



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

October 10, 2023

7:00 PM

Item

Page

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Approval of Agenda**

4. **Presentations/Awards and Recognitions**

5. **Public Hearings**

The Berryville Planning Commission is sponsoring a text amendment to Article I Definitions of the Berryville Zoning Ordinance in order to define short-term rentals in the Town of Berryville. Additional amendments are also proposed to establish short-term rentals as a use by special permit in the following zoning districts: R-1 Residential (Section 201.2(c)), R-2 Residential (202.2(d)), R-3 Residential (203.2(j)), C General Commercial (204.2(i)), Open Space Residential (601.3(h)), DR-1 Detached Residential-1 (602.3(k)), DR-2 Detached Residential-2 (603.3(l)), DR-4 Detached Residential-4 (604.3(m)), AR Attached Residential (605.3(p)), MR Multifamily Residential (606.3(u)), C-1 Commercial (607.3(x)), L-1 Industrial (609.3(r)), and BC Business Commercial (v). (TA 01-23)

The Council of the Town of Berryville will hold a public hearing in order to modify the Planning and Zoning Fees. Proposed fee changes include those for rezonings, text amendments, establishing a fee for special use permits for short-term rentals, residential and commercial/industrial special use permits, site development plans, Board of Zoning Appeals requests, sign permits, Erosion and Sediment Control Permits, zoning permits for Temporary Family Health Care Structures, zoning permits for residential and commercial/industrial development, zoning determination letters, subdivision ordinance plats, individual lot grading plans, and permits for activity within the Town of Berryville right-of-way including land use permits, commercial entrances, street connections, and traffic signals.

6. Discussion of Public Hearing Items

7. Citizens' Forum

8. Consent Agenda

Approval of Minutes

9. Unfinished Business

10. New Business

11. Council Member Reports

Mayor

Recorder

Ward 1

Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works

Public Utilities

Police Department

Community Development

Departmental Update

Construction Update

Administration and Finance

Deputy Town Manager

Town Manager

Town Manager's Report

Update: American Rescue Plan Act of 2021

Update: Spot Blight Abatement

13. Committee Updates

Budget and Finance

Community Development

Personnel, Appointments, and Policy

Public Safety

Streets and Utilities

14. Closed Session

15. Adjourn

Town Council Agenda Item Report Summary

October 10, 2023

Item Title

Public Hearing – Zoning text amendments for short-term rentals

Prepared By

Christy Dunkle

Background/History/General Information

The Berryville Planning Commission is sponsoring a text amendment to Article I Definitions of the Berryville Zoning Ordinance in order to define short-term rentals in the Town of Berryville. Additional amendments are also proposed to establish short-term rentals as a use by special permit in the following zoning districts: R-1 Residential (Section 201.2(c)), R-2 Residential (202.2(d)), R-3 Residential (203.2(j)), C General Commercial (204.2(i)), Open Space Residential (601.3(h)), DR-1 Detached Residential-1 (602.3(k)), DR-2 Detached Residential-2 (603.3(l)), DR-4 Detached Residential-4 (604.3(m)), AR Attached Residential (605.3(p)), MR Multifamily Residential (606.3(u)), C-1 Commercial (607.3(x)), L-1 Industrial (609.3(r)), and BC Business Commercial (v). (TA 01-23)

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 or two (2) persons per bedroom, 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

Findings/Current Activity

Public hearing notices were published in the Winchester Star on Tuesday, September 26 and Tuesday, October 3, 2023. No comments were received in the Planning Office.

Ms. Petti will be discussing related amendments to the Town Code.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Approve the text amendment establishing a definition of short-term rentals and the zoning districts that will allow the use by special permit.

Sample Motion

I move that the Council of the Town of Berryville approve the attached ordinance amending Article I of the Berryville Zoning Ordinance to establish a definition for short-term rentals and to approve the use by special permit in the zoning districts identified in the ordinance.

Attachments:

- Public hearing notice
- Ordinance for text amendments to the Town of Berryville Zoning Ordinance
- Zoning map
- Proposed zoning district modifications

WINGABSTER STAR 9/26/23 & 10/3/23

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 after as this matter may be heard, on Tuesday, October 10, 2023, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

The Berryville Planning Commission is sponsoring a text amendment to Article I Definitions of the Berryville Zoning Ordinance in order to define short-term rentals in the Town of Berryville. Additional amendments are also proposed to establish short-term rentals as a use by special permit in the following zoning districts: R-1 Residential (Section 201.2(c)), R-2 Residential (202.2(d)), R-3 Residential (203.2(j)), C General Commercial (204.2(i)), Open Space Residential (601.3(h)), DR-1 Detached Residential-1 (602.3(k)), DR-2 Detached Residential-2 (603.3(l)), DR-4 Detached Residential-4 (604.3(m)), AR Attached Residential (605.3(p)), MR Multifamily Residential (606.3(u)), C-1 Commercial (607.3(x)), L-1 Industrial (609.3(r)), and BC Business Commercial (v) TA 01-23

The Council of the Town of Berryville will hold a public hearing in order to modify the Planning and Zoning Fees. Proposed fee changes include those for rezonings, text amendments, establishing a fee for special use permits for short-term rentals, residential and commercial/industrial special use permits, site development plans, Board of Zoning Appeals requests, sign permits, Erosion and Sediment Control Permits, zoning permits for Temporary Family Health Care Structures, zoning permits for residential and commercial/industrial development, zoning determination letters, subdivision ordinance plats, individual lot grading plans, and permits for activity within the Town of Berryville right-of-way including land use permits, commercial entrances, street connections, and traffic signals.

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
Keith R. Dalton, Town Manager

AN ORDINANCE AMENDING
ARTICLE I, DEFINITIONS AND RESPECTIVE DISTRICTS AS RELATED
TO SHORT TERM RENTAL REGULATIONS
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article I, Definitions, and respective zoning districts of the Town of Berryville Zoning Ordinance establishing the use by special permit be amended as follows:

Article I, Section 102

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.

Article II

- R-1 Residential establishing Section 201.2(c)
- R-2 Residential establishing Section 202.2(d)
- R-3 Residential establishing Section 203.2(j)
- C General Commercial establishing Section 204.2(i)

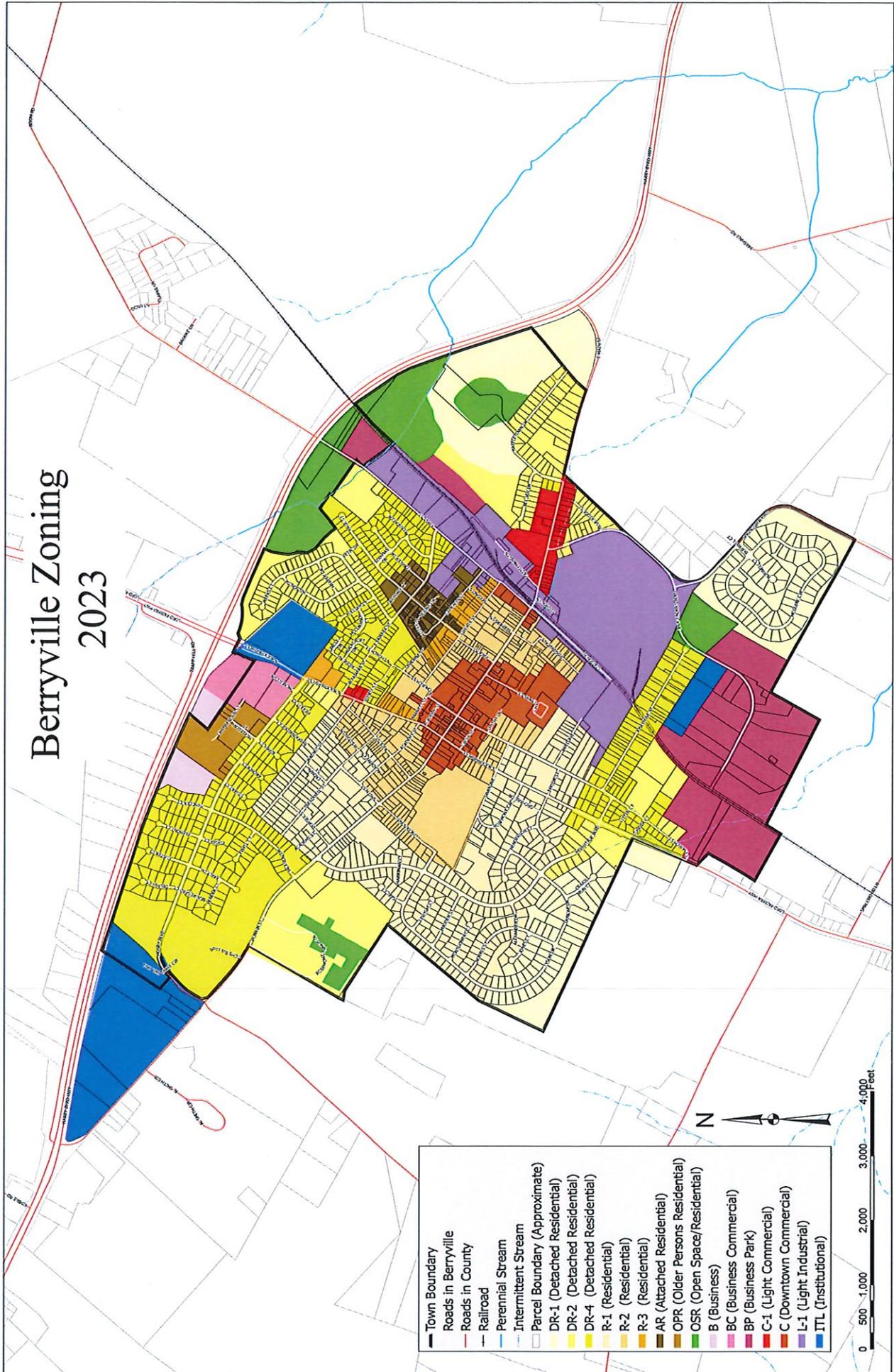
Article VI

- OSR Open Space Residential establishing Section 601.3(h)
- DR-1 Detached Residential-1 establishing Section 602.3(k)
- DR-2 Detached Residential-2 establishing Section 603.3(l)
- DR-4 Detached Residential-4 establishing Section 604.3(m)
- AR Attached Residential establishing Section 605.3(q)
- MR Multifamily Residential establishing Section 606.3(w)
- C-1 Commercial Section establishing 607.3(x)
- L-1 Industrial Section establishing 609.3(r)
- BC Business Commercial establishing Section 610.3(e)

SIGNED: _____
Harry Lee Arnold, Jr., Mayor

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Berryville Zoning 2023



ARTICLE II – DISTRICT REGULATIONS

SECTION 201 - R-1 RESIDENTIAL DISTRICT

201 STATEMENT OF INTENT

The R-1 District is composed of quiet, low-density residential areas plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration and permitted uses are limited to single-unit dwellings, plus selected additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district. No rooming houses are permitted.

201.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the R-1 Residential District.

- (a) Single-family dwellings.
- (b) Schools and offices for Clarke County Public Schools and related non-profit organizations **(07/16)**.
- (c) Churches.
- (d) Parks and playgrounds.
- (e) Off-street parking for permitted uses in the district as set forth in Section 305.
- (f) Accessory buildings and Temporary Family Health Care Structures as defined; however, garages, carports, porches, and stoops attached to the main building shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five (5) feet from any property line or to any other structure. **(11/10)**
- (g) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
- (h) Signs as set forth in Section 307.
- (i) Travel trailers, which shall not be stored within the front setback area, and which shall be prohibited from occupancy. **(5/83)**
- (j) Fences as set forth in Section 303.

201.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Home Occupations. **(4/86)**
- (b) Planned Research Offices, as defined in Section 102.
- (c) Short-term rentals (XX/XX)**

201.3 AREA REGULATIONS

The minimum lot area shall be fifteen thousand (15,000) square feet.

201.4 SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. **(5/94)**

201.5 FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be one hundred (100) feet. Minimum width at the street right-of-way line shall be fifty (50) feet.

201.6 YARD REGULATIONS

- (a) Side - Each side yard shall be a minimum of fifteen (15) feet.
- (b) Rear - Each rear yard shall be a minimum of thirty (30) feet in depth.

201.7 LOT COVERAGE

Any structure or structures shall not occupy more than thirty (30) percent of the total area of the lot.

201.8 HEIGHT REGULATIONS

- (a) Buildings may be erected up to three (3) stories but shall not exceed thirty-five (35) feet in height.
- (b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (d) No accessory building that is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

201.9 SPECIAL PROVISIONS FOR CORNER LOTS

- (a) Of the two sides of a corner lot fronting on streets, the shortest side shall be deemed to be the front.
- (b) Each corner lot shall have a minimum width at the setback line of one hundred twenty (120) feet.

SECTION 202 - R-2 RESIDENTIAL DISTRICT

202 STATEMENT OF INTENT

The R-2 District is composed of medium density residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low-to-medium density, and permitted uses are limited to single- and two-family dwellings plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

202.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the Residential R-2 District.

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Rooming houses.
- (d) Tourist homes.
- (e) Boarding houses.
- (f) Schools.
- (g) Churches.
- (h) Playgrounds
- (i) Home occupations.
- (j) Public, semi-public, or governmental buildings.
- (k) Off-street parking for permitted uses in the district as set forth in Section 305.
- (l) Accessory buildings and Temporary Family Health Care Structures permitted as defined; however, garages and other accessory structures, such as carports, porches, and stoops attached to the main building shall be considered part of the main building. Accessory buildings shall not be located closer than five (5) feet from any property line or to any other structure. **(11/10)**
- (m) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
- (n) Signs as set forth in Section 307.
- (o) Travel trailers, which shall not be stored within the front setback area, and which shall be prohibited from occupancy.
- (p) Fences as set forth in Section 303.

202.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Nursing, convalescent, or rest homes, pursuant to Section 311.
- (b) Professional offices as set forth in Section 312. **(10/94)**
- (c) Day care centers, barber, and beauty shops. **(5/95)**
- (d) Short-term rentals (XX/XX)**

202.3 AREA REGULATIONS

- (a) The minimum lot area shall be eight thousand (8,000) square feet for all permitted uses.
- (b) Each unit in a two-family structure arranged side by side shall be given four thousand (4,000) square feet of lot area.

202.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width (~~5/94~~), or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line." (10/00)

202.5 FRONTAGE REGULATIONS

The minimum lot width at the setback line shall be eighty (80) feet.

202.6 YARD REGULATIONS

- (a) Side - Each side yard for structures less than three (3) stories shall be at least ten (10) feet. Each side yard for three-story buildings shall be at least fifteen (15) feet.
- (b) Rear - The minimum rear yard shall be twenty-five (25) feet.

202.7 LOT COVERAGE

Any structure, or structures, shall not occupy more than thirty-five (35) percent of the total area of the lot.

202.8 HEIGHT REGULATIONS

- (a) Buildings may be erected up to three (3) stories, but not exceed thirty-five (35) feet in height.
- (b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (d) Accessory buildings over one story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

202.9 SPECIAL PROVISIONS FOR CORNER LOTS

- (a) Of the two sides of a corner lot fronting on streets, the shortest shall be deemed to be the front.
- (b) Each corner lot shall have a minimum width at the setback line of ninety (90) feet.

SECTION 203 - R-3 RESIDENTIAL DISTRICT

203 STATEMENT OF INTENT

The R-3 District is composed of high-density residential uses and open area where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the character of the area so designated and create areas for apartment and townhouse construction, along with appropriate living environments. These areas are located close to employment, shopping, and other community facilities. Development is limited to high-density residential uses of various types, plus selected additional uses, such as schools, parks, churches, and certain public facilities.

203.1 USES PERMITTED BY RIGHT

Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in the R-3 Residential District.

- (a) Single-family dwellings.
- (b) Two-family dwellings.
- (c) Schools.
- (d) Churches.
- (e) Parks and playgrounds.
- (f) Home occupations.
- (g) Public, semi-public, or governmental buildings.
- (h) Off-street parking for permitted uses in the district as set forth in Section 305.
- (i) Accessory buildings and Temporary Family Health Care Structures permitted as defined; however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building, shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five (5) feet from any property line or to any other structure.
(11/10)
- (j) Public utilities: poles, lines, distribution transformers, booster and relay stations, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewage systems.
- (k) Signs as set forth in Section 307.
- (l) Travel trailers, which shall not be stored within the front setback area and which shall be prohibited from occupancy.
- (m) Fences as set forth in Section 303.
- (n) Rooming houses.
- (o) Boarding houses.
- (p) Tourist homes.

203.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Nursing and/or convalescent homes as set forth in Section 311.
- (b) Professional offices as set forth in Section 312.
- (c) Townhouses as set forth in Section 309.
- (d) Apartments as set forth in Section 310.
- (e) Conversion of a structure originally intended and designed for occupancy as a single-family dwelling into a structure with two or more dwellings.

- (f) Day care centers. (10/94)
- (g) Barber and beauty shops. (5/95)
- (h) Furniture and automobile upholstery businesses. (4/99)
- (i) Banks and financial institutions with drive-through facilities. (8/07)
- (j) Short-term rentals (XX/XX)**

203.3 AREA REGULATIONS

- (a) The minimum lot area shall be eight thousand (8,000) square feet for freestanding one- or two-family detached structures. Each unit in a two-family structure arranged side by side shall be given four thousand (4,000) square feet of lot area.
- (b) The minimum lot area for the conversion of structures to a larger number of dwelling units shall be eight thousand (8,000) square feet for the first two dwelling units and two thousand (2,000) square feet for each additional dwelling unit above two.
- (c) The minimum lot areas for townhouses and apartments are set forth in Section 309 and 310 respectively.
- (d) The minimum lot area for other permitted uses shall be eight thousand (8,000) square feet or as otherwise specified herein. Accessory uses may be located on the same lot as the principal use without increased lot size.

203.4 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way fifty (50) feet or greater in width (5/94), or forty-five (45) feet or more from the center of any street right-of-way less than fifty (50) feet in width.

203.5 FRONTAGE REGULATIONS

The minimum width at the setback line shall be seventy-five (75) feet.

203.6 YARD REGULATIONS

- (a) Side - Each side yard shall be a minimum of ten (10) feet.
- (b) Rear - The minimum rear yard shall be twenty-five (25) feet.

203.7 LOT COVERAGE

Any structure or structures shall not occupy more than 40 percent of the total area of the lot.

203.8 OPEN SPACE

Each dwelling created when a structure is converted to a larger number of units shall be provided with six hundred (600) square feet of usable open space per dwelling unit. Such space shall be exclusive of areas devoted to streets, alleys, and parking.

203.9 HEIGHT REGULATIONS

- (a) Buildings may be erected up to three (3) stories, but not to exceed thirty-five (35) feet in height.
- (b) A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side,

Section 203 (R-3) Residential District

and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

- (c) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (d) Accessory buildings over one story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

203.10 SPECIAL PROVISIONS FOR CORNER LOTS

- (a) Of the two sides of a corner lot fronting on streets, the shortest shall be deemed to be the front.
- (b) Each corner lot shall have a minimum width at the setback line of eighty-five (85) feet.

SECTION 204 - C GENERAL COMMERCIAL DISTRICT

204 STATEMENT OF INTENT

The C General Commercial District covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, garages and services stations, and multi-family dwellings.

204.1 USES PERMITTED BY RIGHT

In District C, structures to be erected or land to be used shall be for one or more of the following uses:

- (a) Assembly halls.
- (b) Assembly of high-tech components and /or systems (not including manufacturing).
(6/98)
- (c) Automobile and home appliance services.
- (d) Automobile service stations (with major repair under cover).
- (e) Automobile sales and service.
- (f) Bakeries.
- (g) Banks and financial institutions.
- (h) Barber and beauty shops.
- (i) Nursing homes.
- (j) Churches.
- (k) Day care centers. **(10/94)**
- (l) Department stores.
- (m) Drug stores.
- (n) Dry cleaners.
- (o) Fire and rescue squad stations.
- (p) Fraternal and auxiliary organizations.
- (q) Funeral homes.
- (r) Furniture repair.
- (s) Garages, public and commercial.
- (t) Hardware stores.
- (u) Hospitals, nursing homes, convalescent homes, rest homes.
- (v) (Deleted, 1982.)
- (w) Laundries.
- (x) Libraries.
- (y) Newspaper office buildings, including printing and publishing facilities incidental to such uses.
- (z) Office buildings.
- (aa) Personal and professional services.
- (bb) Pet shops, but excluding boarding kennels.
- (cc) Printing shops.
- (dd) Federal, state, county, or town governmental offices or buildings.

Section 204 General Commercial (C) District

- (ee) Radio and television broadcasting stations and studios, or offices.
- (ff) Restaurants.
- (gg) Retail stores.
- (hh) Single-family detached dwellings. **(3/98)**
- (ii) Theaters, indoor.
- (jj) (Deleted, 1982.)
- (kk) Wearing apparel stores.
- (ll) Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- (mm) Off-street parking for permitted uses in the district as forth in Section 305.
- (nn) Signs as set forth in Section 307.
- (oo) Fences as set forth in Section 303.
- (pp) Accessory uses clearly incidental to the principal use of the lot.
- (qq) Second story apartments as set forth in Section 310. **(02/14)**

204.2 USES PERMITTED BY SPECIAL PERMIT

- (a) Shopping centers as set forth in Section 308.
- (b) Townhouses as set forth in Section 309.
- (c) First story and basement apartments as set forth in Section 310. **(02/14)**
- (d) Conversion of residential and/or commercial structures into buildings with a greater number of dwelling units.
- (e) Public billiard parlors and poolrooms, bowling alleys, dance halls, health spas and clubs, and similar forms of public amusement only after a public hearing shall have been held by the Governing Body on an application submitted to the Body for such use. The Governing Body may request that the Planning Commission submit a recommendation to them concerning such use applications. In approving any such applications, the Governing Body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest, before granting approval to said application.
- (f) Wholesale and distributive establishments which do not create hazards for traffic or adverse impacts on the surrounding area.
- (g) Boarding houses, hotels, motels, and tourist homes.
- (h) Veterinary hospitals **(10/16)**
- (i) Short-term rentals (XX/XX)**

204.3 AREA REGULATIONS

No requirements for commercial uses or for one (1) dwelling unit in conjunction with a commercial use. For two-family or multi-family dwellings, except as specified in Section 204.2, area requirements shall be the same as in the R-3 District for residential units above one (1).

204.4 SETBACK REGULATIONS

No requirement, except for townhouses and apartments as stated in Sections 309 and 310 respectively.

204.5 FRONTAGE AND YARD REGULATIONS

No requirement except that, if the property is adjacent to a residential district, each minimum side yard shall be ten (10) feet and the minimum rear yard shall be twenty (20) feet. Sections 309 and 310 shall apply for townhouses and apartments respectively.

204.6 HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

- (a) A public or semi-public building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (b) Church spires, belfries, cupolas, monuments, water towers, chimney flues, flagpoles, television antennae, and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (c) Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

204.7 SITE PLAN REQUIREMENTS

All new structures, excepting accessory buildings of one hundred fifty (150) square feet or less, shall be subject to final site plan approval. Changes of use or additions to an existing structure requiring additional parking or other significant site changes applicable to a new use shall also be subject to final site plan approval. Site plans shall comply with the conditions of Section 314.

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.

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)
- (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.

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

Section 605 Attached Residential (AR) District

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

Section 605 Attached Residential (AR) District

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

Section 606 Multifamily Residential (MR) District

- (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

Section 606 Multifamily Residential (MR) District

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-

Section 606 Multifamily Residential (MR) District

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

Section 607 Commercial (C-1) District

- (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

Section 609 Industrial (L-1) District

- (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)

Section 609 Industrial (L-1) District

- (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.

Section 609 Industrial (L-1) District

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

609.14 ADDITIONAL REQUIREMENTS

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

(3/92) SECTION 610 BC BUSINESS COMMERCIAL

610.1 PURPOSE AND INTENT

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

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

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

610.2 PERMITTED USES

- (a) Antique sales (indoor only)
- (b) Automobile service and repair establishments (including gas stations), with a convenience store (not occupying more than 3,000 square feet of gross floor area, excluding storage) as an accessory use, provided that all vehicle repair takes place in a fully enclosed building. **(04/16)**
- (c) Automobile sales
- (d) Broadcast stations, studios, and offices for radio and television
- (e) Car washes
- (f) Churches and other places of worship
- (g) Clubs or Lodges (including civic and public benefit organizations)
- (h) Day care centers
- (i) Financial institutions (with or without drive-through windows)
- (j) Funeral homes
- (k) Government and other public buildings (including police, fire, library, museum, and postal facilities; excluding retail and service uses except as provided in Section 610.2(u).
- (l) Grocery store (with at least 25,000 square feet gross floor area)
- (m) Hotels and motels
- (n) Laundromats
- (o) Medical care facilities, licensed
- (p) Offices, business or professional
- (q) Plant nurseries
- (r) Public utilities and related easements
- (s) Recreation facilities (indoor or outdoor), parks, playgrounds, fairgrounds, etc.

Section 610 Business Commercial (BC) District

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

610.3 SPECIAL PERMIT USES

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

610.4 MAXIMUM DENSITY

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

610.5 MINIMUM DISTRICT SIZE

Minimum District size is four (4) acres.

610.6 LOT REQUIREMENTS

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

610.7 BUILDING HEIGHT AND SETBACK REGULATIONS

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

610.8 OPEN SPACE

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

610.9 ADDITIONAL REGULATIONS

(a) Parking, Streets and Access

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

(b) Buffering and Landscaping

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

(c) Storage of Materials and Refuse

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

(d) Uses, Facilities and Improvements

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

(e) Site Plan

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

Section 610 Business Commercial (BC) District

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

**Short-term Rentals Report for Berryville Town Council
10 October 2023**

Item Title: *Short-term Rentals*

Prepared By: *Jean Petti*

Background/History General Information

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

Findings/Current Activity

A text amendment to the definitions section of *T. of Berr. Zoning Regulations (July 2022)*, creating Short-term rental as a use permitted by special permit in the R-1, R-2, R-3, OSR, DR-1, DR-2, DR-4, AR, MR, BC, L1, C, and C-1 zoning districts has been recommended by Planning Commission and presented to Town Council

Relevant changes to *T. of Berr. Code Article III- Other Licenses* and *Article VIII- Transient Occupancy Tax* underwent legal review and are attached for Council review and potential adoption

Attachments

Chapter 9- Licenses, Article I- In General, Sec. 9-2 Definitions

Chapter 9- Licenses, Article III- Other licenses, Sec. 9-34 and Sec. 9-36

Chapter 16- Taxation, Article VIII Transient Occupancy Tax, Sec. 16-101, 16-108, and 16-110

Short-term rental code amendment DRAFT motion

Recommendation

Adoption of code changes as presented

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)

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)

BERRYVILLE TOWN COUNCIL
AN ORDINANCE AMENDING ARTICLES III and VIII OF THE BERRYVILLE CODE

Date: October 10, 2023

Motion By:

Second By:

Be it ordained, by the Council of the Town of Berryville, that the attached amendments be made to the Code of the Town of Berryville as follows:

Chapter 9- Licenses, Article I- In General, Sec. 9-2 Definitions, establishing a definition for "short-term rental";

Chapter 9- Licenses, Article III- Other Licenses, License requirements, Section 9-34 Exemptions from local license taxes and fees, deleting sections that are already established by VA state code, and to establish Code Section 9-36 Short-term Rental registry.

Chapter 16- Taxation, Article VIII- Transient Occupancy Tax, Section 16-101 Definitions, modifying definition of Room or Space rental to include terms previously classed under Hotel, adding 'short-term rental', and removing travel campground; removing 'to any hotel travel campground' from Sec. 16-103, and editing Sec. 16-108 and Sec. 16-110 to remove gender specific language.

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____
Harry Lee Arnold, Jr., Mayor

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Town Council Agenda Item Report Summary

October 10, 2023

Item Title

Public Hearing – Planning and Zoning Fees

Prepared By

Christy Dunkle

Background/History/General Information

The Council of the Town of Berryville will hold a public hearing in order to modify the Planning and Zoning Fees. Proposed fee changes include those for rezonings, text amendments, establishing a fee for special use permits for short-term rentals, residential and commercial/industrial special use permits, site development plans, Board of Zoning Appeals requests, sign permits, Erosion and Sediment Control Permits, zoning permits for Temporary Family Health Care Structures, zoning permits for residential and commercial/industrial development, zoning determination letters, subdivision ordinance plats, individual lot grading plans, and permits for activity within the Town of Berryville right-of-way including land use permits, commercial entrances, street connections, and traffic signals.

The Town of Berryville has not updated the Planning and Zoning fee schedule since 2012. The proposed 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

Public hearing notices were published in the Winchester Star on Tuesday, September 26 and Tuesday, October 3, 2023. No comments were received in the Planning Office.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Approve as presented.

Sample Motion

I move that the Council of the Town of Berryville approve the proposed Planning and Zoning Fee schedule modifications as presented to be effective October 11, 2023.

Attachment:

- Proposed update to Planning and Zoning Fee Schedule



PLANNING AND ZONING FEES
Effective ~~July 1, 2012~~ October 11, 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 reimburses 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.

Berryville Town Council Item Report Summary October 10, 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 two items to be considered for approval:

Minutes of the 09.07.23 Town Council work session
Minutes of the 09.12.23 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
Work Session
September 07, 2023
4:00 p.m.

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

Staff: Present—Keith Dalton, Town Manager; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Jean Petti, Deputy Town Manager

Media: Mickey Powell, *The Winchester Star*

Also present: Tom Frederick and Matt Youngblood of Pennoni Associates.

1. Call to Order

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

Mr. Steinmetz moved that the Council of the Town of Berryville, in accordance with Town Council Policy 2016-01 – Electronic Participation in Meetings from Remote Locations, and in recognition that a quorum of the Council was present in the meeting room, approve Council Member Ryan Tibbens’ participation in this meeting by telephone because of a scheduling conflict. The motion passed by unanimous voice vote.

2. Approval of Agenda

Mayor Arnold invited a motion to approve the agenda.

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

3. Unfinished Business

Review of Preliminary Engineering Report—Water Treatment Plant

Mr. Dalton introduced Mr. Frederick and Mr. Youngblood, who were present to brief the Council on the PER and ask questions regarding the future direction of upgrades to the water treatment plant, with an eye to the Council’s approval of the PER, which must then be submitted to regulatory bodies.

Mr. Frederick said that certain financial details would be added later in the event of the need for a USDA grant, and that debt financing had been factored into Pennoni's cost estimates.

Mr. Frederick said the Town's current facility was more than forty years old and that sound operation and maintenance had stretched the use of its mechanical equipment far beyond the usual twenty to thirty years. He then described the forecasting models related to future population and water use, explaining that a 20 to 30 percent increase in use was to be expected during the next thirty years and that current capacity would accommodate 25 percent. Ms. Harrison asked about the effect of new industry, and Mr. Frederick said employment forecasts align with population.

In the arena of structural evaluation, Mr. Frederick said the raw water intake is sufficient, as is the structure of the pumping station, which he said will need new mechanical equipment. He said the pre-setting basin will need replacement, that the control and operations building will need refurbishing and roof replacement, and that the backwash lagoon and clearwell can be repaired as needed.

Mr. Frederick said the PER presents four alternatives: 1) Taking no action; 2) Purchasing finished water and deferring renewal of facilities; 3) Installing new conventional mixed media treatment facilities; and 4) Installation of new membrane treatment facilities. He said numbers one and two are not feasible, while membrane technology, an advanced innovation dating from within the last forty years, had become increasingly feasible because of price reduction.

Mr. Frederick said options four and five had in common certain improvements to be made to Town facilities: cleaning of intake screen; replacing raw water pump equipment and electrical equipment; replacing the pre-setting tank; expanding the control and operations building; repairing the lagoon, clearwell, and septic tank; general site work; an inline valve and surge relief system for treated water; and improving security and environmental protection. He then displayed maps and floor plans, describing proposed construction and explaining the process for estimating the size of needed facilities.

Mr. Frederick then showed the Council a decision matrix of fiscal and non-fiscal factors involved in choosing between mixed media and membranes. He explained that the former would carry lower capital costs, \$9.2 million versus \$11.3 million, while regulatory compliance—which he said is the largest consideration—would favor membranes, as would resilience and ease of operation and control.

The project schedule as described by Mr. Frederick called for application for funding in October of this year, with a completion date in October of 2026.

Mr. Steinmetz asked if the fifteen-year life-span of membranes, mentioned in the PER, is guaranteed. Mr. Frederick said the life-span depends on the character of the water and the skill of the operator, but that the worst-case scenario is ten years. He added that membranes carry warranties.

Ms. Dunkle asked about possible disruptions of service. Mr. Frederick said the new equipment will be fully tested and capable before the transition from the old, that brief interruptions for pipe adjustments might occur but that the Town has storage to cover six to twelve hours.

Ms. Dunkle and Mr. Youngblood briefly discussed site plan approval by Clarke County.

Mr. Dalton asked about the 2019 utility rate study Pennoni had prepared for the Town and how that study relates to the PER's cost estimates. Mr. Frederick said that in estimating the trajectory of utility fees and charges, the study had allowed for \$13 million as the cost of system upgrades. He said the required loans would be at market rate, and commended the Town on its astute planning.

Mr. Dalton said budget reserves had funded the PER and that he wished to install a pressure relief valve and an inline valve on the transmission line prior to commencement of other construction.

Ms. Harrison asked about water storage towers. Mr. Dalton said the Town would use storage to bridge production interruptions during plant construction.

There was a discussion of the pre-sedimentation basin.

There was a discussion of staffing. Mr. Frederick said membranes would require less on-site and allow for remote operation .

Mr. Youngblood described the isolation of membranes for maintenance.

Mr. Mazzarino and Mr. Frederick discussed water quality, with Mr. Frederick explaining that membranes would remove 30 percent more organics, using fewer chemicals and thereby alleviating problems with haloacetic acid byproducts such as the Town had recently experienced. Mr. Frederick also said that mixed media would waste more water during backwater cleaning than membranes would.

Mr. Dalton asked whether the Virginia Department of Health is favorably disposed toward the use of membranes rather than mixed media, and Mr. Frederick said he was under the impression that this was likely.

Mr. Tibbens asked about the respective life-spans of the two options, and Mr. Frederick said he was not aware of any inherent superiority either way, that care and maintenance are the crucial element in either case.

Mr. Tibbens asked if it would be possible to project the impact on residents' monthly bills of the \$2 million difference between mixed media and membranes. Mr. Frederick said more detailed information would be available after Rural Development provides interest rate information during the loan process. Mr. Tibbens asked whether it would be possible to obtain that information before the Council voted on the matter. Mr. Dalton asked Mr. Frederick whether this would be possible

before the regular meeting of the Council five days hence. Mr. Frederick expressed doubt about this, saying it would be necessary to know the term, rate, and expected utility rates relative to median household income.

Mayor Arnold said that funds had been set aside for the project and that the reduced use of chemicals would be a cost advantage with membranes.

Ms. Harrison said the influx of new residents would increase the funds the Town receives. She said the 2019 rate study had already provided the necessary information on the trajectory of utility billing.

Vice Mayor Gibson clarified that the Town had not raised rates for usage during its five-year program of rate increases, just the administrative fee.

There was a discussion of adjustment for inflation.

Mr. Dalton suggested that a projected completion date of October 2026 might be less realistic than expecting completion at the end of 2026.

4. New Business

None.

5. Other

None.

6. Closed Session

Mr. Mazzarino moved that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-29 of the Code of Virginia, for discussion of the award of a public contract involving the expenditure of public funds. The motion passed by unanimous voice vote.

The Council entered closed session at 5:39 p.m. and returned to open session at 6:11 p.m. Mr. Steinmetz read the **attached** motion and certification of the closed session.

7. Adjourn

Mayor Arnold requested a motion to adjourn.

Vice Mayor Gibson moved to adjourn. The motion passed by consensus at 6:13 p.m.

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

Town of Berryville

Town Council

MOTION TO ENTER CLOSED SESSION

Date: September 7, 2023

MOTION BY: *Mezzarho*

SECOND BY: _____

I move that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-29 of the Code of Virginia, to discuss award of a public contract involving the expenditure of public funds.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Attest: _____

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL

MOTION

CLOSED SESSION RESOLUTION

DATE: September 7, 2023

MOTION BY: *Steinmetz*

SECOND BY: *—*

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

Resolution

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

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

VOTE:

Aye: *Unanimous roll-call vote*

Nay:

Absent/Abstain:

ATTEST: _____

Erecka L. Gibson, Vice Mayor

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 12, 2023
7:00 p.m.

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

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

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

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

4. Presentations, Awards, and Recognitions

None.

5. Public Hearings

Zion Baptist Church (Alethia Burks, Agent) requests a Special Use Permit in order to operate a daycare 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

Mayor Arnold opened the hearing at 7:02 p.m.

Ms. Dunkle said the Planning Commission had held a public hearing on July 25 and had recommended approval, with the following conditions: that a fence be installed around the multi-purpose court and playground at the rear of the property, that the maximum number of students in the building at one

time be set at twenty-four, and that the signature on the application be updated due to the death of a previous signatory. She noted that the latter had since occurred.

Ms. Harrison noted that the site is already a meeting place and asked whether it could continue as a social hall. Ms. Dunkle said she believed so and would look into the matter.

Ms. Harrison said she was concerned about the possible inadequacy of parking. Ms. Dunkle noted locations behind and beside the building and at the church, and said zoning requirements had been met.

Ms. Harrison said haste and commotion could be problematic, as could large trucks. She said pedestrian safety would be at risk, and asked about the monitoring of the ratio of parking spaces to students. Ms. Dunkle said state licensure would have bearing on this, and Mr. Dalton said any violations would be investigated. Ms. Harrison said parking and extra traffic were her primary concerns.

Alethia Burks, the applicant, said the center would have a turnaround to ease congestion and traffic flow. She said a daycare center would confer substantial benefits on the community, and addressed safety concerns by saying dropoff and pickup would be conducted according to a system and that a privacy fence would be in place.

Mayor Arnold then invited comment from members of the public.

Josephine Street resident Dana Libby concurred with Ms. Harrison's concerns but said the community does need a daycare center. He asked that approval be conditional upon full compliance with all regulations and upon traffic and parking being lawful and not causing any blockages of the street.

Kenneth Liggins said Karlyle Hill is not really the owner of the property at 13 Josephine Street and that Hill was asking the Town to conspire with him in violation of the 14th Amendment. He said the Town had failed to notify all residents and property owners affected by the proposal and that a white neighborhood would have been properly notified.

Deborah Liggins asked that the matter be tabled for a month, citing lengthy ongoing blight abatement measures in the area and truck traffic. She also expressed concern about an oil tank near the proposed daycare center.

Deborah Doleman asked when the center would open. Ms. Dunkle said the Building Department was still processing the matter and that the permit would allow up to two years for opening. Ms. Doleman asked about hours of operation, and Ms. Dunkle said 6:00 a.m. to 6:00 p.m.

In the absence of further comment, Mayor Arnold closed the hearing at 7:17 p.m.

6. Discussion of Public Hearing Items

Ms. Harrison reiterated her aforementioned concerns.

Mr. Mazzarino said the ratio of staff to children is set by the state, not by localities.

Mr. Steinmetz, chairman of the Planning Commission, said that body had looked upon the application as a land-use matter and that it had met those requirements.

Mr. Tibbens said the proposal was sensible from a land-use standpoint and that a daycare center is needed. He said the amount of controversy is peculiar.

Mr. Steinmetz asked about the permissible timeline for the Council's response, and Ms. Dunkle said one more month would be permissible.

Mr. Dalton and Ms. Burks briefly discussed the oil tank. She said it was within a fenced-in area and that the inspector had granted approval.

Mr. Dalton and Ms. Burks discussed parking spaces and the proposed turnaround. She said she would be applying for the permits needed for extension of the apron, and described the desired drop-off and pickup procedures.

Mayor Arnold asked Ms. Burks if the oil tank is still in use. She said yes.

Mr. Steinmetz asked if pickup would occur for all children at the same time, and Ms. Burks said the schedules of the various parents would lead to pickup times being staggered.

Mr. Mazzarino moved 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 four feet high) is installed that fully encloses the rear of the property, prior to the opening of the daycare center, and that such fence be maintained at all times while the daycare is in operation; permissible hours of operation 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 on-site at one time.

At Mr. Dalton's suggestion, Mr. Mazzarino added the following:

Concrete apron will be extended, as discussed, to permit turnaround and parking, and the daycare center will conform to all laws, rules, and regulations of the state, county, and

municipality. The motion passed, with Ms. Harrison and Mr. Tibbens voting nay and all others aye.

7. Citizens' Forum

Taylor Fernandez said she was a new resident of Berryville, living on South Church Street, and that the lack of safe, non-metered parking had led to her receiving parking tickets. She asked the Town to consider issuing parking passes for residents, which she said all the residents of her building would be willing to pay for. Mayor Arnold said the matter was worth considering.

Craig Mattice said the water/sewer administrative fee is excessively burdensome, especially for the poor and unemployed, that costs for residents should be dependent on usage, and that costs for residents are out of balance with costs for businesses. He asked the Council to delay its vote on the proposed increase in order to conduct a thirty-day study. Mr. Mattice noted the recent water conservation notice, saying the Council is not trying to improve conservation in any systemic way. He said no information had been provided on recent matters related to water quality, and also said nothing had been done about his suggestion that the Town produce flash notices of upcoming meetings.

Kenneth Liggins said the pavement repair on Josephine Street had been done incorrectly because the residents are black, and reiterated the aforementioned assertion about Karlyle Hill.

New Clarke County Economic Development Director Michelle Brown introduced herself to the Council.

8. Consent Agenda

The consent agenda comprised the minutes of the July 11 Town Council regular meeting.

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

9. Unfinished Business

Proposed Amendment to Schedule of Water and Sewer Fees and Charges

Mr. Dalton noted that the Council in its May 9 meeting had held a public hearing on the last in a five-year series of adjustments to the schedule of utility rates and fees based on a 2019 engineering study. At Mr. Steinmetz's request, he briefly addressed the highlights of the **attached** schedule of fees and charges.

Mayor Arnold explained that no one wanted to raise the water rates when they were raised four years in a row because of the expense of the new wastewater treatment plant mandated ten years

ago by the Department of Environmental Quality. He said a large portion of funds had been set aside but that additional revenue was needed to build the plant. He said that after the utility rate study was completed in 2019, it was recommended that the water rates be raised each year for five years for the construction and financing of a new water treatment plant.

Vice Mayor Gibson explained that the study had outlined a dozen different scenarios and that the Council had decided on an administrative fee as the most workable. She asked if the engineer could provide updated options as new developments occur. Mr. Dalton said yes, that a treatment membrane had just been replaced and that the Town had been setting funds aside. He said approval of the preliminary engineering report for treatment plant upgrades would provide further information on how much the Town could pay its own way and how much it would have to borrow.

Mayor Arnold said that setting funds aside as a matter of prudent planning had reduced the need for borrowing. He also reminded the meeting that the Town had applied funds from the American Rescue Plan Act of 2021 to provide a six-month moratorium on utility payments by residents.

Mr. Dalton said the lender would review the utility fees and charges for appropriateness and might require adjustments.

Mayor Arnold explained how the administrative fee covers the Town's cost of meter-reading and other system costs that are necessary even when a resident is not using utilities for a while.

Mr. Tibbens said he shared the concerns Mr. Mattice had expressed in Citizens' Forum but that the current schedule is beyond alteration. He said he was concerned about the future direction and that utility fees must be a large factor in the upcoming decision about how best to upgrade the treatment plant.

Vice Mayor Gibson moved 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. The motion passed by unanimous voice vote.

Preliminary Engineering Report—Water Treatment Plant

Mr. Dalton noted that the utility rate study had identified the upgrade of the water treatment plant (WTP) by 2026 as a pressing need for the Town, with an estimated cost of \$16,070,000. He said that the Town had chosen Pennoni Associates as a design engineer for the project following a request for proposals issued in August of 2022. Mr. Dalton explained that the preliminary engineering report (PER), reviewed by the Council in its September 7 work session, would outline the process and that after the Town Council's approval it would be submitted to the Virginia Department of Health for approval, after which Pennoni would begin plant design preparatory to the execution of the project being put out to bid.

Mr. Dalton explained that the primary matter for discussion would be the choice of treatment processes, Pennoni having provided figures on mixed-media filtering and membrane filtering and recommended the latter. He said the membrane method, which carries higher capital and life-cycle costs, would better counteract emerging contaminants, help the Town respond more adroitly to increasingly stringent regulation, and reduce the influx of organic matter, thereby reducing the possibility of chlorination by products also.

Vice Mayor Gibson asked for clarification regarding whether the engineer who addressed the work session had said financing entities would favor one process over another. Mr. Dalton said the engineer had said the membrane process would find more favor with regulators and that the Town's difficulties are not extensive enough to qualify it for grants.

Mr. Steinmetz said membranes would possibly have a beneficial effect on operators' license classes and on labor costs. Mr. Dalton explained that the use of membranes might lower the classification from class two to class three, which would allow for more remote operation and also reduce the level of licensure required to operate the plant, which he said would be beneficial in light of the difficulty of hiring qualified operators.

Ms. Harrison said membranes would make an increase in plant capacity easier. Mr. Tibbens asked whether a considerable population increase would require this, and Mr. Dalton referenced the capacity analysis in the PER.

Ms. Harrison noted that membranes would use less electricity and fewer chemicals. Mr. Tibbens agreed that membranes would be more environmentally sound.

Vice Mayor Gibson said that the Town had adjusted utility fees and charges in line with an engineer's initial cost estimate that had proved to be considerably higher than the PER's estimate for either treatment option, rendering a fee increase unlikely in either case. She said the total difference between the two, \$2.4 million, would be financed over a thirty-year period at low interest and therefore would be of little consequence to the individual consumer.

Mr. Tibbens said he would prefer more certainty about future household costs and asked whether the Council could reverse its decision. Mr. Dalton said the Town could inform the Department of Health that it wanted to change course and resubmit the PER. He noted that such a process would certainly delay the project.

Mayor Arnold said figures from lending entities would be unobtainable until the Council made a decision.

Mr. Steinmetz asked whether the two options would carry different financing arrangements. Mr. Dalton said no, that financing arrangements would depend on what entity did the lending.

There was a brief discussion of the process for obtaining the loan.

Mr. Tibbens asked that the Council wait a month and obtain more finance figures before committing itself.

Ms. Harrison said the purchase of mixed-media equipment, the older technology, could lead to regulators demanding changes later and that the purchase of membrane technology now would lead to less costly operation.

Vice Mayor Gibson returned to her point about thirty-year financing, saying the membranes would provide better technology at a cost per user of \$42 per year.

Mr. Steinmetz said membranes would address the problem with chlorine byproducts and that the added cost would be worth it.

Mr. Mazzarino said better water quality as provided by membranes would be the most important factor.

Mayor Arnold said the Town would try to avoid an increase in fees and charges next year.

Mr. Tibbens moved that the Council of the Town of Berryville table the matter until its October meeting, pending acquisition of more information from the engineer. The motion failed, Mr. Tibbens voting aye and all others nay.

Ms. Harrison moved that the Council of the Town of Berryville approve the Preliminary Engineering Report titled *Water Treatment Plant Improvements, Berryville, Virginia* in which the Town's consulting engineer recommends that the new water treatment plant utilize membrane filtration, and authorize the Town Manager to have the report submitted to the Virginia Department of Health for approval. The motion passed, Mr. Tibbens abstaining and all others voting aye.

10. New Business

Mr. Dalton said the Town Code enables the Town Council to designate the date and hours for trick-or-treating, and Mayor Arnold invited a motion to designate the date recommended in the agenda packet.

Mr. Steinmetz moved 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. The motion passed by unanimous voice vote.

11. Council Member Reports

Mayor Arnold said National Night Out had been a success. He also took note of the water supply warning declaration issued by the Town on September 2 and distributed via posting on the Town website, on the Clarke County Facebook page, and at the Town office, with notifications also provided via CODE RED and notices to website users who subscribe. He explained that the declaration had not been issued in time for inclusion in the mailing of monthly bills.

Mayor Arnold also referred to the monthly report from Berryville Main Street, noting the success of the recent Cruise-In car show and yard sales.

Mr. Mazzarino of Ward 3 said residents had expressed concerns about speeding, aggression, and profanity from drivers on Hermitage Boulevard and Buckmarsh Street. He asked Chief White for police attention to the matter. Ms. Harrison concurred.

The other members had nothing to add.

12. Staff Reports

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

Community Development

Ms. Dunkle asked the Council to set a public hearing on proposed amendments to the Berryville Zoning Ordinance concerning short-term rentals, the Planning Commission having held its own hearing in July and made recommendations.

Ms. Harrison moved that the Council of the Town of Berryville set a public hearing for its October 10, 2023 meeting on text amendments to establish zoning regulations for short-term rentals, and that the Council agree to hear public comment on associated amendments to the Berryville Code during the public hearing on the zoning text amendments. The motion passed by unanimous voice vote.

Ms. Dunkle said a public meeting would also be needed for proposed updates to the Planning and Zoning fee schedule, which had not been revised since 2021. She said the recommendations took into account the consumer price index and the fee schedules of other jurisdictions in the region.

Mr. Tibbens moved that the Council of the Town of Berryville set a public hearing for its October 10, 2023 meeting on proposed changes to the Planning and Zoning Fee Schedule. The motion passed by unanimous voice vote.

Ms. Dunkle said the Town needed a resolution supporting the VDOT Transportation Alternatives Grant for additional funding for sidewalk connectivity on Mosby Boulevard.

There was a brief discussion of the Town's 20 percent match as a component of its capital improvements plan, and of the time-span of the project.

Vice Mayor Gibson moved that the Council of the Town of Berryville approve the attached resolution for additional Transportation Alternative Program grant funds for the Mosby sidewalk project. The motion passed by unanimous voice vote.

Town Manager

Mr. Dalton briefly summarized matters heard recently and still pending:

Proposed truck length restrictions on certain streets: Staff requests Council's input in light of VDOT comments provided to Council.

Proposed amendments to Code of Town of Berryville to revise rules for Rose Hill Park and other Town-owned property: Staff expects to provide a revised proposal in October.

Review of elements of construction standards and details: Staff requests that the matter be referred to committee.

Review of Chapter 2 of Town Code: Staff requests that the matter be referred to committee.

Review of Code Sections 10-50 and 10-79 dealing with parking and storage of travel trailers, boats, and inoperable vehicles: Staff requests that the matter be referred to committee.

Review of Code Section 13-32 and 13-32.1 pertaining to removal of weeds and foreign growth: Staff requests that the matter be referred to committee.

13. Committee Updates

Vice Mayor Gibson said the Budget and Finance Committee would meet on October 23 at 3:00 p.m. to discuss the budget calendar, reserves, and bank accounts.

Mr. Tibbens said the Community Development Committee would meet on October 24 at 4:00 p.m.

Mayor Arnold said the Personnel Committee possibly would meet on October 23 at 2:00 p.m. to discuss appointments to boards and commissions.

Mr. Mazzarino said the Public Safety Committee would meet on October 17 [later changed to October 26] at 3:00 p.m.

Ms. Harrison said the Streets and Utilities Committee would meet on October 24 at 3:00 p.m.

14. Other

No other business was discussed.

15. Closed Session

Not applicable.

16. Adjourn

The Council adjourned at 8:43 p.m. on a motion by Mr. Steinmetz.

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

TOWN COUNCIL SIGN-UP SHEET

FAOZ 1

Public Hearing

Tuesday, September 12, 2023

7:00 p.m.

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.

Name: _____ Town of Berryville Resident? _____

~~Joseph L. Tansmore~~ Yes No

~~Ola M. McCloud~~ Yes No

~~DAVA LIBBY~~ Yes No

~~Kenneth D Liggan~~ Yes No

~~Dle Dee Liggan~~ Yes No

~~Reborah Poleman~~ Yes No

_____ Yes No

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, September 12, 2023

7:00 p.m.

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

Taylor Fernandez	<input checked="" type="radio"/> Yes	No
Craig Mattice	<input checked="" type="radio"/> Yes	No
SARA McIntosh Stern	<input checked="" type="radio"/> Yes	No
Kenneth J Luggie	Yes	<input checked="" type="radio"/> No
Michelle Brown	Yes	No
_____	Yes	No

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

~~Effective November 17, 2022~~

Proposed to be effective November 21, 2023

I. USER FEES

A. WATER

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

B. SEWER

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

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water ~~\$18.07~~ 24.35

Sewer ~~\$9.65~~ 12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

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

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

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

Restaurant: \$865 880*

Laundry: \$4,590 4,605*

Institutional: \$1,610 1,625*

Industrial: \$5,630 5,645*

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

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

III. AVAILABILITY FEES

A. WATER

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

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

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

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

Notes:

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

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

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

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

B. SEWER

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

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

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

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

IV. LATERAL OR CONNECTION FEES

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

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

V. INSPECTIONS

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

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: ~~\$300~~ 325

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

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

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

B. Inspections

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

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

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

Notes:

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

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

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

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

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

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

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

IX. UNAUTHORIZED USE OF SERVICE

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

Approved by Town Council on September 13, 2022. _____

PRELIMINARY ENGINEERING REPORT

WATER TREATMENT PLANT IMPROVEMENTS

Berryville, Virginia



Prepared For:

Town of Berryville
Keith Dalton, Town Manager
101 Chalmers Court, Suite A
Berryville, Virginia 22611
(540)-955-4081

August 2023
TBVLL22002



PARTNERS FOR WHAT'S POSSIBLE

pennoni.com

TABLE OF CONTENTS

1.	PROJECT PLANNING.....	5
1.1	Introduction	5
1.2	Location.....	5
1.3	Environmental Resources Present.....	5
1.4	Population and Demographic Trends.....	5
1.5	Community Engagement.....	9
2.	EXISTING FACILITIES	10
2.1	Location Map.....	10
2.2	History.....	11
2.3	Condition of Existing Facilities.....	11
2.3.1	Plant Performance.....	11
2.3.2	Water Treatment Plant Flow	12
2.3.3	Structural Condition Evaluation.....	13
2.3.4	Structural Observations & Findings	14
2.4	Financial Status of Any Existing Facilities.....	16
2.5	Water/Energy Waste Audits.....	16
3.	NEED FOR THE PROJECT	17
3.1	Health, Sanitation and Security	17
3.2	Aging Infrastructure	18
3.3	Reasonable Growth	18
4.	ALTERNATIVES CONSIDERED	20
4.1	Alternative No. 1 – No Action.....	20
4.1.1	Description	20
4.2	Alternative No. 2 – Purchase Finished Water and Defer Renewal of Raw Water Supply and Treatment Facilities.....	20
4.2.1	Description	20
4.3	Alternative No. 3 – Rehabilitate Package Treatment Facility within Same Location	21
4.3.1	Description	21
4.4	Alternative No. 4 – Install New Conventional (“Mixed Media”) Treatment Facilities.....	22
4.4.1	Description	22
4.4.2	Design Criteria	23
4.4.3	Map	24

4.4.4	Environmental Impacts.....	24
4.4.5	Land Requirements	24
4.4.6	Potential Construction Problems.....	25
4.4.7	Sustainability Considerations.....	25
4.4.8	Water and Energy Efficiency.....	25
4.4.9	Green Infrastructure.....	26
4.4.10	Other	26
4.4.11	Cost Estimates.....	26
4.5	Alternative No. 5 – Install New Membrane Treatment Facilities.....	26
4.5.1	Description	26
4.5.2	Design Criteria	27
4.5.3	Map	27
4.5.4	Environmental Impacts.....	28
4.5.5	Land Requirements	28
4.5.6	Potential Construction Problems.....	28
4.5.7	Sustainability Considerations.....	28
4.5.8	Water and Energy Efficiency.....	29
4.5.9	Green Infrastructure.....	29
4.5.10	Other	29
4.5.11	Cost Estimates.....	29
5.	SELECTION OF AN ALTERNATIVE	30
5.1	Short-Lived Assets	30
5.2	Life Cycle Cost Analysis.....	30
5.3	Non-Monetary Factors	31
6.	RECOMMENDED ALTERNATIVE	33
6.1	Preliminary Design.....	33
6.2	Project Schedule.....	34
6.3	Permit Requirements	35
6.4	Sustainability Consideration	35
6.5	Water and Energy Efficiency	35
6.6	Green Infrastructure	35
6.7	Other	35
6.8	Total Project Capital Cost Estimate	35

6.9	Financing Plan - Annual Operating Budget.....	37
6.9.1	Income.....	37
6.9.2	Annual O&M Costs	37
6.9.3	Debt Repayment.....	38
6.9.4	Debt Service Reserve.....	38
6.9.5	Short-Lived Asset Reserve	38
7.	CONCLUSIONS AND RECOMMENDATIONS.....	39

LIST OF TABLES

Table 1-1 Town of Berryville Historical Population..... 6

Table 1-2 Town of Berryville Demographic Data 6

Table 1-3 Clarke County Historical and Forecasted Population..... 7

Table 1-4 Town of Berryville Future Population Forecast 8

Table 2-1 WTP Flow Summary..... 12

Table 3-1 Water Production Summary 2018-2022..... 19

Table 3-2 Forecasted Water System Maximum Day Demand Growth 19

Table 6-1 Estimate Project Schedule 34

Table 6-2 Capital Budget for Preferred Alternative -- Membrane Treatment..... 36

Table 6-3 Annual Operation & Maintenance Costs for Preferred Alternative – Membrane Treatment.....38

LIST OF FIGURES

Figure 2-1 General Location Map..... 10

Figure 2-2 Schematic System Flow Diagram..... 11

APPENDICES

- Appendix A – Waterworks Operating Permit No. 2043125
- Appendix B – Photographs of Water Treatment and Raw Water Facilities
- Appendix C – Reference Drawings
- Appendix D – Basis of Design for Alternatives No. 4 and No. 5
- Appendix E
 - Preliminary Opinion of Capital Project Costs – Alternative No.4
 - Preliminary Opinion of Capital Project Costs – Alternative No. 5
 - Forecasted Operation & Maintenance Costs – Alternatives No. 4 & 5
 - Table of Short-Lived Assets
 - Life Cycle Cost Comparison
- Appendix F
 - Adopted Budget for FY 2022-23
 - Financial Audit for FY 2021-22
 - Current and Proposed Water Rate Schedules
 - Table of Water Users by Monthly Usage (to be added if USDA funding sought)
 - Financing Plan for USDA Rural Development Loan Application for Preferred Alternative (to be added if USDA funding sought)

1. PROJECT PLANNING

1.1 Introduction

The Berryville Water Treatment Plant is a dual train conventional treatment facility with a design average flow of 0.864 MGD. The flocculation, sedimentation, and filtration stages of treatment are provided as a single package unit. The plant serves the Town of Berryville and limited adjacent areas that are planned for future annexation. The facility supplies all potable water needs to the Town, including residential, commercial, and industrial facilities. The plant's water supply is the Shenandoah River, through a river intake facility southeast of the Town, connected by underwater piping to a raw water pumping facility near the river shoreline, and a raw water pipeline carrying pumped flow to the treatment plant.

The Town also collects wastewater generated from properties served drinking water and treats the wastewater at an advanced wastewater treatment facility before discharging the effluent into the Shenandoah River. The treated wastewater discharge is downstream of the water supply intake.

The existing water treatment facility and the raw water intake, pumping and transmission were all designed by Clifford & Associates and constructed in the early 1980s. It was state-of-the-art conventional treatment at the time of its construction and has generally served the Town very well for 40 years with only minor added improvements. However, many of the process units are now advancing beyond the expected useful life and showing signs of failure and need for rehabilitation or replacement, and this facility is the Town's only source of drinking water. This report discusses alternatives and recommendations to "renew" the water treatment and raw water supply facilities through an evaluation of existing facilities and consideration of rehabilitation and replacement options.

Operation of the water treatment and raw water supply facilities are governed by Virginia Department of Health Waterworks Operating Permit No. 2043125 dated July 16, 2012. A copy of this permit is included in Appendix A to this report. The permit requires a Licensed Class II Virginia Waterworks Operator

1.2 Location

The Town of Berryville is an incorporated town located in central Clarke County and west of the valley formed by the Shenandoah River. The Town lies at the intersection of U. S. Route 340 and Virginia State Route 7. Berryville is located approximately 10 miles east of the Interstate 81 north-south corridor and approximately 27 miles north of the Interstate 66 east-west corridor.

The Water Treatment Facility is located southeast of the Town of Berryville at 2970 Springsbury Road (See Figure 2.1).

Photographs of the existing Berryville Water Treatment and Raw Water Facilities are provided in Appendix B of this report.

1.3 Environmental Resources Present

Environmental resources have been identified in the document entitled "Environmental Report in Support of the Categorical Exclusion" prepared by Wetlands Studies and Solutions, Inc. (WSSI) dated July 2023. A copy of this report is contained herein as Volume II.

1.4 Population and Demographic Trends

The population of the Town of Berryville has been relatively stable over the past seventy years except for two separate decades of accelerated growth, including the period between 1980 and 1990 (87% growth in

10 years or average 6.46% per year) and a second period between 2000 and 2010 (39% growth in 10 years or average 3.38% per year). The overall growth rate between 1950 and 2020 has averaged 1.7% per year, with more recent growth between 1990 and 2020 averaging 1.1% per year.

Table 1-1 Town of Berryville Historical Population

Year	US Census Population (US Census Bureau)	Annual Growth Rate
1950	1,401	
1960	1,645	1.62%
1970	1,569	-0.47%
1980	1,752	1.11%
1990	3,277	6.46%
2000	3,002	-0.87%
2010	4,185	3.38%
2020	4,534	0.80%
Total Average Annual Growth Rate from 1950 - 2020		1.69%
Total Average Annual Growth Rate from 1970 - 2020		2.15%
Total Average Annual Growth Rate from 1990 - 2020		1.09%

The 2021 demographic data for the Town is summarized in Table 1-2.

Table 1-2 Town of Berryville Demographic Data

Category	Value
Land Area (square miles)	2.3
Estimated Population	4,494
Median Age	45.9
Average Household Size (persons)	2.6
Median Household Income	81,765
Per Capita Income (\$/Person)	35,828
Unemployment Rate	7.1%
Poverty Rate	10.5%
Source: Unemployment Rate from HomeArea.com; other data from Census data - American Community Survey 2021 5-Year	

Within the Commonwealth of Virginia there are two well-respected organizations that are considered to conduct research and publish reliable data on local population growth for many years. One is a state agency known as the Virginia Employment Commission, and the second is an academic research agency within the

University of Virginia called the Weldon Cooper Center. Neither of these agencies publish population forecasts for towns with a population less than 5,000; accordingly, the Town of Berryville’s population growth forecast is not directly provided. However, both agencies publish and regularly update forecasts for all counties in Virginia, including Clarke County within which the Town of Berryville is the county seat. For this report, growth forecasts for the Town of Berryville will be extracted from published forecasts for Clarke County, further taking into account an historical comparison of Town and County growth.

As shown in Table 1-3, the Virginia Employment Commission projects future population growth for Clarke County to average about 0.51% per year, from a census of 14,783 in 2020 to a forecasted population of 17,199 in 2050. The Weldon Cooper Center projects a lower average of about 0.39% per year, with a forecasted population of 15,965 in 2040. Weldon Cooper does not forecast beyond 2040. Historically, Clarke County grew at an average rate of greater than 1% per year between 1950 and 1990, but growth has slowed since 1990. The average growth rate between 1990 and 2020 has been 0.67% per year. Comparing the growth rate for the past 30 years to the forecast for the next 30 years suggests that this trend of slower growth will continue.

Table 1-3 Clarke County Historical and Forecasted Population

Year	U.S. Census		Virginia Employment Commission		Weldon Cooper Center	
	Population	Annual Growth Rate	Population	Annual Growth Rate	Population	Annual Growth Rate
1950	7,074					
1960	7,942	1.16%				
1970	8,102	0.20%				
1980	9,965	2.09%				
1990	12,101	1.96%				
2000	12,652	0.45%				
2010	14,034	1.04%				
2020	14,783	0.52%				
2030			15,309	0.35%	15,266	0.32%
2040			16,133	0.53%	15,965	0.45%
2050			17,199	0.64%		
Total Average Annual Growth Rate from 1950 - 2020						1.06%
Total Average Annual Growth Rate from 1970 - 2020						1.21%
Total Average Annual Growth Rate from 1990 - 2020						0.67%
Forecast Annual Growth Rate from 2020 -2050 (VEC)						0.51%
Forecast Annual Growth Rate from 2020 -2040 (Weldon Cooper)						0.39%
Sources: US Decennial Census, www.vec.virginia.gov/pdf/pop_projs.pdf and https://demographics.coopercenter.org/virginia-population-estimates/						

Historical population growth of Clarke County can be compared to the historical population growth rate for the Town of Berryville by comparing results in Table 1.1 for the Town with Table 1.3 for the County. When looking at growth rates for each decade, the Town grew at a faster rate in four decades while the County grew faster in three decades. The spread was more dramatic in the decades when the Town growth exceeded the County. When comparing the average growth rates for longer periods (1950-2020, 1970-2020, and 1990-2020) the data indicates Town has been growing at a faster rate than the County. In 1950 the Town population was 1,401 or 20% of the County's population of 7,074. By 2020 the Town's population was 31% of the County's population (4,534 people compared to 14,783 people). Over the historical period shown in the two tables, the trend is toward a growth rate for the Town that is 1.6 to 1.75 times the County growth rate.

Over the period of this analysis, the Town has grown in area through annexations in addition to growth through development of infill property. The Town experienced a significant increase in population between 1980 and 1990 through the addition of 350 acres of Annexation Area A to include 922 people. Since 1990 the Town has grown within the boundary of Annexation Area B. This growth area is administered by both the Town of Berryville and the County of Clarke.

The Town of Berryville and Clarke County both adopted a 2015 Berryville Area Plan in May 2016, which provides for three potential areas along the Town's southern border to be added in the coming decades to continue to meet the anticipated housing and economic demands of the region. Most of the area considered in this Plan was vacant at the time of adoption of the plan, suggesting that it is more a direction for which organic growth can occur than an inducement that could or would accelerate growth.

Applying the Weldon Cooper future growth forecast for Clarke County (0.39% per year) and the lower ratio of 1.6 for Town growth compared to County growth, a lower end forecast for Town of Berryville growth would be 0.625% per year. This rate would correspond to a growth of 20.6% over 30 years. Applying the Virginia Employment Commission future growth forecast for Clarke County (0.51% per year) and the higher Town/County ratio of 1.75 would yield a higher end future growth rate for the Town of 0.89% per year. This rate would correspond to a growth of 30.4% over 30 years.

Table 1-4 Town of Berryville Future Population Forecast

Year	Lower End Population Forecast	Higher End Population Forecast
2020	4,534	4,534
2030	4,830	4,950
2040	5,140	5,410
2050	5,470	5,910

Over the next 30 years, the Town of Berryville is likely to grow in population at a rate of between 20% and 30% of current population. A mid-point rate of 25% in 30 years will be used as a basis for forecasting future water demand.

1.5 Community Engagement

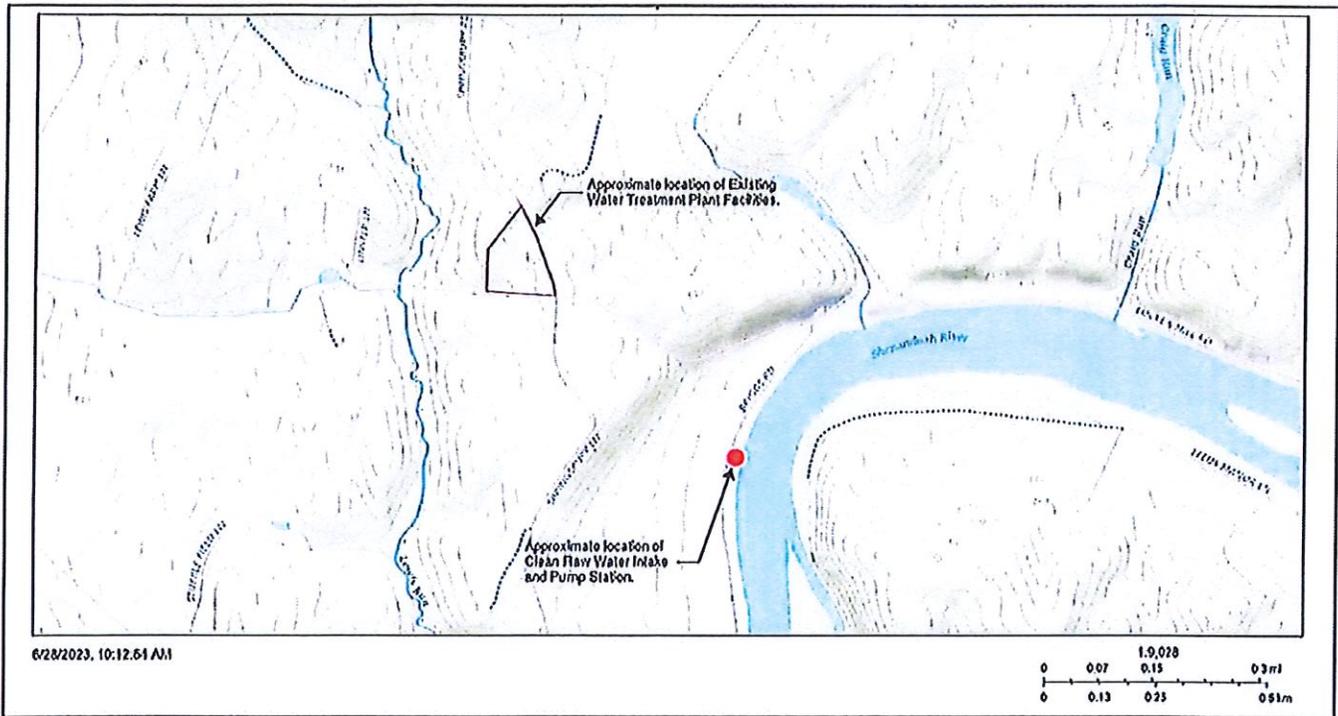
Decisions regarding this project have been made by the Berryville Town Council after consulting with Pennoni. The Town Council determined that the water treatment plant should be improved by 2027 in accordance with the 2019 Utility Rate Study. The review of this study and subsequent budget and capital improvement plan determinations have occurred during the course of public meetings. Prior to the approval of the Preliminary Engineering Report the Town Council will engage with the public to seek additional input.

2. EXISTING FACILITIES

2.1 Location Map

The Town of Berryville WTP is located on the northwest corner of Lockes Mill Road (VA. SEC. RTE 618) and Springsbury Road (VA. SEC. RTE 613) with an access drive entrance along Springsbury Road. The general location of the Town of Berryville WTP, raw water intake, and booster pump station are shown in the plan sheets provided within Appendix C of this report. Both historical as-built plans and concept design plans are provided. General site plans for the raw water intake and booster pump station, raw water transmission pipe and the WTP, taken from the original drawings by Gilbert W. Clifford & Associates (GWCA) dated October 1982 and 1983.

Figure 2-1 General Location Map



Sheet 2 of the GWCA plans in Appendix C provides a schematic diagram to illustrate how the unit processes of the original facilities were designed to operate. The present treatment facilities continue to operate as provided in this schematic diagram with the exception that gas chlorinators have been replaced with a sodium hypochlorite tank and chemical feed system for the chlorination step. The sodium hypochlorite tank and feed system are located in a separate utility building that was added to the site east of the Control and Operations Building.

Photographs of the existing facility are included in Appendix B of this report.

2.2 History

The Town of Berryville provides public water and sewer services for the Town residents and businesses. Constructed in 1983, the Town's raw water intake, booster pump station, and the water treatment plant (WTP) were placed outside of the Town limits, but within Clarke County. The raw water for the WTP is surface water sourced from the Shenandoah River. The Berryville Water System provides approximately 1,879 residential and commercial service connections. The average daily water production is 380,000 gallons per day, with a permitted design capacity of 864,000 gallons per day. The Town also owns and maintains three water storage tanks which together provide 3.5 million gallons of water storage.

The existing water intake facilities consist of a screened water intake from the Shenandoah River, a raw water pump station and transmission pipeline to the Pre-Settling Tank at the WTP. The water treatment facilities utilize an in-line rapid mix, followed by flocculation, sedimentation, and mixed media filtration. The residual floc and filtered by-products are removed and settled in the sludge lagoons. The water receives chemical treatment before heading to the clearwell and entering the distribution system via high service pumping.

Figure 2-2 Schematic System Flow Diagram

2.3 Condition of Existing Facilities

The existing WTP and the raw water intake, pumping and transmission were all designed by Clifford & Associates and constructed in the early 1980s. It was state-of-the-art conventional treatment at the time of its construction and has generally served the Town well for 40 years with only minor added improvements. However, many of the process units are now advancing beyond the expected useful life and showing signs of failure and need for rehabilitation or replacement.

2.3.1 Plant Performance

The Town's operational personnel provided copies of the Town's WTP Production Data for the eighteen-year period from 2005 to 2022:

From a review of the Monthly Operating Reports submitted by the Town to the Virginia Department of Health, the treatment process yields excellent results in the overall quality of water to the distribution system. Filtered water turbidities are consistently less than 0.1 NTUs, which is well below the allowed maximum level of 0.3 NTU. Alkalinity is in a range generally between 80 and 150, representing a water that is neither too hard nor too soft. The Town uses a corrosion inhibitor and lead and copper testing is consistently in compliance. Chlorine levels at the high service pumping is generally in an acceptable range between 1.4 and 2.5 mg/L. pH is generally between 7.0 and 7.6. The Town chooses to add fluoride to the water for prevention of tooth decay and maintains a level between 0.55 and 1.00 mg/L.

Turbidity of the clarified water generally varies between 3.0 and 5.0 NTU but some reports show spikes as high as 20 to 25 NTU. From a visual inspection of the treatment units, one end of the tube settler assembly has slipped below the water level in one of the treatment units, most likely from one or more fasteners under the water surface that has failed. This condition would affect the performance of the clarification or sedimentation step and may be a part of the cause of performance spikes. Fortunately the filtration step to-date is compensating for any limitations in the clarification step, but these observations represent an indicator that age of the treatment units is beginning to affect performance, whereby replacement with new units or an alternative membrane process is important.

The Town is also required to meet the federal Disinfection/Disinfection Requirements Rule, which includes quarterly sampling at two locations in the water distribution system analyzed for trihalomethanes and haloacetic acids. An average of the most recent four samples must be averaged for each site and compared to the federal maximum contaminant level. Unfortunately, the Town marginally failed to meet the limit for haloacetic acids in the third quarter of 2022 and the first quarter of 2023, and while samples for trihalomethanes were compliant during this period, results were above 80% of the limit.

The Town initiated an investigation in June 2023 to obtain samples in the water treatment plant and the distribution system to better understand the formation of disinfection by-products (DDBPs) and how to balance and optimize the process to limit their production. DDBPs form from the reaction of chlorine with trace residual organic matter in the treated water. Organic matter is normally harmless in water and is present in nature but form DDBPs when reacting in the water system with chlorine. DDBPs injected in elevated quantities over a lifetime can lead to chronic health concerns. To remove all organic matter from water would be extremely costly, and chlorine is necessary for disinfection of water from viruses, bacteria, and microbial material, therefore the goal is a balanced process to keep DDBPs below harmful ranges while maintaining cost-effective water treatment and adequate disinfection.

2.3.2 Water Treatment Plant Flow

The annual average flows were as follows:

Table 2-1 WTP Flow Summary

Year	Annual Average Water Filtered (MGD)
2013	0.324
2014	0.342
2015	0.339
2016	0.322
2017	0.322
2018	0.403
2019	0.450
2020	0.431
2021	0.466
2022	0.429

Over the ten years (2013-2022) the WTP operated at slightly less than 45% of its operational design capacity, with up and down trends seen month to month reflective of seasonal water usage patterns. Using the most recent five years of data the average water filtered is 0.436 MGD, which brings the WTP to just over 50% of its capacity. Based upon the past five years and a higher end projected population growth of 30% by 2040, the annual average flow projected to be 0.557 MGD or approximately 65% of the design capacity. The most water filtered in a single day was 0.977 MG on October 26, 2018.

2.3.3 Structural Condition Evaluation

2.3.3.1 Raw Water Intake and Pumping Station

The Town owns a single raw water pump station which is contained within an existing 14-foot by 7-foot underground concrete vault. The station houses the pump station controls and other electrical equipment. There is an existing 8-inch pipeline which carries water from the pump station to the WTP and electrical conduit which runs adjacent to the pipeline.

2.3.3.2 Control & Operations Building

The building occupied by the existing pre-engineered package water treatment units, most of the chemical feed equipment, and the high service pumps as well as used for control & operations of the water treatment process is a single-story pre-engineered metal building (PEMB) supported on conventional shallow concrete spread and continuous strip footings with reinforced concrete foundations walls. The structure includes a subterranean reinforced concrete structure for a clearwell and a partial basement used for high-service pumping equipment. The level one slab generally consists of reinforced concrete on grade, and a reinforced concrete flat plate slab over the basement, supported by reinforced concrete basement walls.

The above grade PEMB is a proprietary structural system that consists of a corrugated metal roof deck supported by light-gage cold-formed metal "Z"- shaped purlins supported by non-prismatic wide flange steel girders and columns. Wall panels are supported on several courses of concrete masonry block (CMU) and consist of corrugated metal exterior panels, with horizontal light-gage cold-formed metal "Z"- shaped girts between columns and vertical sag rods. The lateral system of the building consists of moment connections between steel columns and girders creating moment frames, as well as steel rod "X" bracing between columns located in the plane of the wall, opposite the span of the moment frames.

2.3.3.3 Pre-Settling Basin

The existing pre-settling tank is located south of the Control and Operations Building as a separate structure with an open top for receiving the water pumped from the raw water pumping station. The tank structure is a proprietary precast concrete. The base slab consists of a reinforced concrete slab on grade, and walls consist of reinforced precast, watertight concrete wall panels. Wall panels are continuously braced by the base slab with vertical dowels and concrete fillets, with concrete wall stiffener "tees" and the top of the wall is supported by a reinforced precast concrete cap beam. The tank is segmented into two holding zones with a precast wall, stiffeners and cap walk down the center of the tank. Original construction drawings indicate that tank walls were designed to be free standing or could be backfilled. The existing tank was observed to be backfilled full height on the north side of the tank, and freestanding full height on the south side. The tank also includes penetrations in both the concrete base slab and wall panels for pipes and valves.

2.3.3.4 Backwash Storage

Two backwash storage lagoons are located west of the pre-settling basins, each with a synthetic impermeable liner to prevent leaching of the contents from the lagoons into the groundwater. When sludge from the sedimentation zone of the treatment plant or backwash water from the filter zone are discharged, the water enters one of these two lagoons, controlled by the operator by valves, where the wastewater settles to remove particulate matter and suspended solids. Treated water is released from the lagoons and discharged to Lewis Run, a tributary of the Shenandoah River.

2.3.3.5 Clearwell

The clearwell is a reinforced concrete structure located underneath the filter zone of the treatment plant and below the floor slab for the Control & Operations Building. Purified water from the filters are treated with sodium hypochlorite for disinfection and released into the clearwell where the water is stored until it is pumped through high service pumps into the distribution system.

2.3.4 Structural Observations & Findings

2.3.4.1 Raw Water Intake and Pumping Station

The mechanical and electrical equipment, and inside the vault have degraded over time and need to be replaced. The project will include the replacement of all piping, valves, screens, pumps, electrical, grating and hatch within the existing concrete structure. The concrete structure as inspected from the inside was in good condition and will be cleaned, repair any minor concrete defects if found after cleaning, and the inside wall will receive an epoxy coating to preserve the concrete for longer future use. The existing 12-inch pipeline which carries water from the pump station to the WTP is in good condition and is suitable for continued use. The electrical conduit which runs adjacent to the pipeline has reached its useful life cycle and requires full replacement to ensure a reliable electricity transmission to the pump station.

2.3.4.2 Control and Operations Building

During an initial ground level, walk thru site visit, readily observable deficiencies were noted as they pertain to the primary structural systems and cladding systems of the Control and Operations Building. The following observations are considered typical and suitable for preliminary engineering evaluation, and a more thorough condition assessment would be required if building restoration is selected for final design to determine accurate quantities of deficiencies requiring repair.

1. Light-gage, cold-formed metal framing utilized for roof purlins and wall girts were observed to have varying quantities of section loss and surface corrosions. Evidence of previous repairs of cold-formed metal framing was observed on purlins and girts around the building.
2. Metal roof deck was observed and discussed to have several holes and leaks. Roof system was discussed to be original to the building with numerous patches and repairs thru its service life. Insulation was observed to be sagging and falling from the roof deck.
3. Metal wall panels were observed and discussed to have holes and leaks, generally not providing a closed building envelope.
4. Wide flange steel columns and girders were observed to have varying levels of surface corrosion. Column baseplates were observed to be deteriorating.
5. Concrete Masonry (CMU) knee walls around the perimeter of the building were observed to have cracks. Concrete slab on grade was observed to have cracking and spalling in various locations.
6. The slab around the subterranean clearwell was observed to be cracked at re-entrant corners, and it was discussed that the interior surfaces of the clearwell walls were spalling.
7. Interior and exterior stairs were observed to have corrosions.
8. Concrete loading dock was observed to have cracks and spalls.
9. The structure is a minimally conditioned space, with temperatures kept just above freezing in the winter and no cooling in the summer. Operation of open top treatment tanks within the building result in higher-than-normal relative humidity and minimal ventilation was noted while on site.

2.3.4.3 Pre-settling Basin

1. The Pre-Settling Basin was in use at the time of our first visit. Our second visit the Town was cleaning the basin and we were able to observe the condition of the interior walls and base slab. The walls showed significant deterioration and spalling particular around the water surface elevation. The base slab of the basin had no concrete spalling and no significant cracks that were apparent during the cleaning. The tank has been repaired at some time between the walls and the base slab to prevent the basin from leaking, the repairs still appear to be in good condition.
2. The north walls of the tank were observed to be backfilled the full height and only the cap beam could be observed. The south walls were almost fully exposed (freestanding) and the exterior surfaces could be observed. The east and west walls were partially observable along their lengths from fully exposed to fully backfilled. In general, it was observed that the wall panels have been previously patched at the joints between panels as well as numerous vertical cracks were observed. Vertical and diagonal cracking was observed at the corners of the tanks and active water leaks thru the wall panels were observed around the exterior to the tank indicating the watertight joints are deteriorating.
3. The cap beams and cap walkway were observed to have weather roughened surfaces, cracks and spalls.
4. It was discussed that the valves located in the base slab of the tank were deteriorated and inoperable.

2.3.4.4 Sludge and Backwash Lagoons

The sludge and backwash could not be removed from active surface during the plant inspection and evaluation but were inspected visually from the surface. The lagoons are performing well in removing solids from the sludge and backwash water, releasing clean effluent to the river. There were no visible signs that the lagoons liners had failed as the water level is maintained. Some surface cracking typical of liners with long exposure to the sun and other elements were forming in early stages. The project will include replacement of the liners. An allowance is also provided in the cost estimate for minor latent defects that are presently unknown but may be observed when the liners are removed.

2.3.4.5 Backwash Storage & Clearwell

The exterior of the concrete structure was visually inspected by a structural engineer above the ground level, and an access hatch was opened and a visual inspection of the interior walls above the water line were observed. The observed surfaces are in good condition, the interior walls showed minor concrete defects typical of reinforced concrete clearwells from gases that escape from the chlorination process. Treated water was being stored in the clearwell during the inspection as required to maintain the operation of the water treatment plant.

The project will include the construction of a second clearwell under the Building Addition. Once the new clearwell is in service, the existing clearwell will be taken out-of-service and dewatered. Interior walls will be epoxy coated to restore to near new condition. An allowance will be included in the cost estimate for any unknown latent defects that may be observed once the clearwell is drained.

2.4 Financial Status of Any Existing Facilities

The Town of Berryville owns and provides both water and sewer service to its residents and provides a separate Enterprise Water Fund and separate Sewer Fund for these services whereby expenses are sustained by revenues derived from user charges. For the fiscal year ending June 30, 2023, the Town budgeted \$2,021,000 in Water Fund revenues from user fees, miscellaneous charges, and \$200,000 from prior Fund Balance. The Town budgeted expenses of \$2,021,000, of which \$1,236,550 represents operating expenses, and \$747,353 represents capital improvements to the system, and \$37,097 represents contingency. The Town presents has General Fund and Sewer Fund debt service but no Water Fund debt. The Town of Berryville plans capital needs for the management of its water system assets through its annual budgetary process. The Town recently confirmed with the Virginia Resources Authority that no covenants associated with existing General Fund and Sewer Fund Debt would prevent the Town from obtaining new debt for this project that could not be on parity with existing debt.

Of the \$1,236,550 for operating and maintenance expenses, \$709,000 was budgeted for allocated salaries and employee benefits, and energy costs were budgeted at \$74,000. Energy costs favorably represented 6% of total operating and maintenance expenses.

The Town retains a Certified Public Accountant to prepare an independent annual audit as required by Virginia law. Appendix F of this report provides a copy of the most recent Audit for the fiscal year ending June 30, 2022. A review of Page 18 of the Audit shows a Net Position for the Water Fund totaling \$6,195,597 (as of June 30, 2022) of which \$4,973,670 is unrestricted with the remainder restricted to investment in capital assets. It is best accounting practice to maintain in liquidity assets at least 60 days of operating expenses and 100% to 120% of a full year of debt service for the event of an emergency. Based on this practice of minimum of \$206,090 in available liquidity would be required; the Town's available assets significantly exceed this minimum.

Of the \$4,973,670 reported by the auditor as unrestricted cash reserves, the Town Council has self-encumbered \$2,200,000 for this project to renew and rehabilitate the raw water supply and treatment facilities.

Appendix F also includes a copy of the current water rate schedules, and a copy of the Town's adopted budget for Fiscal Year 2022-2023. Line Items 501-4012222-5110 and 501-4012222-5120 within the budgeted operation and maintenance expenses provide a breakout for energy costs.

Further, Appendix F provides a table summarizing the number of water accounts by customer class and the water use of each class for the 12 months of calendar year 2022.

2.5 Water/Energy Waste Audits

No energy or waste audit has been conducted as a part of this project and no known audit information was available at the time this report was prepared.

3. NEED FOR THE PROJECT

3.1 Health, Sanitation and Security

The Virginia Department of Health (VDH) maintains regulations governing drinking water supply treatment systems in accordance with state and federal law, to include the issuance of Operations Permits regulating the quality of drinking water supplied to businesses and homes. This quality is essential to the public health, The Virginia Department of Environmental Quality (DEQ) maintains regulations regarding the consumptive withdrawal of water from rivers and streams as well as wastewater discharges to streams for the protection of aquatic life and the sanitation and security of the environment. When deficiencies exist resulting in violation of regulations or permits, agencies may issue a Notice of Violation and take other authorized enforcement actions.

Except for the federal Disinfection/Disinfection Byproducts Rule authorized by the Safe Drinking Water Act, the Town of Berryville has been able to maintain compliance with all Health, Sanitation and Security requirements with respect to its drinking water systems operations, even as equipment is showing advanced signs of wear and degradation commonly associated with aging infrastructure.

Although in today's regulations DEQ will require any person desiring to withdraw water from the waters of the state for drinking and other consumptive purposes to obtain a Virginia Water Protection Permit (VWPP), the Town of Berryville is exempt from such requirement as long as the Town operates and maintains but does not modify its existing intake within its existing capacity, as the construction of this intake precedes the adoption of regulations requiring the VWPP. The objectives of this Project include the continued operation and maintenance of this intake, limited to the purpose of its original construction and limited to a capacity of 864,000 gallons per day, therefore no VWPP is being sought for this Project.

The Town's purpose further desires to retain the existing capacity for raw water pumping and transmission, treatment and distribution of drinking water, although some of the means and methods may be modified to design for long-term compliance with current regulations and anticipation of future regulations, as outlined in Alternatives 4 and 5 discussed in Chapter 4 of this report. Approval and authorization to construct this Project will be sought from the Virginia Department of Health before any construction begins, providing the opportunity for modification or reissuance of the Waterworks Operating Permit to the extent needed.

As a part of his report, Monthly Operating Reports the Town has submitted to VDH from 2005 through 2022 were reviewed. With the exception of the recent exceedances in haloacetic acids (HAAs) more fully described in Chapter 2, the plan has demonstrated the capability to maintain compliance with all regulatory requirements.

In order to provide more robust treatment of organics in the source water for control of HAAs, and to renew the aging infrastructure that otherwise would eventually lead to failures that could adversely affect public health, this Project has been determined as necessary and essential for Health, Sanitation and Security.

3.2 Aging Infrastructure

Water treatment facilities include many different elements operating as a system, to include concrete water bearing structures, piping, pumps and other mechanical equipment, electrical equipment, wiring and conduit, and communications and control system. With proper operation and maintenance, concrete structures and piping can serve a useful life of 50 years or longer, but mechanical and electrical equipment generally have a useful life of about 20 years and control and communications system have a reliability less than 20 years. The facilities at the Berryville Water Treatment Facility, including mechanical and electrical equipment are reaching 40 years old and many components have survived well beyond their useful life. Structural evaluations and other observations were included in the preparation of this report as described further in Chapter 2, resulting in a finding that there is a current need for a project to provide for the renewal of the raw water supply and water treatment facilities owned by the Town of Berryville.

3.3 Reasonable Growth

Section 1.4 of this Report summarized the evaluation of historical growth data for the Town of Berryville and Clarke County, the forecasted future growth for Clarke County as represented by two independent and widely respected research agencies, and the representation of likely growth in the Town of Berryville by comparison to Clarke County. It was concluded that this project should plan for population growth within the Town of Berryville of between 20% and 30% over the next 30 years.

From the range of forecasted population growth, this report assumed the Town should plan for an increase in customer water demand of 25% over the next 30 years.

The current Berryville Water Treatment Plant has a capacity to produce 0.864 million gallons per day according to the Town's water supply permit obtained from the Virginia Department of Health (VDH). Based upon an evaluation of the data from monthly operating reports prepared by the Town over a five-year period between 2018 through 2022, the average daily quantity of water treated was 0.436 MGD, or about 50% of the total treatment capacity.

It is water industry accepted practice that a potable water system should have sufficient treatment capacity to deliver a quantity sufficient to meet the highest single day demand averaged over a 24-hour period, defined in the industry as the Maximum Day Demand. According to this practice, higher instantaneous peak demands within the Maximum Day rely upon stored water in the distribution system, with any volume consumed from storage replenished by the end of the day. Because the monthly operating reports provide the measured quantity of water treated on a daily basis, one means of searching for the Maximum Day Demand is through the review of the quantity treated each day of a calendar year seeking the highest day treated volume.

Table 3-1 summarizes measured treated water quantity for each of five years between 2018 and 2022, expressed both in terms of the average daily volume for the year and the maximum day. The data suggests that the maximum day production in 2018 (0.977 MGD) and 2021 (0.889 MGD) exceeded the VDH-rated capacity of the existing plant, and the maximum day production was at least 93% of the rated capacity in each of the five years. This data would suggest on the surface that the Town needs to expand its water treatment capacity. However, a closer look at the data reveals that the Town does not operate its water plant every day. In most weeks the plant will shut down at least one day (on a weekend or holiday) and when customer demand is low enough. Some shutdowns are extended for two consecutive days. This operating schedule can be maintained because the Town has a significant volume of distribution system storage for the size of its customer base, allowing it to operate the plant in excess of system demand to fill storage, then rely upon storage to meet system demands while the plant is in shutdown. As a result, the

reported highest single day treated volume does not accurately reflect the Maximum Day Demand of the customer base. This report uses a 7-Day Running Average of Water Production as a means to estimate the ratio of Maximum Day Demand to Average Day Demand.

Table 3-1 Water Production Summary 2018-2022

Year	Average Annual Water Production (MGD)	Maximum Day Water Production (MGD)	Maximum 7-Day Running Average Water Production (MGD)
2018	0.403	0.977	0.690
2019	0.450	0.819	0.689
2020	0.431	0.808	0.569
2021	0.466	0.889	0.521
2022	0.429	0.804	0.662

Table 3.1 also shows the average annual daily water production, maximum single day water production, and the highest seven-day running average. The highest running average for each of the five years varied from 0.521 MGD in 2021 to 0.690 MGD in 2018. The highest seven-day production average for the five-year period (0.690 MGD) represents 80% of the water plant’s rate production capacity, and further represents a ratio of 1.6 times the average day production of the five-year period. The 1.6 ratio is within the typical range of Maximum Day Demand/Average Day Demand ratios seen across the industry.

Using a demand growth rate of 25% over the next 30 years and a Maximum Day/Average Day ratio of 1.6, Table 3-2 illustrates that the Berryville Water Treatment Plant presently has adequate capacity to meet the forecasted 30-year (Year 2053) Maximum Day Demand.

Table 3-2 Forecasted Water System Maximum Day Demand Growth

Year	Lower End Population Forecast	Higher End Population Forecast
2020	4,534	4,534
2030	4,830	4,950
2040	5,140	5,410
2050	5,470	5,910

This forecast suggests that the current water treatment plant capacity (0.864 MGD) is adequate for the next thirty years but may require a water treatment capacity expansion to meet demand beyond 30 years. Inasmuch as the current project to renew the water treatment plant facilities will be designed for a useful life of 30 years, It is concluded that the design capacity for the current renewal project may retain the same capacity (0.864 MGD) as the existing facilities.

4. ALTERNATIVES CONSIDERED

4.1 Alternative No. 1 -- No Action

4.1.1 Description

This alternative involves continuing to operate the existing Berryville water treatment plant and Berryville intake and pumping station without further improvements or rehabilitation. This alternative is not recommended for serious consideration. As described in detail in Chapter 2 of this report, most of the systems are already serving beyond the intended service life and showing significant evidence of deterioration that will lead to failure. Continued long-term operation is expected to result in unacceptable loss of service or the failure of necessary treatment processes and will eventually result in a public health crisis. Additionally, the existing treatment facilities will not keep pace with the water treatment requirements due to the age and condition of the chemical feed systems.

4.2 Alternative No. 2 – Purchase Finished Water and Defer Renewal of Raw Water Supply and Treatment Facilities

4.2.1 Description

In developing a project around the need to rehabilitate aging infrastructure, it is worth considering if it is economically feasible to purchase finished water from another community water system, thereby allowing the existing supply and treatment infrastructure to be phased out-of-service. Such an alternative, when feasible, also presents the opportunity for regional cooperation which if implemented successfully is aligned with regulatory interests, particularly within the area of resiliency.

A map of the Town of Berryville and surrounding areas would confirm the Town as the county seat of Clarke County, and the areas of the county surrounding the Town are rural in nature. The County encourages the preservation of these rural assets across most of its land area by encouraging development to occur within the Town or land adjacent to the Town that is planning for future annexation. As a result, the Town operates the largest community water system in Clarke County, with the only other available system being the Clarke County Sanitary Authority. The Authority operates a small community water system south of Berryville to serve 400 accounts within the communities of Boyce, Millwood, and White Post, along with the small commercial uses at the intersection of US Routes 17, 50 and 340. The Authority lacks the capacity to serve the Town of Berryville, and to expand that capacity would require expanded water source, pumping, treatment and transmission that would significantly exceed the scope and cost of renewing and maintaining the Town of Berryville system.

Alternatives toward a regional approach beyond Clarke County would extend toward Frederick Water or the City of Winchester in Frederick County to the west, the City of Charles Town in Jefferson County WV to the north, or the Town of Round Hill in Loudoun County to the east. In all cases such connections would require greater than 15 miles of new transmission main as well as the expansion of supply and treatment capacity within the adjacent systems to meet Berryville's needs. The cost of new transmission alone would exceed the entire costs of the total project alternatives identified in Alternatives 4 and 5.

Collectively, purchasing water from neighboring water suppliers does not represent a cost-effective approach for the Town of Berryville and further lacks substantial non-monetary benefits, and therefore this alternative is not favorably considered in this report.

4.3 Alternative No. 3 -- Rehabilitate Package Treatment Facility within Same Location

4.3.1 Description

This alternative would rehabilitate the existing two pre-engineered treatment units within the existing Control and Operations Building at the Berryville Water Treatment Plant, thereby eliminating the need to expand the building as represented in both Alternatives 4 and 5. Under this alternative, repairs to the water supply intake and raw water pumping station, Pre-Settling Basin, and Sludge and Backwash Lagoons may still be accommodated as defined in Alternatives 4 and 5.

The Town's existing water treatment plant is configured so that a single pre-engineered treatment unit can be operated while a second unit is being rehabilitated. To rehabilitate a unit, all existing process equipment within the flocculation, sedimentation and filtration zones would be removed, then the structural steel containment vessel now holding the units in place would be dewatered and carefully inspected. The need for repairs and for protective coatings or lining would be determined. The amount of lead time for completing this work would not be reasonably known before this inspection occurred. Once the repairs and new coatings were completed, new replacement equipment would be installed inside the rehabilitated containment. Once one pre-engineered unit were completed and placed back into service, the same process would need to take place with the second unit.

While this alternative has the attractiveness of a smaller completed footprint, a closer evaluation reveals many risks. An uncertain timeframe leads to the likelihood that the Town could be restricted to one-half its treatment capacity (0.5 times 864,000 gpd = 432,000 gpd) for many months. In every month of calendar year 2022, water demands exceeded this capacity on multiple days as well as over a seven-day average at least one time per month, meaning that to make this alternative work would require leasing some additional temporary treatment and storage facilities to provide adequate capacity. Further, this alternative would require heavy construction activities immediately adjacent to active treatment facilities. In spite of the care and protective measures that may be taken, the risk of an accident or mishap that would interrupt treatment operations in such close proximity to construction at some time during the many months of rehabilitative construction is too great.

Another means of implementing this alternative would be to lease sufficient trailer-mounted treatment facilities to allow both existing pre-engineered units to be removed from service at the same time. While this step could shorten the construction time, the need for many temporary connections to chemical and electrical facilities and the limited footprint of the existing site to accommodate temporary facilities and construction activities at the same time would be very difficult and not without its own considerable risks.

After considering all of the risks with this alternative and recognizing that measures to protect against the risks of combining operations with construction activities in very close proximity will significantly increase the costs of this alternative, Pennoni has concluded that this alternative should be eliminated from further consideration.

4.4 Alternative No. 4 -- Install New Conventional ("Mixed Media") Treatment Facilities

4.4.1 Description

This alternative includes the installation of two pre-engineered treatment units based upon the Microfloc Trident or an approved equal. These units are similar in mass, scale, and overall operation to the two existing treatment units currently in operation. The new treatment units use a high rate upflow adsorption clarifier followed by a mixed media gravity filter. Each unit must be rated for at least 300 gallons per minute (gpm). The basis of design for this proposed equipment is 600 gpm or 864,000 gallons per day (gpd).

The new units would be housed in an addition to the existing Control and Operations Building on the west side of the existing building. The new building addition would include new chemical feed systems for chemicals similar to those currently in use at the plant, as the general operation of the plant would remain substantially the same, but with working automation systems and controls. A new electrical room will also be in the building addition to provide switchgear and other controls for all plant equipment.

The new treatment equipment would include motor operated valves, walkways, PLC control and integration into a SCADA system, and an air scour system for an air-assisted clarifier and filter backwashing. The configuration would be relatively similar to the existing treatment plant.

In addition to the treatment equipment, other aspects of the raw water pumping and water treatment facility will be rehabilitated or replaced and are applicable to both Alternatives 4 and 5. A brief summary of these improvements is outlined below:

- All raw water pumps and piping within the raw water pump station vault will be replaced. A temporary by-pass will be established to maintain water pumping to the water treatment facility during the installation, estimated to be one month. During design variable frequency drives will be considered to operate the raw water pumps.
- A new air compressor and control system in the Control and Operations Building will be provided to automatically backwash intake screens, with a new 2-inch diameter compressed air line within the raw water transmission right-of-way to the raw water pump station.
- A new pre-settling basin adjacent to the existing unit to receive raw water for oxidation with potassium or sodium permanganate and preliminary sedimentation, with new transfer pumping carry water to the treatment units in the Control and Operations Building addition. After start-up of new tanks, the existing tanks will be demolished to provide an area for parking or chemical delivery truck turnaround.
- New building addition as shown on Concept Plan in Appendix C. Further translucent paneling will be added in association with both the building addition and the rehabilitation of the outer structure and roof for the existing building, in order to add natural light within the building while maintaining an adequate insulation R-value for energy efficiency.
- New chemical storage and feed facilities with SCADA-operated controls in the new addition. Actual chemicals stored will depend upon the selection of Alternative 4 or 5 to provide the specific chemicals needed for the selected water treatment process. Space will be retained for the potential for future orthophosphate or polyphosphate feed to the finished water for corrosion control.
- New clearwell will be constructed and after being placed in service the existing clearwell will be drained and rehabilitated. The completed project will have two interconnected clearwells with added water storage.

- A new electrical room and new electrical equipment will be furnished, along with a new SCADA system for operator monitored automated control of the water treatment process. New electrical conductors will be installed in the raw water transmission line right-of-way to carry power to the raw water pumps, controlled from the water treatment plant.
- Backwash and sludge lagoons will be inspected and repaired as necessary and may include new lining systems.
- Perimeter fencing will be modified to provide a new sliding gate for the entrance to the facility which can be controlled by the operator from inside the plant site. Further additional space within the perimeter will be provided for construction staging and retained for Town use after construction. All site work design will pay close attention to permeable vs. non-permeable surfaces, in an attempt to minimize project effects on stormwater quantity and quality.
- Additional security will be provided to include the use of security cameras at the raw water pumping station, water treatment plant, and water plant site entrance.
- The Town already owns two new high service pumps being stored at the wastewater treatment plant and the Town proposes to install the new pumps during the preliminary design stage of this project. This project will include a new surge relief valve in an underground vault on the existing high service transmission main just north of the Control & Operations building; isolation valves will also be installed on the high service line and a surge relief line will carry treated water back to the clearwell should a surge condition occur.
- A new sodium hypochlorite storage and feed system will be a part of the chemical feed systems installed in the building addition, allowing the small building on the east side of the Control and Operations Building to be removed.

A proposed Site Plan and Building Floor Plan for this alternative is provided in Appendix C of this report. A complete description of the proposed equipment for this alternative is provided in a Basis of Design in Appendix D. A new sodium hypochlorite storage and feed system will be a part of the chemical feed systems installed in the building addition, allowing the small building on the east side of the Control and Operations Building to be removed.

4.4.2 Design Criteria

The criteria for this design includes selection of pre-engineered water treatment equipment to meet or exceed current industry requirements with a similar footprint and operation process to the existing treatment system. The existing system is past its useful service life and is operated in mostly manual mode out of necessity. The proposed parallel treatment units and controls will provide the plant operators with working automation and monitoring for plant operations. This alternative retains similar water treatment chemical feed systems and storage familiar to the operation staff and is expected to generate residuals no greater than the existing units.

Complete design criteria is provided in the Basis of Design in Appendix C of this report.

The building addition can proceed at the same time or immediately after the pre-settling basin, and the new treatment units and equipment installed. Part of the raw water stream can be diverted to the new treatment units and each unit tested prior to decommissioning the existing two treatment units. The selected contractor will identify the means and methods for the diversion and testing; the contract documents shall require that the complete treatment process, including pre-settling, the function of the pre-engineered treatment units, clear well storage and finished water pumping be maintained at all times during construction, except for necessary short duration tie-ins that are approved by the Town.

Once the new treatment units are tested and operational, the existing treatment units will be removed, and the building will be updated and renovated to allow for storage, meeting space, and an allocated area for potential future treatment equipment for emerging contaminants such as PFAS.

Further investigation will be performed during the design phase to identify an appropriate depth of a granular activated carbon (GAC) cap at the top of the filter units for optimal removal of natural organic matter for reduced disinfection byproduct formation after chlorine is added to the treated water. The GAC cap will rest on top of the mixed media.

Physical challenges at this site include sloping topography, remote road access and wooded areas. All the proposed improvements will fit on the existing property, except that additional width of right-of-way may be needed along the transmission line for the installation of buried new electrical conductors and compressed air piping to the raw water pump station. Operational challenges include the logistics of constructing a new facility while maintaining safe operation of the existing facility and processes. A plan will be generated with recommended steps to assure continuity of operations.

Long term maintenance of the proposed facility includes filter replacements approximately every 15 years, and major building maintenance in approximately 25 years.

4.4.3 Map

All improvements under Alternative No. 4 are located within property owned by the Town of Berryville at the site of the WTP as identified on the site plan provided in Appendix C.

4.4.4 Environmental Impacts

A complete Environmental Report was prepared for this alternative pursuant to environmental review requirements of the National Environmental Policy Act and United States Department of Agriculture requirements for use of federal funding.

Delineated wetland areas will be avoided and maintained outside of the Limits of Construction, with the exception of the stabilization of the Shenandoah Riverbank at the Raw Water Pump Station where avoidance is not possible. Further, an historic preservation area on the north end of the Town property will be protected and undisturbed throughout the project. Details are in the Environmental Report included as Section II of this Preliminary Engineering Report.

4.4.5 Land Requirements

Access to the site is via an existing gravel access drive entering from the west side of Springsbury Road. The existing access drive is generally in good condition. Alternatives with consideration of on-site construction should include provisions for improvements to the access drive entrance and parking areas to accommodate service vehicles and delivery trucks. A sight distance evaluation will be performed and minor improvements may be proposed to meet the requirements of the Virginia Department of Transportation for safe entry and exit of truck traffic delivering chemicals and other supplies to the site. It is expected that all work at the treatment plant site will be within land already owned by the Town.

The current raw water transmission line right-of-way includes some sections that are only ten feet wide. The construction effort for replacement of the existing electrical cable and placement of a new compressed air pipe will likely require an additional temporary construction easement and potentially a wider permanent utility easement. The Town is presently pursuing additional right-of-way along this route with the source of funding to be determined; an allowance of \$25,000 is included in the budget for this project toward land requirements for this purpose.

The work within the raw water pumping station vault will be on land owned by the Town. Restoration of the streambank and repairs within the intake structures will require Clean Water Act Section 401 and Section 404 permits but land acquisition is not anticipated.

4.4.6 Potential Construction Problems

No unusual construction problems are anticipated, but there are considerations to plan for mitigation of potential risks. The design effort will review the following considerations.

- General Soil Conditions for Infiltration of Stormwater
- Subsurface Soil Conditions for Bearing Capacity
- Topography and Grading
- Stabilization and Restoration of Disturbed Areas
- Erosion and Sediment Control
- Stormwater Discharge
- Backwash Discharge Control
- Site Access

The water treatment plant site is not within an identified floodplain area and flooding is not a concern for mitigation. The raw water pumping station, intake facilities, and a portion of the raw water line transmission easement are within the floodplain, and no new structures are proposed in these areas that would permanently alter the existing passage for flood waters.

4.4.7 Sustainability Considerations

Resilience and sustainability will be a consideration in all aspects of the project, to include equipment and materials of proven high quality and corrosion and wear resistance, effective operation and maintenance procedures and operator training for enhanced and sustained useful life, and anticipation of future regulations and long-term growth potential (sizing of new facilities) in design of new facilities. Moving mechanical parts in contact with other parts will be selected based on a long service life and wear with proper lubrication.

The plant upgrade will also be designed to allow significant flexibility for operators to adapt to a wide range of varying flow rates and seasonal temperatures.

Sustainability considerations for this alternative include limiting chemical consumption and providing a smaller footprint compared to conventional treatment systems. The design life for this system will be a minimum of 30 years with appropriate maintenance and replacement of expendable items, though many parts of the system are likely to carry a longer life.

4.4.8 Water and Energy Efficiency

Energy costs at the WTP are presently only 6% of total operating expenses. Energy costs will be a consideration in the design of the treatment system and improvements.

Wherever possible, new pumps, motors, blowers, and other mechanical equipment will be designed to operate within optimal energy efficiency ranges, and higher than the efficiency of current equipment. Variable frequency drives will be used where appropriate to efficiently address variations in flow demand. Control systems will provide for automation where appropriate to adjust to actual WTP operating conditions.

4.4.9 Green Infrastructure

The site modification will be designed with considerations for improvements to stormwater management and water quality.

4.4.10 Other

Replacing old equipment with newer, updated, compliant, high-quality equipment and incorporating automated controls where appropriate will provide the Town with an efficient and productive water treatment system with reduced maintenance requirements and significant operation life.

4.4.11 Cost Estimates

The Engineer's Preliminary Opinion of Probable Project Costs for Alternative 4 with a 10% allowance for contingency on construction costs is \$8,956,000. A breakdown of the opinion of cost is in Appendix E of this report.

4.5 Alternative No. 5 -- Install New Membrane Treatment Facilities

4.5.1 Description

This alternative includes the installation of two pre-engineered membrane filtration units based upon the Pall Aria AP-4 system or an approved equal. Each unit each utilize 26 hollow fiber membrane modules housed in PVC pipe. Each unit must be rated for at least 300 gallons per minute (gpm). The basis of design for this proposed equipment is 600 gpm or 864,000 gallons per day (gpd).

The new units would be housed in an addition to the existing Control and Operations Building on the west side of the existing building. The new building addition would include new chemical feed systems for chemicals similar to those currently in use at the plant, in addition to several chemicals required for operation and maintenance of the membrane filtration system, including Sodium Hydroxide, Citric Acid, and Sodium Bisulfite.

The new treatment equipment would include automated valves, PLC control and integration into a SCADA system, a compressed air system for membrane maintenance, and a prefiltration system upstream of the membrane system of either pressure filters or cartridge filters to maintain a membrane feed turbidity of approximately 5-50 NTU.

This alternative includes improvements that are in common with Alternative 4, which are stated in Section 4.4 of this report and are repeated below as follows:

- All raw water pumps and piping within the raw water pump station vault will be replaced. A temporary by-pass will be established to maintain water pumping to the water treatment facility during the installation, estimated to be one month. During design variable frequency drives will be considered to operate the raw water pumps.
- A new air compressor and control system in the Control and Operations Building will be provided to automatically backwash intake screens, with a new 2-inch diameter compressed air line within the raw water transmission right-of-way to the raw water pump station.
- A new pre-settling basin adjacent to the existing unit to receive raw water for oxidation with potassium or sodium permanganate and preliminary sedimentation, with new transfer pumping carry water to the treatment units in the Control and Operations Building addition. After start-up of new tanks, the existing tanks will be demolished to provide an area for parking or chemical delivery truck turnaround.

- New building addition as shown on Concept Plan in Appendix C. Further translucent paneling will be added in association with both the building addition and the rehabilitation of the outer structure and roof for the existing building, in order to add natural light within the building while maintaining an adequate insulation R-value for energy efficiency.
- New chemical storage and feed facilities with SCADA-operated controls in the new addition. Actual chemicals stored will depend upon the selection of Alternative 4 or 5 to provide the specific chemicals needed for the selected water treatment process. Space will be retained for the potential for future orthophosphate or polyphosphate feed to the finished water for corrosion control.
- New clearwell will be constructed and after being placed in service the existing clearwell will be drained and rehabilitated. The completed project will have two interconnected clearwells with added water storage.
- A new electrical room and new electrical equipment will be furnished, along with a new SCADA system for operator monitored automated control of the water treatment process. New electrical conductors will be installed in the raw water transmission line right-of-way to carry power to the raw water pumps, controlled from the water treatment plant.
- Backwash and sludge lagoons will be inspected and repaired as necessary and may include new lining systems.
- Perimeter fencing will be modified to provide a new sliding gate for the entrance to the facility which can be controlled by the operator from inside the plant site. Further additional space within the perimeter will be provided for construction staging and retained for Town use after construction. All site work design will pay close attention to permeable vs. non-permeable surfaces, in an attempt to minimize project effects on stormwater quantity and quality.
- Additional security will be provided to include the use of security cameras at the raw water pumping station, water treatment plant, and water plant site entrance.
- The Town already owns two new high service pumps being stored at the wastewater treatment plant and the Town proposes to install the new pumps during the preliminary design stage of this project. This project will include a new surge relief valve in an underground vault on the existing high service transmission main just north of the Control & Operations building; isolation valves will also be installed on the high service line and a surge relief line will carry treated water back to the clearwell should a surge condition occur.
- A new sodium hypochlorite storage and feed system will be a part of the chemical feed systems installed in the building addition, allowing the small building on the east side of the Control and Operations Building to be removed.

A proposed Site Plan and Building Floor Plan for this alternative is provided in Appendix C of this report. A complete description of the proposed equipment for this alternative is provided in a Basis of Design in Appendix D.

4.5.2 Design Criteria

Design Criteria for all improvements included with this Alternative are stated in the Basis of Design, Appendix D of this report.

4.5.3 Map

All improvements under Alternative No. 5 are located within property owned by the Town of Berryville at the site of the WTP as identified on the provided location map in Appendix C.

4.5.4 Environmental Impacts

A complete Environmental Report was prepared for this alternative pursuant to environmental review requirements of the National Environmental Policy Act and United States Department of Agriculture requirements for use of federal funding.

4.5.5 Land Requirements

Access to the site is via an existing paved access drive along state route 613. The existing access drive is generally in good condition. Alternatives with consideration of on-site construction should include provisions for re-pavement of the driveway and parking areas at completion of construction.

Land requirements for work within the raw water transmission easement, raw water pump station, streambank and the intake facility will be the same as described for Alternative 4.

4.5.6 Potential Construction Problems

No unusual construction problems are anticipated, but there are considerations to plan for mitigation of potential risks. The design effort will review the following considerations.

- General Soil Conditions for Infiltration of Stormwater
- Subsurface Soil Conditions for Bearing Capacity
- Topography and Grading
- Stabilization and Restoration of Disturbed Areas
- Erosion and Sediment Control
- Stormwater Discharge
- Backwash Discharge Control
- Site Access

The water treatment plant site is not within an identified floodplain area and flooding is not a concern for mitigation. The raw water pumping station, intake facilities, and a portion of the raw water line transmission easement are within the floodplain, and no new structures are proposed in these areas that would permanently alter the existing passage for flood waters.

4.5.7 Sustainability Considerations

Resilience and sustainability will be a consideration in all aspects of the project, to include equipment and materials of proven high quality and corrosion and wear resistance, effective operation and maintenance procedures and operator training for enhanced and sustained useful life, and anticipation of future regulations and long-term growth potential (sizing of new facilities) in design of new facilities. Moving mechanical parts in contact with other parts will be selected based on a long service life and wear with proper lubrication.

The plant upgrade will also be designed to allow significant flexibility for operators to adapt to a wide range of varying flow rates and seasonal temperatures.

4.5.8 Water and Energy Efficiency

Energy costs at the WTP are presently only 6% of total operating expenses. Energy costs will be a consideration in the design of the treatment system and improvements.

Wherever possible, new pumps, motors, blowers, and other mechanical equipment will be designed to operate within optimal energy efficiency ranges, and higher than the efficiency of current equipment. Variable frequency drives will be used where appropriate to efficiently address variations in flow demand. Control systems will provide for automation where appropriate to adjust to actual WTP operating conditions.

4.5.9 Green Infrastructure

The site modification will be designed with considerations for improvements to stormwater management and water quality.

4.5.10 Other

Replacing old equipment with newer, updated, compliant, high-quality equipment and incorporating automated controls where appropriate will provide the Town with an efficient and productive water treatment system with reduced maintenance requirements and significant operation life.

4.5.11 Cost Estimates

The Engineer's Preliminary Opinion of Probable Total Project Costs for Alternative 5 with a 10% allowance for contingency on construction costs is \$11,146,000. A breakdown of the opinion of cost is in Appendix E of this report.

5. SELECTION OF AN ALTERNATIVE

Chapter 4 of this report identifies five alternatives for the Town of Berryville, of which three were not practicably feasible. The Chapter then describes and analyzes the two technically and legally feasible alternatives (identified as Alternatives 4 and 5) in greater detail. A preliminary opinion of probable total capital project costs was provided for each feasible alternative, and forecasted annual operation and maintenance costs are also prepared for each feasible alternative. A breakdown of the capital costs and O&M costs are in Appendix E.

This section compares the two alternatives for both monetary and non-monetary factors. The monetary consideration introduces short-lived assets (assets with expected useful lives less than the period of financing for the capital project) as well as life cycle costs for each alternative. The alternatives are also compared in a matrix of nonmonetary factors. The total comparisons from these two analyses form the basis for identifying the single preferred alternative recommended for implementation.

5.1 Short-Lived Assets

The Rural Development guidelines of the United States Department of Agriculture require a table of Short-Lived Assets be developed in the alternatives analysis when agency funding for a project is sought. Short-Lived Assets are those assets that make up the Town's water system that would expect to be reach the end of their service life and require replacement during the term of the financing for the capital project. Funding for the replacement of Short-Lived Assets are then programmed into the financial plan for how the organization will generate sufficient revenues to pay the debt service on the capital loan, annual operation and maintenance costs, and replacement of short-lived assets when they come due for replacement.

The Table of Short-Lived Assets is provided in Appendix E. Included are existing assets that will be retained after the project and are common to both Alternatives 4 and 5, new assets common to Alternatives 4 and 5, and new assets that are specific to either Alternative 4 or 5. Short-lived assets in this report are assets expected to have a useful life of 20 years or less.

5.2 Life Cycle Cost Analysis

The Life Cycle Cost Analysis compares Alternatives 4 and 5 through bringing together the estimated project capital costs, the estimated annual operation and maintenance costs, and the replacement of short-lived assets. The analysis is presented in Appendix E of this report. Each fiscal year is shown beginning with Fiscal Year 2024 through Fiscal Year 2047. Design, land acquisition, permitting, financing, and bidding of the project is expected to occur in Fiscal Years 2024 and 2025 with construction in Fiscal Years 2026 and 2027. Fiscal Year 2047 represents the 20th year after construction is completed. For each fiscal year, the forecasted capital cost, operation and maintenance costs, and replacement of short-lived assets scheduled to occur in that year are shown. Finally, the total annual cost for each year is discounted to present worth, using $i=4\%$ as the assumed time value of money. All costs are represented in current dollars (August 2023) and therefore do not account for inflation.

The Life Cycle Cost Analysis concludes that the present worth of all costs if Alternative 4 were chosen to be \$29.284 million. Similarly, the present worth life cycle cost for Alternative 5 is \$31.225 million.

5.3 Non-Monetary Factors

It is very important that non-monetary factors that reflect important project objectives be considered in the final selection as well as monetary factors. A matrix was developed using the factors chosen for this evaluation as identified and defined below:

- **Capital Cost** - The one-time capital cost associated with construction and non-construction of the alternative.
- **Operation and Maintenance Costs** - The cost associated with annual operation and maintenance of the alternative. This category includes the risk associated with the ability of the Town to control or manage future costs.
- **Regulatory Compliance** - The ability of the alternative to allow the Town to comply with all applicable regulations and permits. This category includes risk associated with the Town's ability to manage and control compliance, and potential liability of failure in compliance.
- **Ease of Operation and Control** - The ease or difficulty in keeping the water treatment process operating within the boundaries of regulatory limits and local water quality objectives as the quality of the raw water from the Shenandoah River changes due to weather and other environmental factors. This includes the level of training and certification requirements of plant operators to operate the technology provided by the alternative.
- **Reliability** - The extent of the capability of the alternative to continue to provide the water quality and quantity needs of the community in the event of mechanical failure or other unforeseen emergency condition.

Other important factors considered but not included in this evaluation were land acquisition and social and environmental impacts beyond regulatory compliance. The reason these factors were not included is that they are considered equal for the two alternatives, and therefore not a factor in the selection of a preferred alternative.

Table 5-1 Decision Matrix of Monetary and Non-Monetary Factors In Selecting a Preferred Alternative

Decision Factors	Rating of Factors			Score	
	Alternative 4: Mixed Media Package Units	Alternative 5: Membranes	Weight of Factors	Alternative 4: Mixed Media Package Units	Alternative 5: Membranes
Capital Costs	4	2	4	16	8
Operation & Maintenance Costs	2	3	3	6	9
Regulatory Compliance	3	4	5	15	20
Ease of Operation and Control	2	4	2	4	8
Resiliency	4	5	1	4	5
TOTAL				41	45

For each factor the rating is between one and five for each alternative, where one is least desirable and five is most desirable. Further, all factors are given a weight based on the relative importance of each factor

relative to the other factors in the matrix. Regulatory compliance carries the highest weight reflecting the very high importance of public health. The cost of the project itself and the cost of operating and maintaining the completed project are next in importance, followed by ease of operation and reliability. The matrix is shown in Table 5-1.

As represented in Appendix E, Alternative 4 has a lower capital cost but Alternative 5 has a lower operation and maintenance cost. As reflected in the life-cycle cost analysis, the lower operating and maintenance cost of Alternative 5 does not overcome the time value of money in financing the higher capital cost, and Alternative 4 provides an overall lower cost over time.

Alternative 5 provides better performance across all of the non-monetary factors considered. Membrane treatment should consistently provide a higher rate of removal of natural organics from the water and will therefore provide a higher assurance of consistent regulatory compliance, particularly compliance with the EPA Disinfection and Disinfection Byproducts Rule. Within the industry membranes have been represented over time to remove approximately 35 – 40% more natural organic matter when compared to conventional mixed media filtration and therefore should result in consistent compliance with haloacetic acid regulatory limits.

Membranes also offer better ease of operation and control by providing consistently high treated water quality with less intervention of a plant operator to adjust chemical feed rates by comparison to the coagulation step in the mixed media process.

Finally, the membrane alternative is considered more resilient in that the water treatment is provided through 52 hollow fiber membrane modules, the loss of any one module reducing plant capacity by only 2%. By contrast, a mechanical failure requiring one of only two mixed media package treatment units would result in a loss of 50% of treatment capacity.

Both alternatives are equally capable of meeting the capacity requirements of the Town when fully serviceable, and because the treatment units are inside an addition to the Operation and Control Building of equal size, their impact on the environment is essentially the same. The only land requirements for this project are along the raw water transmission line and are common to both alternatives.

The Decision matrix shown in Table 5-1, considering both monetary and non-monetary factors, provides a total score of 45 to the Membrane Alternative (Alternative 5) ahead of a total score of 41 for the Mixed Media alternative (Alternative 4).

6. RECOMMENDED ALTERNATIVE

Pennonni recommends the selection of Alternative 5 as the preferred alternative. The most important advantage of Alternative 5 is its superior ability to comply with all drinking water regulations, which is a highly important barometer of the Town's ability to consistently meet the very important public health goals for the members of the community. As has been summarized in this report, the Town of Berryville has failed to comply with regulatory standards for measured Haloacetic Acids in two separate quarters within the past 18 months. Membranes have been known in the industry to increase the removal of natural organic matter by 35 – 40% when compared to mixed media (current treatment process as well as Alternative 4). Natural organic matter reacts with chlorine in drinking water to form haloacetic acids and other disinfection byproducts.

Although the overall costs of Alternative 5 are higher than Alternative 4, the superior performance in removing natural organic matter is worth the cost. Further, the Town has been engaging in prudent financial planning for several years in anticipation of the need to renew the water treatment plant. Though the current total project cost for Alternative 5 is estimated at \$11.146 million, the May 2019 Utility Rate Study estimated the cost of this project to be \$15.9 million for the purpose of establishing a financial plan and water rates to permit the project's financing. A premise of the rate study was to establish the sound financials including debt service coverage, adequate to obtain a favorable loan to finance the project.

The remainder of this Chapter discusses the plan for implementation of the preferred alternative (Alternative 5).

6.1 Preliminary Design

Preliminary design effort will expand upon the Concept Plan drawings provided in Appendix C and will follow the Basis of Design for Alternative 5 outlined in Appendix D.

The preliminary design will layout the three new replacement pumps and appurtenant equipment to pump raw water from the intake through the existing 8-inch raw water transmission main to the water treatment plant. New buried conduit will be installed in the raw water main right-of-way to carry electrical energy to energize these pumps from starters and controls in the electrical room at the water treatment plant. A new air compressor with controls will be located at the water plant and a new 2-inch pipe will carry compressed air via the raw water transmission right-of-way to the raw water pump station where it will connect to existing air piping to blow against the intake screens to remove debris. New right-of-way adjacent to the 10-foot-wide existing right-of-way will be acquired to accommodate these installations. All other design will be located on property already owned by the Town.

The preliminary design will develop the layout for the installation of two new pre-settling tanks to be installed while the existing tanks remain in operation. Some sediment in the raw water will settle in these tanks and the water will be oxidized with potassium permanganate to oxidize iron or manganese in the raw water. The pre-settling tank location includes new service pumps to transfer raw water to the expanded control and operations building.

The expanded area of the control and operations building will provide a location for a pre-filter followed by a new membrane filter systems capable of handling the rated capacity of the WTP. The expanded area will also house new chemical storage and feed systems and a new electrical room. A new electrical service entrance will be provided, and the current electrical switchgear and generator will be replaced. A one-line diagram of the electrical facilities and a layout drawing will be provided during preliminary design.

A new clearwell will be constructed below the building addition to provide 36,000 gallons of additional treatment water storage. A layout for this new facility will be provided during preliminary design.

A new vault over the finished water line will be designed to house two isolation valves and a surge relief valve, with surge piping to send flow back to the clearwell. Due to the urgency of this need, complete design of this surge relief system will be performed during preliminary design, offering the Town the option of desired to construct it ahead of the other facilities. The Town already owned new high service pumps which will be installed during the design phase.

Once the new addition, new membrane treatment facilities, new chemical storage and feed, and new electrical facilities are in operation and have passed tests for continuous duty, the existing package treatment units and existing chemical storage and feed facilities can be demolished, and the space will be available for other facilities. A temporary layout for this space is provided within the Concept Plan in Appendix C, and during preliminary design the floor plan for this area will be refined in an effort to provide the utilization for this area that is listed in the Basis of Design, to the extent feasible space is available. It is anticipated an architect will become a part of the design team to assist in this effort. A new floor plan for renovation of this space will be the result.

Preliminary design will also provide an initial layout for expanded parking and truck turnaround space, a relocation of perimeter fencing with a sliding gate entrance, and some security will be added to the site. Stormwater treatment is also expected, and any needed detention facilities will be laid out during preliminary design in an area near the backwash lagoons. Depending on the results of the building space floor plan, the septic system may also be expanded.

6.2 Project Schedule

The project schedule is anticipated to continue over the next three years for design and construction.

Table 6-1 Estimated Project Schedule

MILESTONE	TENTATIVE SCHEDULE
Funding Application	October 2023
Design Notice to Proceed	November 2023
Design Kick-off Meeting	November 2023
Evaluation/Planning/Design – 60% Submission	April 2024
Stake Holder Review Meeting	May 2024
Evaluation/Planning/Design – 90% Submission	September 2024
Permitting Submission	September 2024
Stake Holder Review Meeting	October 2024
Permitting Re-Submission	December 2024
Advertisement for Bid	February 2025
Bid Opening	March 2025
Construction Award/Notice to Proceed	June 2025
Construction Substantial Completion	August 2026
Construction Final Completion	October 2026

6.3 Permit Requirements

The Town of Berryville will submit all required permits for the construction of this project. Among those permits it is anticipated that a permit and approval to construct waterworks facilities will be required from the Virginia Department of Health, and stormwater management and erosion control permitting will be required from the Virginia Department of Environmental Quality and/or Clarke County. Nationwide permitting will be required for streambank stabilization near the raw water pump station. An agreement will be required with the Virginia Department of transportation for any modification of the driveway entrance and for the use of highway right-of-way for the new electrical conduits and air piping. Clarke County approval will be required for modifications to the development of the site and for modifications to the septic system.

6.4 Sustainability Consideration

The project will consider sustainability during design and construction for effect use of materials, reuse of existing structure, material sourcing, and monitoring of electric use. The WTP and water system will be reviewed to implement solutions for improved monitoring of raw water intake, treated water production and treated water use. The design will incorporate the rehabilitation of and existing building framing to reduce the steel structural members required for the building construction.

6.5 Water and Energy Efficiency

Rehabilitation and upgrades to the existing WTP will provide water and energy efficiency improvements throughout the treatment process. Wherever possible, new pumps, motors, and other mechanical equipment will be designed to operate within optimal energy efficiency ranges, and higher than the efficiency of current equipment. Variable frequency drives will be used where appropriate to efficiently address variations in flow demand. Control systems will provide for automation where appropriate to adjust to actual plant conditions efficiently. An upgraded digital-based control system will give operators better information at their fingertips for improved process control and management of energy demand.

New chemical storage and feed systems will improve the efficiency as well as the monitoring of chemical use.

6.6 Green Infrastructure

Surrounding woodland disturbance will be minimized during design, and an effort will be made to minimize the quantity of new impervious surfaces. The on-site stormwater runoff will be controlled using appropriate BMPs.

6.7 Other

By replacing old equipment with newer, high-quality equipment and incorporating automated digital controls where appropriate, operator access through vehicular use can be less frequent.

6.8 Total Project Capital Cost Estimate

Pennoni prepared an engineering opinion of probable construction cost for Alternative 5 as referred to in Chapter 4. The estimate is summarized in Table 6-2 on the next page and the complete estimate is included in Appendix E.

Table 6-2 Capital Budget for Preferred Alternative – Membrane Treatment

Description	Project Cost
CONSTRUCTION CAPITAL COSTS	
Mobilization & Demobilization	\$789,400
Existing Raw Water Intake & Pump Station	480,200
Pre-Settling Basin	870,000
Existing Control & Operations Building	993,000
Expansion Control & Operations Building	903,400
Water Treatment Process	2,448,600
Clearwell	645,000
Chemical Feed Systems	425,000
Backwash & Sludge Lagoons	102,600
Electrical Work & Generator	964,600
Other	306,000
CONSTRUCTION SUBTOTAL (August 2023)	\$8,928,000
Construction Contingency (10%)	\$893,000
TOTAL PROBABLE CONSTRUCTION COSTS (August 2023)	\$9,821,000
NON-CONSTRUCTION CAPITAL COSTS	
Land Acquisition	\$25,000
Engineering Design (8% of Total Construction)	786,000
Construction Engineering & Inspection (7% of Total Construction)	687,000
Permitting, Legal, Financing	80,000
NON-CONSTRUCTION SUBTOTAL (August 2023)	\$1,578,000
TOTAL ESTIMATE OF PROBABLE PROJECT CAPITAL COST (August 2023)	\$11,399,000

For the Non-Construction Capital Costs, 10% is used for construction contingency as required by USDA Rural Development requirements for the Preliminary Engineering Report and as also shown in Appendix E. Engineering services are shown as Engineering Design, Construction Administration Services, and Construction Observation (Inspection) Services. Permitting costs provide for permit application fees as well as professional services required to obtain the permits described in the Permitting Requirements section of this report above. Legal Services and Administration and Financing provide costs associated with obtaining the financing for the project, to include bond attorney fees and any underwriting expenses the Town is required to pay.

6.9 Financing Plan - Annual Operating Budget

The Town of Berryville intends to submit this Preliminary Engineering Report as a part of a requirement of VDH for waterworks improvements and may also submit this report as a part of a request to USDA Rural Development for loans for the permanent financing of at least part of the total capital costs of the Water Treatment Plant Improvements project. Appendix F includes a Financing Plan required by USDA for the anticipated period of the loan. The Financing Plan includes multiple scenarios as specifically requested by the USDA as a part of the loan application package.

If USDA financing is accepted, an interim loan from a private financing source will be needed to provide funding for construction not financed by the Town's reserves or financed by other sources (such as VDH). This interim financing is necessary because USDA will not close on the loan and disperse funds until construction has been completed and accepted by USDA. The Financing Plan in the Appendix F assumes the Town will utilize up to \$2,200,000 in held reserves toward the implementation of the project and provide interim financing for any balance less funds, if any, provided by VDH.

6.9.1 Income

Income is shown on the Financing Plan under the heading of "Revenues", which represent the total anticipated revenue to the Water Fund. Total Revenues or Income include annual charges for water use, tap fee revenue, and other revenue. The income projections are based upon existing income, increased by an estimated future system growth rate (new customers) of 0.75% (equivalent to 25% growth in 30 years – See Chapter 2 for growth forecasting) per year, and further changed from anticipated future changes in the water rates. Income from new customers added to the system after 2023 are shown in a separate column for reference. A column entitled "Percent Change in Rates (Composite)" represent an average increase or decrease in water rates and availability fees as a percentage of the prior year rates and are estimated to be needed to finance the payback of the loan, the changes in operating costs associated with the Water Treatment Plant Improvements, and to provide adequate reserves.

This area reserved for further discussion of specific financial scenarios requested by USDA. The scenarios will be defined in discussions with USDA once the Town has authorized pursuing USDA financing.

6.9.2 Annual O&M Costs

Annual Operating and Maintenance Costs have been estimated for the future operation of the Town's raw water pumping and water treatment system based on the completion of the construction of the preferred alternative. The estimate was prepared using current O&M costs as a baseline from the Fiscal Year 2022-23 budget, then identifying changes to annual operating costs associated with the project. Based upon the value of the dollar and market conditions as of August 2023, the annual operation and maintenance costs for the Water Fund are estimated to be \$1,259,500 and reflect a \$13,500 decrease in annual expenses compared to the Mixed Media Alternative (Alternative 4). These costs are summarized in Table 6-3 below and are also detailed in Appendix E.

Table 6-3 Annual Operation & Maintenance Costs for Preferred Alternative – Membrane Treatment

Description	Project Cost
OPERATING & MAINTENANCE COSTS	
Administration	\$346,000
Raw Water Pumping & Water Treatment	484,500
Water Distribution	429,000
<hr/>	
TOTAL ESTIMATE OF PROBABLE ANNUAL O&M COSTS FOR ALTERNATIVE 5 (August 2023)	\$1,259,500

6.9.3 Debt Repayment

This section of report reserved for summary related to the Financing Plan required by USDA. The Plan cannot be written until the Town authorizes negotiations with USDA whereby USDA will provide the scenarios as well as interest rates to be used in the Plan. It is intended that this section of the PER be written at a future time if USDA funding is sought, or deleted if USDA funds are not sought.

6.9.4 Debt Service Reserve

This section of report reserved for summary related to the Financing Plan required by USDA. The Plan cannot be written until the Town authorizes negotiations with USDA whereby USDA will provide the scenarios as well as interest rates to be used in the Plan. It is intended that this section of the PER be written at a future time if USDA funding is sought, or deleted if USDA funds are not sought.

6.9.5 Short-Lived Asset Reserve

A table showing a replacement schedule for short-lived assets, both for the existing water system and the proposed improvements, has been developed and is found in Appendix E. The values in this replacement schedule for short-lived assets applicable to the Preferred Alternative are carried forward to the Financing Plan also in Appendix F and are represented as an expense in the column of the Financing Plan entitled "Short-Lived Asset Repair/Replace".

The "Minimum Reserves Recommended" column in the Financing Plan is a benchmark upon which the Account Balance is maintained after all estimated expenses are accounted for, including Short-Lived Asset Repair/Replace expenses. Therefore, Short-Lived Assets are fully accounted for as well as all other water expenses in setting the total reserves maintained in the Financing Plan, and it is not necessary or recommended to set up an additional reserve fund specifically for short-lived assets.

7. CONCLUSIONS AND RECOMMENDATIONS

Pennoni recommends the Town of Berryville design and construct a complete renewal of its Raw Water Pumping facilities and Water Treatment Plant facilities as defined in this report as Alternative 5. The project includes in-kind replacement of raw water pumps, improved facilities and control for air burst cleaning of intake screens, new replacement pre-settling tanks, an expanded Operations and Control facility with new membrane water treatment facilities in the new addition along with improved space utilization through renovation in the existing section of the building. The existing building renovation will also include a new roof and badly needed repairs to several structural members.

Pennoni also recommends that the Town seek grants and low interest loan financing opportunities available from the Virginia Department of Health (VDH) and/or the USDA Rural Development program and other available agencies to cover at least a significant portion of the cost of the Water Treatment Plant Improvements project, based upon the plan that is in the best financial interest of the Town's water system customers. If necessary, the Town also has a reserve of \$2,200,000 available that can be used to assist in financing the project. The Town applied for financial assistance through the VDH Financial Capital Assistance Program in May 2023 and is expected to hear the results of such application in September 2023.

The specific terms of a loan will depend upon the selected financing agency.



PENNONI ASSOCIATES INC.
 111 East Pickett Street
 Charlottesville, VA 22901
 P 540.972.2119 F 540.955.0423

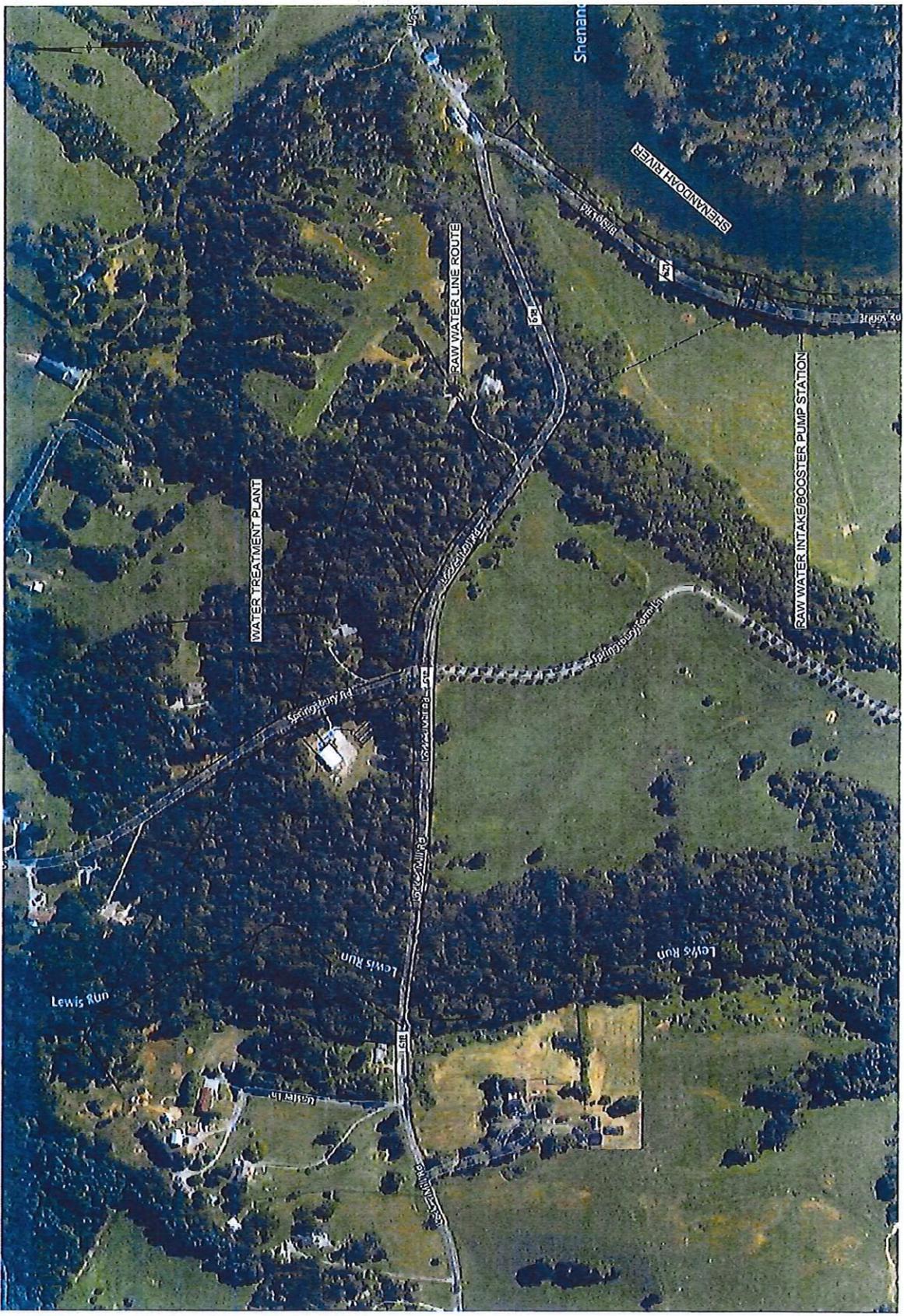
ALL RIGHTS RESERVED. REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION IS PROHIBITED.

BERRYVILLE WATER TREATMENT PLANT
 117 EAST PUCKETT STREET
 CHARLOTTESVILLE, VA 22901
 LOCATION MAP
 TOWN OF BERRYVILLE
 151 CHARLES COUNTY ROAD
 BERRYVILLE, VA 22901

DATE	NO.	REVISION

PROJECT NO.	151-100
PROJECT NAME	BERRYVILLE WATER TREATMENT PLANT
DATE	11/15/18
SCALE	AS SHOWN
DRAWN BY	
CHECKED BY	
APPROVED BY	

C0002



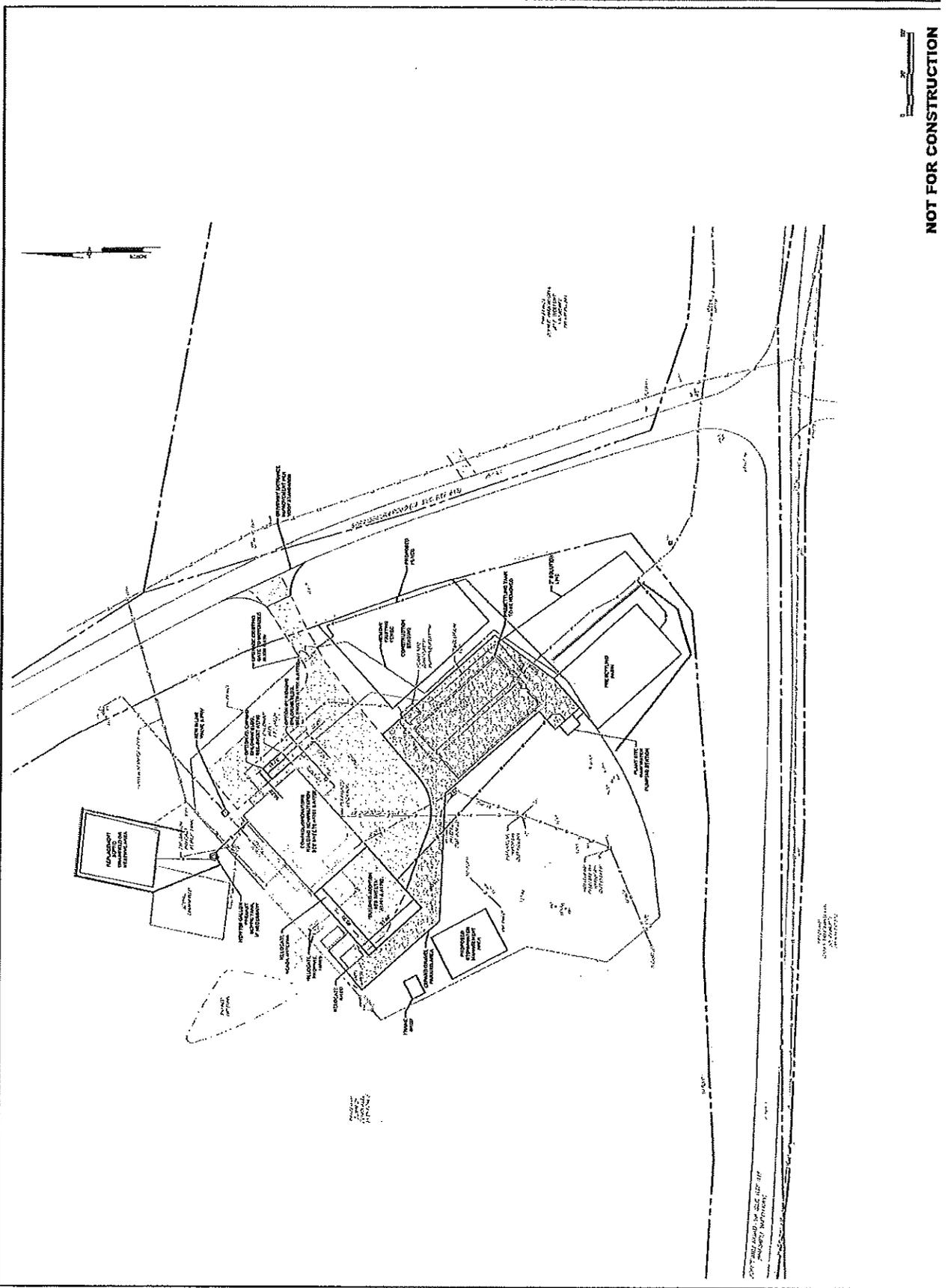
NOT FOR CONSTRUCTION

PROJECT	TSVALL2002
DATE	2/22/02
DESIGNED BY	PKC
CHECKED BY	PKC
DATE	
NO.	
SECTION	
REV.	

NO.	
SECTION	
REV.	

BERRYVILLE WATER TREATMENT PLANT
 219 E. 15th Street
 Berryville, VA
 TOWN OF BERRYVILLE
 15106
 WATER TREATMENT PLANT CONCEPT PLAN
 15106
 BERRYVILLE, VA 22111

ALL DESIGN WORK HAS BEEN REVIEWED BY PENNONT
 AND CONSENT IS HEREBY GIVEN FOR THE
 CONSTRUCTION OF THE PROJECT.
 PENNONT ASSOCIATES INC.
 111 EAST KINGS HIGHWAY
 WINDHAM, VA 22093
 T 540-221-1111 F 540-221-1113

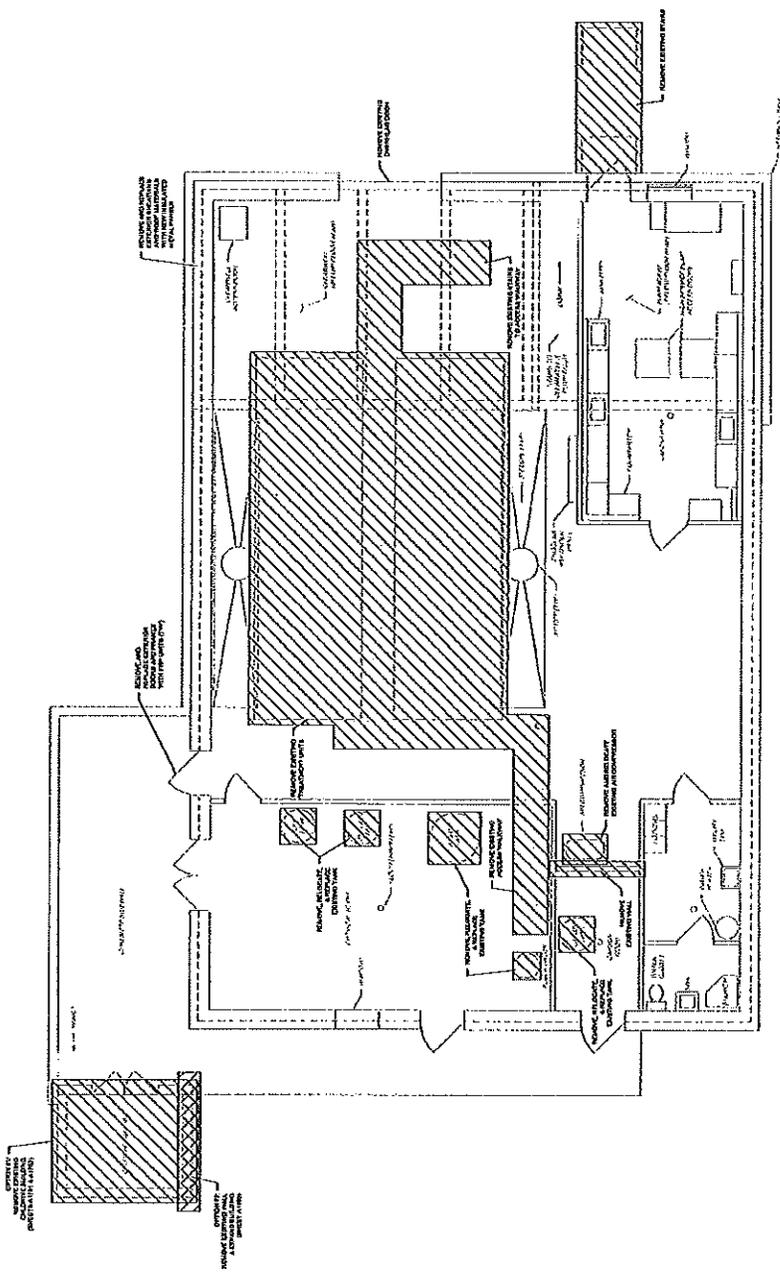


PROJECT	TEVILL2000
DATE	02/01/00
DESIGNER	PERNOM ASSOCIATES INC.
SCALE	AS SHOWN
NO.	001
REV.	
DATE	
BY	
CHK	
APP.	
DATE	
BY	
CHK	
APP.	
DATE	
BY	
CHK	
APP.	
DATE	

BERVILLE WATER TREATMENT PLANT
 1010 AVENUE B
 BERVILLE, VA 22615
 CONTROL & OPERATIONS BUILDING DEMOLITION
 PLAN
 TOWN OF BERVILLE
 1010 AVENUE B
 BERVILLE, VA 22615

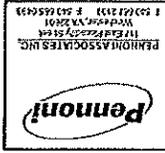
PERNOM ASSOCIATES INC.
 111 COMMONWEALTH DRIVE
 WASHINGTON, VA 22601
 TEL: 541-321-1111 FAX: 541-321-1112

ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN METERS. DIMENSIONS IN METERS ARE APPROXIMATE. DIMENSIONS IN FEET AND INCHES ARE THE GOVERNING DIMENSIONS.



PLAN & ELEVATION LINETYPE LEGEND

CONCRETE WALL	(Hatched pattern)
GLASS CURTAIN WALL	(Dashed line)
EXISTING STRUCTURE	(Solid line)

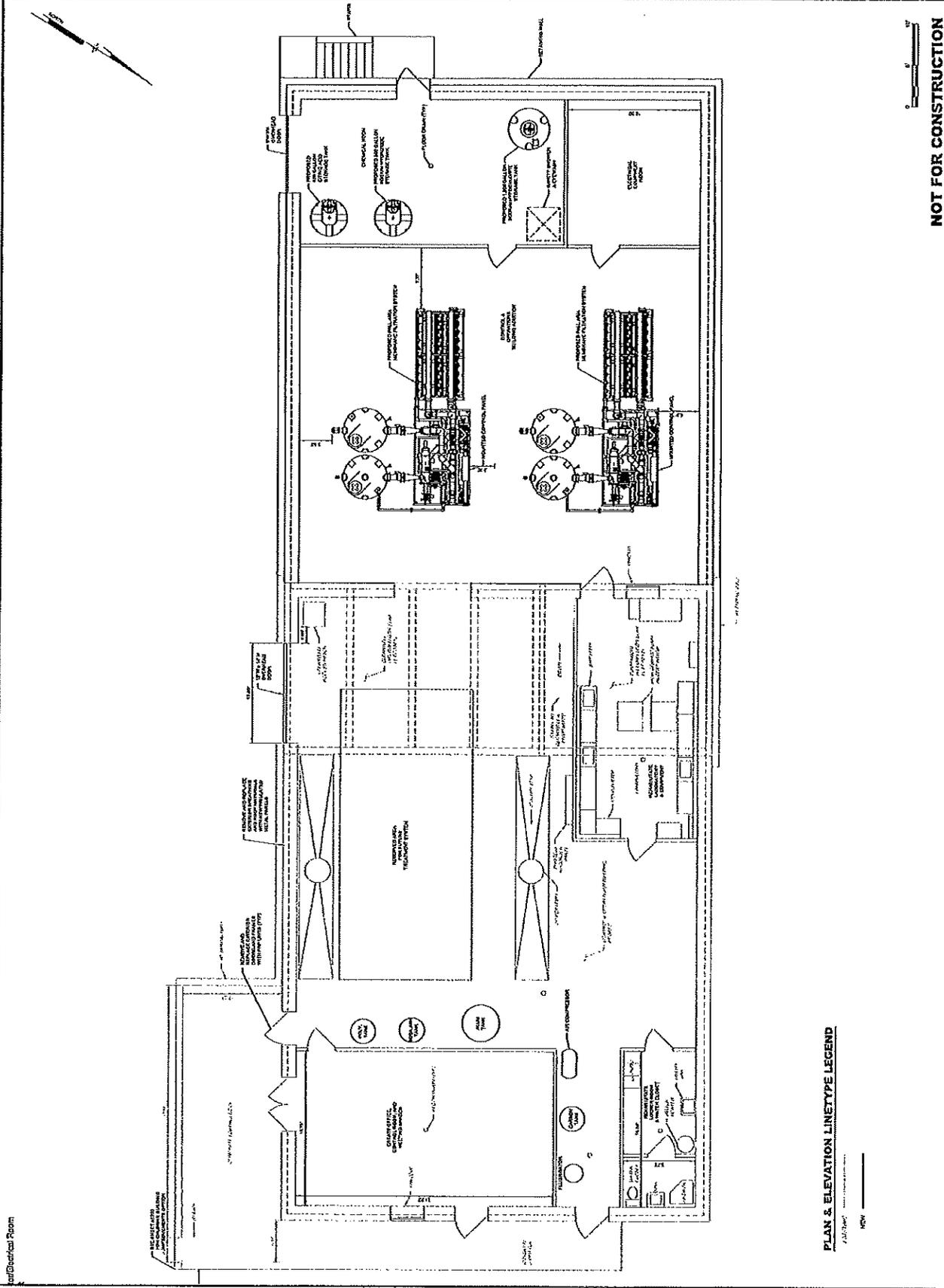


ALL DIMENSIONS UNLESS OTHERWISE NOTED
 AND DIMENSIONS MAY VARY FROM WORK
 DUE TO MANUFACTURING TOLERANCES

BERRYVILLE WATER TREATMENT PLANT
 PRELIMINARY
 CONTROL & OPERATIONS BUILDING FLOOR PLAN
 CONCEPT 1
 TOWN OF BERRYVILLE
 110 W. MARKET STREET
 BERRYVILLE, VA 22111

NO.	DATE	DESCRIPTION
01		ISSUED FOR PERMITS
02		ISSUED FOR PERMITS
03		ISSUED FOR PERMITS
04		ISSUED FOR PERMITS
05		ISSUED FOR PERMITS
06		ISSUED FOR PERMITS
07		ISSUED FOR PERMITS
08		ISSUED FOR PERMITS
09		ISSUED FOR PERMITS
10		ISSUED FOR PERMITS
11		ISSUED FOR PERMITS
12		ISSUED FOR PERMITS
13		ISSUED FOR PERMITS
14		ISSUED FOR PERMITS
15		ISSUED FOR PERMITS
16		ISSUED FOR PERMITS
17		ISSUED FOR PERMITS
18		ISSUED FOR PERMITS
19		ISSUED FOR PERMITS
20		ISSUED FOR PERMITS
21		ISSUED FOR PERMITS
22		ISSUED FOR PERMITS
23		ISSUED FOR PERMITS
24		ISSUED FOR PERMITS
25		ISSUED FOR PERMITS
26		ISSUED FOR PERMITS
27		ISSUED FOR PERMITS
28		ISSUED FOR PERMITS
29		ISSUED FOR PERMITS
30		ISSUED FOR PERMITS
31		ISSUED FOR PERMITS
32		ISSUED FOR PERMITS
33		ISSUED FOR PERMITS
34		ISSUED FOR PERMITS
35		ISSUED FOR PERMITS
36		ISSUED FOR PERMITS
37		ISSUED FOR PERMITS
38		ISSUED FOR PERMITS
39		ISSUED FOR PERMITS
40		ISSUED FOR PERMITS
41		ISSUED FOR PERMITS
42		ISSUED FOR PERMITS
43		ISSUED FOR PERMITS
44		ISSUED FOR PERMITS
45		ISSUED FOR PERMITS
46		ISSUED FOR PERMITS
47		ISSUED FOR PERMITS
48		ISSUED FOR PERMITS
49		ISSUED FOR PERMITS
50		ISSUED FOR PERMITS

A1701



PLAN & ELEVATION LINETYPE LEGEND

NO.	DESCRIPTION
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...
11	...
12	...
13	...
14	...
15	...
16	...
17	...
18	...
19	...
20	...
21	...
22	...
23	...
24	...
25	...
26	...
27	...
28	...
29	...
30	...
31	...
32	...
33	...
34	...
35	...
36	...
37	...
38	...
39	...
40	...
41	...
42	...
43	...
44	...
45	...
46	...
47	...
48	...
49	...
50	...

NOT FOR CONSTRUCTION



**TOWN OF
BERRYVILLE
VIRGINIA**

RESOLUTION OF GOVERNING BODY OF THE TOWN OF BERRYVILLE

The governing body of the Town of Berryville, Virginia, consisting of six members, in a duly called meeting held on the 12th day of September, 2023 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: IN SUPPORT OF THE VDOT TRANSPORTATION ALTERNATIVES PROGRAM GRANT FOR ADDITIONAL FUNDING FOR SIDEWALK CONNECTIVITY ON MOSBY BOULEVARD (ID 10285)

WHEREAS the Council of the Town of Berryville (“Council”) will be requesting Transportation Alternatives Program grant funding in order to complete sidewalk sections along the north side of Mosby Boulevard between Hancock Court and McNeil Drive; and

WHEREAS Council has identified the need for pedestrian connectivity on Mosby Boulevard to accommodate safe pedestrian access by residents of an existing multi-family development, residents of a single-family development, and students attending Clarke County High School to businesses and services on McNeil Drive; and

WHEREAS Council has committed to provide the 20 percent match and provide for future maintenance and upkeep of the completed project; and

WHEREAS this grant will provide additional funding for the project which was originally approved for a Transportation Alternatives Program grant in 2019;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Berryville, Virginia hereby supports the Transportation Alternatives Program grant application for additional funding for sidewalk sections on Mosby Boulevard.

Passed this 12th day of September, 2023.

TOWN OF BERRYVILLE

Attest: _____ By: Harry Lee Arnold Jr., Mayor

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 12th day of September, 2023.

Erecka L. Gibson, Vice Mayor

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

Report of the Department of Public Works

October 3, 2023

General Information

ARPA utility and drainage improvement projects are nearing completion. GEI is working on the drainage improvement project on Virginia Avenue and should be completing this project within the next couple of weeks.

All the water improvement projects are completed and GEI's asphalt contractor is in the process of completing the asphalt phase of these projects.

The sewer pump station for Osborne Street is set and they are waiting for GEI's electrical contractor to install the necessary connections to put the pump station in service. This work is scheduled to be completed within the next two weeks.

Water

We experienced one water break last month. The water service line that supplies water to a property on East Main Street developed a leak. We repaired the lateral and had the customer back in service relatively quickly.

Sewer

We had one sewer pump station failure last month. Our Scada system notified us that pump 2 at Berryville Glen Pump Station had experienced a failure. We found the check valve had experienced a problem. We removed the blockage from the check valve and returned to station to normal operations.

Public Utilities Department Report 10 October 2023

Item Title:

Department Update

Prepared By:

Jean Petti

Department General Activity

Public Utilities staff thanks Rappahannock Electrical Cooperative, which provided a training and demonstration for safety around live wires on September 19th.

Utilities staff updated their Initial Demonstration of Capability Certificates on September 21st with Inboden Environmental Services.

A Safety Trifecta class was held on September 27th. This all-day class covered Fall Prevention, Control of Hazardous Energy, Confined Space Entry, and Trenching/Excavation precautions. This was hosted by Christine Gillison, VRSA Safety Consultant. Mrs. Gillison also toured our water and wastewater treatment plants and will partner with Berryville in developing and implementing plans to continue safety training, update policies and procedures to reflect best practices, etc.

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: 10/04/2023
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 10/10/2023

Monthly Activity Report

The activity reports for the month of September 2023 are attached to this document.

Public Safety Committee

The Public Safety Committee did not meet in September. The committee is next scheduled to meet on October 26, 2023 at 3:00 pm in the A/B meeting room of the Berryville – Clarke County Government Center.

Commercial Motor Vehicles - Update

Bertelsmann Printing Group (BPG) has moved the rear access gate on Josephine Street further onto their property. This will hopefully afford commercial vehicles that venture onto Josephine Street the ability to turn around without damaging property in the area. BPG has, and continues to be, a great community partner and neighbor working cooperatively to resolve quality of life and safety issues.

Homecoming Parade

The Clarke County High School homecoming parade will take place on Thursday October 12, 2023. The parade will begin at 5:00 pm and last around 45 minutes. Traffic in the downtown area will be impacted as Main Street will be shut down for the parade.



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

Month/Year: September	Year To Date 2023	September 2023	August 2023
<u>Complaints Answered</u>			
911 Hang Up:	8	0	0
Alarms:	58	5	5
Animal Complaint:	90	5	6
Assault:	20	2	1
Assist County:	106	4	15
Assist EMS and Fire:	84	12	5
Auto Larceny:	0	0	0
Burglary:	2	0	0
Civil Complaints:	77	9	10
Disturbance:	31	4	5
Domestic Disturbance:	24	2	2
Driving Under the Influence	3	0	0
Drunk In Public:	1	0	1
Fraud:	15	0	1
Larceny:	35	4	5
Harassment/Intimidation:	15	1	3
Homicide:	0	0	0
Identity Theft	4	1	0
Juvenile Related:	25	1	5
Mental Health Crisis:	79	12	4
Narcotics Related:	4	1	1
Noise	27	3	3
Public Service:	4	1	0
Sexual Assault:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	88	12	18
Trespassing:	5	0	1
Vandalism:	27	1	3
Welfare Check:	83	7	8
Miscellaneous Complaints:	542	62	71
Total Complaints Answered:	1457	149	173



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	September 2023	August 2023
<u>Traffic</u>			
Accidents Investigated:	39	2	8
Assist Motorist:	0	0	0
Child Safety Seat Install:	8	2	3
Funeral Escort:	21	0	2
Hit & Run:	7	0	0
Parking Tickets:	148	2	20
Traffic Warnings:	166	21	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	0
Fail to Obey Highway Sign:	56	12	5
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	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:	3	1	1
Speeding:	40	3	1
Miscellaneous Summons:	5	0	1
Total Traffic Summons Issued:	117	16	8
<u>Found Open at Businesses in Town</u>			
Doors:	10	0	2
Windows:	0	0	0
Garage Doors:	0	0	0



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	September 2023	August 2023
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	19	0	1
Assault and Battery on Police Officer:	2	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	3	0	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	3	1	0
Drunk In Public:	4	0	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	0	1
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:	30	3	1
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	107	4	4



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	September 2023	August 2023
<u>Response to Resistance</u>			
Total Community Interface	1885	192	202
Total Enforcement Contacts	391	41	29
Physical Custody	23	0	1
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	0	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	2	0	1
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	0	1
Black Male	7	0	0
Other Male	0	0	0
White Female	5	0	0
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary

October 10, 2023

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission held a work session and regular meeting on Tuesday, September 26, 2023. The topic of the work session was the rezoning of the Friant property. Representatives from D.R. Horton and their consultants updated Commissioners on the proposed action.

At their regular meeting, they were presented with a proposed rezoning between the Town, Clarke County Public Schools, and a property owner on West Main Street. This action a result of the construction of the high school and Mosby Boulevard and also includes a boundary line adjustment.

Public hearings on the Friant rezoning and the rezoning referenced above have been set for their October 24, 2023 meeting that begins at 7:00 p.m.

Berryville Area Development Authority

The next BADA meeting will be held on Wednesday, October 25 at 5:00 p.m. when they will discuss the Southeast Collector Study, conducted in 2020, as part of the Berryville Area Plan review.

Architectural Review Board

The ARB held a meeting on Wednesday, October 4, 2023. They reviewed the following request:

Sign Review

Cyrus Robertson (Stroker Signs), Agent, is requesting a Certificate of Appropriateness in order to install a projecting sign at the property located at 9 East Main Street, identified as Tax Map Parcel number 14A5-((A))-75, zoned C General Commercial.

The sign was approved as presented.

Their next meeting is scheduled for Wednesday, November 8, 2023 at 12:30 p.m.

Tree Board

The Tree Board met on Wednesday, October 4, 2023 at 6:00 p.m. in the A.B. Meeting Room. They discussed potential projects for the upcoming year.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary

October 10, 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
- Paving took place in September

Fellowship Square Subdivision

- 50 single-family homes
- Zoned DR-4 Detached Residential
- Cluster layout
- HOA-maintained facilities
- All 50 lots are constructed
- Paving took place in September

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
- Anticipated construction completion by the end of December

Town Council Agenda Item Report Summary

October 10, 2023

Item Title

Erosion and Sediment Control Bond Reduction – Hermitage Phase V

Prepared By

Christy Dunkle

Background/History/General Information

The original Erosion and Sediment Control bond amount set by Town Council for Hermitage Phase V was \$305,264.38.

Findings/Current Activity

Bond reduction estimates were submitted to Town staff and Pennoni Engineering for consideration. Both have reviewed the submittal and conducted site visits and are recommending that the bond be reduced by \$174,550.00 for a total retainage of \$130,714.38.

Due to the drought declaration, those lots that have not been stabilized due to watering restrictions have been bonded with the Town to assure conformance. Erosion and sediment controls (e.g., silt fence) must remain in place and maintained until the respective site has reached 80% stabilization.

Financial Considerations

Per Article VII. Performance Surety, of the Town of Berryville Subdivision Ordinance, a maintenance bond which totals 10-percent of the original bond amount shall be retained for at least one year after completion of the subdivision.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Approve the reduction of the erosion and sediment control bond for Hermitage V subdivision.

Sample Motion

I move that the Council of the Town of Berryville reduce the amount retained for the Hermitage Phase V Erosion and Sediment Control bond to \$130,714.38.

Attachment:

- Letter from Pennoni concerning bond reduction



PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

MEMORANDUM

TO: Christy Dunkle, Town of Berryville
FROM: Michael M. Artz, LS 3B
DATE: October 4, 2023
SUBJECT: Hermitage, Phase 5, E&S Bond Reduction Request

We have completed a review of the Erosion and Sediment Control Bond Estimate and Bond Reduction request prepared by Dewberry for Hermitage, Phase 5 and made a site visit to inspect the status of the completion. As a result, we recommend approval of the request for a reduction from the original bond amount of \$305,264.38 to \$130,714.38.

If you have any questions regarding this review, please do not hesitate to contact me.

ADMINISTRATION/FINANCE

Cash Balance Report

Period Ending 9/30/2023

Town of Berryville
10/5/2023 12:47 PM

Page 1/2

Bank 1	Bank of Clarke Operating Acct#- 1138499		
	Account		Balance
	100-1140000-0000 B/C OPR		-\$342,861.17
	501-1140000-0000 B/C OPR		-\$404,681.16
	502-1140000-0000 B/C OPR		-\$147,444.33
		Bank 1	Total:
			-\$894,986.66
Bank 2	Bank of Clarke NOW Acct#- 1138502		
	Account		Balance
	100-1149000-0000 B/C NOW		\$9,468,000.09
	501-1149000-0000 B/C NOW		\$579,172.84
	502-1149000-0000 B/C NOW		\$6,491,573.32
		Bank 2	Total:
			\$16,538,746.25
Bank 3	Bank of Clarke Payroll Acct#- 1139510		
	Account		Balance
	100-1121000-0000 CASH/ BC PAYROLL		-\$28,861.96
	501-1121000-0000 CASH/BC PAYROLL		-\$27,406.43
	502-1121000-0000 CASH/BC PAYROLL		-\$22,612.49
		Bank 3	Total:
			-\$78,880.88
Bank 4	Bank of Clarke CIP Acct#- 1138405		
	Account		Balance
	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		
	Account		Balance
	100-1128000-0000 BC/SWMGT CD		\$474,159.60
		Bank 5	Total:
			\$474,159.60
Bank 6	Bank of Clarke PDAF Acct#- 1138421		
	Account		Balance
	100-1131000-0000 PD ASSET FORFEITURE		\$27,321.06
		Bank 6	Total:
			\$27,321.06
Bank 7	Bank of Clarke DSR Acct#- 1138456		
	Account		Balance
	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		
	Account		Balance

Cash Balance Report

Period Ending 9/30/2023

Town of Berryville
10/5/2023 12:47 PM

Page 2/2

100-1145000-0000 BCC Rau Account		\$947.54
Bank 9		Total:
		\$947.54
Bank 10	Bank of Clarke VRA Reserve Acct#- 6041647	Balance
Account		Balance
502-1155000-0000 BC/VRA Reserve Account		\$470,000.00
Bank 10		Total:
		\$470,000.00
Bank 11	Bank of Clarke Proffer Reserve Acct#- 1897098	Balance
Account		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
Account		Balance
100-1135000-0000 B/C PERFORMANCE BONDS		\$11,296.81
Bank 12		Total:
		\$11,296.81
Bank 13	TRUIST Acct#- 5137623525	Balance
Account		Balance
100-1130000-0000 CASH/TRUIST		\$568,549.95
501-1130000-0000 CASH/TRUIST		\$0.00
502-1130000-0000 CASH/TRUIST		\$0.00
Bank 13		Total:
		\$568,549.95
Bank 14	Bank of Clarke PD Contributions Acct#- 5759859	Balance
Account		Balance
100-1133000-0000 PD Contributions		\$5,865.67
Bank 14		Total:
		\$5,865.67
Total Cash Balance:		\$25,572,172.32

Check Listing

Date From: 9/1/2023 Date To: 9/30/2023
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
10/05/2023 12:46 PM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
8327	1	CLARKE COUNTY CIRCUIT COURT	VOIDED 09/05/2023	\$27.00
8328	1	Indian River Equipment Co.	09/05/2023	\$335.86
8329	1	Nationwide Retirement Solutions	09/05/2023	\$650.00
8330	1	RIDDLEBERGER BROTHERS	09/05/2023	\$8,518.93
8331	1	Stuart M. Perry, Inc	09/05/2023	\$260.34
8332	1	Treasurer of Virginia - DEQ	09/05/2023	\$3,180.00
8333	1	VALLEY REGIONAL ENTERPRISES, INC.	09/05/2023	\$50.00
8334	1	Waterloo Electric Service, LLC	09/05/2023	\$1,867.07
8335	1	AXON ENTERPRISE, INC.	09/08/2023	\$5,240.28
8336	1	Hall, Monahan, Engle, Mahan & Mitchell	09/08/2023	\$3,630.00
8337	1	JLG INVESTMENTS LLC 10394	09/08/2023	\$20.56
8338	1	Keith Dalton	09/08/2023	\$100.00
8339	1	Kidwell Fencing	09/08/2023	\$4,000.00
8340	1	Michelle M. Jones	09/08/2023	\$880.00
8341	1	Northern Shenandoah Valley Regional Commission	09/08/2023	\$684.15
8342	1	Southern Software, Inc.	09/08/2023	\$6,274.00
8343	1	The Winchester Star	09/08/2023	\$249.92
8344	1	THOMSON REUTERS	09/08/2023	\$104.00
8345	1	HEYWARD INCORPORATED OF VA	09/08/2023	\$224.37
8346	1	Michelle M. Jones	09/08/2023	\$4,500.00
8347	1	ZENON ENVIRONMENTAL CORPORATION	09/08/2023	\$11,853.64
8348	1	ADVANCED GRAPHICS, LLC	09/13/2023	\$275.00
8349	1	CONSOLIDATED ELECTRIC	09/13/2023	\$11,274.50
8350	1	Finley Asphalt	09/13/2023	\$222,440.00
8351	1	FRAZIER & FRAZIER INC	09/13/2023	\$1,540.00
8352	1	Hach Company	09/13/2023	\$15,879.00
8353	1	Indian River Equipment Co.	09/13/2023	\$1,084.77
8354	1	J&P ATM SITE EXPERTS, LLC	09/13/2023	\$1,397.65
8355	1	MID ATLANTIC CRANE AND EQUIPMENT CO	09/13/2023	\$4,045.50
8356	1	PENNONI ASSOCIATES INC	09/13/2023	\$1,730.00
8357	1	Shade Equipment Company	09/13/2023	\$24,851.63
8358	1	Total Pest Services, Inc	09/13/2023	\$189.00

Check Listing

Date From: 9/1/2023 Date To: 9/30/2023
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
10/06/2023 12:46 PM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
8359	1	Treasurer of Frederick County	09/13/2023	\$6,841.38
8360	1	UTILITY SERVICE CO., INC.	09/13/2023	\$2,172.00
8361	1	VIRGINIA RIGGERS INC	09/13/2023	\$4,630.25
8362	1	ANDERSON LAWN CARE, INC.	09/20/2023	\$1,030.00
8363	1	AT&T	09/20/2023	\$301.74
8364	1	COMBS WASTEWATER MANAGEMENT LLC	09/20/2023	\$75.00
8365	1	CORE & MAIN LP	09/20/2023	\$10,505.99
8366	1	General Excavation, Inc	09/20/2023	\$192,938.05
8367	1	LANDSCAPE LLC	09/20/2023	\$95.44
8368	1	Hach Company	09/20/2023	\$13,127.00
8369	1	PENNONI ASSOCIATES INC	09/20/2023	\$2,214.00
8370	1	RADIAL TIRE DISTRIBUTORS	09/20/2023	\$699.76
8371	1	Southern Police Equipment	09/20/2023	\$6,000.00
8372	1	THE PERKINSON CO., INC.	09/20/2023	\$2,564.00
8373	1	UBEO MIDCO LLC	09/20/2023	\$785.41
8374	1	VIRASEC IT Support Services, Inc.	09/20/2023	\$2,590.22
8375	1	CONSOLIDATED ELECTRIC	09/27/2023	\$12,259.50
8376	1	Gwen Malone	09/27/2023	\$40.00
8377	1	Kim S. Kemp	09/27/2023	\$40.00
8378	1	MARCELLE PIERSON	09/27/2023	\$186.86
8379	1	MICHAEL EUGENE BELL JR	09/27/2023	\$40.00
8380	1	Michelle K. Marino	09/27/2023	\$40.00
8381	1	PENNONI ASSOCIATES INC	09/27/2023	\$11,662.25
8382	1	Sheryl Reid	09/27/2023	\$40.00
8383	1	Thomas Randall Parker Jr.	09/27/2023	\$40.00
8384	1	William Steinmetz	09/27/2023	\$200.00
58		Checks Totalling -		\$608,476.02

Totals By Fund

Fund	Checks	Voids	Total
100	\$290,540.50	\$27.00	\$290,513.50
501	\$236,259.71		\$236,259.71
502	\$81,675.81		\$81,675.81
Totals:	\$608,476.02	\$27.00	\$608,449.02

BERRYVILLE TOWN OF

September 01, 2023 - September 30, 2023

Company Statement

Purchasing Card

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.: 1.509.353.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 09/30/23 Payment Due Date 10/24/23 Days in Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$112,843.79	Previous Balance \$107,049.17 Payments -\$107,049.17 Credits -\$400.98 Cash \$0.00 Purchases \$113,244.77 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 \$112,843.79

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 10/24/23.

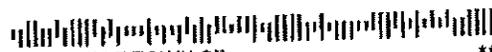
Global Card Access – your card information whenever, wherever and however you need it. From the dashboard, you can quickly check your credit limit, balance, available credit and recent card activity. Other features like View PIN, Change PIN, Lock Card and Alerts help you keep your card secure. For added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

Cardholder Activity Summary

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

0704917 1284379 1284379 4715291201837237


 BANK OF AMERICA
 PO BOX 15731
 WILMINGTON, DE 19888-5731


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

Account Number [REDACTED]
 September 01, 2023 - September 30, 2023

Total Payment Due \$112,843.79
 Payment Due Date 10/24/23

Enter payment amount

\$

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

⑆5499900⑆ ⑆0005⑆ 201837237⑈



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 680441, DALLAS, TX 75268-0441. 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
 September 01, 2023 - September 30, 2023
 Page 3 of 6

Cardholder Activity Summary				
<i>Account Number Credit Limit</i>	<i>Credits</i>	<i>Cash</i>	<i>Purchases and Other Debits</i>	<i>Total Activity</i>
BOOR, RICK ██████████ 15,000	0.00	0.00	8,831.18	8,831.18
BOOTH, KEVIN ██████████ 1,000	0.00	0.00	108.03	108.03
BRISTOL, TIM ██████████ 5,000	0.00	0.00	125.00	125.00
BUSSERT, ERNIE ██████████ 47,524	0.00	0.00	13,840.27	13,840.27
CULP, PAUL ██████████ 5,000	0.00	0.00	368.16	368.16
DALTON, KEITH ██████████ 50,000	0.00	0.00	28,288.40	28,288.40
DORSEY, DANIEL ██████████ 500	0.00	0.00	100.00	100.00
DUNKLE, CHRISTY ██████████ 500	0.00	0.00	330.00	330.00
ELLIOTT, RALPH ██████████ 5,000	0.00	0.00	783.04	783.04
FERREBEE, DARRELL ██████████ 500	0.00	0.00	111.52	111.52
GRIFFITH, RICHARD A ██████████ 500	0.00	0.00	94.09	94.09
JOHNSON, KAREN ██████████ 1,000	0.00	0.00	0.60	0.60
LINK, BRIAN ██████████ 5,000	0.00	0.00	44.95	44.95
PETTI, JEAN ██████████ 50,000	400.98	0.00	44,427.13	44,026.15
POULIN, CYNTHIA ██████████ 5,000	0.00	0.00	3,103.78	3,103.78
SHARP, BRIAN ██████████ 500	0.00	0.00	144.14	144.14
SHEETZ, COLLEN ██████████ 500	0.00	0.00	154.14	154.14
SHOREMOUNT, JOSEPH E ██████████ 500	0.00	0.00	190.87	190.87
STOVER, KEITH ██████████ 5,000	0.00	0.00	1,939.22	1,939.22
WEATHERHOLT, EUGENE W ██████████ 500	0.00	0.00	27.00	27.00
WHITE, NEAL ██████████ 15,000	0.00	0.00	10,235.25	10,235.25



BERRYVILLE TOWN OF

September 01, 2023 - September 30, 2023

Transactions						
Posting Transaction	Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF						Total Activity
Account Number:						-\$107,049.17
09/25	09/25	AUTO PAYMENT DEDUCTION		0071		107,049.17
BOOR, RICK						Total Activity
Account Number:						8,831.19
09/01	08/31	RICE TIRE - 06 WINCHESTER VA	24137463244600185631008	5532	2,598.90	
09/01	08/31	GRIFFITH ENERGY SERVIC 888-474-3391 MD	24941683243200767400831	4900	3,117.52	
09/01	08/31	VA DMV BERRYVILLE LICENSE BERRYVILLE VA	24755423244152441809577	9399	5.00	
09/14	09/12	THE POWER CONNECTION 540-5740177 VA	24639233256900016005793	1731	482.11	
09/18	09/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973261091404000178	5251	28.40	
09/20	09/19	eBay O*05-10561-69578 San Jose CA	24204293282003763876855	5311	2,118.27	
09/27	09/26	FISHER AUTO PARTS 009 540-955-1962 VA	24431063270200824300061	5533	480.98	
						Total Activity
BOOTH, KEVIN						106.03
Account Number:						
09/06	09/05	GIANT MARTINS #8558 BERRYVILLE VA	24692163248101040537000	5411	9.58	
09/12	09/11	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063265200824000116	5533	84.75	
09/27	09/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973270091402000401	5251	11.70	
						Total Activity
BRISTOL, TIM						126.00
Account Number:						
09/21	09/20	FESTIVAL CLEANERS BERRYVILLE VA	24022443263900015500019	7218	125.00	
						Total Activity
BUSSERT, ERNIE						13,840.27
Account Number:						
09/01	08/31	IN JOINER LABS, LLC 540-3477212 VA	24692163243109936607723	8734	2,861.50	
09/07	09/05	MCMASTER-CARR 630-834-9600 IL	24789303249376400240414	5085	364.07	
09/12	09/11	GRAINGER 877-2022694 IL	24755423255732551435424	5085	2,110.20	
09/14	09/13	LOWES #02724* Winchester VA	24692163256107268201343	5200	119.00	
09/20	09/18	GRAINGER 877-2022694 IL	24755423262172621166708	5085	38.05	
09/20	09/18	MAURICE ELEC WING - MOTO 540-3499777 VA	24767903262441000008283	5085	147.89	
09/25	09/22	TRANSPLY, INC 717-767-1005 PA	24055223269081739488208	5085	1,282.61	
09/28	09/27	USABlusBook Atlanta GA	24793383270001396845853	5085	1,195.60	
09/28	09/27	COYNE CHEMICAL CROYDON PA	24137463270300765216216	5169	1,145.60	
09/28	09/27	COYNE CHEMICAL CROYDON PA	24137463270300765216398	5169	1,555.60	
09/28	09/27	COYNE CHEMICAL 215-785-3000 PA	24137463270300765216471	5169	3,040.35	
						Total Activity
CULP, PAUL						368.18
Account Number:						
09/04	09/03	AMZN Mktp US*TL10R95V2 Amzn.com/blllWA	24692163248102579824936	5942	11.36	
09/07	09/06	Amazon.com*TL41835Q1 Amzn.com/blllWA	24692163249101779977723	5942	107.99	
09/07	09/06	Amazon.com*TL21B47X0 Amzn.com/blllWA	24692163249101763774581	5942	8.99	
09/15	09/14	AMZN Mktp US*TR31R05K1 Amzn.com/blllWA	24692163267108046588808	5942	73.10	
09/21	09/21	AMZN Mktp US*TX6HE71D1 Amzn.com/blllWA	24692163264103151437573	5942	12.99	
09/25	09/22	STAPLS7615514448000001 877-8267755 NJ	24164073265103210288348	5111	49.53	
09/25	09/23	STAPLS7615594321000001 877-8267755 NJ	24164073267105220200467	5111	35.99	
09/29	09/28	STAPLS7615854984000001 877-8267755 NJ	24164073271105260417942	5111	68.21	
						Total Activity
DALTON, KEITH						28,288.40
Account Number:						
09/14	09/13	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683258747002806363	4900	1,770.26	
09/14	09/13	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683256747002805704	4900	5,227.98	
09/14	09/13	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683258747002805803	4900	6,544.12	
09/14	09/13	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231883258747002806348	4900	10,000.00	
09/26	09/25	DGS DCLS WATER TEST KITS 804-7860447 VA	24755423269132697457222	8734	4,690.25	
09/29	09/28	EXXON 7-ELEVEN 34514 BERRYVILLE VA	24003223271762005067651	6542	55.79	
						Total Activity
DORSEY, DANIEL						100.00
Account Number:						
09/27	09/26	DEPARTMENT OF PROFESSIONA804-3678597 VA	24755423289272894301799	9399	100.00	
						Total Activity
DUNKLE, CHRISTY						330.00
Account Number:						
09/29	09/28	USPS PO 5107560300 BERRYVILLE VA	24137463272001445905511	9402	330.00	
						Total Activity
ELLIOTT, RALPH						783.04
Account Number:						
09/14	09/12	BROY & SON PUMP SERVICE BERRYVILLE VA	24073143256900017200017	1799	195.00	
09/16	09/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973261091404000038	5251	22.59	
09/25	09/22	BROY & SON PUMP SERVICE BERRYVILLE VA	24073143267900016400027	1799	565.45	
						Total Activity
FERREBEE, DARRELL						111.62
Account Number:						
09/04	09/01	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973245091402000015	5251	83.74	
09/07	09/06	BERRYVILLE AUTO PARTS 540-9551292 VA	2432743324937400565836	5533	27.78	

BERRYVILLE TOWN OF
 September 01, 2023 - September 30, 2023
 Page 5 of 6

Transactions

Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit	Total Activity
GRIFFITH, RICHARD A							94.09
Account Number: [REDACTED]							
09/07	09/06	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973250091402000439	5251	14.69		
09/19	09/18	GIANT MARTINS #6558 BERRYVILLE VA	24692163261101435698922	5411	15.31		
09/22	09/21	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433264453900392854	5533	28.18		
09/25	09/22	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433265459101019450	5533	8.19		
09/27	09/26	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433269479000498918	5533	12.28		
09/28	09/27	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063271200824400050	5533	15.44		
JOHNSON, KAREN							0.60
Account Number: [REDACTED]							
09/04	09/03	Amazon web services aws.amazon.coVA	24692163246101886103598	7399	0.60		
LINK, BRIAN							44.95
Account Number: [REDACTED]							
09/16	09/14	BERRYVILLE FARM AND PET SBERRYVILLE VA	24761473257027010498856	5995	44.95		
PETTI, JEAN							44,026.16
Account Number: [REDACTED]							
09/06	09/05	DGS DCLS WATER TEST KITS 804-7860447 VA	24765423249132499095241	8734	766.80		
09/08	09/07	DRI*UPRINTING 888-888-4211 CA	24692163250102720280767	5111	1,170.09		
09/13	09/12	COYNE CHEMICAL 215-785-3000 PA	24137463255300751341456	5169	1,028.60		
09/13	09/12	COYNE CHEMICAL CROYDON PA	24137463255300751341522	5169	1,205.60		
09/13	09/12	COYNE CHEMICAL CROYDON PA	24137463255300751341605	5169	3,928.40		
09/13	09/13	ULINE *SHIP SUPPLIES 800-295-5510 WI	24692163256106934513305	5954	157.38		
09/15	09/14	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663257083732197515	4900	4,232.42		
09/16	09/14	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663257083754402215	4900	2,730.00		
09/20	09/19	THREAD LOGIC 800-3471612 MN	24275393262900010337039	5137	1,432.98		
09/21	09/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663263083735899093	4900	10,000.00		
09/21	09/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	2494166326308373757638	4900	10,000.00		
09/21	09/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663263083754580970	4900	7,601.34		
09/25	09/22	DRI*PRINTING SERVICES 888-888-4211 CA	74692163265104682489697	5111		400.98	
09/26	09/25	GIANT MARTINS #6558 BERRYVILLE VA	24692163268107003255261	5411	100.40		
09/27	09/26	GIANT MARTINS #6558 BERRYVILLE VA	24692163269107885183275	5411	21.47		
09/28	09/27	GIANT MARTINS #6558 BERRYVILLE VA	24692163270108419636231	5411	55.67		
POULIN, CYNTHIA							3,103.76
Account Number: [REDACTED]							
09/04	09/02	COMCAST 800-COMCAST MD	24692163245101139871610	4899	122.91		
09/14	09/14	COMCAST 800-COMCAST MD	24692163257107688288846	4899	162.90		
09/15	09/14	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692163257107785734001	4814	1,168.30		
09/15	09/14	VERIZON BILL PAYMENT 800-VERIZON FL	24692163257107774765236	4814	264.69		
09/15	09/14	VERIZON BILL PAYMENT 800-VERIZON FL	24692163257107774765410	4814	542.88		
09/19	09/18	VA DMV ONLINE BILLING PAY804-4977100 VA	24765423262132626717024	9399	525.00		
09/25	09/22	MSFT * E0100P2PWF MSBILL.INFO WA	24430993285400810014025	5045	6.00		
09/25	09/22	MSFT * E0100P2PWF MSBILL.INFO WA	24430993285400810084671	5045	252.00		
09/27	09/26	IN *TRUESHRED 800-262-3248 CA	24692163269107780511616	7399	59.00		
SHARP, BRIAN							144.14
Account Number: [REDACTED]							
09/12	09/11	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433254402500831045	5533	22.10		
09/21	09/20	WAL-MART #9344 WINCHESTER VA	24226383264380343277841	5411	58.93		
09/28	09/27	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433270484200552600	5533	39.34		
09/28	09/27	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973271091404000085	5251	23.77		
SHEETZ, CULLEN							164.14
Account Number: [REDACTED]							
09/28	09/25	GIANT MARTINS #6558 BERRYVILLE VA	24692163268107003255600	5411	20.16		
09/27	09/26	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063270200824300087	5533	3.11		
09/27	09/26	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063270200824300178	5533	33.87		
09/27	09/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973270091402000369	5251	97.00		
SHOREMOUNT, JOSEPH E							190.87
Account Number: [REDACTED]							
09/04	09/01	FAMILY DOLLAR #3110 BERRYVILLE VA	24231683245837000034557	5331	22.11		
09/18	09/17	WM SUPERCENTER #1523 GLEN ALLEN VA	24445003261400198807700	5411	75.93		
09/25	09/23	WM SUPERCENTER #1523 GLEN ALLEN VA	24445003267400214989856	5411	92.83		
STOVER, KEITH							1,939.22
Account Number: [REDACTED]							
09/06	09/05	WM SUPERCENTER #3344 WINCHESTER VA	24445003249400190788034	5411	23.12		
09/08	09/07	JNO. S SOLENERGER AND C WINCHESTER VA	24138293251400557604117	5251	18.49		
09/12	09/11	THE UPS STORE 0735 540-6623339 VA	24000973254402902648683	7399	499.19		
09/12	09/11	GIANT MARTINS #6558 BERRYVILLE VA	24692163254105880302032	5411	18.18		
09/14	09/13	COLLIFLOWER INC HQ 410-686-1200 MD	2443565326660000287447	5085	8.54		
09/19	09/18	TRACTOR-SUPPLY-CO #0697 WINCHESTER VA	24137463262001370171255	5598	329.99		



BERRYVILLE TOWN OF

September 01, 2023 - September 30, 2023

Page 6 of 6

Transactions

Posting Transaction							
Date	Date	Description	Reference Number	MCC	Charge	Credit	
09/20	09/19	LOWES #02724* Winchester VA	24692163262102085162226	5200	73.50		
09/20	09/19	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973263091408000487	5251	12.71		
09/22	09/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973265091402000038	5251	9.30		
09/27	09/26	RICE TIRE - 06 WINCHESTER VA	24137463270600170777144	5532	946.20		
WEATHERHOLT, EUGENE W							Total Activity
Account Number: [REDACTED]							27.00
09/07	09/06	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973250091402000454	5251	23.51		
09/27	09/26	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063270200824300103	5533	3.49		
WHITE, NEAL							Total Activity
Account Number: [REDACTED]							10,236.25
09/08	09/07	SOUTHERN POLICE EQUIPMENT 804-3231865 VA	24755423250642505623097	5099	3,380.64		
09/15	09/14	CBI*WINZIP 800-709-9570 IL	24692163257108050419821	5734	54.95		
09/15	09/14	AT&T PAYMENT 800-331-0500 TX	24055233258812431976487	4814	229.44		
09/18	09/17	CS RICHMOND WESTEND 8043642000 VA	24943003260970440825423	3559	4,138.24		
		Arrival: 09/17/23					
09/20	09/19	AMZN Mktp US*TX4V9SRC2 Amzn.com/billWA	24692163262102316553052	6942	25.98		
09/21	09/20	GLOW UNIVERSE HTTPWWW.GLOWTX	24492163263000036450313	5399	458.05		
09/21	09/20	POSITIVE PROMOTIONS 800-6352886 NY	24275393263900013293055	5099	181.95		
09/21	09/20	BERRYVILLE AUTO PARTS 640-9551292 VA	24327433283448800728705	5533	1,451.19		
09/22	09/21	THOMSON WEST*TCO 800-328-4880 MN	24692163264103693704886	6999	117.82		
09/27	09/26	GALLS 859-286-7227 KY	24435853269762516555374	5137	196.99		

Finance Charge Calculation

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

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

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

**Berryville Town Council Item Report Summary
October 10, 2023**

Item Title

Staff Reports - Deputy Town Manager

Prepared By

Background/History/General Information

Findings/Current Activity

Financial Considerations

Schedule/Deadlines

Other Considerations

Attachments

Recommendation

Sample Motion

Town Manager's Report

Proposed Truck Length Restrictions on Various Streets

The Town 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.

If the Council so wishes, staff will provide proposed sign locations and signage wording for the Streets and Utilities Committee to review on October 24. Staff suggests that the package approved by the Committee be submitted to VDOT for review prior to the Council taking action on this proposal.

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.

Staff would like to discuss this matter briefly with the Community Development Committee on October 24 before this matter is placed before the Council for action.

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

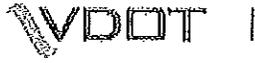
Darin Simpson, P.E.
Staunton District Traffic Engineer
Virginia Department of Transportation
M - 540-416-5093
O - 540-836-6398
darin.simpson@VDOT.Virginia.gov

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

October 10, 2023
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The September 2023 expenditure report is attached.

Attachments

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

Sep-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	\$ 1,540.00	\$ 17,485.50	\$ 130,974.50	12%
- Total		\$	\$ 19,025.50	\$	\$ 150,000.00

Fund balance from first payment

Fund balance from second payment

	\$	\$	\$	\$	\$
					\$ 50,974.50
					\$ 80,000.00

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility	\$ 250,000.00	\$ 4,500.00	\$ 125,000.00	\$ 81,153.44	66%
Total		\$	\$ 43,846.56	\$	\$ 250,000.00
Fund balance from first payment					\$ -
Fund balance from second payment					\$ 81,153.44

	<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	\$ -	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	\$ -	25,000.00
Fund balance from first payment					
	\$ -	\$ -	\$ -	\$ -	\$ 15,135.24
<u>Improve Communications</u>					
Estimated cost of these actions					
- Website	\$ 8,000.00	\$ -	\$ 5,845.29	\$ 2,154.71	73%
- Radios	\$ 60,000.00	\$ -	\$ 60,000.00	\$ -	100%
- Other imp.	\$ 60,000.00	\$ -	\$ 12,842.19	\$ 47,157.81	21%
- Total	\$ -	\$ -	\$ 78,687.48	\$ -	128,000.00
Fund balance from first payment					
	\$ -	\$ -	\$ -	\$ -	\$ 49,312.52

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Premium Pay</u>					
Estimated cost of these actions					
- Provide premium pay	\$ 172,000.00		\$ 174,323.86	(2,323.86)	101%
- Total			\$ 174,323.86		\$ 172,000.00
Fund balance from first payment				\$	(2,323.86)
<u>Complete necessary water and sewer infrastructure projects</u>					
Estimated cost of these actions					
- Cost of the projects	\$ 3,060,886.00	\$ 870,305.55	\$ 1,328,393.00	\$ 559,750.90	47.65%
Total			\$ 1,172,742.10		\$ 3,060,886.00
Fund balance from first payment			\$ 2,501,135.10		\$
Fund balance from second payment					\$ 559,750.90

ARPA MASTER LIST

10/10/2023

	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	Premlium 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	\$ 168,846.56	\$ 81,153.44	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 & Setter Replacements *	\$ 350,000.00	\$ 334,294.37	\$ 15,705.63	75% infra	
17	Hermitage Pump Station	\$ 26,000.00	\$ 23,850.00	\$ 2,150.00	100% infra	\$ 2,150.00
18	Booster Building Upgrade	\$ 20,000.00	\$ 22,985.85	\$ (2,985.85)	100% infra	\$ (2,985.85)
19	WWTP Headworks Lighting Upgrade	\$ 5,000.00	\$ 4,764.00	\$ 236.00	100% infra	\$ 236.00
20	Ridge Road Water Main	\$ 30,000.00	\$ 25,939.04	\$ 4,060.96	100% infra	\$ 4,060.96
21	Water, Sewer and Drainage Projects	\$ 2,280,948.10	\$ 1,772,198.08	\$ 508,750.02	30% infra	
22	Rockcroft Water Main Abandonment	\$ 10,000.00	\$ 10,550.96	\$ (550.96)	0% infra	
23	Security Upgrades	\$ 125,000.00	\$ 89,820.91	\$ 35,179.09	100% infra/admi	\$ 35,179.09
24	Drainage Dorsey, Walnut, Treadwell	\$ 310,000.00	\$ 1,500.00	\$ 308,500.00	5% infra	
25	Bel Voi and Battletown Water Main Repl		\$ 11,612.50		infra	
26	Wayfinding Signs	\$ 140,000.00	\$ 19,025.50	\$ 120,974.50	0%	
27	Raw Water Intake Land-Easement Acquisition	\$ 15,000.00	\$ 7,172.50	\$ 7,827.50	50% infra	
28	Grant Housing (3 years)	\$ 120,000.00	\$ 80,000.00	\$ 40,000.00	66%	
	Administrative /Legal Fees	\$ 60,000.00	\$ 40,168.89	\$ 19,831.11	50% Admin	
	Total Encumbered	\$ 4,534,986.00	\$ 3,367,312.97	\$ 1,167,673.03		\$ 40,292.76
	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 **	\$ -	\$ -	\$ -	0%	

Project Status Report

6

Date: 10/10/2023

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: 10/10/2023

Project Name:

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

Project Budget: \$80,000.00

Expected Completion Date: January 2023

Executive Summary:

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

Project Goals:

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

Project Status:

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

Project Milestones:

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

Project Issues or Concerns:

Project Status Report

Date: 10/10/2023

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: 10/10/2023

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: \$168,846.56
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

14

Date: 10/10/2023

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: 10/10/2023

Project Name:

Water Meter and Setter Replacements

Project Budget: \$350,000.00

Expected Completion Date: June 2023

Executive Summary:

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

Project Goals:

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

Project Status:

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

Project Milestones:

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

Project Issues or Concerns:

1. Multiyear project

Project Status Report

Date: 10/10/2023

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: \$1,772,198.08
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: 10/10/2023

Project Name:

Rockcroft subdivision water project

Project Budget: \$10,000.00 *

Expected Completion Date: June 2023

Executive Summary:

Eliminate small water main connections in back yards.

Project Goals:

1. Eliminate sources of potential water leaks.

Project Status:

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

Project Milestones:

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

Project Issues or Concerns:

Project Status Report

Date: 10/10/2023

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: 10/10/2023

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

Date: 10/10/2023

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: \$19,025.50
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: 10/10/2023

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: 10/10/2023

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

Update

Report of October 10, 2023

12 First Street

The property was sold in late September.

The new owner is aware of the December 15, 2023 deadline. The Town Manager told the new owner that the Town may be amendable to a brief extension to give him a little longer to achieve compliance with the plan. Staff is under the impression that the remaining structure will be razed.

Town staff will follow up with the new owner to ensure that required work is completed.

225 Josephine Street

No work has been completed on the site subsequent to the last update to the Council.

Staff provided 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 provided the owner with another notice (by certified mail) and set a deadline of December 15, 2023 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.

229 Josephine Street

No work has been completed on the site subsequent to the last update to the Council. Ms. French has had no further contact with the Town in this regard.

Staff has prepared a draft preliminary determination of blight for this property. The draft determination is attached to this report.

Attachments

- Recent correspondence relating to 225 Josephine Street

- Recent correspondence relating to 114 Josephine Street
- Draft preliminary determination of blight and draft spot blight abatement plan for 229 Josephine Street

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 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



COPY



**TOWN OF
BERRYVILLE
VIRGINIA**

CERTIFIED MAIL

October 5, 2023

Mr. William J. Woodruff
1110 Elden Street, F-110
Herndon, VA 20170

Dear Mr. Woodruff:

This letter is written to specify a time by which your property at 114 Josephine Street must be brought into compliance with the spot blight abatement plan approved by the Berryville Town Council on July 12, 2022. **This letter will serve as the final notice that the Town will provide on this matter.**

On July 12, 2022 the Berryville Town Council approved a spot blight abatement plan for your property at 114 Josephine Street. That plan required that all work enumerated in the plan be completed by March 15, 2023. While the majority of work has been completed, some tasks remain unfinished.

On July 10, 2023 Town staff met with you on the property and outlined the work that needed to be completed by August 31, 2023. Town staff followed up on that meeting with two emails dated July 13, 2023 and August 5, 2023. The remaining work that was addressed at the July 10, 2023 meeting and in the subsequent emails has not been completed.

Accordingly, you are hereby notified that if the work identified in the July 13, 2023 email is not completed by December 15, 2023, the Town of Berryville will, without further notice, cause the work in question to be completed. A lien will be placed on the property in question in the amount of the cost incurred completing the work required by the approved plan.

Please note that if you wish to complete the work before this final deadline, 1) the Town must inspect the sewer lateral before it is covered up and 2) the Town has

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

documented the condition of the street in front of your property and will charge you for repair of any damage to the pavement or curb.

If you have any questions or concerns, then please feel free to contact me at townmanager@berryvilleva.gov or 540.955.1099.

Sincerely,



Keith R. Dalton
Town Manager

Attachments:

Approved a spot blight abatement plan
July 6, 2023 email
July 13, 2023 email
August 5, 2023 email

Cc:

Town Council
Rick Boor, Director of Public Works
Cindy Poulin, Director of Finance

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.

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

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

Erosion and Sedimentation Control

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

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.

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.

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

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:

ATTEST:

Harry Lee Arnold, Jr. Mayor

Date

Erecka L. Gibson, Recorder

Date

Keith Dalton

From: Keith Dalton
Sent: Thursday, July 6, 2023 3:40 PM
To: William Woodruff
Cc: Rick Boor; Paul Culp
Subject: Blight Abatement- 114 Josephine Street

Importance: High

Mr. Woodruff:

This confirms our meeting at 114 Josephine Street to determine what needs to be done to finalize this matter and close the file on the blight abatement action.

Meeting:

Where: 114 Josephine Street
Date: July 10, 2023
Time: 10:30 a.m.

I will have someone from the Town's Public Works Department with me at the meeting.

Thanks 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

Keith Dalton

From: Keith Dalton
Sent: Thursday, July 13, 2023 2:28 PM
To: William Woodruff
Cc: Rick Boor; Paul Culp
Subject: 114 Josephine Street
Attachments: 20230713150154939.pdf

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 item 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 7/22/22

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

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 <woodysquickstop@yahoo.com>
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 item 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**

VIRGINIA

CERTIFIED MAIL

October 5, 2023

Mr. Thomas Brown
121 Josephine Street
Berryville, VA 22611

Dear Mr. Brown:

This letter is written to specify a time by which your property at 225 Josephine Street must be brought into compliance with the spot blight abatement plan approved by the Berryville Town Council on July 12, 2022. **This letter will serve as the final notice that the Town will provide on this matter.**

On July 12, 2022 the Berryville Town Council approved a spot blight abatement plan for your property at 225 Josephine Street. That plan required that all enumerated work be completed by December 15, 2023. On September 26, 2022 you agreed to a schedule for compliance with the approved spot blight abatement plan. You have failed to meet the June 1, 2023 deadline to which you agreed on September 26, 2022. The December 15, 2023 deadline is now only seventy-one days away and no work has been completed on the property.

Accordingly, you are hereby notified that if the work identified in the approved spot abatement plan is not completed by December 15, 2023, the Town of Berryville will, without further notice, cause the work in question to be completed. A lien will be placed on the property in question in the amount of the cost incurred completing the work required by the approved plan.

Please note that if you wish to complete the work before this final deadline, 1) the Town

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

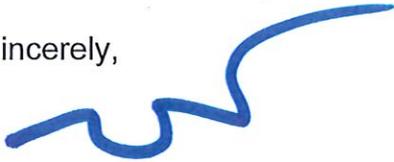
Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

must inspect the abandoned and capped water and sewer laterals (if applicable) before they are covered up and 2) the Town has documented the condition of the street in front of your property and will charge you for repair of any damage to the pavement or curb.

If you have any questions or concerns, then please feel free to contact me at townmanager@berryvilleva.gov or 540.955.1099.

Sincerely,



Keith R. Dalton
Town Manager

Attachments:

Approved a spot blight abatement plan
List of actions to be taken on 225 Josephine Street and schedule for completion
of work dated September 26, 2022

Cc:

Town Council
Rick Boor, Director of Public Works
Cindy Poulin, Director of Finance

Town of Berryville
Blight Abatement Plan
225 Josephine Street
Berryville, VA

Overview

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

Permitting

Owner will obtain all necessary permits (including building and erosion and sedimentation control).

Utilities

As applicable owner will:

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

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

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

Erosion and Sedimentation Control

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

Repair of the Structure/Removal of Debris

Owner will cause the structure to be repaired (rendered secure and weather-tight) in accordance with applicable building code and zoning requirements. Owner will:

- cause the structure's door and window openings to be secured, utilizing windows and doors (structure's windows and doors may not be boarded up after project is completed).

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

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

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

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.

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 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.

Plan Approved by Town Council On 7/12/22

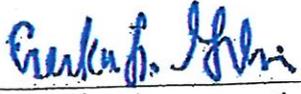
APPROVED:



Harry Lee Arnold, Jr. Mayor

ATTEST:

7-21-2022
Date



Erecka L. Gibson, Recorder

7/21/22
Date

**List of actions to be taken on 225 Josephine Street and
schedule for completion of work**

This document is submitted to the Town of Berryville to satisfy the requirements of the first required milestone of the blight abatement plan approved for 225 Josephine Street. The plan in question was approved by the Berryville Town Council on June 12, 2022.

Before December 1, 2022

- Owner will secure a zoning permit and building permit for an accessory building to be constructed on the site.
- Owner will secure a demolition permit for the house.

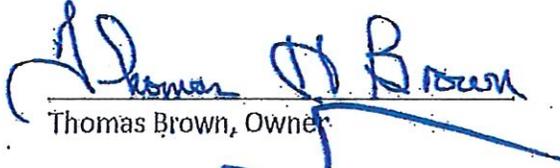
Before June 1, 2023

- Owner will construct or locate an accessory building on the property in accordance with approved zoning and building permits.

Before December 15, 2023

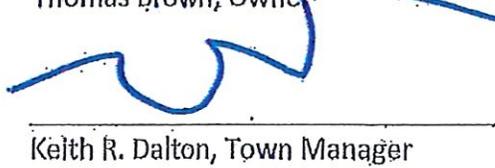
- Owner will complete all work on the site including demolition of the house and site cleanup.

Submitted by:


Thomas Brown, Owner

9-26-22
Date

Approved by:


Keith R. Dalton, Town Manager

9-26-22
Date

DRAFT

CERTIFIED MAIL

October 11, 2023

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

Dear Mr. Jenkins:

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

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

- the structure is dilapidated, deteriorated, and violates minimum health and safety standards,
- the structure's doors and windows have been boarded up for years,
- the structure's gutter/downspout system is missing,
- the structure's roof system is failing,
- portions of the structure are unsecured from birds and rodents, and
- the property is overgrown.

In accordance with §5-5 of the Berryville Code the property owner must provide the Town with a written spot blight abatement plan to address the blight within a reasonable time. This plan must be received by the Town before November 12, 2023.

I have also attached a draft spot blight abatement plan that you may use as a template for your plan if you choose. It is important to note that the timeframe for blight abatement that the Town will find reasonable and acceptable would not extend beyond December 2, 2024.

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

Richard A. Jenkins Estate
October 11, 2023
Page 2 of 2

You may send your spot blight abatement plan to:

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

or

townmanager@berryvilleva.gov and townclerk@berryvilleva.gov

Thank you for your attention to this matter.

Sincerely,

Keith R. Dalton
Town Manager

Cc: Town Council
Planning Commission
Architectural Review Board



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

Overview

This Blight Abatement Plan (Plan), prepared in accordance with § 5-5 of the Berryville Code, provides for the repair of the structure on the subject property and the removal of all trash and refuse. The plan provides for demolition of the structure if the owner fails to repair it in accordance with the requirements of this plan.

Permitting

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

Utilities

As applicable owner will:

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

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

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

Erosion and Sedimentation Control

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

Evaluation of Structure

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

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

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

Repair of Structure/Removal of Debris

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

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

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

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

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

Clearing and removal of plant material

Owner will cause the site to be cleared of brush, weeds and trees as needed to access the site and complete work. Owner will cause any trees that the Town Manager determines to be hazardous to adjoining properties to be removed.

Owner will cause all material from clearing and plant material to be removed from the site and disposed of at the Frederick County Regional Landfill in accordance with that facility's requirements.

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

Stabilization

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

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

Unforeseen Hazards

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

Schedule

Report from structural engineer provided to Town Manager by: January 4, 2024.

List of repairs to be completed and a schedule for that work provided to the Town Manager by January 4, 2023.*

Copy of approved permits required for work on the property provided to the Town Manager by April 1, 2023

Repair and cleanup work commence on property by July 1, 2023.

All work required by this plan will be completed and final inspections completed (and approval granted by the Clarke County Building Official) by December 2, 2023.

* Town Manager will review the list of repairs and schedule to ensure that it complies with this plan. The Town Manager will reject this submission if it does not comply with this plan.

Action to be taken if owner fails to comply with the requirements of the approved plan

If the owner fails to comply with the requirements of this plan and the Town Manager does not grant an extension in writing, then the Town will demolish the structure and clean the site to gain compliance with the plan.

Costs Incurred Abating Blight

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

If the Town takes action to abate the blight, then a lien in the amount of costs incurred abating the blight will be filed on the property.

SEEN AND AGREED:

OWNER(S)

Signature

Printed Name

Date

TOWN

Signature

Printed Name and title

Date

Keith R. Dalton, Town Manager
