas on lot Size requirements.

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- (b) Minimum lot width
 - (1) Interior lot: 75 feet
 - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
 - (1) Front yard: 20 feet for primary structures;
25 feet for garages, carports or other structures used to house vehicles (7/04)
 - (2) Side yard: 10 feet
 - (3) Rear yard: 30 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (5/94) (d) Maximum building height: 35 feet

604.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISIONS

Minimum district size for cluster subdivision: two (2) acres.

604.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTERED LOTS

- (a) Minimum lot area: 7,500 square feet.
Maximum lot area: 20,000 square feet (7/04)
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width
 - (1) Interior lot: 60 feet
 - (2) Corner lot: 75 feet
- (c) Minimum yard requirements
 - (1) Front yard: 15 feet for primary structures;
25 feet for garages, carports, or other structures used to house vehicles (7/04)
 - (2) Side yard: 10 feet
 - (3) Rear yard: 25 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setback)
- (5/94) (d) Maximum building height: 35 feet

604.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL SUBDIVISIONS

- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.
- (b) In cluster subdivisions, at least one-fourth (1/4) of the required open space (five {5} percent of the net site area) shall be developed and designed for recreational and active community open space.

Section 604 Detached Residential-4 (DR-4)

604.9 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts, where applicable.
- (d) Refer to Section 615 for special regulations relating to cluster subdivisions, critical environmental areas, and open space.
- (e) Refer to Section 317 Karst Features for additional requirements. (7/04)
- (f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. (12/14)

SECTION 605 - ATTACHED RESIDENTIAL (AR) DISTRICT

605.1 PURPOSE AND INTENT

The Attached Residential (AR) District is created to provide for single-family attached residences at locations compatible with the Berryville Comprehensive Plan and at locations within the precincts of the Berryville Area Plan. A maximum density of six (6) units per net developable acre establishes this district as one recognizing townhouse-styled units as the dominant land use; however, single-family dwellings may also be developed in this district where appropriate. This district may be applied to undeveloped tracts and to existing townhouse development with the intent of preserving natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging attached housing with compatible scale, materials and architectural character. Development in the AR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of high-quality transportation improvements while achieving optimal siting of dwellings, recreation areas, community facilities, and open space.

605.2 PERMITTED USES

- (a) Townhouse dwellings. An accessory structure, less than or equal to 120 square feet in area, is permitted on a private townhouse lot.
- (b) Duplex (two-family) attached dwellings and accessory structures
- (8/01) (c) Single-family detached dwellings
- (d) Private community facilities, recreation areas, and other common area improvements normally associated with residential developments (other than those requiring special use permits) may be permitted subject to final site plan approval.
- (e) Municipal utilities

605.3 SPECIAL PERMIT USES (8/01)

- (a) Churches
- (b) Community buildings
- (c) Commercial and private swimming pools and tennis courts
- (10/94) (d) Day care centers
- (e) Fire stations
- (f) Government offices
- (g) (Deleted 2010)
- (h) Institutional housing and general care for indigents or orphans
- (i) Libraries
- (j) Nursery schools
- (k) Private and public schools, parks, playgrounds, and related uses
- (n) Private clubs
- (o) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities. (Refer to Section 615 regarding the impact of critical environmental areas on lot size requirements.)
- (p) Zero-lot-line detached dwellings
- (q) Short-term rentals (XX/XX)**

605.4 MAXIMUM DENSITY

Maximum density:
Six (6) dwelling units per net developable acre.

605.5 MINIMUM DISTRICT SIZE

Minimum District Size: Three (3) acres.

605.6 LOT SIZE AND BULK REQUIREMENTS FOR TOWNHOUSE-STYLE DWELLINGS

- (a) Minimum lot area
 - (1) Interior lot: 2,000 square feet
 - (2) Corner lot: 2,400 square feet
 - (3) Condominium: Not regulated
- (b) Minimum lot width
 - (1) Interior lot: 20 feet
 - (2) Corner lot: 35 feet
 - (3) Condominiums subject to plan review and applicable performance zoning criteria.
- (c) Minimum yard requirements
 - (1) Front yard: 15 feet
 - (2) Side yard for end unit: 15 feet
 - (3) Rear yard: 30 feet
 - (4) Accessory structures: 5 feet (rear and side setback)
- (d) Maximum building height: 35 feet
- (e) Maximum Floor Area ratio (FAR): for non-residential uses - 0.25, or as otherwise dictated by applicable performance zoning criteria.
- (f) Other: Where a lot is to be divided into individual lots for the sale of single-family attached dwelling units:
 - (1) Lot lines shall conform with party wall centerlines and
 - (2) A privacy yard, having a minimum of two hundred (200) square feet, shall be provided on each lot. Privacy yards shall include screening, fencing, patio paving, and/or special landscaping treatment.

605.7 LOT SIZE AND BULK REGULATIONS FOR DUPLEXES

- (a) Minimum lot size:
 - (1) 10,000 square feet for total duplex structure
 - (2) 4,500 square feet each separate unit within a duplex
- (b) Minimum lot width:
 - (1) 75 feet per duplex structure
 - (2) 35 feet for each unit of a duplex
- (c) Minimum yard requirements:
 - (1) Front yard: 25 feet
 - (2) Side yard: 10 feet
 - (3) Rear yard: 40 feet (residences)
- (d) Maximum building height: 35 feet
- (e) Maximum lot coverage: 35 percent

Section 605 Attached Residential (AR) District

- (g) Other: Where a lot is to be subdivided into individual lots for the sale of single-family attached units, lot lines shall conform with party wall centerlines.

605.8 LOT SIZE AND BULK REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS

- (a) Minimum lot size: 7,500 square feet
- (b) Minimum lot width: 60 feet
- (c) Minimum setback: 20 feet or more from a right-of-way 50 feet or more in width; 35 feet or more from the center of any street right-of-way less than 50 feet in width. (5/94)
- (d) Minimum yard requirements
 - (1) Side yard: 10 feet, except for corner lots, the side yard facing the side street shall be 20 feet or more for both main and accessory buildings.
 - (2) Rear yard: 40 feet
 - (3) Accessory structures: 5 feet from side and rear lot lines, except as noted above in 605.8(d)(1).

605.9 OPEN SPACE REQUIREMENTS FOR TOWNHOUSE DEVELOPMENTS

- (a) An open space plan and landscape design program shall be submitted with applications for townhouse-style developments.
- (b) Thirty (30) percent of the net site area shall be open space dedicated to common usage and ownership.
- (c) At least twenty (20) percent of the required open space (six [6] percent of the net site area) shall be designed and developed as recreational and active community open space.
- (d) Refer to Section 615 regarding the impact of critical environmental areas on open space requirements.

605.10 OPEN SPACE REQUIREMENTS FOR DUPLEX DEVELOPMENTS

- (a) An open space plan shall be submitted with applications for duplex-style developments in this district.
- (b) Ten (10) percent of the net site area shall be open space dedicated to common usage and ownership.

605.11 ADDITIONAL REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

- (a) Parking, parking access, and parking drives
 - 1. Two (2) off-street (private) parking spaces per dwelling unit shall be provided and shall be located not more than one hundred (100) feet from the individual dwelling unit served.
 - 2. Private driveways and parking bays shall be no closer than twelve (12) feet to any adjoining property line.
 - 3. Separate parking spaces shall be allocated and reserved for recreational vehicle parking and special guest parking. The number of parking spaces allocated for recreational vehicles shall be one (1) recreational vehicle

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parking space per six (6) dwelling units. The number of spaces for guest parking shall be one (1) space for every two (2) dwelling units.

4. Refer to Section 305 for additional off-street parking requirements.

(b) Streets

1. Attached dwelling units shall have access to a private street with a minimum width of twenty-two (22) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
2. No attached dwelling unit may be accessed directly from a public street unless approved by a Special Use Permit. In such case, the dwelling(s) must conform to AR District setback requirements.
3. No private street shall be located within twelve (12) feet of any property line.

(c) Setback, yards, buffering, separation, and grouping of units

1. Where adjacent properties are zoned to a district other than the AR District, all AR buildings shall be set back at least forty (40) feet from the common property line(s).
2. Where an attached residential building or group of attached residential buildings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of fifteen (15) feet from that drive, area, and/or walk.
3. Adjacent townhouse-style dwelling units with their accompanying lots shall be separated from one another by a minimum of fifteen (15) feet. This separation shall allow an unobstructed fire lane on all sides of the structure.
4. No more than eight (8) single-family attached residences (townhouses) shall be included in any one physically contiguous grouping.
5. Common property lines shall be screened and landscaped. Refer to Section 309.7 for additional landscaping and buffering requirements.

(d) Maintenance of improvements, covenants, and required improvements

1. For any development in the AR District, all common improvements (including open space, recreational facilities, private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the developer-owner of the A-R development until such time as the developer-owner conveys such common area to a nonprofit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.
2. Deed restrictions and covenants shall be included with the conveyance to include, among other things, those assessments, charges, and costs of maintenance of such common areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Furthermore, covenants shall specify the means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways parking areas, snow removal, and travel ways.
3. All deed restrictions, covenants, nonprofit (homeowners') entity incorporation documents, and information related to conveyance programs

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shall be prepared by the developer-owner. These papers and documents shall be submitted with the plat and plans, and shall be approved by the Town's legal representative.

4. On-site lighting, signing, and mailboxes shall be provided and installed by the owner-developer of townhouse developments. These improvements shall be of compatible scale, materials, and colors.

605.12 SITE PLAN AND MASTER PLAN REQUIREMENTS

- (a) Development of all townhouse projects shall require site plan approval.
- (b) Development of any townhouse project that is to be built in phases shall require a master plan which is intended to serve as the master land use plan for the specific development proposal. Final engineering designs and final plats shall be in conformance with the development's master plan.

605.13 GENERAL REGULATIONS

- (a) All refuse shall be contained in completely enclosed and screened facilities.
- (b) Refer to Section 309.9 for drainage regulations.
- (c) Refer to specific Overlay Zoning Districts, where applicable.

605.14 CONDOMINIUMS

Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:

- (a) Minimum lot size and yard and open space requirements of the district shall be met as if lot lines existed.
- (b) A site plan shall be required and subject to review by the Planning Commission. The site plan shall govern the location of all structures and improvements.
- (c) Setbacks, density, and other district requirements shall be met.

SECTION 606 MULTIFAMILY RESIDENTIAL (MR) DISTRICT

606.1 PURPOSE AND INTENT

The Multifamily Residential (MR) District is created to provide for multifamily residences at locations compatible with the Berryville Area Master Plan's goals for high-density residential development. A maximum density of ten (10) units per net developable acre establishes this district as one recognizing garden-styled apartment or condominium units as the dominant land use. Housing for the elderly is encouraged under this district. Townhouses are permitted in this district, subject to the AR District regulations. The application of this district shall be to undeveloped tracts lying within the Town of Berryville with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging multifamily and attached housing with compatible scale, materials, and architectural character. Development in the MR District shall be sensitive to land physiography, provision of adequate public infrastructure, and development of quality transportation improvements while achieving optimal siting of dwellings, recreation areas, community facilities, and open space.

606.2 PERMITTED USES

- (a) Multifamily attached dwellings.
- (b) Townhouse dwellings. An accessory structure, less than or equal to 120 square feet in area, is permitted on a private townhouse lot.
- (c) Duplex and two-family attached dwellings and accessory structures.
- (d) A mix of dwelling types as set forth above.
- (e) Private community facilities, recreation areas, and other common area improvements normally associated with residential developments (other than those requiring special use permits) shall be permitted, subject to a generalized development plan and final site plan approval process.

606.3 SPECIAL PERMIT USES

- (a) Churches
- (b) Commercial swimming pools and tennis courts
- (c) Community association facilities
- (d) Community buildings, public and private
- (e) Day care centers
- (10/94) (f) Fire stations
- (g) Government offices
- (h) (Deleted 2010)
- (i) Institutional housing and general care for indigents and orphans
- (j) Libraries
- (k) Licensed nursing homes
- (l) Nursery schools
- (m) Private clubs
- (n) Private schools and related uses
- (r) Private swimming pools and tennis courts
- (s) Public schools, parks, playgrounds, and related uses

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- (t) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities
- (u) Zero-lot-line dwellings
- (v) In townhouse developments, private accessory structures larger than 120 square feet in area.
- (w) Short-term rentals (XX/XX)**

606.4 MAXIMUM DENSITY

- (a) Multifamily dwellings: ten (10) dwelling units per net developable acre.
- (b) Attached dwellings: six (6) dwelling units per net developable acre.

606.5 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres.

606.6 REGULATIONS FOR DUPLEXES

Refer to Section 605 for general regulations.

606.7 REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

Refer to Section 605 for general regulations.

606.8 MULTIFAMILY DWELLINGS

- (a) Minimum lot area: Dwellings must be sited with respect to physiographic, air, solar, and environmental characteristics of their lots and to their relationship to adjoining properties.
- (b) Maximum building height: 40 feet
- (c) Minimum yard requirements
 - (1) Front yard: 25 feet
 - (2) Side yard: 20 feet
 - (3) Rear yard: 30 feet
- (d) For nonresidential uses, the maximum floor area ratio shall be 0.25, based on net developable area, and as otherwise dictated by applicable performance zoning criteria.
- (e) An open space plan and landscape design program shall be submitted with applications for any land use governed by this district.
- (f) Thirty (30) percent of the gross site area shall be open space, dedicated to common usage and ownership.
- (g) One-third (1/3) of the open space (ten [10] percent of the gross site area) shall be developed and designated as recreational and active community open space.

606.9 PARKING AREAS, DRIVEWAYS, AND WALKWAYS IN MULTIFAMILY DEVELOPMENTS

- (a) Two off-street (private) parking spaces per dwelling unit shall be provided and located not more than one hundred (100) feet from the individual dwelling unit served.
- (b) Additional parking spaces shall be provided and designated for recreational vehicle parking and special guest parking. One (1) recreational vehicle parking space per

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twelve (12) dwelling units shall be required in the MR District. The number of spaces for guest parking shall be one (1) space for every two (2) dwelling units.

- (c) The location, spacing, and number of private driveway entrances serving any MR development shall comply with the adopted Transportation Plan for the Berryville Area and shall be subject to final approval by the Town Council or its agent.
- (d) Private driveways and parking bays shall be at least twelve (12) feet from any adjoining property line. Parking areas, driveways, and walkways intended for the common use of the development's occupants shall be placed at least fifteen (15) feet from all multifamily residential buildings.
- (e) Refer to Section 305 for additional off-street parking requirements.

606.10 STREETS IN MULTIFAMILY DEVELOPMENTS

- (a) Attached and multifamily dwelling units shall have access to a private street with a minimum width of twenty-two (22) feet. The paved street shall be constructed according to Virginia Department of Transportation standards.
- (b) No multifamily dwelling may be accessible directly from a public street. No attached dwelling unit may be accessed directly from a public street unless approved by a special use permit. In such case, the dwelling(s) must conform to MR District setback requirements.

606.11 SETBACK, YARDS, BUFFERING, SEPARATION, AND GROUPING OF MULTIFAMILY BUILDINGS

- (a) Where adjacent properties are zoned to a district other than the MR District, all MR buildings shall be set back at least forty (40) feet from the common property line(s).
- (b) Where an attached residential building or group of attached residential buildings are adjacent to a private drive, parking area, and/or walkway intended for the common use of the development's occupants, there shall be a minimum building setback of fifteen (15) feet from that drive, area, and/or walk.
- (c) No more than twenty-four (24) residential units shall be located within any one physical building structure. A waiver for this regulation may be given for those development proposals that are exclusively for elderly housing.
- (d) Multifamily dwelling structures shall have side yards separating individual buildings by a distance not less than the height of the tallest residential structure. Rear yards separating individual buildings shall be equal to one and one-half (1-1/2) times the height of the tallest structure. The larger yard size shall govern in instances where side and rear yard definition is subject to interpretation.
- (e) Common property lines shall be screened and landscaped. Refer to Section 310.8 for additional landscaping and buffering requirements.

606.12 MAINTENANCE OF IMPROVEMENTS, COVENANTS, AND REQUIRED IMPROVEMENTS

- (a) For any development in the M-R District, all common improvements (including open space, recreational facilities private streets, walkways, parking areas, and other community facilities) shall be maintained by and be the sole responsibility of the developer-owner of the M-R development until such time as the developer-

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owner conveys such common area to a nonprofit (homeowners') entity consisting of at least all of the individual owners of the dwelling units in the development.

- (b) Deed restrictions and covenants shall be included with the conveyance to include, among other things, that assessments, charges, and costs of maintenance of such common areas shall constitute a pro rata share lien upon the individual dwelling lots, such lien inferior only to taxes and recorded trusts. Furthermore, covenants shall specify means by which the nonprofit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, parking areas, snow removal, and travel ways.
- (c) All deed restrictions, covenants, nonprofit (homeowners') entity incorporation documents and information related to conveyance programs shall be prepared by the developer-owner. These papers and documents shall be submitted with the plat and plans, and shall be approved by the Town's legal representative.
- (d) On-site lighting, signing, and mailboxes shall be provided and installed by the owner-developer of townhouse or multifamily developments. These improvements shall be of compatible scale, materials, and colors.

606.13 SITE PLAN AND MASTER PLAN REQUIREMENTS

- (a) Development of any and all sections within the M-R District shall require site plan approval.
- (b) Development of any project under M-R District zoning provisions shall require a master plan for the specific development proposal. Final engineering designs and final plats shall be in conformance with the development's master plan.
- (c) A parking and traffic impact study shall be provided with the submission of a preliminary site plan or master plan.

606.14 GENERAL REGULATIONS

- (a) No privately-owned accessory buildings shall be permitted on multifamily building lots.
- (b) All refuse shall be contained in completely enclosed and screened facilities.
- (c) Refer to Section 310.10 for drainage regulations.
- (d) Refer to specific Overlay Zoning Districts, where applicable.

606.15 CONDOMINIUMS

Any condominium development under the Condominium Laws of Virginia shall be subject to the following provisions:

- (a) Minimum lot size and yard requirements of the district shall be met as if lot lines existed.
- (b) A master plan shall be required and subject to review by the Planning Commission and approved by the Town Council. The master plan shall govern the location of all site structures and improvements on final plans.
- (c) Setbacks, density, and other district provisions shall be met.
- (d) Condominiums are subject to site plan review and applicable performance zoning criteria.

SECTION 607 - C-1 COMMERCIAL DISTRICT

607.1 PURPOSE AND INTENT

The C-1 Commercial District is established to provide selected locations in the Town of Berryville for light commercial activities that do not adversely impact adjoining residential neighborhoods. The C-1 District is intended to accommodate local retail uses at locations compatible with the Berryville Area Master Plan.

607.2 PERMITTED USES

- (12/00)
- (a) Assembly of high-tech components and/or systems (not including manufacturing)
 - (b) Restaurants, exclusive of fast-food restaurants
 - (c) Newspaper office buildings, including printing and publishing facilities incidental to such uses
 - (d) Quick-service stores with limited hours of operation (6:00 a.m. – 10 p.m.).
 - (e) Civic and public benefit organizations
 - (f) Churches and other places of worship
 - (g) Government and other public buildings (including libraries, post offices, police stations, fire stations, and rescue squads)
 - (h) Financial institutions without drive-in facilities
 - (i) Hospitals, nursing, convalescent, or rest homes, in accordance with Section 311
 - (j) Funeral homes
 - (k) Furniture repair
 - (l) Business and professional offices
 - (m) Personal services (including music services, barber and beauty shops, tailor shops)
 - (n) Printing shops
 - (o) Retail stores with a maximum gross floor area of 5,000 square feet for each free-standing business or for each business in a shopping center. (07/05)
 - (p) Day care centers (10/94)
 - (q) Auction House (11/02)

607.3 SPECIAL PERMIT USES

- (12/00)
- (a) Broadcast studios
 - (b) Business services and supply establishments
 - (c) Car wash
 - (d) Commercial recreational establishments
 - (e) Drive-in banking facilities (10/94)
 - (f) Fast-food restaurants
 - (g) Hardware stores
 - (h) Laundromats
 - (i) Movie theaters
 - (j) Plant nurseries
 - (k) Public billiard parlors and pool rooms, bowling alleys, dance halls, health spas and clubs
 - (l) Public utilities and related easements, except municipal utilities
 - (m) Quick-service stores with unlimited hours of operation

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- (n) Residential apartments, as a secondary use to principal structure
- (o) Retail stores over 5,000 square feet for each free-standing business or for each business in a shopping center, not to exceed a maximum of 15,000 square feet for each free-standing business or for each business in a shopping center. (07/05)
- (p) Repair service establishments, without outdoor service and/or outdoor storage
- (q) Service stations (without outdoor storage)
- (r) Single-family detached dwellings (9/96)
- (s) Schools, public or private
- (t) Three-story buildings
- (u) Veterinary hospitals
- (v) Wood product manufacturing (NAICS 321) except 3211 sawmills and wood preservation (12/11)
- (w) Craft beverage manufacturing (02/18)
- (x) **Short-term rentals (XX/XX)**

607.4 MAXIMUM FLOOR AREA RATIO

The maximum floor area ration (FAR)—based on the net developable area of a lot—shall not exceed 0.25.

607.5 MINIMUM DISTRICT SIZE

Minimum district size: 1 acre

607.6 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

- (a) Minimum lot area: 10,000 square feet
- (b) Minimum lot width: 100 feet
- (c) Maximum building height: 40 feet
- (d) Minimum yard requirements
 - (1) Front yard: 30 feet
 - (2) Side yard: 10 feet
 - (3) Rear yard: 30 feet

607.7 OPEN SPACE

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

607.8 PARKING AREA REGULATIONS FOR THE C-1 COMMERCIAL DISTRICT

- (a) All parking areas shall be located at least ten (10) feet from any property line except that parking areas may adjoin each other across common C-1 district property lines. Parking areas must be located at least thirty (30) feet from properties in contiguous residential districts.
- (b) All parking areas shall consist of off-street, on-site spaces and shall include designated spaces for the handicapped and elderly.
- (c) Refer to Section 305 for additional off-street parking requirements.

607.9 LANDSCAPING, BUFFERING AND SETBACK ADJACENT TO RESIDENTIAL AREAS

- (a) Where a lot is contiguous to a property located in any residential district, all buildings shall have a minimum setback of forty (40) feet from common property lines (5/94).
- (b) A landscaped buffer strip of fifteen (15) feet in width shall be provided, with landscape materials and placement subject to final plan approval. This buffer strip may be reduced to ten (10) feet with suitable fencing, but in such cases fence design shall be subject to final plan approval.

607.10 STORAGE OF MATERIALS AND REFUSE

- (a) The outdoor area devoted to storage, loading and display of goods shall be limited to that area so designated on an approved site plan.
- (b) Any establishment involved with the storage of fuel for sale, or for other purposes, shall be permitted only if the fuel is stored underground, except where otherwise permitted under provisions granted and other stipulations required by special use permit by the Town Council.
- (c) All refuse shall be contained in completely enclosed facilities and shall be screened.

607.11 STREET ENTRANCES

- (a) On a corner lot, no street entrance shall be located closer than sixty (60) feet to the curb line extended from the intersecting street.
- (b) (DELETED 4/98)
- (c) A freestanding use shall have no more than two street entrances on any single right-of-way.

607.12 GENERAL REQUIREMENTS

- (a) All uses shall be subject to final site plan approval.
- (b) Refer to Section 306 for off-street loading requirements.
- (c) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (d) Refer to specific Overlay Zoning Districts, where applicable.

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

The L-1 Industrial District is established to provide locations within the Town of Berryville for a broad range of general light-industrial uses, recreational and event venues, infill development, and employment-related businesses operating under well-governed performance standards. The specific uses permitted within the L-1 District must be in harmony with the cultural and environmental character of the Town of Berryville. No use should be permitted that might be harmful to the adjoining land uses and the residential ambience of the community at large. Adaptive reuse is encouraged in the L-1 District. Outdoor storage and heavy industrial uses are discouraged but may be permitted by special use and environmental performance review. The L-1 District recognizes and is to be applied to existing conforming industry in the Town of Berryville as of the date of adoption of this District. Existing industrial uses shall be considered as satisfying the purpose and intent of the L-1 District, but expansion of existing industrial uses shall conform to the provisions herein. (08/16)

609.2 PERMITTED USES (12/94)

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

- (s) Welding shops
- (t) Craft beverage manufacturing (03/18)

609.3 SPECIAL PERMIT USES

- (a) All above permitted uses requiring outdoor storage (10/94)
- (b) Day care centers (12/94)
- (c) Eating establishments including microbreweries, wineries, and distilleries (05/95, 08/16)
- (d) Heliports
- (e) Laundry and dry cleaning establishments
- (f) Lumber yards and building materials establishments
- (g) Motor freight terminals
- (h) Retail sales incidental to a manufacturing, production or related use, provided that:
 - a) the gross floor area used for retail purposes (excluding storage) shall not occupy more than five-thousand (5,000) square feet of gross floor area on any one lot, and shall not exceed twenty-five (25) percent of the total floor area for the site; and
 - b) the areas dedicated for retail uses must be indicated on an approved site plan.The provisions of this Section shall not apply to those permitted or special permit uses for which retail sales are a primary activity. (12/07)
- (i) Scientific research, development, and training establishments
- (j) Service stations
- (k) Vehicle and machinery sales and rentals
- (l) Recreation, commercial indoor (06/10)
- (m) Retreat and conference centers (08/16)
- (n) Residential lofts and apartments (08/16)
- (o) Wholesale/retail food hubs (08/16)
- (p) Commercial kitchens (08/16)
- (q) Hotels, motels, and accommodations (08/16)
- (r) Short-term rentals (XX/XX)**

609.4 PROHIBITED USES

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

- (a) Asphalt mixing plants
- (b) Blast furnaces
- (c) Boiler works
- (d) Bulk storage of flammable materials
- (e) Coal, wood or wood distillation
- (f) Concrete mixing and batching products
- (g) Extraction or mining of rocks and minerals
- (h) Garbage incineration
- (i) Junk yards
- (j) Landfills
- (k) Manufacture of ammonia, chlorine, fertilizer, lime, cement, fireworks, explosives, soaps, acids, pesticides, herbicides or insecticides
- (l) Metal foundries and smelting
- (m) Petroleum, asphalt or related product refining
- (n) Rendering plants
- (o) Slaughterhouses

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- (p) Stockyards
- (q) Tanning and curing of skins
- (r) Any other similar use which in the opinion of the Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause

609.5 MAXIMUM LOT COVERAGE

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

609.6 MINIMUM DISTRICT SIZE

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

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

609.8 OPEN SPACE

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

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

609.10 SETBACK, BUFFERING AND LANDSCAPING

- (a) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, all buildings shall have a minimum 60-foot setback from lot lines. In particular instances the Town Council may waive the 60-foot setback requirement, upon recommendation from the Planning Commission. (5/94)

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- (b) Where an L-1 lot is contiguous to property located in a district other than an L-1, I, C-1 or C-2 District, a landscaped buffer strip of 30 feet in width shall be provided, with landscape materials and placement subject to final plan approval. Where contiguous to a C-1 or C-2 District property, the landscaped buffer strip shall be 15 feet. Approved fencing or additional buffering may be used in lieu of landscaping. (5/94)

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

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

609.12 STREET ENTRANCES

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

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

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

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- (d) Applications for all uses subject to special use permits shall be accompanied by a report indicating the compliance with and use compatibility issues related to the Town's applicable performance standards.

609.14 ADDITIONAL REQUIREMENTS

- (a) Public Streets within the L-1 District shall be constructed to industrial road standards as determined by the Town Council or its agent. Sidewalks may be required on one or both sides of the street.
- (b) Common property ownership agreements and covenants for L-1 District developments shall be reviewed and approved by the Town Council or its agent.
- (c) Refer to Section 306 for off-street loading requirements.
- (d) Refer to Sections 301-304 for general regulations and other provisions which may supplement those cited herein.
- (e) Refer to specific Overlay Zoning districts, where applicable.

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. 9-36. 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:
- (1) name, telephone number, mailing address, and email address of property owner;
 - (2) name, telephone number, mailing address, and email address of operator, if different;
 - (3) address of property;
 - (4) emergency contact telephone number and email address;
 - (5) number of bedrooms and maximum occupancy of short-term rental unit(s);
 - (6) listing platforms that will be used for advertisement of unit(s);
 - (7) Copy of Town of Berryville Business License;
 - (8) copy of certificate of occupancy issued by Clarke County Building Department; and
 - (9) 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 operator 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)

Sec. 9-2. - Definitions.

For the purposes of this chapter, unless otherwise required by the context:

Affiliated group means:

- (1) One or more chains of includable corporations connected through stock ownership with a common parent corporation which is an includable corporation if:
 - a. Stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of each of the includable corporations, except the common parent corporation, is owned directly by one or more of the other includable corporations; and
 - b. The common parent corporation directly owns stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of at least one of the other includable corporations. As used in this subdivision, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The term "includable corporation" means any corporation within the affiliated group irrespective of the state or country of its incorporation; and the term "receipts" includes gross receipts and gross income.
- (2) Two (2) or more corporations if five (5) or fewer persons who are individuals, estates or trusts own stock possessing:
 - a. At least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote or at least eighty percent of the total value of shares of all classes of the stock of each corporation, and
 - b. More than fifty (50) percent of the total combined voting power of all classes of stock entitled to vote or more than fifty (50) percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

When one (1) or more of the includable corporations, including the common parent corporation is a nonstock corporation, the term "stock" as used in this subdivision shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

Assessment means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

Assessor or assessing official means the town manager/treasurer of the Town of Berryville.

Base year means the calendar year preceding the license year, except for contractors subject to the provisions of the Code of Virginia, § 58.1-3715, and except for beginning businesses, as set forth in section 9-13 herein.

Business means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one (1) business. The following acts shall create a rebuttable presumption that a person is engaged in a business:

- (1) Advertising or otherwise holding oneself out to the public as being engaged in a particular business; or
- (2) Filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

Contractor shall have the meaning prescribed in § 58.1-3714.B of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

Definite place of business means an office or a location at which occurs a regular and continuous course of dealing for thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis; and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not licensable as a peddler or itinerant merchant.

Financial Services means the buying, selling, handling, managing, investing, and providing of advice regarding money, credit, securities and other investments and shall include the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this chapter.

- (1) *Broker* shall mean an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.
- (2) *Commodity* shall mean staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.
- (3) *Dealer* for purposes of this ordinance shall mean any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.
- (4) *Security* for purposes of this ordinance shall have the same meaning as in the Securities Act (§ 13.1-501 et seq.) of the Code of Virginia, or in similar laws of the United States regulating the sale of securities.

Those engaged in rendering financial services include, but without limitation, the following:

Buying installment receivables
Chattel mortgage financing
Consumer financing
Credit card services
Credit Unions
Factors
Financing accounts receivable
Industrial loan companies
Installment financing
Inventory financing
Loan or mortgage brokers
Loan or mortgage companies
Safety deposit box companies
Security and commodity brokers and services
Stockbroker

Working capital financing

Gross receipts means the whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia.

State Law reference— Code of Virginia, §§ 58.1-3732, 58.1-3732.1 and 58.1-3732.2.

License year means the calendar year for which a license is issued for the privilege of engaging in business.

Personal services shall mean rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this ordinance, or rendered in any other business or occupation not specifically classified in this ordinance unless exempted from local license tax by Title 58.1 of the Code of Virginia.

Those engaged in conducting or rendering personal services include, but without limitation, the following:

Addressing letters or envelopes

Ambulance service

Answering service

Barbershop, beauty parlor, hairdressing establishment

Bicycle repair

Business consulting services (excluding professional services as defined herein)

Business and office machines repair and service

Chartered club

Cleaning chimneys or furnaces

Clinical laboratory

Correspondence establishment or bureau

Day nursery (other than foster homes)

Dental laboratory

Dressmaking, slipcovers, upholstering, drapery or curtain making

Electrical and home appliance repair

Exterminating, fumigating or disinfecting service

Funeral services and crematories

Furniture/upholstery refinishing and repair

Gunsmith or gun repairing

Hauling or transfer (excluding taxicab services)

Hotels, motels, bed and breakfast establishments

House-cleaning service

Janitorial service

Jewelry repair (including watches and clocks)

Job printer, printing shop, duplicating services

Kennel or small animal hospital

Laundry and/or dry cleaning services and establishments
Machine shop or boiler shop
Massage therapy (excluding massage parlors)
Messenger service, excluding telephone or telegraph services
Leasing or renting of motor vehicles, trucks and trailers
Nursing or convalescent home
Packing, crating, shipping, hauling or moving goods or chattel for others
Photographer (excluding non-resident photographic services)
Physicians, registry or nurses' registry
Picture framing or gilding
Private school (other than religious or nonprofit)
Renting any kind of tangible personal property not taxable under another section of this ordinance
Secretarial service
Shoe repair
Storage (all types)
Tire repair
Title insurance company
Tree surgery, trimming and removal
Vehicle and engine repair of any kind
Washing, cleaning, detailing of automobiles
Welding shops and services

In addition, any service rendered for compensation to any business, trade or occupation licensed under this chapter or to any governmental agency, unless such service is specifically provided for under another section of this chapter; any other personal service occupations, including any service rendered for compensation to private individuals, not provided for in another section of this chapter; and any other repair service, including repairing, renovating or servicing any article or item of personal property, unless such service is specifically provided for in another section of this chapter.

Professional services means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to § 58.1-3701 of the Code of Virginia. The department shall identify and list each occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The word "profession" implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

Purchases shall mean all goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesaler or wholesale merchant and sold or offered for

sale. Such merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine or chooses not to disclose the cost of manufacture.

Real estate services shall mean rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this ordinance, and such services include, but are not limited to, the following:

Appraisers of real estate

Escrow agents, real estate

Fiduciaries, real estate

Lessors of real property, excluding any person, firm or corporation engaged 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

Real estate agents, brokers and managers

Real estate selling agents

Rental agents for real estate.

Retailer or Retail merchant shall mean any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

Services shall mean things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

Short-term rental shall mean 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.

Wholesaler or Wholesale merchant shall mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial, government and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

(Ord. of 12-10-96)

Town Council Agenda Item Report Summary

September 12, 2023

Item Title

Set Public Hearing – Planning and Zoning Fees

Prepared By

Christy Dunkle

Background/History/General Information

The Town of Berryville has not updated the Planning and Zoning fee schedule since 2012. This schedule includes fees for zoning and subdivision actions, permits, and activity within the Town's right-of-way (e.g., entrance permits).

Town staff used a Consumer Price Index (CPI) multiplier as a guide for the proposed fee increases. Staff also reviewed similar fee schedules within the region.

Findings/Current Activity

N/A

Schedule/Deadlines

Set a public hearing for the October 10, 2023 meeting.

Other Considerations

N/A

Recommendation

Set a public hearing for the October 10, 2023 meeting.

Sample Motion

I move that the Council of the Town of Berryville set a public hearing for proposed changes to the Planning and Zoning Fee Schedule.

Attachment:

- Planning and Zoning Fee Schedule



PLANNING AND ZONING FEES

DRAFT FOR REVIEW - Effective ~~July 1, 2012~~ October 1, 2023

1. ZONING ORDINANCE

REZONING (MAP AMENDMENTS)

Base Fee	\$4,000 \$5,500
Per Acre Fee after the first acre	\$2,000
Consulting services, if required	Cost

ORDINANCE TEXT AMENDMENT* \$700 \$900

Consulting services, if required..... Cost

* Provided that the Berryville Planning Commission or Town Council agree to sponsor the amendment

SPECIAL USE PERMIT

Residential, including home occupations, short-term rentals, private swimming pools and tennis courts – when required	\$250 \$300 (plus site plan fees)
Commercial/Industrial	\$2,000 \$2,500 (plus cost of site plan)
Consulting services, if required.....	Cost

SITE DEVELOPMENT PLANS

Residential (New/Major Revision)	\$2,000 \$2,500
Per dwelling unit	\$125 \$150
Commercial/Industrial (New/Major Revision).....	\$4,000-\$5,500
Plus Per required parking space	\$125 \$150
Minor revision/administrative review.....	\$125 \$150
Consulting services, if required	Cost

BOARD OF ZONING APPEALS

Variance	\$500 \$650
Per request, for two or more at same meeting	\$225 \$325
Appeals	\$500 \$650 (if finding for citizen, then fee refunded)
Consulting services, if required.....	Cost

SIGN PERMITS \$25 \$35

EROSION/SEDIMENT CONTROL PERMITS

Base Fee	\$500 \$650
Per Disturbed Acre Fee	\$50 \$75
Consulting services, if required.....	Cost

ZONING PERMITS

Residential Accessory Building	\$50
Temporary Family Health Care Structure	\$100 \$150
Residential Additions (incl. decks, porches, basement remodeling, and swimming pools)	\$75
Fence Permits	\$50
Residential	\$200 \$300
Commercial/Industrial	\$250 \$350

ZONING DETERMINATION LETTER\$175 \$200
 (Identification of property zoning and permitted uses requiring interpretation of Town regulations)

2. SUBDIVISION ORDINANCE

SUBDIVISION PLATS (Minor)\$500 \$650
 (Two lots with no public improvements-pursuant to Article IIE)

PRELIMINARY PLATS (Major)

Base Fee\$4,000 \$5,550
 Per Lot Fee\$50 \$100

FINAL PLATS (Major)

Base Fee\$1,000 \$1,500
 Per Lot\$50 \$100

Consulting services, if required Cost

INDIVIDUAL LOT GRADING PLANS

Review of Grading Plan Prior to Issuance of Zoning Permit\$150 or at cost, whichever is greater Cost
 Review of As-Built Grading Plan\$150 or at cost, whichever is greater Cost
 Re-review of Grading Plan\$75 or at cost, whichever is greater Cost
 Re-review of As-Built Grading Plan\$75 or at cost, whichever is greater Cost

VACATION OF PLAT\$350 \$450

PLAT REVISIONS/BOUNDARY LINE ADJUSTMENT\$350 \$500 (plus \$50 per lot)

~~3. STORMWATER MANAGEMENT ORDINANCE~~

~~Stormwater Management Plan~~

~~Base Fee\$150
 Per Acre Fee (\$850 maximum)\$25
 Consulting services, if required Cost~~

4. SALE OF PUBLICATIONS

Digital copies are available on the Town's website www.berryvilleva.gov

Zoning, Subdivision, and Stormwater Management Ordinances (single publication) ...\$30
 Comprehensive Plan\$30
 Berryville Area Plan\$20
 Construction Standards Manual\$10

5. COLLECTION PROCEDURES; EXPENSE REIMBURSEMENTS

Payment of all applicable fees and charges established herein shall be made to the Town Treasurer at the time of submission of application for actions pertaining to zoning and subdivision matters. Fees and expenses for professional consulting services deemed necessary by the Town Council for matters pertaining to zoning, subdivision and land development matters shall be reimbursed to the Town at cost, or as may be determined by separate, written agreement duly adopted and entered by the Town Council and the applicant. If payment is not made in a timely fashion, cost of collections (including attorney's fees) will be charged to the applicant.

6. PERMIT FEES FOR ACTIVITY IN THE TOWN OF BERRYVILLE RIGHT-OF-WAY

The application fee for a single permit is \$100 \$150. Additive costs shall be applied as indicated below. The applicant shall submit the total costs for fees which will be reviewed by the Director of Public Works.

Activity	Additive Fee
Private Entrances	None
Commercial Entrance.....	\$150 \$200 for first entrance
.....	\$50 for each additional entrance
Street Connection	\$150 \$200 for first connection
.....	\$50 for each additional connection
Temporary Construction Entrance.....	\$10 for each entrance

Turn Lane	\$10 per 100 linear feet
Crossover	\$500 per crossover
Curb & Gutter	\$10 per 100 linear feet
Reconstruction of Roadway	\$10 per 100 linear feet
Sidewalk	\$10 per 100 linear feet
Traffic Signal.....	\$1,000 \$1,500 per signal installation
Tree Trimming.....	\$10 per acre or 100 feet of frontage
Landscaping	\$10 per acre or 100 feet of frontage
Storm Sewer	\$10 per 100 linear feet
Box Culvert or Bridge	\$5 per linear foot of attachment
Drop Inlet	\$10 per inlet
Paved Ditch	\$10 per 100 linear feet
Under Drain or Cross Drain	\$10 per crossing
Above-ground structure (including poles, pedestals, fire hydrants, towers, etc.)	\$10 per structure
Pole Attachment	\$10 per structure
Span guy.....	\$10 per crossing
Additive guy and anchor	\$10 per guy and anchor
Underground Utility – Parallel	\$10 per 100 linear feet
Overhead or Underground Crossing	\$10 per crossing
Excavation Charge (including Test Bores & Emergency Opening)	\$10 per opening

Time extensions for active permits shall incur a monetary charge equal to one-half the application fee charged to the initial permit. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall equal the application fee.

Accommodation Fees

After Initial installation, the Town Council or a designee shall determine the annual compensation for the use of the right-of-way by a utility, except as provided in 24VAC30-151-740. The rates shall be established on the following basis:

1. Limited Access Crossings - \$50 per crossing.
2. Limited Access Longitudinal Installation - \$250 per mile annual use payment.

ADMINISTRATION/FINANCE

Cash Balance Report

Period Ending 8/31/2023

Town of Berryville

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Bank 1	Bank of Clarke Operating Acct#- 1138499	Balance
	Account	
	100-1140000-0000 B/C OPR	-\$3,168.68
	501-1140000-0000 B/C OPR	-\$161,769.83
	502-1140000-0000 B/C OPR	-\$14,709.96
	Bank 1	Total: -\$179,648.47
Bank 2	Bank of Clarke NOW Acct#- 1138502	Balance
	Account	
	100-1149000-0000 B/C NOW	\$9,351,883.16
	501-1149000-0000 B/C NOW	\$451,108.82
	502-1149000-0000 B/C NOW	\$6,298,067.60
	Bank 2	Total: \$16,101,059.58
Bank 3	Bank of Clarke Payroll Acct#- 1139510	Balance
	Account	
	100-1121000-0000 CASH/ BC PAYROLL	\$64,520.86
	501-1121000-0000 CASH/BC PAYROLL	\$11,107.92
	502-1121000-0000 CASH/BC PAYROLL	\$10,268.84
	Bank 3	Total: \$85,897.62
Bank 4	Bank of Clarke CIP Acct#- 1138405	Balance
	Account	
	100-1123000-0000 BC/CIP CD	\$621,961.11
	501-1123000-0000 BC/CIP	\$3,622,283.93
	502-1123000-0000 BC/CIP	\$4,002,430.69
	Bank 4	Total: \$8,246,675.73
Bank 5	Bank of Clarke SW Acct#- 1138413	Balance
	Account	
	100-1128000-0000 BC/SWMGT CD	\$474,159.60
	Bank 5	Total: \$474,159.60
Bank 6	Bank of Clarke PDAF Acct#- 1138421	Balance
	Account	
	100-1131000-0000 PD ASSET FORFEITURE	\$27,321.06
	Bank 6	Total: \$27,321.06
Bank 7	Bank of Clarke DSR Acct#- 1138456	Balance
	Account	
	100-1124000-0000 BC/RDA DEBT SER RES	\$111,883.94
	Bank 7	Total: \$111,883.94
Bank 9	Bank of Clarke RAU Acct#- 1138472	Balance
	Account	

Cash Balance Report

Period Ending 8/31/2023

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100-1145000-0000 BCC Rau Account		\$947.54
Bank 9		Total: \$947.54
Bank 10	Bank of Clarke VRA Reserve Acct#- 6041647	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	Balance
100-1126000-0000 Cash BC/Proffers Reserve		\$90,593.31
501-1126000-0000 CASH/BC Proffers Reserve		\$0.00
502-1126000-0000 CASH/BC Proffers Reserve		\$0.00
Bank 11		Total: \$90,593.31
Bank 12	Bank of Clarke Performance Bonds Acct#- 1910841	Balance
100-1135000-0000 B/C PERFORMANCE BONDS		\$11,296.81
Bank 12		Total: \$11,296.81
Bank 13	TRUIST Acct#- 5137523625	Balance
100-1130000-0000 CASH/TRUIST		\$568,545.12
501-1130000-0000 CASH/TRUIST		\$0.00
502-1130000-0000 CASH/TRUIST		\$0.00
Bank 13		Total: \$568,545.12
Bank 14	Bank of Clarke PD Contributions Acct#- 5759859	Balance
100-1133000-0000 PD Contributions		\$5,865.67
Bank 14		Total: \$5,865.67

Total Cash Balance:	\$26,014,597.51
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Check Listing

Date From: 8/1/2023 Date To: 8/31/2023
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

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Check Number	Bank	Vendor	Date	Amount
8250	1	AXON ENTERPRISE, INC.	08/02/2023	\$12,692.68
8251	1	BRIGNONI OTERO PATRICIA S 10664	08/02/2023	\$187.88
8252	1	CITLALLI APARICIO KLINGENBERG	08/02/2023	\$110.60
8253	1	Commonwealth Engineering & Sales	08/02/2023	\$3,622.45
8254	1	CORE & MAIN LP	08/02/2023	\$16,203.22
8255	1	DOTEH ALBERT MENSAH	08/02/2023	\$201.86
8256	1	EAHEART INDUSTRIAL SERVICES, INC	08/02/2023	\$1,105.00
8257	1	ERIC BOUTIELLER	08/02/2023	\$186.86
8258	1	Fire Protection Company, LLC	08/02/2023	\$58.00
8259	1	Gwen Malone	08/02/2023	\$40.00
8260	1	JOHN R RODGERS	08/02/2023	\$201.86
8261	1	Kim S. Kemp	08/02/2023	\$40.00
8262	1	MICHAEL EUGENE BELL JR	08/02/2023	\$40.00
8263	1	Michelle K. Marino	08/02/2023	\$40.00
8264	1	PEACOCK STAR SERVICES	08/02/2023	\$2,875.00
8265	1	RDP TECHNOLOGIES INC	08/02/2023	\$13,910.00
8266	1	Sheryl Reid	08/02/2023	\$40.00
8267	1	Stuart M. Perry, Inc	08/02/2023	\$1,043.07
8268	1	Thomas Randall Parker Jr.	08/02/2023	\$40.00
8269	1	TREASURER OF VIRGINIA	08/02/2023	\$10.00
8270	1	UBEO MIDCO LLC	08/02/2023	\$128.06
8271	1	VIRGINIA DEPT OF HEALTH/WATERWORK TECH ASST FUND	08/02/2023	\$5,616.00
8272	1	VUPS	08/02/2023	\$121.00
8273	1	Waterloo Electric Service, LLC	08/02/2023	\$1,189.70
8274	1	William Steinmetz	08/02/2023	\$40.00
8275	1	Winchester Building Supply	08/02/2023	\$3,725.00
8276	1	ANDERSON LAWN CARE, INC.	08/08/2023	\$1,330.00
8277	1	COMBS WASTEWATER MANAGEMENT LLC	08/08/2023	\$75.00
8278	1	Criswell Ford of Woodstock	08/08/2023	\$55,010.41
8279	1	DIANE M HARRISON	08/08/2023	\$40.00
8280	1	DOLI/Boiler Safety Commonwealth of Virginia	08/08/2023	\$100.00

Check Listing

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Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

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Check Number	Bank	Vendor	Date	Amount
8281	1	FRAZIER & FRAZIER INC	08/08/2023	<u>\$405.00</u>
8282	1	H. Allen Kitselman	08/08/2023	<u>\$75.00</u>
8283	1	H2O Pipe Cleaning LLC	08/08/2023	<u>\$1,375.00</u>
8284	1	JOHN E HUDSON	08/08/2023	<u>\$40.00</u>
8285	1	PENNONI ASSOCIATES INC	08/08/2023	<u>\$6,850.00</u>
8286	1	STEVENSON HUGH RUSSELL 8849	08/08/2023	<u>\$54.40</u>
8287	1	The Hall Company	08/08/2023	<u>\$1,552.81</u>
8288	1	The Winchester Star	08/08/2023	<u>\$539.90</u>
8289	1	THOMSON REUTERS	08/08/2023	<u>\$104.00</u>
8290	1	Treasurer of Frederick County	08/08/2023	<u>\$5,984.46</u>
8291	1	VANCE GAIL MARIE 2889	08/08/2023	<u>\$9.60</u>
8292	1	Carneuse Lime, Inc	08/09/2023	<u>\$5,823.35</u>
8293	1	WASHINGTON FIRE PROTECTION ENG	08/09/2023	<u>\$1,590.00</u>
8294	1	Capital Compressor	08/16/2023	<u>\$533.00</u>
8295	1	DS SERVICES OF AMERICA INC	08/16/2023	<u>\$82.04</u>
8296	1	Griffith Energy Services, Inc.	08/16/2023	<u>\$1,122.24</u>
8297	1	HEYWARD INCORPORATED OF VA	08/16/2023	<u>\$161.13</u>
8298	1	Lakeside Equipment Corporation	08/16/2023	<u>\$3,872.00</u>
8299	1	Michelle M. Jones	08/16/2023	<u>\$740.00</u>
8300	1	Nationwide Retirement Solutions	08/16/2023	<u>\$575.00</u>
8301	1	PENNONI ASSOCIATES INC	08/16/2023	<u>\$4,954.00</u>
8302	1	SIGNET MARKETING	08/16/2023	<u>\$106.67</u>
8303	1	WALRAVEN JEFFREY TODD 7474	08/16/2023	<u>\$64.43</u>
8304	1	AQUATIC INFORMATICS INC	08/23/2023	<u>\$500.00</u>
8305	1	Barns of Rose Hill	08/23/2023	<u>\$2,575.00</u>
8306	1	Broy & Son Pump Service, Inc	08/23/2023	<u>\$5,924.10</u>
8307	1	Commercial Press Inc	08/23/2023	<u>\$706.38</u>
8308	1	General Excavation, Inc	08/23/2023	<u>\$160,987.71</u>
8309	1	Hall, Monahan, Engle, Mahan & Mitchell	08/23/2023	<u>\$2,527.50</u>
8310	1	Nationwide Retirement Solutions	08/23/2023	<u>\$650.00</u>
8311	1	PATRICK GRAY	08/23/2023	<u>\$40.00</u>
8312	1	VIRASEC IT Support Services, Inc.	08/23/2023	<u>\$2,512.84</u>

Check Listing

Date From: 8/1/2023 Date To: 8/31/2023
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

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Check Number	Bank	Vendor	Date	Amount
8313	1	Virginia Rural Water Association	08/23/2023	\$500.00
8314	1	Broy & Son Pump Service, Inc	08/30/2023	\$345.00
8315	1	Commercial Press Inc	08/30/2023	\$149.50
8316	1	DEBORAH D WHETZEL	08/30/2023	\$103.57
8317	1	Gwen Malone	08/30/2023	\$40.00
8318	1	JESSICA MARSHALL TRAPNELL	08/30/2023	\$62.24
8319	1	MICHAEL EUGENE BELL JR	08/30/2023	\$40.00
8320	1	Michelle K. Marino	08/30/2023	\$40.00
8321	1	MID ATLANTIC CRANE AND EQUIPMENT CO	08/30/2023	\$2,536.25
8322	1	Minnesota Life Insurance Co.	08/30/2023	\$252.59
8323	1	Sheryl Reid	08/30/2023	\$40.00
8324	1	Sunbelt Rentals	08/30/2023	\$1,190.50
8325	1	Thomas Randall Parker Jr.	08/30/2023	\$40.00
8326	1	William Steinmetz	08/30/2023	\$40.00
77 Checks Totalling				\$338,440.86

Totals By Fund

Fund	Checks	Voids	Total
100	\$79,570.78		\$79,570.78
501	\$220,806.45		\$220,806.45
502	\$38,063.63		\$38,063.63
Totals:	\$338,440.86		\$338,440.86

BERRYVILLE TOWN OF

August 01, 2023 - August 31, 2023

Purchasing Card

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO Box 660441 Dallas, TX 75266-0441 TTY Hearing Impaired: Dial "711" Outside the U.S.: 1.509.353.8656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 08/31/23 Payment Due Date 09/25/23 Days in Billing Cycle 31 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$107,049.17	Previous Balance \$117,907.20 Payments -\$117,907.20 Credits -\$12.75 Cash \$0.00 Purchases \$107,061.92 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 \$107,049.17

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 09/25/23.

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

Cardholder Activity Summary

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

1790720 0704917 0704917 4715291201837237

Account Number: [REDACTED]
 August 01, 2023 - August 31, 2023

Total Payment Due \$107,049.17
 Payment Due Date 09/25/23

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

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

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

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

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

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

Customer Service:	For questions regarding transactions, general assistance, and reporting lost and stolen cards, call:	
	<u>Within the U.S.</u> 1.888.449.2273	<u>Outside the U.S.</u> 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
 August 01, 2023 - August 31, 2023
 Page 3 of 6

Cardholder Activity Summary				
<i>Account Number</i>	<i>Credits</i>	<i>Cash</i>	<i>Purchases and Other Debits</i>	<i>Total Activity</i>
BOOR, RICK [REDACTED]				
15,000	0.00	0.00	1,853.29	1,853.29
BOOTH, KEVIN [REDACTED]				
1,000	0.00	0.00	303.88	303.88
BUSSERT, ERNIE [REDACTED]				
60,000	0.00	0.00	10,449.62	10,449.62
CULP, PAUL [REDACTED]				
5,000	0.00	0.00	718.75	718.75
DALTON, KEITH [REDACTED]				
50,000	0.00	0.00	23,432.73	23,432.73
DORSEY, DANIEL [REDACTED]				
500	0.00	0.00	179.77	179.77
DUNKLE, CHRISTY [REDACTED]				
500	0.00	0.00	173.71	173.71
ELLIOTT, RALPH [REDACTED]				
5,000	0.00	0.00	1,577.50	1,577.50
FERREBEE, DARRELL [REDACTED]				
500	12.75	0.00	157.21	144.46
GRIFFITH, RICHARD A [REDACTED]				
500	0.00	0.00	120.77	120.77
JOHNSON, KAREN [REDACTED]				
1,000	0.00	0.00	0.61	0.61
MCCORMICK, HARRY [REDACTED]				
500	0.00	0.00	21.86	21.86
PETTI, JEAN [REDACTED]				
50,000	0.00	0.00	60,431.96	60,431.96
POULIN, CYNTHIA [REDACTED]				
5,000	0.00	0.00	3,063.73	3,063.73
SHARP, BRIAN [REDACTED]				
500	0.00	0.00	88.39	88.39
SHEETZ, CULLEN [REDACTED]				
500	0.00	0.00	216.30	216.30
SHOREMOUNT, JOSEPH E [REDACTED]				
500	0.00	0.00	17.25	17.25
STOVER, KEITH [REDACTED]				
5,000	0.00	0.00	2,615.55	2,615.55
WEATHERHOLT, EUGENE W [REDACTED]				
500	0.00	0.00	224.77	224.77
WHITE, NEAL [REDACTED]				
15,000	0.00	0.00	1,414.27	1,414.27

BERRYVILLE TOWN OF

August 01, 2023 - August 31, 2023

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Transactions						
Posting	Transaction					
Date	Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF						Total Activity
Account Number: [REDACTED]						-\$117,907.20
08/25	08/25	AUTO PAYMENT DEDUCTION		0071		117,907.20
BOOR, RICK						Total Activity
Account Number: [REDACTED]						1,853.89
08/03	08/02	TRACTOR SUPPLY #2536 WINCHESTER VA	24137463215001481790702	5599	358.00	
08/07	08/04	BROY & SON PUMP SERVICE 540-9553928 VA	24073143216900014600010	1799	195.00	
08/11	08/10	CLARKE COUNTY AUTOMOTIVE BERRYVILLE VA	24247603222200149867984	7538	825.64	
08/11	08/10	WWP*PEST MGMT SRVS. 703-723-2899 VA	24445003222300607824789	7342	74.00	
08/16	08/15	FOXS PIZZA BERRYVILLE 540-9553697 VA	24000973227267501742019	5812	50.44	
08/31	08/30	VALLEY ICE LLC 540-4774447 VA	24013393242003323129557	5199	350.21	
BOOTH, KEVIN						Total Activity
Account Number: [REDACTED]						303.88
08/11	08/10	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973223091408000031	5251	111.69	
08/15	08/14	GIANT MARTINS #6558 BERRYVILLE VA	24692163226106353955414	5411	20.16	
08/17	08/16	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973229091400000595	5251	134.14	
08/21	08/19	COSTCO WHSE #0239 WINCHESTER VA	24943003232898000013178	5300	37.89	
BUSSERT, ERNIE						Total Activity
Account Number: [REDACTED]						10,449.62
08/01	07/31	IN *JOINER LABS, LLC 540-3477212 VA	24692163212104894568610	8734	2,855.50	
08/09	08/08	COYNE CHEMICAL 215-785-3000 PA	24137463220300770264145	5169	429.60	
08/09	08/08	COYNE CHEMICAL CROYDON PA	24137463220300770264228	5169	3,214.60	
08/09	08/08	COYNE CHEMICAL 215-785-3000 PA	24137463220300770264301	5169	3,040.35	
08/14	08/13	WM SUPERCENTER #3344 WINCHESTER VA	24445003226400209761102	5411	58.05	
08/15	08/14	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231683227400025758288	5251	56.94	
08/21	08/18	GRAINGER 877-2022594 IL	24755423231732319228516	6085	202.82	
08/21	08/19	AMZN Mktp US* TQ9698PW2 Amzn.com/billWA	24692163231109873610811	6942	179.98	
08/24	08/22	THE HOME DEPOT #4618 WINCHESTER VA	24943013235010181429811	5200	139.78	
08/30	08/29	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433241337300717621	5533	272.00	
CULP, PAUL						Total Activity
Account Number: [REDACTED]						718.75
08/02	08/01	AMZN Mktp US* TH7U89S72 Amzn.com/billWA	24692163213105479990052	5942	21.99	
08/04	08/03	STAPLS7612505740000001 877-8267755 NJ	24164073215105020180029	5111	63.87	
08/08	08/07	VISTAPRINT 866-207-4955 MA	24492153219713747760384	2741	33.69	
08/10	08/09	STAPLS7612846650000001 877-8267755 NJ	24164073221105080262420	5111	148.87	
08/16	08/15	USPS PO 6107560300 BERRYVILLE VA	24137463228001444132344	9402	9.49	
08/17	08/16	STAPLS7903051042000001 877-8267755 NJ	24164073228105150294546	5111	84.48	
08/17	08/17	AMZN Mktp US* TO6CM39P0 Amzn.com/billWA	24692163229108171718773	5942	6.99	
08/21	08/21	AMZN Mktp US* TQ6XA58C2 Amzn.com/billWA	24692163233101467317057	5942	181.92	
08/23	08/22	STAPLS7613608801000001 877-8267755 NJ	24164073234105210144741	5111	44.91	
08/24	08/23	AMZN MKTP US* TQ2JA3DE0 AMAMZN.COM/BILLWA	24431063235083754260537	5942	6.95	
08/28	08/26	STAPLS7613937130000001 877-8267755 NJ	24164073239105250250023	5111	115.59	
DALTON, KEITH						Total Activity
Account Number: [REDACTED]						23,432.73
08/04	08/03	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683215747001344283	4900	4,995.68	
08/04	08/03	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683215747001344275	4900	8,437.05	
08/04	08/03	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683215747001344234	4900	10,000.00	
DORSEY, DANIEL						Total Activity
Account Number: [REDACTED]						179.77
08/21	08/18	FERGUSON ENT #19 844-872-3857 VA	24435853230839196920841	6074	51.73	
08/21	08/18	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973231091404000183	5251	67.61	
08/23	08/22	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973235091402000348	5251	22.53	
08/24	08/23	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973236091404000162	5251	11.26	
08/28	08/25	JNO, S SOLENBERGER AND C WINCHESTER VA	24138293238400000555526	5251	23.22	
08/28	08/25	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973238091408000109	5251	3.42	
DUNKLE, CHRISTY						Total Activity
Account Number: [REDACTED]						173.71
08/15	08/14	VISTAPRINT 866-207-4955 MA	24492153226743857424456	2741	34.73	
08/22	08/21	VISTAPRINT 866-207-4955 MA	24492153233715959438205	2741	138.98	
ELLIOTT, RALPH						Total Activity
Account Number: [REDACTED]						1,577.50
08/22	08/21	BROY & SON PUMP SERVICE BERRYVILLE VA	24073143233900015700016	1799	520.00	
08/25	08/24	NORVAC LOCK TECHNOLOGY I WINCHESTER VA	24733093236400562000098	7399	183.00	
08/29	08/28	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412903240027013116124	5599	380.10	
08/30	08/28	A SIGN PLACE/PERSONALIZE WINCHESTER VA	24223693241030035243830	5099	494.40	
FERREBEE, DARRELL						Total Activity
Account Number: [REDACTED]						144.46

Transactions						
Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
08/21	08/18	BATTLEFIELD BOOTS WINCHESTER VA	24755423230282303529454	5661	157.21	
08/23	08/19	BATTLEFIELD BOOTS 540-7222668 VA	74755423234282312407628	5661		12.75
GRIFFITH, RICHARD A Account Number: [REDACTED]						Total Activity 120.77
08/14	08/11	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063224200824500063	5533	26.72	
08/23	08/22	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973235091402000447	5251	94.05	
JOHNSON, KAREN Account Number: [REDACTED]						Total Activity 0.61
08/04	08/03	Amazon web services aws.amazon.coWA	24692163215107111404664	7399	0.61	
MCCORMICK, HARRY Account Number: [REDACTED]						Total Activity 21.86
08/16	08/14	GIANT MARTINS #6558 BERRYVILLE VA	24692163226106226593830	5411	18.57	
08/21	08/20	GIANT MARTINS #6558 BERRYVILLE VA	24692163232101259098015	5411	3.29	
PETTI, JEAN Account Number: [REDACTED]						Total Activity 60,431.88
08/09	08/08	WIN-911 512-326-1011 TX	24493983221026989760391	8999	2,550.00	
08/11	08/10	DGS DCLS WATER TEST KITS 804-7860447 VA	24755423223732231831678	8734	4,690.25	
08/15	08/14	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663226083703333279	4900	4,191.82	
08/17	08/16	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663228083705804671	4900	2,900.00	
08/17	08/16	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433228271800555163	5533	574.52	
08/21	08/18	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663230083705073877	4900	28,141.34	
08/25	08/24	GIANT MARTINS #6558 BERRYVILLE VA	24692163236104372817119	5411	29.77	
08/28	08/26	COYNE CHEMICAL CROYDON PA	24137463237300826339314	5169	17,354.26	
POULIN, CYNTHIA Account Number: [REDACTED]						Total Activity 3,063.73
08/03	08/02	VA DMV ONLINE BILLING PAY804-4977100 VA	24755423215732151147238	9399	675.00	
08/03	08/03	COMCAST 800-COMCAST MD	24692163215106894272884	4899	122.91	
08/22	08/21	VIRGINIA STATE POLICE 804-2785305 VA	24755423234122345660048	9399	15.00	
08/23	08/22	IN *TRUESHRED 800-262-3246 CA	24692163234102801312092	7399	148.50	
08/23	08/22	MSFT * E0100006BU MSBILL.INFO WA	24430993234400815071119	5045	255.29	
08/23	08/22	MSFT * E0100000SF MSBILL.INFO WA	24430993234400815025180	5045	6.00	
08/24	08/23	VERIZON BILL PAYMENT 800-VERIZON FL	24692163235103177631072	4814	386.46	
08/24	08/23	VERIZON BILL PAYMENT 800-VERIZON FL	24692163235103177631080	4814	211.36	
08/25	08/24	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692163236103956423286	4814	1,084.93	
08/28	08/26	COMCAST 800-COMCAST MD	24692163237104714382433	4899	160.28	
SHARP, BRIAN Account Number: [REDACTED]						Total Activity 88.39
08/28	08/25	WAL-MART #3344 WINCHESTER VA	24226383238380196728426	5411	88.39	
SHEETZ, CULLEN Account Number: [REDACTED]						Total Activity 216.30
08/03	08/02	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973215091402000458	5251	49.95	
08/23	08/22	GIANT MARTINS #6558 BERRYVILLE VA	24692163234102798756426	5411	20.16	
08/28	08/27	TOTAL IMAGE WORKINGMANS SWINCHESTER VA	24755423240122409576561	5699	146.19	
SHOREMOUNT, JOSEPH E Account Number: [REDACTED]						Total Activity 17.25
08/10	08/09	USPS PO 5107560300 BERRYVILLE VA	24137463222001446166791	9402	17.25	
STOVER, KEITH Account Number: [REDACTED]						Total Activity 2,616.55
08/03	08/02	TRACTOR-SUPPLY-CO #0697 WINCHESTER VA	24137463215001481795750	5599	59.96	
08/04	08/03	TRACTOR SUPPLY #2536 WINCHESTER VA	24137463216001481922064	5599	321.98	
08/04	08/03	HELENA 34202 WINCHESTER VA	24755423216122161618783	5169	200.00	
08/08	08/07	GIANT MARTINS #6558 BERRYVILLE VA	24692163219100552096475	5411	13.64	
08/14	08/11	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973224091400000145	5251	35.25	
08/21	08/19	WM SUPERCENTER #1406 WINCHESTER VA	24445003232400231021444	5411	120.99	
08/25	08/24	LOWES #02724* Winchester VA	24692163236104344635433	5200	175.54	
08/25	08/24	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412903236027013357344	5599	473.85	
08/25	08/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973237091408000326	5251	62.70	
08/29	08/28	GIANT MARTINS #6558 BERRYVILLE VA	24692163240107615586544	5411	20.16	
08/30	08/29	MCCARTHY TIRE 28, WINCHE 540-6623000 VA	24251373241018019060159	5533	1,131.48	
WEATHERHOLT, EUGENE W Account Number: [REDACTED]						Total Activity 224.77
08/21	08/19	TOTAL IMAGE WORKINGMANS SWINCHESTER VA	24755423232132325964379	5699	156.39	
08/22	08/20	DOLLAR-GENERAL #0502 CHARLES TOWN WV	24445003233500466752164	5331	39.75	
08/28	08/26	TRACTOR SUPPLY #2536 WINCHESTER VA	24137463239001308721049	5599	28.63	
WHITE, NEAL Account Number: [REDACTED]						Total Activity 1,414.27
08/07	08/05	AT&T PAYMENT 800-331-0500 TX	24055233218812448063963	4814	458.88	

BERRYVILLE TOWN OF

August 01, 2023 - August 31, 2023

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Transactions

Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
08/14	08/11	AMZN Mktp US*TO28U2E32 Amzn.com/blllWA	24692163223103841085006	5942	109.00	
08/14	08/11	THOMSON WEST*TCD 800-328-4880 MN	24692163223103846796300	8999	117.82	
08/14	08/12	AMZN Mktp US*TO4HX84Y0 Amzn.com/blllWA	24692163224104338212011	5942	24.65	
08/14	08/14	AMZN Mktp US*TO1N37QS2 Amzn.com/blllWA	24692163226105847837238	5942	216.32	
08/14	08/14	Amazon.com*TO7OC0TM1 Amzn.com/blllWA	24692163226105913776716	5942	15.74	
08/15	08/14	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433226261300691842	5533	221.86	
08/18	08/16	KUSTOM SIGNALS 913-492-1400 KS	24247603229500720678901	5065	250.00	

Finance Charge Calculation

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

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

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

Aug-23

Water and sewer bill accounts

Estimated cost of these actions:

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

Signage

Estimated cost of these actions

- Signage	\$ 150,000.00	\$ 405.00	\$ 17,080.50	\$ 132,514.50	11%
- Total			\$ 17,485.50	\$	

Fund balance from first payment

Fund balance from second payment

	\$	\$	\$ 52,514.50	\$
			\$	\$ 80,000.00

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility	\$ 250,000.00	\$ -	\$ 125,000.00	\$ 85,653.44	66%
Total			\$ 39,346.56	\$	
			\$ 164,346.56	\$	

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

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

Complete necessary water and sewer infrastructure projects

Estimated cost of these actions					
- Cost of the projects	\$ 3,060,886.00	\$ 9,650.00	\$ 1,328,393.00	\$ 1,430,056.45	47.65%
Total			\$ 302,436.55	\$ 3,060,886.00	
Fund balance from first payment				\$	
Fund balance from second payment				\$ 1,430,056.45	

	<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% \$ 330,000.00
- Total			\$ 40,168.89	\$	\$ 330,000.00
Fund balance from first payment					\$ 99,831.11
Fund balance from second payment					\$ 190,000.00

NOTES:

Administrative Costs: \$ -
Legal: \$ -

INFRASTRUCTURE COSTS:

Frazier Assoc.(Wayfinding)	\$ 405.00	1st Tranche	\$ 2,267,493.00
General Excavation(Josephine)	\$ -	Used to date	\$ 2,069,184.31
H2O PIPEWORKS	\$ 2,800.00	Balance	\$ 198,308.69
Kidwell Fencing	\$ -	2nd Tranche	\$ 2,267,493.00
GWP(Boom Road Generator)	\$ -	Used to date	\$ 421,783.11
Pennoni(Osborne, Church,Josephine)	\$ 6,850.00	Balance	\$ 1,845,709.89
Pennoni (I&J, SSES Study)	\$ -		
Webster Nursery(Concrete walls)	\$ -		
Total	\$ 10,055.00		

Town Manager's Report

Proposed Truck Length Restrictions on Various Streets

The Council held a public hearing on this matter at its June meeting. At the conclusion of the public hearing the Council directed the Town Manager to review the draft proposal with VDOT and provide a report on the discussion.

The Town Manager met with officials from VDOT and discussed the proposal. The VDOT officials stated that the proposal will be discussed in detail by departmental personnel and comment will be provided to the Town.

Staff received VDOT's comments on September 7. Those comments are attached. Town staff does not concur with one of VDOT staff's recommendations that a through-truck restriction be established. Staff is of the opinion such a restriction will not meet the intended purpose because the traffic in question has a destination within the area.

Staff requests that the Council determine how it would like to proceed in this matter.

Proposed Amendments to the Code of Berryville to Revise Rules for Rose Hill Park and other Town-owned Property

The Town Council reviewed Town staff's draft code and rule changes at its June meeting. The Council directed the Town Manager to forward the proposal to the Town's legal counsel for review.

The Town Manager reviewed this matter with legal counsel.

The Town Manager expects to a revised proposal to be available to the Council for its October meeting.

Review of elements of the Town's Construction Standards and Details

Staff has identified several sections of the Construction Standards and Details that should be reviewed and possibly amended.

Staff requests that this matter be assigned to a committee for review.

Review of Chapter 2 of the Berryville Code

Chapter 2 of the Berryville Code (attached) contains several references to John H. Enders Fire Department and the role that its chief has in certain situations.

The references to the fire company are not consistent and staff would like to see the code language made consistent. Further, Clarke County is considering naming the Director of Emergency Services as Chief. If this change happens, then it would be wise

to review this chapter to determine if the CC Fire Chief (and CC Emergency Services) should also be referenced in certain code sections.

Staff requests that this matter be assigned to a committee for review.

Review of Berryville Code §10-50 – Parking and storage of travel trailers, boats etc., in residential areas and Berryville Code §10-79 – Open storage of inoperable vehicles in certain zoning districts.

Staff has identified several subsections of §10-50 & §10-79 of the Berryville Code (attached) that should be reviewed and possibly amended.

Staff requests that this matter be assigned to a committee for review.

Review of Berryville Code §13-32 – Removal of weeds and foreign growth and §13-32.1 When action to be taken pursuant to section 13-32

Staff is receiving complaints about yards or sections of yards that the occupants claim are pollinator gardens. Staff seeks guidance from the Council regarding enforcement of Berryville Code §13-32 (attached). Staff also seeks the Council's review of the Code section in question to determine if it should be amended.

Staff requests that this matter be assigned to a committee for review.

Attachments

Keith Dalton

From: Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>
Sent: Thursday, September 7, 2023 4:33 PM
To: Keith Dalton
Subject: Fwd: Proposed Truck Restriction-Clarke

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

Sorry it took so long. Let me know if you have any questions.

Best
Get [Outlook for iOS](#)

From: Simpson, Darin (VDOT) <Darin.Simpson@vdot.virginia.gov>
Sent: Thursday, September 7, 2023 4:30:26 PM
To: Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>
Cc: True, Mike (VDOT) <Mike.TRUE@VDOT.Virginia.gov>; Smith, Matthew, P.E. (VDOT) <Matthew.Smith@vdot.virginia.gov>; Hottle, Cathy (VDOT) <Cathy.Hottle@VDOT.Virginia.gov>
Subject: FW: Proposed Truck Restriction-Clarke

Ed,

See Mike's comments below. In addition to his comments, I would recommend they restrict all through trucks and not just do a 50' length restriction. The length restriction requires more "verbage" for a truck driver to read (if they can) plus they need to know how long there truck is (not sure if all drivers do). Also, if the citizens see a tractor trailer that is within the 50' length restriction, they are still seeing a tractor trailer. Deliveries will still be allowed regardless of the truck size. Let us know if you need additional info or have any questions. Thanks and have a great evening - Darin

Darin Simpson, P.E.
Staunton District Traffic Engineer
Virginia Department of Transportation
M - 540-416-5093
O - 540-836-6398
darin.simpson@VDOT.Virginia.gov

From: True, Mike (VDOT) <Mike.TRUE@VDOT.Virginia.gov>
Sent: Thursday, September 7, 2023 4:23 PM
To: Simpson, Darin (VDOT) <Darin.Simpson@vdot.virginia.gov>; Leckrone, Sam (VDOT) <Sam.Leckrone@vdot.virginia.gov>; Holt, Douglas (VDOT) <Douglas.Holt@vdot.virginia.gov>; Lynch, Aaron (VDOT) <Aaron.Lynch@vdot.virginia.gov>
Subject: RE: Proposed Truck Restriction-Clarke

Darin,

We have reviewed the proposed truck restriction route and have no objections to restricting trucks on the routes listed. In addition to the length restriction signs, the Town may want to consider providing "Truck Route" signs or something of that nature to provide more positive guidance through and around town so that trucks might be less inclined to follow GPS into the downtown area.

Thanks.



Mike True
Traffic Engineering / Staunton District
Virginia Department of Transportation
540-480-0816
mike.true@VDOT.Virginia.gov

From: Simpson, Darin (VDOT) <Darin.Simpson@vdot.virginia.gov>
Sent: Thursday, September 7, 2023 1:29 PM
To: True, Mike (VDOT) <Mike.TRUE@VDOT.Virginia.gov>; Leckrone, Sam (VDOT) <Sam.Leckrone@vdot.virginia.gov>; Holt, Douglas (VDOT) <Douglas.Holt@vdot.virginia.gov>; Lynch, Aaron (VDOT) <Aaron.Lynch@vdot.virginia.gov>
Subject: FW: Proposed Truck Restriction-Clarke

Found it.

Darin Simpson, P.E.
Staunton District Traffic Engineer
Virginia Department of Transportation
M - 540-416-5093
O - 540-836-6398
darin.simpson@VDOT.Virginia.gov

From: Hottle, Cathy (VDOT) <Cathy.Hottle@VDOT.Virginia.gov>
Sent: Tuesday, June 27, 2023 7:43 AM
To: Simpson, Darin (VDOT) <Darin.Simpson@vdot.virginia.gov>
Cc: Carter, Edwin (VDOT) <Edwin.Carter@vdot.virginia.gov>
Subject: Proposed Truck Restriction-Clarke

Good morning! Ed asked that I send to you. Once you've had a chance to "digest", please give him a call.

Thanks,

Cathy C. Hottle

AOS III/Adopt A Highway Coordinator



Edinburg Residency

540-534-3203

cathy.hottle@VDOT.Virginia.gov

Chapter 2 - ADMINISTRATION

Footnotes:

--- (1) ---

Editor's note— An Ord. of 9-27-18, repealed the former Chapter 2, §§ 2-1—2-9, 2-19—2-22, 2-29—2-41, 2-52—2-54, 2-65—2-69, 2-78—2-84 and enacted a new Chapter 2 as set out herein. The former Chapter 2 pertained to similar subject matter and derived from Code 1971, §§ 2-3, 2-4, 2-6, 2-10, 2-11, 2-15, 2-16, 2-17—2-25; Code 1971, § 13-24; Code 1971, §§ 14-1—14-6, 14-8; Ord. of March 12, 1973; Ord. of December 11, 1979; Ord. of November 10, 1981, §§ 2-26, 2-27; Ord. of June 12, 1990; Ord. of May 12, 1998; Ord. of December 14, 1999; Ord. of July 11, 2006(1); Ord. of May 10, 2011; Ord. of April 11, 2017(2).

ARTICLE I. - IN GENERAL

Sec. 2-1. - Town manager to exercise control over town departments and offices.

The town manager shall exercise general control over all departments and offices of the town not inconsistent with the provisions of the Charter and other provisions of this Code.

(Ord. of 9-27-18.)

Charter reference— Town manager, Ch. 4.

Sec. 2-1.1 - Town clerk.

A town clerk shall be appointed by the town manager, and shall keep the minutes of the proceedings of the town council, shall have charge of and preserve the records of the town, and shall perform such other duties as assigned by the town manager.

(Ord. of 9-27-18)

Sec. 2-1.2. - Criminal background checks by town manager.

The town council determines that, in the interest of public welfare or safety, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with their employment by the town. To this end, the town manager shall conduct an investigation of applicants for employment with the town to obtain their criminal history record information. The town manager shall conduct this investigation prior to the town's making a final offer of employment to an applicant. If the results of the investigation reveal that the applicant's record would not be compatible with the nature of the public employment, the town manager may decide not to hire the applicant or may revoke any conditional offer made.

(Ord. of 9-27-18)

State Law reference— Code of Virginia § 19.2-389(A)(7).

Sec. 2-2. - Conduct of town officers and employees generally.

Town officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any town officer or employee in violation of this section may bring such matter to the attention of such officer's or employee's department head or the town manager, without prejudice to any other recourse to which such aggrieved person may be entitled.

(Ord. of 9-27-18)

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

Sec. 2-3. - Reserved.

Sec. 2-4. - Resisting, etc., town officers and employees.

It shall be unlawful and a Class 1 misdemeanor for any person to resist, intimidate or interfere with, or to attempt to resist, intimidate or interfere with, any police officer, firefighter, EMS personnel, or other officer or employee of the town in the performance of their duties.

(Ord. of 9-27-18)

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

Sec. 2-5. - Impersonation of town officer or employee.

- (a) No person shall falsely represent himself to be an officer or employee of the town or, without proper authority, wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person, without proper authority, assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

- (b) A violation of this section shall constitute a Class 1 misdemeanor.

(Ord. of 9-27-18)

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

State Law reference— Impersonating officer, Code of Virginia, § 18.2-174; unlawful wearing of officer's uniform or insignia, § 18.2-175.

Sec. 2-6. - Disbursement of town funds.

Disbursements of town funds shall be approved or signed by either the town treasurer or town manager and, except for payroll disbursements, shall be approved or cosigned by either the mayor or (i) the recorder until July 1, 2022 or (ii) the vice mayor on or after July 1, 2022.

(Ord. of 9-27-18.)

Sec. 2-7. - Fee for passing bad check to town.

There is hereby imposed, and there shall be collected, a fee approved by council for the uttering, publishing or passing of any check or draft, for payment of taxes or any other sums due the town, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

(Ord. of 9-27-18.)

State Law reference— Authority for above section, Code of Virginia, § 15.2-106

Sec. 2-8. - Parts of official safety program designated.

The John H. Enders Fire Company, Inc., its Rescue Squad and their membership and the Berryville Police Department and its membership are hereby declared to be an integral part of the official safety program of the town.

(Ord. of 9-27-18.)

Editor's note— The above section was adopted pursuant to the Line of Duty Act, § 9-400, et seq. of the Code of Virginia.

Secs. 2-9—2-18. - Reserved.

ARTICLE II. - THE COUNCIL

Footnotes:

--- (2) ---

Charter reference— Council generally, Chapter 3.

Cross reference— Disrupting meeting of council, § 13-11.

Sec. 2-19. - Standing committees.

- (a) There shall be such standing committees of the council as are provided by the council. Members of such committees shall be appointed by the mayor.
- (b) The council may amend committee appointments.
- (c) Such committees shall have such powers and duties as are prescribed by council, not inconsistent with the Charter.

(Ord. of 9-27-18.)

Sec. 2-20. - Meetings.

The regular meetings of the town council are set for the second Tuesday of each month at 7:30 p.m. When any regular meeting falls on a legal holiday, such regular meeting shall then be held upon the next Tuesday following. Regular meetings of council may be cancelled by, and special meetings may be called by, the mayor or three members of the town council.

(Ord. of 9-27-18.)

Charter reference— [Quorum; reconsideration of action] § 3.13.

Sec. 2-21. - Rules of procedure.

The council shall establish its own rules of procedure. Except as otherwise provided in such rules, the proceedings of the council shall be governed by the current edition of Robert's Rules of Order.

(Ord. of 9-27-18.)

Charter reference— Council to establish rules of procedure, § 3.15.

Sec. 2-22. - Procedure for adoption and effective date of ordinances and resolutions.

An ordinance or resolution of the council may be introduced and adopted or rejected at any particular meeting of the council. A full reading of the ordinance or resolution shall not be required prior to adoption. If the ordinance or resolution before the council is adopted, such ordinance or resolution shall become effective at such time as may be specified therein, but if no time is so specified, such ordinance or resolution shall become effective immediately.

(Ord. of 9-27-18.)

Secs. 2-23—2-28. - Reserved.

ARTICLE III. - ADMINISTRATION DEPARTMENT

Sec. 2-29. - Established.

There is hereby established, in and for the town, an administration department.

(Ord. of 9-27-18.)

Sec. 2-30. - Responsibilities.

The department shall be responsible for the billing and collection of taxes, fees, etc.; finance and accounting functions; purchasing and procurement functions; and human resource functions. The department shall be responsible for the efficient operation of the functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Ord. of 9-27-18.)

Sec. 2-31. - Assistant town manager for administration/treasurer.

The department shall be under the supervision and control of assistant town manager for administration/treasurer.

(Ord. of 9-27-18.)

Sec. 2-32. - Town treasurer.

The assistant town manager for administration/treasurer shall be the town treasurer.

(Ord. of 9-27-18.)

Charter reference— Appointment of town treasurer, § 5.1.

Sec. 2-33. - Absence of assistant town manager for administration/treasurer.

In the absence of the town treasurer or in the event of a vacancy in the position of town treasurer, the town manager shall perform the duties of the town treasurer and shall serve as the town treasurer.

(Ord. of 9-27-18.)

Sec. 2-34. - Absence of town manager and assistant town manager for community development/operations.

In the absence of the town manager and the assistant town manager for community development/operations, the assistant town manager for administration/treasurer shall perform the duties of the town manager.

(Ord. of 9-27-18.)

Sec. 2-35. - Bond.

Before entering upon the duties of the office, the treasurer shall execute a bond, the premium for which shall be paid by the town, with surety approved by the council in a penal sum established by council, conditioned upon the faithful performance of the duties of the office, for the proper collection of and accounting for all money which shall come into the treasurer's hands or which it shall be his or her duty to collect and for the payment of all money by the treasurer, or proper order of the council, to those entitled to receive the same.

(Ord. of 9-27-18.)

Charter reference— Authority of council to require bond, § 7.2.

Sec. 2-36. - Duty to receive and deposit funds.

The treasurer shall receive all taxes, license taxes, assessments and other money, revenues and funds belonging to the town and deposit the same in such bank as the treasurer may deem proper and with the approval of council.

(Ord. of 9-27-18.)

Cross reference— Licenses, Ch. 9; taxation, Ch. 16.

Sec. 2-37. - Remedies available for collecting funds.

For the purpose of collecting taxes, license taxes, assessments and other money, revenues and funds due the town, the treasurer shall have the right of distress, levy, attachment, and all other remedies provided by general law.

(Ord. of 9-27-18.)

Sec. 2-38. - General method of keeping books and records.

The treasurer shall keep the books and records so that all receipts and disbursements and the source and character of the same shall appear and a true and accurate understanding of the financial affairs and conditions of the town may be readily ascertained therefrom.

(Ord. of 9-27-18.)

Sec. 2-39. - Bank and check books; checks and vouchers.

The treasurer shall keep the bank books and check books so that such books will accurately reflect the state of the accounts. Each check shall be drawn payable to the order of the person for whose benefit it is drawn and shall contain a notation on its face which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.

(Ord. of 9-27-18)

Sec. 2-40. - Inspection of books and records.

All of the treasurer's books and records shall be open at any time to inspection by any member of the council or such persons as the council may direct.

(Ord. of 9-27-18)

Sec. 2-41. - Annual audit and report.

An audit of the books of the treasurer shall be made annually by a certified public accountant approved by the council and assisted by the treasurer, and a report of such audit shall be made to the council as soon as possible. Such report shall also indicate the amount of uncollected assets of the town in the hands of the treasurer for collection.

(Ord. of 9-27-18)

Charter reference— Town manager to arrange for annual audit, § 4.2(e).

Secs. 2-42—2-51. - Reserved.

ARTICLE IV. - PUBLIC WORKS DEPARTMENT

Sec. 2-52. - Established.

There is hereby established, in and for the town, a public works department.

(Ord. of 9-27-18)

Sec. 2-53. - Responsibilities.

The department shall be responsible for the maintenance of the water distribution system (excluding pumping facilities), sewer collection system, town-maintained streets and sidewalks, town-owned property (excluding properties under the control of the public utilities department) as well as snow removal and

collection of yard and other waste as provided in the code. The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Ord. of 9-27-18)

Cross reference— Refuse collection, § Chapter 8, Article II; streets and sidewalks, Ch. 15; water and sewers, Ch. 17.

Sec. 2-54. - Public works director.

The public works department shall be under the immediate supervision of the public works director, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

(Ord. of 9-27-18)

Secs. 2-55—2-61. - Reserved.

ARTICLE V. - PUBLIC UTILITIES DEPARTMENT

Sec. 2-62. - Established.

There is hereby established, in and for the town, a public utilities department.

(Ord. of 9-27-18)

Sec. 2-63. - Responsibilities.

The department shall be responsible for the operation and maintenance of the following facilities: water treatment, water distribution system, pumping facilities, water storage structures, and wastewater treatment and discharge. The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Ord. of 9-27-18)

Sec. 2-64. - Public utilities director.

The department shall be under the supervision and control of the public utilities director, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

(Ord. of 9-27-18)

ARTICLE VI. - POLICE DEPARTMENT

Footnotes:

--- (3) ---

State Law reference— Authority of council to preserve peace and good order, Code of Virginia, § 15.2-1700; general powers and duties of local police force, § 15.2-1704.

Sec. 2-65. - Established; composition.

There is hereby established, in and for the town, a police department.

(Ord. of 9-27-18)

Sec. 2-65.1. - Responsibilities.

The police department is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and enforcement of state and local laws, regulations, and ordinances.

The police department shall be under the control of the town manager for the purpose of preserving and enforcing peace and order, for the execution of the laws of the state and this Code and other ordinances of the town, and the performance of such other duties as the town manager may prescribe.

(Ord. of 9-27-18)

Sec. 2-66. - Chief of police.

The department shall be under the supervision of the chief of police, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

(Ord. of 9-27-18)

Sec. 2-67. - Powers and duties of chief.

The chief of police shall be the administrative head of the police department. It shall be the duty of the chief of police to enforce the provisions of this Code and other ordinances of the town. In addition, the chief of police shall have such powers and duties as are prescribed for the chief by state law and town ordinances.

The chief of police shall be the chief executive of the police department, but shall always be subject to the orders and regulations of the town manager. The chief of police shall be under the control of the town manager for the purpose of preserving and enforcing peace and order and executing the laws of the state and ordinances of the town, and it shall be the duty of the police force to respect and obey orders of the chief not in conflict with law or department regulations.

The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Ord. of 9-27-18.)

Sec. 2-68. - Disposal of unclaimed property in possession of police.

Any personal property which has been in the possession of the police department and unclaimed for a period of more than sixty (60) days may be (i) sold at public sale in accordance with the provisions of § 15.2-1719, Code of Virginia, 1950, as amended, or (ii) retained for use by the police department. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a police officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the state treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1, Code of Virginia, et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720, Code of Virginia. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721, Code of Virginia.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, or his duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two (2) successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the police department, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, or his duly authorized agents, shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by chief of police or his agent for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for

use by the police department shall become the property of the town and shall be retained only if, in the opinion of the chief of police, there is a legitimate use for the property by the police department and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the town and the retained property may be placed into use by the police department. Any such owner shall be entitled to apply to the locality within three (3) years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the town shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.

(Ord. of 9-27-18.)

State Law reference— Code of Virginia § 15.2-1719.

Sec. 2-69. - Auxiliary police officers.

- (a) The chief of police, with the approval of the town manager, is hereby authorized to appoint auxiliary police officers as he deems necessary.
- (b) The chief of police, with the approval of the town manager, shall establish rules and regulations concerning the operation of the auxiliary police officers, including their uniforms, equipment, and training.
- (c) People appointed as auxiliary police officers shall be of good character. Their appointment shall be revocable at any time by the chief of police or the town manager.
- (d) The auxiliary police officers may be called into service as deemed necessary by the chief of police, or by the town manager. Said auxiliary may also be called into service at such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the town and at any time for the purpose of training.
- (e) Only those who have met the training requirements established by the Department of Criminal Justice Services pursuant to § 9.1-102(11) of the Code of Virginia, as amended, or its successor statute, shall have all the powers and authorities and immunities of constables at common law and shall have all the power and authority and immunities of full-time law enforcement officers.
- (f) Auxiliary police officers shall wear the prescribed uniform established by department general orders when called into service.
- (g) People appointed as auxiliary police officer shall serve without compensation.
- (h)

People appointed as auxiliary police officers may not engage in employment which may occasionally require the use of their police powers in the performance of such employment unless such employment is specifically approved by the town manager.

(Ord. of 9-27-18)

State Law reference— Code of Virginia § 15.2-1731 et seq.

Secs. 2-70—2-74. - Reserved.

ARTICLE VII. - PLANNING DEPARTMENT

Sec. 2-75. - Established.

There is hereby established, in and for the town, a planning department.

(Ord. of 9-27-18)

Sec. 2-76. - Responsibilities.

The department shall be responsible for community and economic development functions of the town. Such functions include, without limitation, the administration and enforcement of land use planning, zoning, subdivision, stormwater control and management, flood plain management, and erosion and sedimentation control ordinances and regulations; as well as business retention and attraction. The department shall be responsible for the efficient operation of the facilities and functions listed above. The department shall perform other duties as may be assigned by the town manager.

(Ord. of 9-27-18)

Sec. 2-77. - Assistant town manager for community development/operations.

The department shall be under the supervision and control of the assistant town manager for community development/operations.

(Ord. of 9-27-18)

Sec. 2-77.1. - Zoning administrator and subdivision agent.

The assistant town manager for community development/operations shall be the zoning administrator and subdivision agent.

(Ord. of 9-27-18)

Sec. 2-77.2. - Absence of town manager for community development/operations.

In the absence of the assistant town manager for community development/operations or in the event of a vacancy in the position of assistant town manager for community development/operations, the town manager shall perform the duties of the assistant town manager for community development/operations and shall serve as zoning administrator and subdivision agent.

(Ord. of 9-27-18)

Sec. 2-77.3. - Absence of town manager.

In the absence of the town manager, the assistant town manager for community development/operations shall perform the duties of the town manager.

(Ord. of 9-27-18)

ARTICLE VIII. - PLANNING COMMISSION

Footnotes:

--- (4) ---

Cross reference— Zoning ordinance, App. A; subdivision ordinance, App. B.

State Law reference— Local planning commissions, Code of Virginia, § 15.2-2210, et seq.

Sec. 2-78. - Created.

A planning commission is hereby created for the town.

(Ord. of 9-27-18)

State Law reference— Duty to create planning commission, Code of Virginia, § 15.2-2210.

Sec. 2-79. - Composition; qualifications of members.

The planning commission shall consist of not less than five (5) nor more than nine (9) members, as may be determined from time to time by the council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half (½) of the members shall be freeholders. One (1) member may be a member of the town council.

(Ord. of 9-27-18)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-80. - Appointment of members.

All members of the planning commission shall be appointed by the council.

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-81. - Term of members; filling of vacancies.

(a) The term of the council member of the planning commission shall be coextensive with the term of office to which the member has been elected or appointed, unless the council, at the first regular meeting of any year, appoints another to serve as its representative.

(b) Any vacancy in the membership of the planning commission shall be filled by appointment by the council and such appointment shall be for the unexpired term.

(Ord. of 9-27-18.)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-82. - Reserved.

Sec. 2-83. - Removal of members.

Members of the planning commission may be removed, for malfeasance in office, by the council.

(Ord. of 9-27-18.)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-84. - Powers, duties and functions.

The planning commission shall have the functions, powers, and duties which are prescribed for it by state law or by ordinance of the town.

(Ord. of 9-27-18.)

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. 10-79. - Open storage of inoperable vehicles in certain zoning districts.

- (a) It shall be unlawful and a class 4 misdemeanor for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer, or semitrailer, as such are defined in the Code of Virginia, § 46.2-100, which is inoperative. As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this act shall not apply to licensed business which on June 26, 1970, is regularly engaged in the business as an automobile dealer, salvage dealer or scrap processor.
- (b) A maximum of one (1) inoperable motor vehicle, trailer, or semitrailer may be kept outside of a fully enclosed building or structure, as long as such vehicle, trailer, or semitrailer is shielded or screened from view. "Shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located or the vehicle is covered by a cover made for vehicles.
- (c) Notwithstanding the other provisions of this section, if the owner of such inoperable vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one (1) additional inoperable vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.
- (d) The owners of property zoned for residential or commercial purposes shall, at such time or times as the council may prescribe, remove therefrom any such inoperable vehicles, trailers or semitrailer described above that are not kept within a fully enclosed building or structure.
- (e) The town manager through the town's agents and employees may remove such inoperable motor vehicles, trailers, or semitrailers as hereinabove described whenever the owner of the premises, after reasonable notice, has failed to do so. Reasonable notice may be given by first class and registered or certified mail addressed to the owner of the premises, as shown on the current real estate tax records, at the address to which the real estate tax bill is mailed; personal service upon an owner of the premises upon which the vehicles are located; or conspicuously posting notice of the violation upon the premises where the inoperative motor vehicles are located. In the event any such motor vehicle, trailer, or semitrailer is so removed, the town manager through the town's agents and employees may dispose of the same, after giving additional notice to the owner of the vehicle.
- (f)

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes and levies are collected. Every such cost with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost has been made to the town.

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

Cross reference— Penalty for class 4 misdemeanor, § 1-11; zoning ordinance, App. A.

State Law reference— Authority for above section, Code of Virginia, § 15.2-904.

Sec. 13-32. - Removal of weeds and other foreign growth.

- (a) The owners of property in the town shall, at such time or times as the council may prescribe, shall cut or provide for the cutting thereon of grass, weeds and other foreign growth at intervals to be designated by council or as often as may be necessary to prevent breeding and harboring places for insects, reptiles and rodents and to prevent other hazards to the health or safety of residents of the town or other nuisances.
- (b) The owners of vacant developed or undeveloped property in the town, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as council shall prescribe. Council may, whenever it is deemed necessary, after reasonable notice, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected.
- (c) For purposes of this section, one (1) written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.
- (d) Violations of this section shall be subject to a civil penalty of fifty dollars (\$50.00) for the first violation, or violations arising from the same operative facts. Each business day during which the same violation is found to have existed shall constitute a separate offense. Subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be subject to a civil penalty of two hundred dollars (\$200.00). In no event shall a series of violations of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000.00) in a twelve-month period.
- (e) That every charge authorized by this section with which the owner and lienholder 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 local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia, 1950, as amended.

(Code 1971, § 8-4; Ord. of 9-8-87; Ord. of 3-14-92; Ord. of 9-12-95; Ord. of 12-9-14(1))

Cross reference— Removal of accumulations of garbage and refuse, § 8-2.

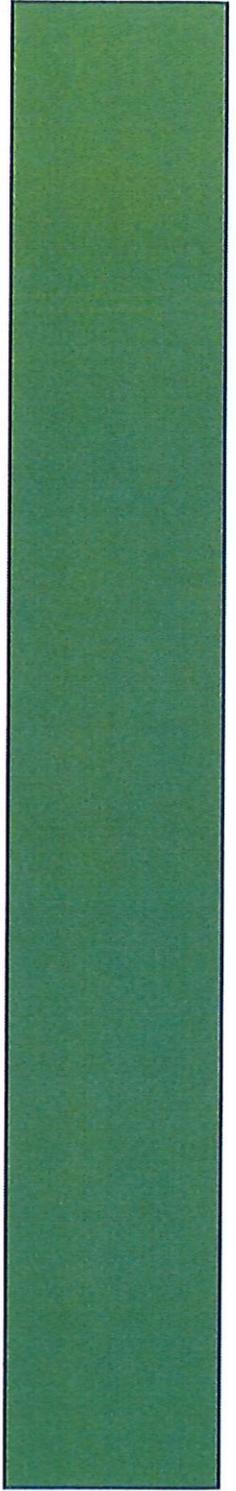
State Law reference— Authority for above section, Code of Virginia, § 15.2-901.

Sec. 13-32.1. - When action to be taken pursuant to section 13-32.

Whenever the chief of police certifies in writing to the town manager that there has existed on any property in the town, grass weeds or other foreign growth exceeding a uniform height of twelve (12) inches for a continuous period of forty-eight (48) hours, the town manager is authorized to proceed pursuant to

section 13-32 of the Code of the Town of Berryville.

(Ord. of 6-11-96; Ord. of 12-9-14(1))



September 12, 2023
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The August (contains July update as well) 2023 expenditure report is attached.

Attachments

- August (contains July) 2023 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

Aug-23

Water and sewer bill accounts

Estimated cost of these actions:

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

Signage

Estimated cost of these actions

- Signage	\$ 150,000.00	\$ 405.00	\$ 17,080.50	\$ 132,514.50	11%
- Total		\$ 17,485.50		\$ 150,000.00	

Fund balance from first payment

Fund balance from second payment				\$ 52,514.50	
				\$ 80,000.00	

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility	\$ 250,000.00	\$ -	\$ 125,000.00	\$ 85,653.44	66%
Total		\$ 39,346.56		\$ 250,000.00	

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

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

Complete necessary water and sewer infrastructure projects

Estimated cost of these actions					
- Cost of the projects	\$ 3,060,886.00	\$ 9,650.00	\$ 1,328,393.00	\$ 1,430,056.45	47.65%
Total			\$ 302,436.55		\$ 3,060,886.00
Fund balance from first payment					\$ -
Fund balance from second payment					\$ 1,430,056.45

	<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:

Administrative Costs:
Legal \$ -

INFRASTRUCTURE COSTS:

Frazier Assoc.(Wayfinding)	\$ 405.00	1st Tranche	\$ 2,267,493.00
General Excavation(Josephine)	\$ -	Used to date	\$ 2,069,184.31
H2O PIPEWORKS	\$ 2,800.00	Balance	\$ 198,308.69
Kidwell Fencing	\$ -	2nd Tranche	\$ 2,267,493.00
GWP(Boom Road Generator)	\$ -	Used to date	\$ 421,783.11
Pennoni(Osborne, Church,Josephine)	\$ 6,850.00	Balance	\$ 1,845,709.89
Pennoni (I&I, SSES Study)	\$ -		
Webster Nursery(Concrete walls)	\$ -		
Total	\$ 10,055.00		

ARPA MASTER LIST

9/12/2023

	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	SSES Study	\$ 125,000.00	\$ 116,240.44	\$ 8,759.56	20% Infra	
15	River Pumping Station Upgrade	\$ 25,000.00	\$ 28,538.55	\$ (3,538.55)	100% Infra	\$ (3,538.55)
16	Water Meter & Selter Replacements *	\$ 350,000.00	\$ 334,294.37	\$ 15,705.63	75% Infra	
17	Herintage 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	\$ 905,892.53	\$ 1,375,055.57	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	\$ 17,485.50	\$ 122,514.50	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%	
	Adminstrative /Legal Fees	\$ 60,000.00	\$ 40,168.89	\$ 19,831.11	50% Admin	
	Total Encumbered	\$ 4,534,986.00	\$ 2,490,967.42	\$ 2,044,018.58		\$ 44,292.76
	Total ARPA	\$ 4,534,986.00				
*	Project For (2) two years					
**	Pending funds availability					
	Possible Projects					
	WWTP Harmonic Balancer **	\$	\$	\$	0%	
	SCADA Digital Upgrade 3 Pump Stations * *	\$	\$	\$	10%	

Project Status Report

6

Date: 9/12/2023

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: 9/12/2023

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

10

Date: 9/12/2023

Project Name:

Grant to Barns of Rose Hill

Project Budget: \$40,000.00

Expected Completion Date: January 2023

Executive Summary:

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

Project Goals:

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

Project Status:

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

Project Milestones:

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

Project Issues or Concerns:

Project Status Report

11

Date: 9/12/2023

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: 9/12/2023

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: 9/12/2023

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

21

Date: 9/12/2023

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: \$905,892.53
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: 9/12/2023

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

24

Date: 9/12/2023

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: 9/12/2023

Project Name:

Bel Voi Drive and Battletown Dr Water Main Replacement

Project Budget: \$

Expected Completion Date: December2024

Executive Summary:

Water main replacement from an 4-nch 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: 9/12/2023

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: \$17,485.50
Schedule/Timeline	On Track	0% Complete:

Project Milestones:

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

Project Issues or Concerns:

Project Status Report

27

Date: 9/12/2023

Project Name:

Raw Water Intake Land- Easement Acquisition

Project Budget: \$15,000.00

Expected Completion Date: Mid FY2023

Executive Summary:

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

Project Goals:

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

Project Status:

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

Project Milestones:

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

Project Issues or Concerns:

Project Status Report

28

Date: 9/12/2023

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

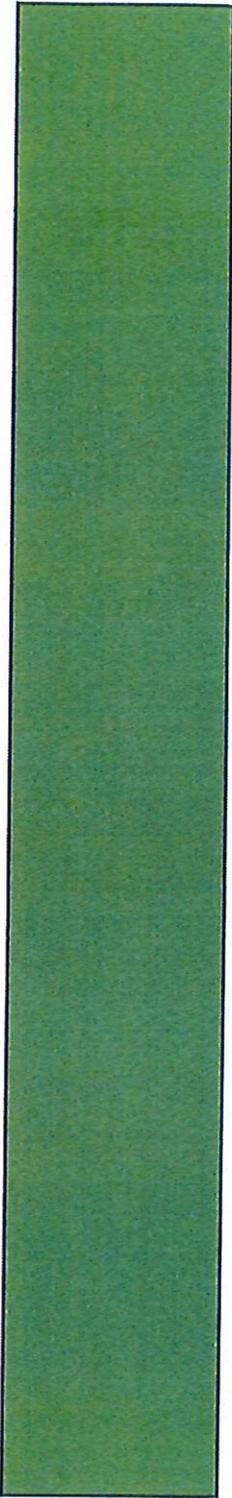
Project Status:

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 September 12, 2023

225 Josephine Street

No work has been completed on the site subsequent to the last update to the Council.

Staff will provide the property owner with another notice (by certified mail) confirming the December 15, 2023 deadline for bringing the property into compliance with applicable law. If the property owner does meet this deadline, then the Town will begin work to bring the property into compliance.

114 Josephine Street

Town staff met with the property owner to discuss the work that needs to be completed. Staff followed up from the meeting with emails to the property owner on July 13 and August 5.

The property owner has not addressed the issues outlined with him when he met with staff (as confirmed in the email of July 13).

Staff will provide the owner with another notice (by certified mail) and set a deadline for completion the enumerated work. If the work in question is not completed by the deadline date, then the Town will take action of bring the property into compliance with applicable law.

203 Josephine Street

The structure has been razed and the materials removed from the site.

229 Josephine Street

No work has been completed on the site subsequent to the last update to the Council.

Staff will prepare a draft preliminary determination of blight for this property. That draft will be placed before the Town Council for comment on October 10, 2023.

Attachments

- 114 Josephine correspondence (emails from July 13, 2023 and August 5, 2023)

Report of July 11, 2023

Update

225 Josephine Street

Staff spoke with the property owner and was told that he is working:

- 1) with a contractor to raze the house in the fall,
- 2) to erect an accessory building on the property, and
- 3) to get materials that have been removed from the house off of the property.

114 Josephine Street

Town staff is scheduled to meet with the property owner to discuss work that needs to be completed to close this matter.

203 Josephine Street

The property owner has secured a surveyor to document the non-conforming structure before it is razed.

229 Josephine Street

At its June meeting, the Council requested that staff be able to inspect the cistern located at 229 Josephine Street before July 11 or it would initiate action under §5-3 of the Berryville Code. No such inspection was permitted.

The property owner's intermediary represented to the Town that the cistern has been filled.

Attachments

- 229 Josephine correspondence from June 13 to July 6

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

114 Josephine Street Correspondence

Keith Dalton

From: Keith Dalton
Sent: Saturday, August 5, 2023 1:03 PM
To: William Woodruff
Cc: Rick Boor; Paul Culp
Subject: FW: 114 Josephine Street
Attachments: 20230713150154939.pdf

Importance: High

Mr. Woodruff:

This email is sent to remind you of the work that needs to be completed on your property at 114 Josephine Street by August 31, 2023.

Please let me know if you have any questions about this matter.

Thank you for your work in this regard and take care,

Keith

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

Office Phone: 540.955.1099

From: Keith Dalton
Sent: Thursday, July 13, 2023 2:28 PM
To: William Woodruff <[REDACTED]>
Cc: Rick Boor <directordpw@berryvilleva.gov>; Paul Culp <townclerk@berryvilleva.gov>
Subject: 114 Josephine Street
Importance: High

Mr. Woodruff:

Thank you for meeting with Rick Boor and me earlier this week. You have made great progress with your property at 114 Josephine Street. Thank you for your efforts.

When we met, we discussed a few things that still need to be completed to permit me to close the spot blight abatement plan that was approved by the Berryville Town Council. Below I will list those items and a reference the portion of the approved plan that applies (the number corresponds with numbered sections on the attached plan). Those items are:

- Cap the sewer lateral (1) Note: This work must be inspected by the Berryville Public Works Department prior to backfilling.
- Remove the remaining debris from the property (2)

- Establish grade (that will shed water) and stabilize the area in which the house stood (3) Note: I think this can be accomplished with stone or dirt.

I request that these items be completed by August 31, 2023. I further request that great care be taken to complete the work enumerated above without damaging the surface of Josephine Street (this assumes that the new pavement will be installed in the near future). Any undue damage to the new street surface will be repaired at the expense of the party responsible for the activity in which the damage occurred.

Please call me if you have any questions or concerns.

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

Town of Berryville
Blight Abatement Plan
114 Josephine Street
Berryville, VA

Overview

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

Permitting

Owner will obtain all necessary permits (including demolition and erosion and sedimentation control).

Utilities

As applicable owner will:

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

①

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

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

Erosion and Sedimentation Control

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

Demolition of the Main Structure/Removal of Debris

Owner will cause the main structure to be demolished. All work must be completed in accordance with provisions of the demolition permit. All work must be completed in a manner that does not endanger the public that is utilizing Josephine Street. Josephine Street may not be blocked at any time unless a Town of Berryville Land Use Permit has been issued for such activity.

②

Owner will cause all material left over from the demolition of the main 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.

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.

Plan Approved by Town Council On 7/12/22.

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 in accordance with applicable regulations and laws.

Stabilization

3

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

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.

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

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 demolition of the main structure and cleaning of the site. If the Town completes work to abate blight, then it will file a lien on the subject property in accordance with the provisions of Chapter 5 of the Berryville Code.

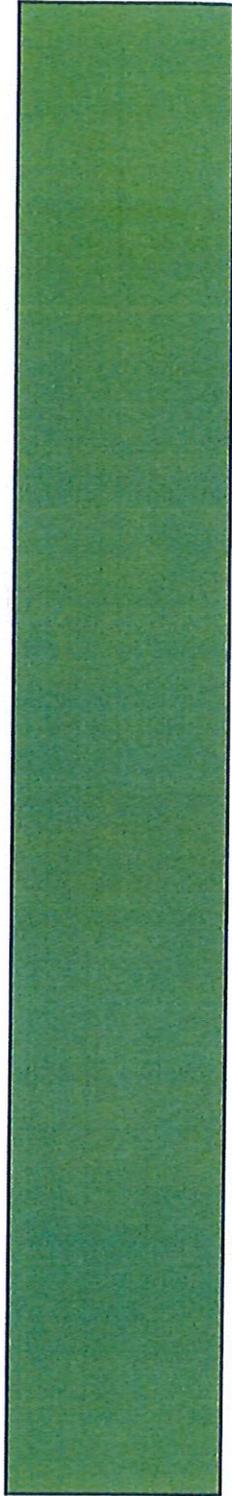
APPROVED:


Harry Lee Arnold, Jr., Mayor

ATTEST:

7-27-2022 
Date Erecka L. Gibson, Recorder

7/21/22
Date



September 12, 2023
Update

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

Report of September 12, 2023

The Clarke County School Board conditionally approved the proposal at its August meeting.

The Town Manager will meet with administrative bodies later this month to introduce the proposal. Staff expects that this matter will be placed before the Town Council again in November. It is hoped that the Council will make a determination in this regard in December.

Staff plans to have this matter completed before the end of calendar 2023.

Report from June 13, 2023

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 easternmost 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