



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

November 14, 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**
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
Vice Mayor
Ward 1
Ward 2
Ward 3
Ward 4

12. Staff Reports

Public Works
Public Utilities
Police Department
Community Development
 Departmental Update
 Construction Update
 Public Improvement Bond Reduction--Hermitage Phase V
 Set Public Hearing--Rezoning on Tax Map Parcels 14-A-6, 14-A-5, and 14A-7-A

Administration and Finance
Deputy Town Manager
Town Manager
 Town Manager's Report
 Update: American Rescue Plan Act of 2021
 Update: Spot Blight Abatement
 Invitation for Bids: Tree/Brush Removal and Tree/Brush Takedown Services

13. Committee Updates

Budget and Finance
Community Development
Personnel, Appointments, and Policy
 Tree Board Reappointment
Public Safety
 Proposed Amendment to Chapter 6 of the Town Code
 Proposed Amendment to Chapter 2 of the Town Code
 Proposed Amendment to Chapter 13 of the Town Code
Streets and Utilities

14. Closed Session

15. Adjourn

Berryville Town Council Item Report Summary November 14, 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 six sets of minutes to be considered for approval:

- 10.10.23 Town Council regular meeting
- 10.23.23 meetings of the Personnel and Budget and Finance Committees
- 10.24.23 meetings of the Streets and Utilities and Community Development Committees
- 10.26.23 meeting of the Public Safety Committee

Financial Considerations

None.

Schedule/Deadlines

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

Other Considerations

None

Attachments

1. Consent Agenda

Recommendation

Approval.

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

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
October 10, 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

Ms. Dunkle read the notice for the first of two 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)

Mr. Mazzarino, referring to §16-109 in the Town Code, in which mention is made of the Council setting the interest rate, asked whether this had been done in the past. Mr. Dalton said yes and that he would research the matter to provide the Council with more details.

Mayor Arnold opened the hearing at 7:03 p.m.

Chris Clawson said he is an Airbnb superhost who owns such establishments elsewhere and favors having them in Berryville but that a \$250 yearly fee is what he pays in the Los Angeles area and is too high for this locale. He said it is a barrier to entry and that the Town will derive sufficient income from occupancy taxes.

In the absence of further comment, Mayor Arnold closed the hearing at 7:05 p.m.

Ms. Dunkle then read the notice for the second hearing:

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.

Mayor Arnold opened the hearing at 7:07 and closed it upon determining that no one wished to speak.

6. Discussion of Public Hearing Items

Mr. Mazzarino asked how the \$250 mentioned by Mr. Clawson had been determined. Ms. Petti said that the amount of the fee was to be set by the Council in the present meeting. Ms. Dunkle and Ms. Petti noted that a special use permit request fee would be involved as well. Ms. Petti said she was unfamiliar with any \$250 fee and reiterated that the Council had yet to set a fee amount.

Mayor Arnold asked Mr. Clawson where he had seen mention of the \$250 fee, and Mr. Clawson said he did not recall and that he might have combined an assortment of figures, perhaps from a newspaper account.

A discussion established that the special use permit application fee would be a one-time \$300 expense. Ms. Harrison expressed concern about the process and expense, and Ms. Dunkle explained that parking is a crucial consideration. Mayor Arnold noted that residents of neighboring properties

can address the question of whether a special use permit application is approved, and Mr. Steinmetz said the Planning Commission, of which he is chairman, had viewed the matter in that light.

There was a brief discussion of the effort to minimize paperwork and inspections.

Ms. Harrison and Ms. Dunkle briefly discussed entities already in business, for whom a special use permit would not be required.

Mr. Dalton said the special use permit fee does not cover the Town's costs, and Mayor Arnold noted that it is a one-time expense for the applicant.

Ms. Dunkle briefly enumerated the processes covered by the fee, which currently is \$250 and under the proposed fee schedule would rise to \$300.

Mr. Tibbens asked for clarification regarding whether the cost to apply would be \$450, encompassing the permit application plus annual fee. Ms. Dunkle said yes, plus the cost of business license.

Mayor Arnold asked staff about recommendations for the amount of the annual fee, and Ms. Petti said \$20 or thereabouts is typical.

There was a discussion of the range of the cost of a nightly stay in a short-term rental.

Ms. Harrison suggested \$20, equal to the cost of a business license. Mr. Mazzarino said it would be good idea to encourage business but not without a barrier of some sort.

Mr. Steinmetz and Ms. Petti briefly discussed what would be involved in keeping a registry.

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

Vice Mayor Gibson moved that the Council of the Town of Berryville approve the attached ordinance amending Chapter 9 Sections 9-2, 9-34, and 9-36, and Chapter 16 Sections 16-101,103,108, and 16-110 of the Berryville Code to establish a definition for short-term rentals, amend local licenses, taxes and fees in a manner that tracks the Virginia Code, establish a short-term rental registry, modify the definitions to include short-term rental, remove language addressing campgrounds, and to eliminate cumbersome gender specific language. The motion passed by unanimous voice vote.

Mr. Tibbens moved that the Council of the Town of Berryville establish an annual short-term rental registry fee of \$20 in accordance with §9-36.9. The motion passed by unanimous voice vote.

Ms. Harrison moved 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. The motion passed by unanimous voice vote.

Mr. Tibbens asked whether it would be possible to track staff time and postage expenditures for a year and increase the fee if needed, and Ms. Petti said yes.

7. Citizens' Forum

Craig Mattice thanked the Town for responding to his request for push notifications of upcoming meetings. He expressed concern about recent water-quality matters that he had addressed in other meetings, saying that three months had elapsed since the Town had notified residents of excess disinfectant byproducts in drinking water and that the Town was not communicating sufficiently at a time of public concern. He said state agencies had told him that other localities were likely to experience similar problems because of the recent drought.

Susan French, legal counsel for owners of multiple properties subject to blight abatement measures, said the non-profit organization now responsible for 112 Josephine Street had convened its board, would soon have a website, and would work on land title matters. Referencing an update she had sent the Council a few days previous, she said work at 229 Josephine was proceeding, noting trees, foundation, windows, and door as matters receiving attention.

Dan Loper thanked the Council for representing residents. He said he shared Mr. Mattice's concern about water quality and said he also had concerns about the effects of recent water-use restrictions. He also said that having moved to Berryville a year ago in order to avoid living in an excessively developed locale, he was apprehensive about the possibility of Berryville becoming such a place.

8. Consent Agenda

The consent agenda comprised the minutes of the September 12 Town Council regular meeting and the September 7 Town Council work session.

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

9. Unfinished Business

None.

10. New Business

None.

11. Council Member Reports

Mayor Arnold addressed the September 2, 2023 Water Supply Warning Declaration, explaining that the Virginia Department of Environmental Quality Drought Monitoring Task Force had met on September 21 and determined that the drought warning status for the Berryville area should remain in place. He said the task force had been scheduled to meet and discuss the matter again on the day of the present meeting and that the Town would update the public about it as soon as possible after receiving notice of a decision. Mr. Tibbens asked how often the Task Force meets, and Mr. Dalton said it meets at intervals of two to three weeks.

Mr. Mazzarino of Ward 3 thanked those who provide comment to the Council and said the Council does take comments from the public seriously and listens conscientiously.

The other members had nothing to add.

12. Staff Reports

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

Community Development

Ms. Dunkle explained the need for reduction of the erosion and sediment control bond for Phase V of the Hermitage subdivision.

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

Vice Mayor Gibson, Ms. Dunkle, and Mr. Dalton briefly discussed prepayment of water/sewer availability fees for the subdivision.

Town Manager

Mr. Dalton said he had followed through on the Council's request in June that staff confer further with VDOT regarding proposed truck-length restrictions on certain streets, and that staff would like to discuss the matter with the Streets and Utilities Committee in its October 24 meeting.

Mr. Dalton said proposed changes to regulations for use of Rose Hill Park had been reviewed by the Town attorney and that staff would like to discuss the matter with the Community Development Committee in its October 24 meeting.

There was a brief discussion of the blighted property at 229 Josephine Street, the consensus being that remedial measures were progressing and that no definite deadlines were looming.

13. Committee Updates

Vice Mayor Gibson said the Budget and Finance Committee would meet on October 23 at 3:00 p.m.

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

Mayor Arnold said the Personnel Committee would meet on October 23 at 2:00 p.m.

Mr. Mazzarino said the Public Safety Committee would meet on 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 7:43 p.m. on a motion by Vice Mayor Gibson.

Erecka L. Gibson, Vice Mayor

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

PUBLIC HEARING

Tuesday, October 10, 2023

SHORT-TERM RENTALS

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)

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

CHRIS CAWSON

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

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 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

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 aerials 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 aeriels 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.

- (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.

Section 204 General Commercial (C) District

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 aerials 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)

Section 602 Detached Residential-1 (DR-1)

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
 - (5/94) (3) Rear yard: 30 feet (residences)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

604.6 MINIMUM DISTRICT SIZE FOR CLUSTER SUBDIVISIONS

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

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

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

604.8 OPEN SPACE REQUIREMENTS FOR DETACHED RESIDENTIAL SUBDIVISIONS

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

604.9 ADDITIONAL REGULATIONS

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

SECTION 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)**

Section 605 Attached Residential (AR) District

605.4 MAXIMUM DENSITY

Maximum density:

Six (6) dwelling units per net developable acre.

605.5 MINIMUM DISTRICT SIZE

Minimum District Size: Three (3) acres.

605.6 LOT SIZE AND BULK REQUIREMENTS FOR TOWNHOUSE-STYLE DWELLINGS

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

605.7 LOT SIZE AND BULK REGULATIONS FOR DUPLEXES

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

Section 605 Attached Residential (AR) District

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

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

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

605.9 OPEN SPACE REQUIREMENTS FOR TOWNHOUSE DEVELOPMENTS

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

605.10 OPEN SPACE REQUIREMENTS FOR DUPLEX DEVELOPMENTS

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

605.11 ADDITIONAL REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

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

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

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

(b) Streets

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

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

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

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

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

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

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

605.12 SITE PLAN AND MASTER PLAN REQUIREMENTS

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

605.13 GENERAL REGULATIONS

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

605.14 CONDOMINIUMS

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

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

SECTION 606 MULTIFAMILY RESIDENTIAL (MR) DISTRICT

606.1 PURPOSE AND INTENT

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

606.2 PERMITTED USES

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

606.3 SPECIAL PERMIT USES

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

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

606.4 MAXIMUM DENSITY

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

606.5 MINIMUM DISTRICT SIZE

Minimum district size: three (3) acres.

606.6 REGULATIONS FOR DUPLEXES

Refer to Section 605 for general regulations.

606.7 REGULATIONS FOR TOWNHOUSE DEVELOPMENTS

Refer to Section 605 for general regulations.

606.8 MULTIFAMILY DWELLINGS

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

606.9 PARKING AREAS, DRIVEWAYS, AND WALKWAYS IN MULTIFAMILY DEVELOPMENTS

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

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

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

606.10 STREETS IN MULTIFAMILY DEVELOPMENTS

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

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

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

606.12 MAINTENANCE OF IMPROVEMENTS, COVENANTS, AND REQUIRED IMPROVEMENTS

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

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

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

606.13 SITE PLAN AND MASTER PLAN REQUIREMENTS

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

606.14 GENERAL REGULATIONS

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

606.15 CONDOMINIUMS

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

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

SECTION 607 - C-1 COMMERCIAL DISTRICT

607.1 PURPOSE AND INTENT

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

607.2 PERMITTED USES

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

607.3 SPECIAL PERMIT USES

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

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

607.4 MAXIMUM FLOOR AREA RATIO

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

607.5 MINIMUM DISTRICT SIZE

Minimum district size: 1 acre

607.6 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

607.7 OPEN SPACE

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

607.8 PARKING AREA REGULATIONS FOR THE C-1 COMMERCIAL DISTRICT

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

607.9 LANDSCAPING, BUFFERING AND SETBACK ADJACENT TO RESIDENTIAL AREAS

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

607.10 STORAGE OF MATERIALS AND REFUSE

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

607.11 STREET ENTRANCES

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

607.12 GENERAL REQUIREMENTS

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

SECTION 609 L-1 INDUSTRIAL DISTRICT

609.1 PURPOSE AND INTENT

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

609.2 PERMITTED USES (12/94)

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

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

609.3 SPECIAL PERMIT USES

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

609.4 PROHIBITED USES

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

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

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

609.5 MAXIMUM LOT COVERAGE

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

609.6 MINIMUM DISTRICT SIZE

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

609.7 LOT SIZE REQUIREMENTS AND BULK REGULATIONS

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

609.8 OPEN SPACE

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

609.9 PARKING, PARKING ACCESS AND DRIVEWAYS

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

609.10 SETBACK, BUFFERING AND LANDSCAPING

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

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

609.11 STORAGE OF GOODS, MATERIALS, FUEL AND REFUSE

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

609.12 STREET ENTRANCES

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

609.13 SITE PLAN REQUIREMENTS AND PERFORMANCE STANDARDS

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

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

609.14 ADDITIONAL REQUIREMENTS

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

(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 area 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)



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 reimbursed to the Town at cost, or as may be determined by separate, written agreement duly adopted and entered by the Town Council and the applicant. If payment is not made in a timely fashion, cost of collections (including attorney's fees) will be charged to the applicant.

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

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

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

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

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

Accommodation Fees

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

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

BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 23, 2023

A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee occurred at 2:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee: Mayor Jay Arnold, Chair; Vice Mayor Erecka Gibson

Staff participating: Jean Petti, Deputy Town Manager; Paul Culp, Town Clerk

Also present: Planning Commission applicant Julie Abrera

1. Call to Order

Mayor Arnold called the meeting to order at 2:00 p.m.

2. Approval of Agenda

Vice Mayor Gibson moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

Mayor Arnold noted a vacancy on the Planning Commission in addition to the once for which Ms. Abrera was to be interviewed, and a vacancy on the Tree Board.

4. New Business

None.

5. Closed Session

Vice Mayor Gibson moved that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment. The motion passed by consensus.

The committee entered closed session at 2:02 p.m. and returned to open session at 2:57 p.m. upon the approval of the attached motion and resolution read by Vice Mayor Gibson.

Mayor Arnold said the Town had received an application from another citizen interested in appointive office and that the committee would continue with interviews in its November meeting and make recommendations to the full Council in that body's December meeting.

6. Other

No other business came before the committee

7. Adjourn

The meeting adjourned by consensus at 2:59 p.m. on a motion by Vice Mayor Gibson.

Town of Berryville
Town Council Personnel Committee
MOTION TO ENTER CLOSED SESSION

Date: October 23, 2023

MOTION BY: Gibson

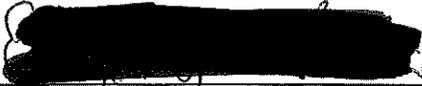
SECOND BY: _____

I move that the Personnel Committee of the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, for discussion, consideration, or interviews of prospective candidates for appointment.

VOTE:

Aye: Unanimous voice vote

Nay:

Attest: 

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL PERSONNEL COMMITTEE

MOTION

CLOSED SESSION RESOLUTION

DATE: October 23, 2023

MOTION BY: *G. Gibson*

SECOND BY: _____

I move that the Personnel Committee of 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 committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Personnel Committee of the Council of the Town of Berryville 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 committee.

VOTE:

Aye: *Unanimous roll-call vote.*

Nay:

Absent/Abstain:

ATTEST:  _____

Erecka L. Gibson, Vice Mayor

BERRYVILLE TOWN COUNCIL BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 23, 2023

The Berryville Town Council Budget and Finance Committee met on Monday, October 23, 2023 at 3:00 p.m. in the Berryville-Clarke County Government Center at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the committee present: Vice Mayor Erecka Gibson, Chair; Grant Mazzarino

Staff: Jean Petti, Deputy Town Manager; Cynthia Poulin, Treasurer; Paul Culp, Town Clerk

1. Call to Order

Vice Mayor Gibson called the meeting to order at 3:05 p.m.

2. Approval of Agenda

Mr. Mazzarino moved to approve the agenda. The motion passed by consensus.

3. Unfinished Business

Ms. Poulin, responding to concerns about deposit insurance expressed previously by a member of the Town Council, said she had determined that the Town's funds deposited with Bank of Clarke were insured by the FDIC for the full amount.

A discussion established that further account diversification beyond Bank of Clark and Truist would be unnecessary.

Ms. Poulin briefly described the differences in how the Town uses various accounts for day-to-day operations, deposits, payroll, and capital improvements.

Vice Mayor Gibson said the current discussion would satisfy the requirement of a semi-annual review of bank accounts as established by the Council's bank accounts policy.

Ms. Poulin said the Town had just hired a new finance clerk to fill the vacancy that had occurred in July.

4. New Business

The committee briefly considered the budget calendar with an eye to setting a deadline for committees to report their priorities for the upcoming fiscal year.

The consensus of the Budget and Finance Committee was that its priorities should include an accounting of matters related to the American Rescue Plan Act of 2021 and a policy regarding fixed asset inventory.

5. Other

None.

6. Closed Session

None.

7. Adjourn

Vice Mayor Gibson invited a motion to adjourn. Mr. Mazzarino so moved, with the meeting adjourning by consensus at 3:36 p.m.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 24, 2023

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, October 24, 2023 at 3:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Members of the committee present: Diane Harrison, Chair; Ryan Tibbens

Staff present: Jean Petti, Deputy Town Manager; Christy Dunkle, Community Development Director; Rick Boor, Public Works Director; Paul Culp, Town Clerk; Chief of Police Neil White

1. Call to Order

Ms. Harrison called the meeting to order at 3:03 p.m.

2. Approval of Agenda

Ms. Harrison asked for approval of the agenda, with the first item of New Business being advanced to the first item for discussion to accommodate Mr. Boor's schedule. The agenda was then approved by consensus on a motion by Mr. Tibbens.

3. New Business: Construction Standards Revision

Mr. Boor referenced material in the agenda packet comparing PVC and ductile iron pipe, explaining that PVC is not as durable and that most nearby jurisdictions are now using ductile. He recommended removal of PVC water mains from the Town's construction standards.

There was a discussion of corrosion prevention, enhanced leak detection via use of ductile, long-term maintenance savings offsetting the higher initial cost of ductile, and the fact that in the case of a subdivision the builder and not the Town would bear the increased cost in new construction. Mr. Boor noted that meter boxes, having already been approved, would still be PVC.

Mr. Tibbens moved that the Streets and Utilities Committee recommend to the Town Council that it approve the suggested revisions to Section 3, Town of Berryville Construction Standards and Specifications 2015, Updated 2021 as presented. The motion passed by consensus.

Mr. Boor noted before leaving the meeting that current Public Works projects are proceeding in a desirable way.

4. Unfinished Business

Curb Painting

The discussion referenced Ms. Petti's report, compiled with Chief White's assistance, on curb painting, which Public Works had not done on East Main Street during the summer because of discussions about the need for the committee to consider the matter.

With reference to standards and criteria outlined by Chief White in the report, the committee discussed the merits of restricting parking at various locations and determined that there was no clear reason for yellow curbs in that part of town.

Mr. Tibbens moved that the Streets and Utilities Committee decline a request from the owners of 214 E. Main Street that the curb east of their entrance be painted. The motion passed by consensus.

Truck Restrictions

Ms. Harrison said that in light of the agenda report and previous discussions, she had come to favor VDOT's recommendation of a truck route sign to keep trucks off of Church Street. Mr. Tibbens said that more decisive measures such as creation of a cul-de-sac are many years in the future and that near-term ameliorative measures such as a truck route sign are needed.

There was a discussion of advisory signs and of a truck route sign being more efficient than taking measures that would lead to sign clutter and that would require the presence of a police officer and the imposition of penalties unlikely to be a sufficient deterrent. The discussion also established that a sign placed on Josephine Street telling trucks not to turn right would help, and that the new gate position at Berryville Graphics had substantially helped, as it had eliminated trucks backing back down the street, but a number still are turning right going toward downtown.

Ms. Petti said she would notify VDOT of the committee's decision, which would be forwarded to the full Council.

Restrooms at 23 East Main Street

Ms. Harrison said the funds had already been set aside as part of the program of refurbishment of the livery stable, that suitable restroom facilities would enhance the value of the building as a meeting-place. Ms. Petti said she would look further into details.

5. New Business Continued

Chlorination Byproduct Update

Ms. Petti said that she had contacted the Department of Environmental Quality after a local citizen had said that DEQ had told him that numerous other jurisdictions in this part of the state were experiencing problems with excessive chlorine byproducts occurring with the disinfection of drinking water. She said DEQ had confirmed that most jurisdictions in the region had not-unexpectedly experienced such problems in the third quarter of 2023, with seasonal algae possibly being a factor. She said the Town has greatly increased the frequency of sampling and cannot identify a single point of failure.

There was a discussion of how development and agriculture could affect conditions, and of storage tank testing.

Committee Budget Needs/Requests

Ms. Harrison asked whether some funds obtained via the American Rescue Plan Act of 2021 could be diverted to a transmission line. She said that otherwise her budget request would be that the Town follow the established ARPA expenditure plans.

There was a brief discussion of the possibility of hiring a part time staff member to handle Town Code enforcement.

6. Closed Session

None.

7. Adjournment

The meeting adjourned by consensus at 4:07 p.m. on a motion by Mr. Tibbens.

DUCTILE IRON PIPE VERSUS PVC PIPE COMPARISON

MCWANE DUCTILE

IRON STRONG

COMPARISON	DUCTILE IRON PIPE	C 900 PVC	C905 PVC	C909 PVC
SIZES	3" — 64"	4" — 12"	14" — 48"	4" — 24"
Pressure Ratings	12" and smaller: 550 psi min 14" — 20": 250 psi min 24": 200 psi min 30" — 64": 150 psi min	12" and smaller DR 25 — 165 psi DR 18 — 235 psi DR 14 — 305 psi	DR 51 — 80 psi DR 32.5 — 125 psi DR 25 — 165 psi DR 18 — 235 psi	Pressure Classes: 100, 150, 200 No DRs used but fused would be PC100 — DR 47 PC200 — DR 25.5
Surge Allowance	Higher pressure pipes are available. 100 psi	Material properties and pressure ratings reduced at temperatures other than 73.4 degrees Fahrenheit.		
Internal Pressure Safety Factor	Design Safety Factor is 2.0 based on Design Working Pressure PLUS surge allowance. Cyclic loading does not affect ductile iron pipe properties or performance over time.	No surge allowance is included in design. If surge pressures are anticipated, reduce pipe pressure rating by the design or anticipated surge pressure. Cyclic loading reduces the life span of the pipe. Pipe is affected by a minor change in velocity of 1.0 ft/sec.		Uses a higher HDB of 7,100 psi and a Safety Factor of 2.5 but no surge allowance. Not proven in practical experience.
Maximum Allowable Velocity	No max allowed velocity due to higher internal design pressure. Addition of surge allowance and safety factor applied to combined working and surge pressure.	C900 - 07 eliminated surge allowance. Hydrostatic Design Basis (HDB) / 2.0 = working pressure. No surge allowance = The AWWA Standards require the designer to reduce the pressure rating of the pipe to allow for pressure surges. PVC pipe has not been proven susceptible to rupture from water hammer and other velocity-changing conditions: AWWA Manual M-23 "PVC Pipe Design & Installation States," adequate for operating conditions where flow is maintained at or below 2 fps" (page 64)		
Capabilities for Fire Flows	Pipe design allows for high velocities plus surges based on 50 psi per ft/sec. change in velocity.	A 6" pipe and hydrant with 1,000 gal/min flow rate = a velocity of 10.36 ft/sec. (fps). This equates to 518 psi surge potential — PVC has no surge allowance. AWWA Manual M-23 "PVC Pipe Design & Installation States," adequate conditions where flow is maintained at or below 2 fps (page 64). AWWA Manual 31 "Distribution System Requirements for Fire Protection Lists required fire flows at 2500 GPM or less and 3,000 GPM. A June 2015 AWWA CPFlow article stated; "flows below 500 GPM as inadequate for fire flow and flows of 500-999 GPM as marginally adequate.		
Special Considerations for Cyclic Loading	None needed because ductile iron does not lose strength over time.	Cyclic loading of Water Hammer. Cyclic loading number of cycles until failure. A scratch with a depth of .01 inch reduces the fatigue factor of PVC pipe.		
Material Description	Recycled steel and iron scrap.	Manufactured from Vinyl Chloride Monomer and other chemicals.		
Susceptibility to Shipping Damage	Scratch resistant. Not affected by cold temperatures. Not affected by truck smoke.	10 percent scratch depth reduces performance to rejection. Becomes brittle when temperatures are below freezing. Subject to smoke damage during transit.		

COMPARISON	DUCTILE IRON PIPE	C900 PVC	C905 PVC	C909 PVC
SIZES	3" — 64"	4" — 12"	14" — 48"	4" — 24"
Susceptibility to UV Rays	Does not affect tensile/impact strength.	Uni-Bell Study: Can lose up to 34 percent of impact strength after one year of exposure. Avoid discolored areas. Warranty Concern: Potential exclusions from coverage due to UV degradation.		
Direct Tap	DIPRA test shows .20" wall thickness capable of multiple taps.	Warning: Over-tightening tapping machine may distort the pipe. Do not use a hand-held drill. Rupture Hazard Warning posted on pipe.		Direct Tapping not permitted. Over-tightening tapping machine may distort the pipe. Do not use a hand-held drill.
Susceptibility to Corrosion	V-Bloc Polyethylene Encasement cost effective, proven method of corrosion control.	Does not resist damage from UV rays and temperature fluctuations. Strength breaks down over time.	Resistant to "hot" soils.	
Susceptibility to Temperature	Charpy Impact Test performed at -40 degrees Fahrenheit.	PVC becomes less resistant to impact at very low temperatures. At high temperatures, PVC lowers pressure rating and becomes more flexible and susceptible to over tightening of tapping machines and saddles.		
Tracer Wire Required	Tracer Wire is not necessary.	Tracer Wire required! Does not help with leak detection.		
Deflection	5 degrees/15 inches	No deflection at joints. Deflection by bending pipe which creates stress (DO NOT TAP HERE).		
Pumping Costs	No Increase	Increased due to wall thickness requirements. Weaker due to less tensile strength.		
100+ Year Service	600 Utilities in the U.S. and Canada with 100 years of service and 23 with 150 years of service.	The first PVC waterline installation occurred in 1955, therefore any communications suggesting PVC has a 100+ year lifespan has not been proven. AWWA's Study "Buried No Longer" gives independent life expectancy of 55 to 70 years.		
Sustainability & Recycled Content	Made from 95% recycled content. No end of life. Can easily be recycled.	PVC pipe can only be down-cycled, therefore the recyclability of PVC is nearly zero. Releases Carcinogens Vinyl Chloride, Ethylene, and Dichlorides during manufacturing. Not recognized by any Green organization as an environmentally sustainable product.		
Horizontal Directional Drilling	Extreme safe-end-pull capacities. Pipe not affected by scratches or bore loads.	Factors of concern include weakening from scratches and buckling loads from bore fluids or soils.		
Permeability & Absorption	Non-permeable	Susceptible to permeation and absorption of hydrocarbons and other harmful chemicals.		
Combustibility	Non-combustible	Combustible and subject to melting.		

To view an informative blog and video on the advantages of using Ductile iron pipe over PVC, visit McWaneDuctile.com/blog.

For information, McWane Ductile is a division of McWane Inc.

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Rev. June 2020

Section 3

Water Main and Appurtenances

I. General

- A. This section includes construction of distribution system mains, service laterals, and other associated appurtenances. Also included are testing and disinfection requirements.
- B. All mains shall be cement mortar lined ductile iron or PVC (C909), with a minimum diameter of six inches (6"). The pipe shall have rubber gasket push-on joints, and all fittings shall be mechanical joint except as approved by the Town. Where special fabrication of ductile iron pipe is required to fit water mains within vaults, structures and buildings, the Contractor shall submit fully dimensioned drawings showing the piping in full detail with exact locations, dimensions, and schedules of all pipe, fittings, hangers, supports, and appurtenances before starting fabrication of the pipe and/or fittings. Where special fittings are required, they shall be shown in detail with all necessary dimensions. The design of such installations shall provide adequate space within the housing, and around the fittings to allow easy disassembly of pipe sections or other appurtenances.
- C. Utility Locations: Water mains shall be located a minimum of three (3) feet from the gutter of the streets with curb and gutter; or three (3) feet within the pavement edge of streets without curb and gutter. Whenever practical, sewer mains shall be located in the center of the street. A minimum 10 foot horizontal separation (outside to outside), or 6 feet horizontal separation with at least 1.5 foot vertical separation from bottom of water to top of sewer, shall be provided between all water lines and sanitary sewer lines. Should conditions require the water and sewer lines to be installed in the same trench, the water line must rest on a shelf of undisturbed earth to one side of the sewer with at least 18 inches of vertical separation between the top of the sewer line and bottom of the water line. Approval from the Town Engineer and Director of Public Works must be acquired before same trench installation is permitted. Typical minimum cover of four feet is to be provided for water mains. For short distances, reduced cover of as little as three feet may be approved, so as to preclude locating water below a crossing utility.

II. Mains

- A. Ductile Iron Pipe
 1. Ductile iron pipe shall be manufactured in accordance with ANSI A21.51/ AWWA C151. All pipe shall have a minimum Class 52 thickness.
 2. End designs shall conform to the ANSI/AWWA C 111/ A21.11 – "Rubber Gasket Joints Ductile Iron and Gray Iron Pressure Pipe and Fittings" Push-on

joints shall be "Tyton," "Super Bell Tite" or "Fast-Tite" joint, or approved equal.

3. The inside of the pipe shall be cement lined in accordance with ANSI/AWWA C 104/ A21.
4. Flanged connections shall only be permitted where indicated on construction plans and pre-approved by the Town, and shall conform to ANSI/AWWA C115/A21.15.

B. PVC (C909) Pipe

1. Select Backfill

- a. There shall be 24" of select backfill above the stone aggregate which shall be compacted in eight inch lifts. The maximum particle size of the backfill material shall be no greater than one (1) inch. Backfill shall be compacted to 95% of maximum density.
- b. Above the select backfill, material shall be deposited in lifts not to exceed two (2) feet, and have a compaction to 95% of maximum density.
- c. A six (6) inch wide magnetized locating ribbon labeled "WATER LINE BURIED BELOW" shall be placed above the select fill.
- d. No rock shall be used in the select backfill. Any rock used *above* the select backfill shall be no larger than six (6) inches in diameter.
- e. A #12 gauge wire shall be placed next to the PVC (C909) line during installation of the main. This wire must maintain positive continuity at all times.

2. Stone Bedding

1. For excavation in dirt or clay, there must be six (6) inches of stone under and over the pipe.
2. For excavation through rock, there shall be twelve (12) inches of stone under and over pipe in rock trenches.

C. Fittings

1. All fittings shall be cast of ductile iron, and shall conform to ANSI/AWWA C153/A21.53. Fittings shall be made with mechanical joint ends in accordance with ANSI/AWWA C 111/A21.11.
2. A sufficient number of bolts, nuts, glands and gaskets shall be provided for each fitting. These accessories shall be of the proper dimensions for the size pipe. The bolts shall be made of high strength low alloy steel in accordance with ANSI/AWWA C 111/ A21.11.
3. The cement lining, shall conform to ANSI/AWWA C 104/A21.4.

III. Handling Ductile Iron Pipe and Fittings

- A. It shall be the responsibility of the pipe manufacturer to thoroughly inspect each length of pipe according to the applicable ANSI and AWWA standards and other requirements as set forth in these specifications.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 24, 2023

A meeting of the Berryville Town Council Community Development Committee was held on Tuesday, October 24, 2023 at 4:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the committee present: Ryan Tibbens, chair; Diane Harrison

Staff participating: Jean Petti, Deputy Town Manager; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk; Chief of Police Neal White

1. Call to Order

Mr. Tibbens called the meeting to order at 4:18 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Ms. Harrison.

3. Parking Permit Request

The discussion referenced a South Church Street resident's recent request for a parking permit or other accommodation to alleviate the inconvenience of living in the downtown parking enforcement area. Mr. Tibbens said granting such an accommodation could set a bad precedent. Ms. Harrison said other parking was available within reasonable walking distance, and Ms. Petti said staff recommended dismissal of the request.

Ms. Harrison moved that the Town Code not be amended to provide for parking permits and/or other accommodation for those who live and/or work downtown. The motion passed by consensus.

4. Security Update

Ms. Petti said the removal of a light pole from the Rixey Moore parking lot had been necessary and that the remaining light might not last much longer. The committee examined photos of available products, and also discussed with Chief White the possible need for additional lighting to accommodate some of the possible projects suggested for the parking lot by the Town Manager.

5. Hogan's Alley Update

Ms. Petti said numerous matters were in process, including a water infiltration problem at an adjacent property, signage, and the placement of the mural.

6. Vacancy Tax

Mr. Tibbens said the large number of vacant commercial properties downtown had prompted his request that the matter be placed on the agenda but that the necessary enabling legislation did not exist and that enforcement would be difficult in any case. He suggested a possible increase in the tax rate for commercial properties, acknowledging that this would not be popular.

There was a discussion of rationale and of enforcement problems. Ms. Harrison said the potential of the downtown area is considerable but that convincing property owners to do new things is difficult.

The consensus was that the matter should be revisited.

7. Wayfinding Update

Ms. Dunkle said the company responsible for developing signage is in regular contact with VDOT regarding the permissible number and size of signs.

8. Rules for Use of Town Property

Ms. Petti directed the committee's attention to the agenda materials related to proposed code changes and to rules of conduct to be posted in the park. She said legal review had occurred.

Ms. Harrison expressed concern about the need to accommodate pedestrians who need to traverse the park after dark, perhaps after attending events at Barns of Rose Hill. Ms. Petti said staff would address this.

There was a discussion of smoking and marijuana use in the park.

The consensus was that the subject should be revisited when more information becomes available.

9. Clarke County Litter Committee Sign Request

Ms. Dunkle show the committee the proposed signs, and the committee agreed that one should be placed at the kiosk near 23 Main Street.

10. Adjourn

The committed adjourned by consensus at 5:12 p.m. on a motion by Ms. Harrison.

BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
MINUTES
October 26, 2023

A meeting of the Berryville Town Council Public Safety Committee was held on Thursday, October 26, 2023 at 3:00 p.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

Attendance:

Members of the Committee: Chair Grant Mazzarino, William Steinmetz

Staff: Deputy Town Manager Jean Petti, Town Clerk Paul Culp; Chief of Police Neal White; Community Development Director Christy Dunkle

Also present: Mayor Jay Arnold

1. Call to Order

Mr. Mazzarino called the meeting to order at 3:00 p.m.

2. Approval of Agenda

The agenda was approved by consensus on a motion by Mr. Steinmetz.

3. Unfinished Business

None.

4. New Business

Ordinance Items

Chief White said the Berryville Code needs attention regarding its ordinances restricting the keeping of inoperable motor vehicles on property zoned for residential, commercial, or agricultural purposes. He said the Code carries no specific prohibition against the habitation of trailers or motor homes but that the zoning ordinance is clear on that matter, and that he believed that to be the correct place for the prohibition.

There was a discussion of the parking of trailers and of the forty-eight-hour limit for parking in a driveway or in front of a house in circumstances such as preparation for or unpacking from a journey. Chief White said the police receive approximately five complaints annually about parking or

habitation. He said short-term habitation is permissible if allowed by the town manager. Chief White also directed the committee's attention to the Town Code's redundancy on the matter of inoperable vehicles and recommended the repeal of §13-30 and retention of §10-79.

There was a discussion of automobile repair stations, body shops, and impound lots, which by ordinance may keep an inoperable vehicle for fifty-nine days. Chief White said the state code already addresses this matter and that the Town could tighten its code language to prevent automotive clutter on other types of properties.

There was a discussion of the need to amend the Town Code to correct multiple instances of the name of the John H. Enders Fire Company, Inc., being rendered in a manner not exactly corresponding to its official name.

The committee discussed the need to reflect the fact that the assistant town manager, treasurer, and community development director are now hired by the town manager rather than being appointed by the Town Council.

There was a discussion of the need to refine the Code language related to fire department officers directing traffic at or near emergency incidents.

The committee and Chief White then discussed nuisance ordinances as they pertain to excessive growth of grass and weeds. Chief White said complaints in this arena are increasingly frequent and that response and enforcement ought to be streamlined because at present they involve multiple departments. He said safety, particularly the control of pests, is the most important aspect. Chief White and Mr. Mazzarino discussed the possibility of involving a landscaping company and reducing the role of Public Works, but the committee determined that insurance complications might ensue.

Chief White said that owners of properties abutting pollinator gardens sometimes object to them, and asked whether the committee would want to protect those gardens. There was a discussion of how to define them in the absence of model legislation other than possible insight to be gained from the Invasive Species Act.

Mr. Mazzarino cautioned against creating a loophole for shaggy properties. He said the services of a botanist would be needed for determining definitions and criteria, and cautioned against interfering excessively with use of private property.

Mr. Steinmetz and Chief White discussed the possibility of deliberately using somewhat vague language in order to retain flexibility, and Chief White said this would make enforcement problematic.

Mr. Steinmetz said anything deliberately left in a wild condition should have a buffer. Mr. Mazzarino said maintenance of property must occur. Ms. Dunkle noted that seasonal changes could affect the condition of properties.

There was a discussion of size limits and setbacks. Chief White said it might be wise to consult the county Extension Service for help with definitions. Mr. Mazzarino said clear definitions were crucial for preventing loopholes.

Chief White recommended that code enforcement reside with the police department, and there was a discussion of possibly budgeting for a code enforcement officer who would also assist with the department's accreditation process. The consensus was that this would be desirable and that code enforcement by the police department would be stronger than the alternatives.

There was a discussion of the sliding scale of fees for remedial measures taken to address code violations.

The committee concluded that Chief White should provide the aforementioned language changes for the Council and research those matters that remain open for further discussion.

5. Other

Mr. Mazzarino asked Chief White about the inventory of critical assets for the police department. Chief White said it occurs annually for assets valued at over \$3,000 and semi-annually for others.

6. Closed Session

None.

7. Adjourn

The meeting adjourned by consensus at 4:06 p.m. on a motion by Mr. Steinmetz.

Report of the Department of Public Works

November 8, 2023

General Information

Leaf collection for this season is in full swing. We have been able to keep up with the demand and should be able to complete this year's collection on schedule.

We have been servicing our snow plows and salt spreaders getting them ready for this up-coming snow season.

Water

We experienced one water break last month. The six-inch main that supplies water for the 200 block of Cameron Street developed a leak. When we excavated, we found the pipe had a stress fracture. We repaired the break with the use of a stainless-steel repair sleeve.

Sewer

We had one sewer pump station failure last month. South Buckmarsh Street pump station experienced a pump failure. We found the failure was caused by a bad vacuum pump. We replaced the vacuum pump and returned the station to normal operations.

Public Utilities Department Report 14 November 2023

Item Title: Department Update

Prepared By: Jean Petti

Water Treatment Plant Activity

Expanded and special testing for disinfection by-products (DBP) and other constituents continues. As directed by VDH, operators have begun laboratory testing to identify coagulant products that may be appropriate for our current and projected river water conditions.

Staff continues to flush distribution lines and reduce water storage unless inclement weather is forecast. Cooler temperatures often contribute to lower DPB measurements, and while we are hopeful this will occur, it will not change our pursuit of a long-term solution.

Wastewater Treatment Plant Activity

We expect to replace the sludge conveyor belt before the end of November. The Trojan UV3000PTP ultraviolet disinfection system has been serviced and aged components are scheduled for replacement.

The partnership with Inboden Environmental Services (IES) continues well, with an updated maintenance plan, successful submission of our Annual Participant Data Update to VA's Nutrient Exchange, and preparation for our 2024 General Permit renewal.

Department General Activity

Four operators will be participating in a two-day onsite training in mathematical principles and wastewater treatment protocols, preparatory to sitting for their licensure exams.

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: 11/03/2023
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 11/14/2023

Monthly Activity Report

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

Public Safety Committee

The Public Safety Committee met on October 26, 2023 and the minutes from the meeting can be found in the consent agenda. There are also action items concerning revisions to the Town Code that are detailed in the Public Safety Committee report.

Christmas Parade

Berryville Main Street will be sponsoring a Christmas Parade on December 2, 2023 starting at noon. The parade will probably last about an hour. Traffic in the downtown area will be impacted as Main Street will be shut down for the parade.

Staffing

There is still an open position for a sworn police officer yet to be filled. The next academy session begins in early January 2024.



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W. Neal White – Chief of Police

Police and Security Report

Month/Year: October	Year To Date 2023	October 2023	September 2023
<u>Complaints Answered</u>			
911 Hang Up:	8	0	0
Alarms:	62	4	5
Animal Complaint:	104	14	5
Assault:	20	0	2
Assist County:	119	13	4
Assist EMS and Fire:	97	13	12
Auto Larceny:	0	0	0
Burglary:	3	1	0
Civil Complaints:	90	13	9
Disturbance:	32	1	4
Domestic Disturbance:	30	6	2
Driving Under the Influence	4	1	0
Drunk In Public:	1	0	0
Fraud:	17	2	0
Larceny:	38	3	4
Harassment/Intimidation:	19	4	1
Homicide:	0	0	0
Identity Theft	5	1	1
Juvenile Related:	27	2	1
Mental Health Crisis:	84	5	12
Narcotics Related:	4	0	1
Noise	35	8	3
Public Service:	8	4	1
Sexual Assault:	1	1	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	109	21	12
Trespassing:	6	1	0
Vandalism:	28	1	1
Welfare Check:	91	8	7
Miscellaneous Complaints:	601	59	62
Total Complaints Answered:	1643	186	149



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 W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2023	October 2023	September 2023
<u>Traffic</u>			
Accidents Investigated:	43	4	2
Assist Motorist:	0	0	0
Child Safety Seat Install:	8	0	2
Funeral Escort:	23	2	0
Hit & Run:	11	4	0
Parking Tickets:	148	0	2
Traffic Warnings:	196	30	21
<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:	58	2	12
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:	6	1	0
No Seat Belt:	0	0	0
Reckless Driving:	5	2	1
Speeding:	46	6	3
Miscellaneous Summons:	6	1	0
Total Traffic Summons Issued:	129	12	16
<u>Found Open at Businesses in Town</u>			
Doors:	10	0	0
Windows:	0	0	0
Garage Doors:	0	0	0



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2023	October 2023	September 2023
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	19	0	0
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:	4	1	1
Drunk In Public:	4	0	0
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	0
Possess Alcohol Underage:	1	0	0
Protective Order Violations:	6	0	0
Rape:	0	0	0
Resisting Arrest:	1	0	0
Robbery:	0	0	0
Shoplifting:	19	0	0
Trespassing:	0	0	0
Vandalism:	4	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	37	7	3
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	115	8	4



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Police and Security Report (Continued)

	Year To Date	October	September
	2023	2023	2023
<u>Response to Resistance</u>			
Total Community Interface	2129	244	192
Total Enforcement Contacts	411	20	41
Physical Custody	24	1	0
Reported Force Involved	3	0	0
Administrative Review - Justified	3	0	0
Administrative Review - Not Justified	0	0	0
Complaint of Injury - Arrestee	0	0	0
Medical Treatment for Injury - Arrestee	0	0	0
Complaint of Injury - Officer	0	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	2	0	0
Takedown	1	0	0
Strikes (Hands / Knees)	0	0	0
Chemical Sprays (O.C.)	0	0	0
Impact Weapon (Baton)	0	0	0
Mechanical Non-Lethal	0	0	0
Firearm	0	0	0
<u>Arrestee Demographics</u>			
White Male	11	0	0
Black Male	8	1	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
November 14, 2023

Item Title
Community Development Update

Prepared By
Christy Dunkle

Planning Commission

The Planning Commission held the following public hearings:

The Berryville Planning Commission will hear public comment for the rezoning of land transferred from the Clarke County Public Schools to the Town of Berryville (4,565 square feet from DR-4 Detached Residential to ITL Institutional) and land transferred from the Town of Berryville to the Clarke County Public Schools (12,572 square feet from ITL Institutional to DR-4 Detached Residential) in order to accommodate boundary line adjustments between the properties identified as Tax Map Parcel numbers 14-A-5, 14-A-6, 14-A-7, and 14-A-7A. RZ 02-23

Recommended approval as presented. Details of this request are included in this packet.

Friant Enterprises #1, LLC; Friant Enterprises #2, LLC; Friant Enterprises #3, LLC (Owners) (Tony Free, Vice President, DR Horton, Inc., Agent) are requesting a rezoning of the properties identified as 14-A-80 and 14-A-112 consisting of approximately 100 acres. The properties are currently zoned OSR Open Space Residential; DR-1 Detached Residential-1; DR-2 Detached Residential-2; and BP Business Park. The proposed zoning for a portion of the properties identified above is DR-4 Detached Residential-4. RZ 01-23

The public hearing was continued to their next meeting on Tuesday, November 28, 2023.

Their next meeting is scheduled for Tuesday, November 28, 2023 at 7:00 p.m.

Berryville Area Development Authority

The BADA held a meeting on Wednesday, October 25, 2023. The discussed the Southeast Collector Study that was conducted in 2020 and transportation components of the Berryville Area Plan.

Their next meeting is scheduled for Wednesday, December 20, 2023 at 5:00 p.m.

Architectural Review Board

The ARB did not hold a meeting in November. Their next meeting will be held on Wednesday, November 29, 2023 when they will judge the parking meter contest for Berryville Main Street.

Tree Board

The Tree Board has not held a meeting since the last Council meeting. Their organizational meeting is scheduled for Wednesday, January 3, 2024.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary
November 14, 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
- Sidewalk demolition and replacement currently underway
- Anticipated construction completion by the end of December

Town Council Agenda Item Report Summary

November 14, 2023

Item Title

Public Improvement Bond Reduction – Hermitage Phase V

Prepared By

Christy Dunkle

Background/History/General Information

The original public improvement bond amount set by Town Council for Hermitage Phase V was \$6,359,560 (\$5,087,647 plus 25% contingency \$1,271,912). This bond covers a number of items including stormwater management infrastructure materials and installation, water and sewer piping and installation, and road construction.

Findings/Current Activity

Bond reduction estimates were submitted to Town staff and Pennoni Engineering for consideration. Public works staff recommended retaining funds for sidewalk, curb, and gutter (\$73,953) and the street sign package (\$6,165). Staff recommends retaining a total of \$568,732.29 which includes the 10% contingency referenced below.

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 public improvement bond for the Hermitage V subdivision.

Sample Motion

I move that the Council of the Town of Berryville reduce the amount retained for the Hermitage Phase V public improvement bond to \$568,732.29.

Town Council Agenda Item Report Summary
November 14, 2023

Item Title

Set Public Hearing – Rezoning - Tax Map Parcels 14-A-6, 14-A-5, and 14A-7-A

Prepared By

Christy Dunkle

Background/History/General Information

Mosby Boulevard was completed from its temporary terminus to West Main Street with the development of the Clarke County High School. An easement was granted from the Clarke County Public Schools for the street and associated improvements which resulted in school property being located on the west side of Mosby Boulevard.

The proposed actions to rectify the situation are identified in Keith Dalton’s report dated June 13, 2023 (included in this packet) are as follows:

- Several boundary line adjustments which will be reviewed and approved by the Berryville Area Development Authority because of the location within Annexation Area B.
- Rezoning will be reviewed by the Planning Commission and approved by Town Council.
- Utility easements will be modified or established within this area.

Specific details and maps are included in Mr. Dalton’s June 13th report.

Findings/Current Activity

The Planning Commission held a public hearing on the matter at their October 24, 2023 meeting and recommended approval of the request as presented.

Clarke County Public Schools conditionally approved the request at their August 28, 2023 meeting.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Set a public hearing for the December 12, 2023 meeting.

Sample Motion

I move that the Council of the Town of Berryville set a public hearing for the December 12, 2023 meeting in order to receive public comment on the rezoning of portions of three properties identified as Tax Map Parcels 14-A-6, 14-A-5, and 14A-7-A.

Attachments:

- Staff report and attachments by Mr. Dalton dated June 13, 2023.

June 13, 2023
Discussion

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

History

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

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

Proposal

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

The attached maps provide a graphical representation of the proposal.

Proposal Specifics

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

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

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

These adjustments would:

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

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

Summary of transfers with amounts

In to **Howell**

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

Out from **Howell**

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

Howell: + 713 square feet

In to **TOB**

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

Out from **TOB**

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

TOB: - 713 square feet

In to **CCPS**

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

Out from **CCPS**

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

CCPS: 0+/-

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

Other Considerations

Zoning/Jurisdictional Boundaries

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

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

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

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

Easements

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

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

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

Cost to Implement Proposal

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

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

Process/Tentative Schedule

June 13, 2023

Formally introduce proposal to the Berryville Town Council.

Purpose:

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

Actions:

None

June 19, 2023

Formally introduce proposal to the Clarke County School Board.

Purpose:

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

Actions:

Authorize a public hearing on boundary line adjustments for August 28, 2023.
(Note: Plats and deeds will be provided to staff by July 12, 2023)

August 28, 2023

School Board conducts public hearing on proposed boundary line adjustments.

Purpose:

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

Actions:

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

September 26, 2023

Formally introduce this matter to the Berryville Planning Commission.

Purpose:

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

Actions:

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

September 27, 2023

Formally introduce this matter to the Berryville Development Authority.

Purpose:

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

Actions:

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

October 24, 2023

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

Purpose:

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

Actions:

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

November 14, 2023

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

Purpose:

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

Actions:

Set a public hearing for December 12, 2023.

December 12, 2023

Town Council makes determinations on proposed rezonings.

Purpose:

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

Actions:

Approve proposed boundary line adjustments and rezonings.

December 13-22, 2023

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

Purpose:

Finalize boundary line adjustment plats and deeds.

Actions:

Secure all required signatures on boundary line adjustments and deeds.

December 28, 2023

All documents recorded in the land records of Clarke County.

Purpose:

Complete the transfer of property through boundary line adjustments.

Actions:

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

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

Attachment

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

Sheet 1

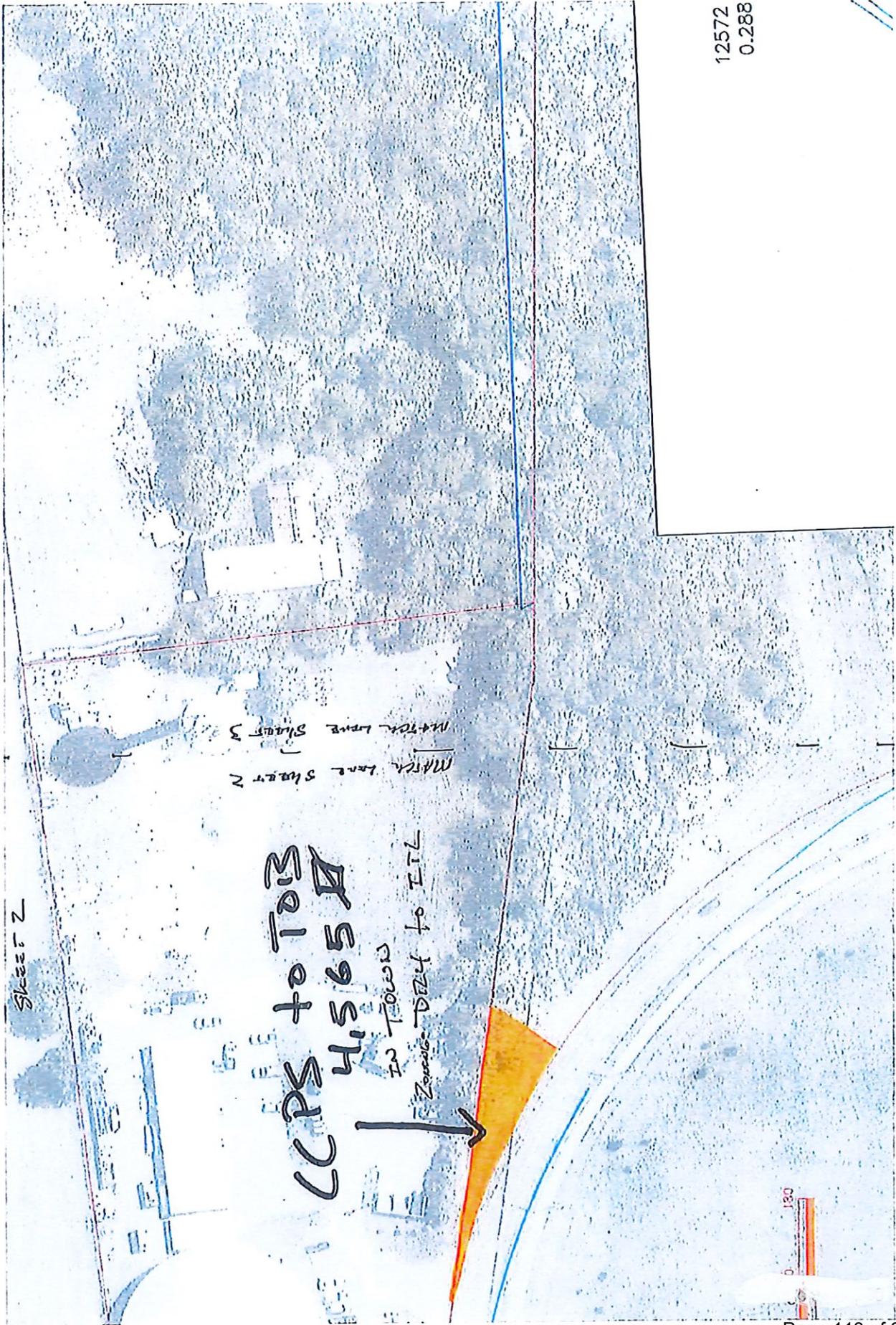
Howell to TOB
18.543
IN County Zoning ETL

TOB to Howell
11.234
IN County Zoning ETL

CCPS to Howell
8.007
IN County Zoning ETL

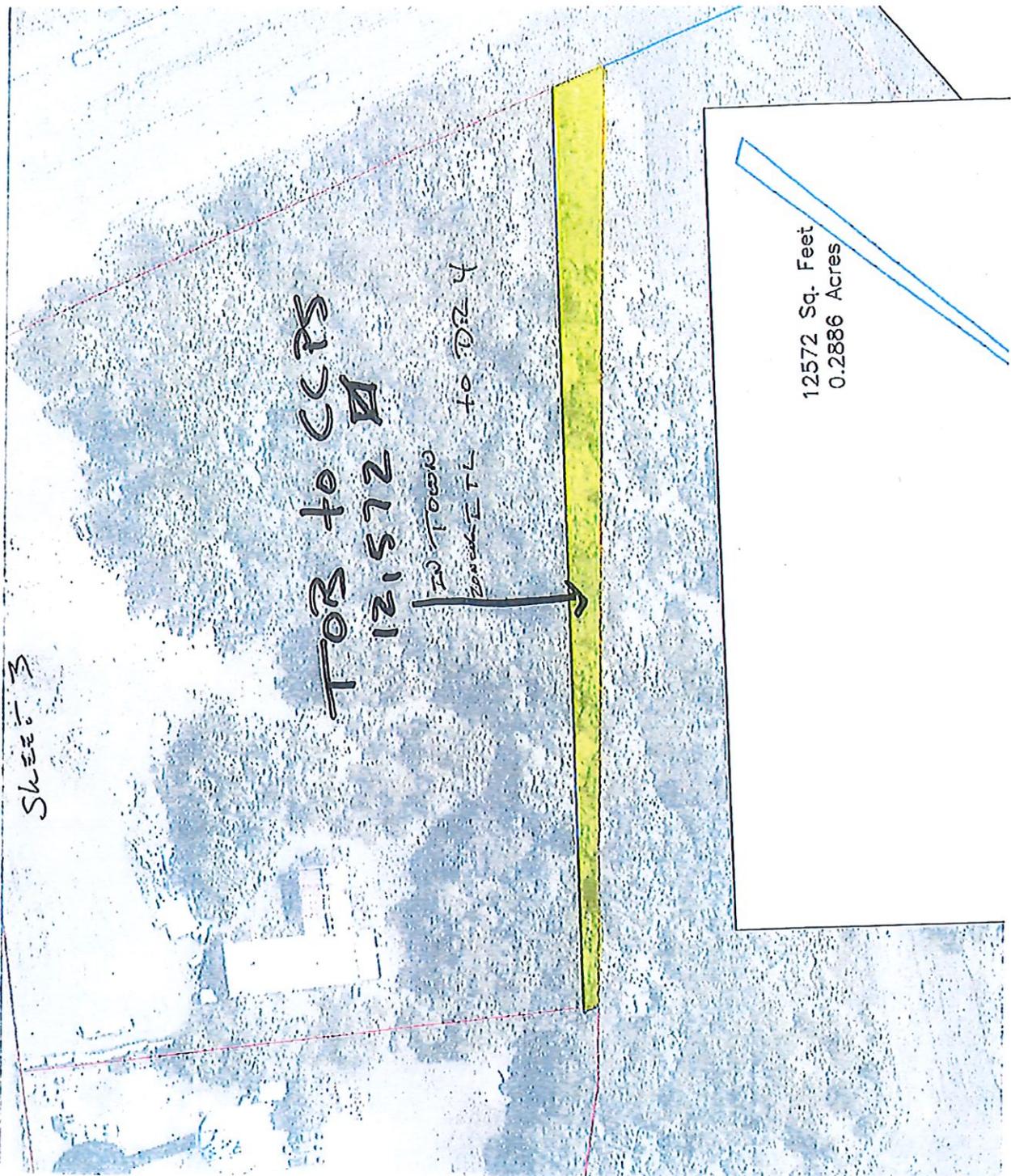


REVISION 5/23



12572
0.288





Sheet 3

TOB to CCPS
121,572 sq ft

TO TOWN
CONCRETE TO DZ 4

12572 Sq. Feet
0.2886 Acres

ADMINISTRATION/FINANCE

Cash Balance Report

Period Ending 10/31/2023

Town of Berryville

11/6/2023 2:15 PM

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Bank 1	Bank of Clarke Operating Acct#- 1138499	
	Account	Balance
	100-1140000-0000 B/C OPR	-\$154,105.83
	501-1140000-0000 B/C OPR	-\$412,893.56
	502-1140000-0000 B/C OPR	\$143,328.49
	Bank 1	Total:
		-\$423,670.90
Bank 2	Bank of Clarke NOW Acct#- 1138502	
	Account	Balance
	100-1149000-0000 B/C NOW	\$9,181,632.68
	501-1149000-0000 B/C NOW	\$250,384.35
	502-1149000-0000 B/C NOW	\$6,240,240.67
	Bank 2	Total:
		\$15,672,257.70
Bank 3	Bank of Clarke Payroll Acct#- 1139510	
	Account	Balance
	100-1121000-0000 CASH/ BC PAYROLL	\$39,657.49
	501-1121000-0000 CASH/BC PAYROLL	\$461.65
	502-1121000-0000 CASH/BC PAYROLL	\$0.00
	Bank 3	Total:
		\$40,119.14
Bank 4	Bank of Clarke CIP Acct#- 1138405	
	Account	Balance
	100-1123000-0000 BC/CIP CD	\$631,605.41
	501-1123000-0000 BC/CIP	\$3,631,938.23
	502-1123000-0000 BC/CIP	\$4,007,257.86
	Bank 4	Total:
		\$8,270,801.50
Bank 5	Bank of Clarke SW Acct#- 1138413	
	Account	Balance
	100-1128000-0000 BC/SWMGT CD	\$475,547.37
	Bank 5	Total:
		\$475,547.37
Bank 6	Bank of Clarke PDAF Acct#- 1138421	
	Account	Balance
	100-1131000-0000 PD ASSET FORFEITURE	\$27,332.69
	Bank 6	Total:
		\$27,332.69
Bank 7	Bank of Clarke DSR Acct#- 1138456	
	Account	Balance
	100-1124000-0000 BC/RDA DEBT SER RES	\$111,957.45
	Bank 7	Total:
		\$111,957.45
Bank 9	Bank of Clarke RAU Acct#- 1138472	
	Account	Balance

Cash Balance Report

Period Ending 10/31/2023

Town of Berryville
11/6/2023 2:15 PM

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100-1145000-0000 BCC Rau Account		\$947.73
Bank 9		Total: \$947.73
Bank 10	Bank of Clarke VRA Reserve Acct#- 6041647	Balance
502-1155000-0000 BC/VRA Reserve Account		\$470,000.00
Bank 10		Total: \$470,000.00
Bank 11	Bank of Clarke Proffer Reserve Acct#- 1897098	Balance
100-1126000-0000 Cash BC/Proffers Reserve		\$90,611.48
501-1126000-0000 CASH/BC Proffers Reserve		\$0.00
502-1126000-0000 CASH/BC Proffers Reserve		\$0.00
Bank 11		Total: \$90,611.48
Bank 12	Bank of Clarke Performance Bonds Acct#- 1910841	Balance
100-1135000-0000 B/C PERFORMANCE BONDS		\$11,299.07
Bank 12		Total: \$11,299.07
Bank 13	TRUIST Acct#- 5137523525	Balance
100-1130000-0000 CASH/TRUIST		\$568,559.45
501-1130000-0000 CASH/TRUIST		\$0.00
502-1130000-0000 CASH/TRUIST		\$0.00
Bank 13		Total: \$568,559.45
Bank 14	Bank of Clarke PD Contributions Acct#- 5759859	Balance
100-1133000-0000 PD Contributions		\$5,866.85
Bank 14		Total: \$5,866.85
Total Cash Balance:		\$25,321,629.53

Check Listing

Date From: 10/1/2023 Date To: 10/31/2023
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
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Check Number	Bank	Vendor	Date	Amount
8385	1	ANDERSON LAWN CARE, INC.	10/03/2023	<u>\$250.00</u>
		501-2100000-0000	\$250.00	
8386	1	AUSTIN M CRONE	10/03/2023	<u>\$121.02</u>
		501-2100000-0000	\$17.83	
		502-2100000-0000	\$103.19	
8387	1	BRIAN BERTAUX	10/03/2023	<u>\$222.28</u>
		501-2100000-0000	\$84.10	
		502-2100000-0000	\$138.18	
8388	1	CONSOLIDATED ELECTRIC	10/03/2023	<u>\$1,662.50</u>
		502-2100000-0000	\$1,662.50	
8389	1	HAVE A BLESSED DAY LLC	10/03/2023	<u>\$52.28</u>
		501-2100000-0000	\$52.28	
8390	1	RADIAL TIRE DISTRIBUTORS	10/03/2023	<u>\$921.96</u>
		100-2100000-0000	\$921.96	
8391	1	Select Specialty Products	10/03/2023	<u>\$1,013.78</u>
		100-2100000-0000	\$1,013.78	
8392	1	THOMAS GRUBBS	10/03/2023	<u>\$176.44</u>
		501-2100000-0000	\$40.13	
		502-2100000-0000	\$136.31	
8393	1	TIFFANY QUILLER	10/03/2023	<u>\$124.79</u>
		502-2100000-0000	\$124.79	
8394	1	Waterloo Electric Service, LLC	10/03/2023	<u>\$349.02</u>
		502-2100000-0000	\$349.02	
8395	1	ZENON ENVIRONMENTAL CORPORATION	10/03/2023	<u>\$6,287.12</u>
		502-2100000-0000	\$6,287.12	
8396	1	Barns of Rose Hill	10/03/2023	<u>\$1,125.00</u>
		100-2100000-0000	\$1,125.00	
8397	1	BLUE RIDGE STUDIO PERFORMING A	10/03/2023	<u>\$1,125.00</u>
		100-2100000-0000	\$1,125.00	
8398	1	MAIN STREET CHAMBER ORCHESTRA INC	10/03/2023	<u>\$1,125.00</u>
		100-2100000-0000	\$1,125.00	
8399	1	NORTHERN SHENANDOAH VALLEY QUILT SHOW	10/03/2023	<u>\$1,125.00</u>
		100-2100000-0000	\$1,125.00	
8400	1	ANDERSON LAWN CARE, INC.	10/11/2023	<u>\$1,030.00</u>
		100-2100000-0000	\$730.00	
		502-2100000-0000	\$300.00	
8401	1	Broy & Son Pump Service, Inc	10/11/2023	<u>\$845.00</u>
		502-2100000-0000	\$845.00	
8402	1	COMBS WASTEWATER MANAGEMENT LLC	10/11/2023	<u>\$75.00</u>

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Check Number	Bank	Vendor	Date	Amount
8403	1	100-2100000-0000 CORE & MAIN LP	\$75.00 10/11/2023	<u>\$2,989.50</u>
8404	1	501-2100000-0000 Denali Water Solutions LLC	\$2,989.50 10/11/2023	<u>\$20,776.00</u>
8405	1	502-2100000-0000 FRAZIER & FRAZIER INC	\$20,776.00 10/11/2023	<u>\$2,047.50</u>
8406	1	100-2100000-0000 INBODEN ENVIRONMENTAL SVCS	\$2,047.50 10/11/2023	<u>\$5,485.70</u>
8407	1	502-2100000-0000 INNOVATIVE ACCESS TECHNOLOGIES	\$5,485.70 10/11/2023	<u>\$126.00</u>
8408	1	502-2100000-0000 Jno. S. Solenberger & Co., Inc	\$126.00 10/11/2023	<u>\$26.06</u>
8409	1	100-2100000-0000 PENNONI ASSOCIATES INC	\$26.06 10/11/2023	<u>\$715.00</u>
8410	1	100-2100000-0000 Red Bud Supply	\$715.00 10/11/2023	<u>\$508.97</u>
8411	1	100-2100000-0000 RIDDLEBERGER BROTHERS	\$508.97 10/11/2023	<u>\$505.50</u>
8412	1	501-2100000-0000 Shade Equipment Company	\$505.50 10/11/2023	<u>\$6,957.75</u>
8413	1	100-2100000-0000 The Winchester Star	\$6,957.75 10/11/2023	<u>\$661.97</u>
8414	1	100-2100000-0000 Treasurer of Frederick County	\$661.97 10/11/2023	<u>\$6,346.06</u>
8415	1	502-2100000-0000 100-2100000-0000 TREASURER OF VIRGINIA - DPOR	\$3,055.96 \$3,290.10 10/11/2023	<u>\$100.00</u>
8416	1	502-2100000-0000 AQUATIC INFORMATICS INC	\$100.00 10/18/2023	<u>\$2,259.00</u>
8417	1	502-2100000-0000 AT&T	\$2,259.00 10/18/2023	<u>\$436.34</u>
8418	1	100-2100000-0000 Commonwealth Engineering & Sales	\$436.34 10/18/2023	<u>\$480.00</u>
8419	1	502-2100000-0000 CONSOLIDATED ELECTRIC	\$480.00 10/18/2023	<u>\$530.00</u>
8420	1	501-2100000-0000 HIGHWAY MOTORS INC	\$530.00 10/18/2023	<u>\$370.00</u>
8421	1	100-2100000-0000 Michelle M. Jones	\$370.00 10/18/2023	<u>\$740.00</u>

VOIDED

Check Listing

Date From: 10/1/2023 Date To: 10/31/2023
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Check Number	Bank	Vendor	Date	Amount
		100-2100000-0000	\$740.00	
8422	1	Minnesota Life Insurance Co.	10/18/2023	<u>\$252.59</u>
		100-2100000-0000	\$151.78	
		502-2100000-0000	\$33.61	
		501-2100000-0000	\$67.20	
8423	1	PENNONI ASSOCIATES INC	10/18/2023	<u>\$1,755.00</u>
		100-2100000-0000	\$1,755.00	
8424	1	REPUBLIC SERVICES # 976	10/18/2023	<u>\$6,714.11</u>
		502-2100000-0000	\$6,714.11	
8425	1	SHERWOOD-LOGAN & ASSOC	10/18/2023	<u>\$3,739.75</u>
		502-2100000-0000	\$3,739.75	
8426	1	Stuart M. Perry, Inc	10/18/2023	<u>\$23,653.42</u>
		501-2100000-0000	\$5,971.42	
		100-2100000-0000	\$17,682.00	
8427	1	VIRASEC IT Support Services, Inc.	10/18/2023	<u>\$2,564.57</u>
		100-2100000-0000	\$2,564.57	
8428	1	VUPS	10/18/2023	<u>\$116.60</u>
		501-2100000-0000	\$116.60	
8429	1	AQUATIC INFORMATICS INC	10/25/2023	<u>\$1,340.00</u>
		502-2100000-0000	\$1,340.00	
8430	1	Broy & Son Pump Service, Inc	10/25/2023	<u>\$585.00</u>
		501-2100000-0000	\$585.00	
8431	1	Gwen Malone	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8432	1	Kenneth Harper	10/25/2023	<u>\$5,188.52</u>
		100-2100000-0000	\$5,188.52	
8433	1	Kim S. Kemp	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8434	1	MICHAEL EUGENE BELL JR	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8435	1	Michelle K. Marino	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8436	1	PENNONI ASSOCIATES INC	10/25/2023	<u>\$38,941.33</u>
		100-2100000-0000	\$3,605.00	
		501-2100000-0000	\$35,336.33	
8437	1	SARA SCHNEEBERG	10/25/2023	<u>\$207.28</u>
		501-2100000-0000	\$51.43	
		502-2100000-0000	\$155.85	
8438	1	Sheryl Reid	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	

Check Listing

Date From: 10/1/2023 Date To: 10/31/2023
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Check Number	Bank	Vendor	Date	Amount
8439	1	Thomas Randall Parker Jr.	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8440	1	Treasurer of Clarke County	10/25/2023	<u>\$26,615.24</u>
		100-2100000-0000	\$26,615.24	
8441	1	UBEO MIDCO LLC	10/25/2023	<u>\$74.93</u>
		100-2100000-0000	\$74.93	
8442	1	VALLEY REGIONAL ENTERPRISES, INC.	10/25/2023	<u>\$150.00</u>
		100-2100000-0000	\$150.00	
8443	1	William Steinmetz	10/25/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8444	1	Wilson's Asphalt Maint, L.C.	10/25/2023	<u>\$2,549.40</u>
		100-2100000-0000	\$2,549.40	
8445	1	DIANE M HARRISON	10/26/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8446	1	H. Allen Kitselman	10/26/2023	<u>\$75.00</u>
		100-2100000-0000	\$75.00	
8447	1	JOHN E HUDSON	10/26/2023	<u>\$40.00</u>
		100-2100000-0000	\$40.00	
8448	1	LASER PRINT PLUS WY, LLC	10/26/2023	<u>\$3,400.00</u>
		100-2100000-0000	\$3,400.00	
8449	1	AWWA	10/31/2023	<u>\$383.00</u>
		501-2100000-0000	\$383.00	
8450	1	CIVICPLUS	10/31/2023	<u>\$5,481.41</u>
		100-2100000-0000	\$5,481.41	
8451	1	CONSOLIDATED ELECTRIC	10/31/2023	<u>\$1,892.90</u>
		502-2100000-0000	\$738.00	
		100-2100000-0000	\$1,154.90	
8452	1	General Excavation, Inc	10/31/2023	<u>\$314,348.80</u>
		501-2100000-0000	\$314,348.80	
8453	1	Keith Dalton	10/31/2023	<u>\$50.00</u>
		100-2100000-0000	\$50.00	
8454	1	THE POLICE AND SHERIFFS PRESS	10/31/2023	<u>\$35.20</u>
		100-2100000-0000	\$35.20	
8455	1	William Steinmetz	10/31/2023	<u>\$245.00</u>
		100-2100000-0000	\$245.00	
8456	1	CONSOLIDATED ELECTRIC	10/31/2023	<u>\$738.00</u>
		502-2100000-0000	\$738.00	
8457	1	VIRASEC IT Support Services, Inc.	10/31/2023	<u>\$1,154.90</u>
		100-2100000-0000	\$1,154.90	

VOIDED

Check Listing

Date From: 10/1/2023 Date To: 10/31/2023
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Town of Berryville
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Check Number	Bank	Vendor	Date	Amount
73		Checks Totaling -		\$512,304.49

Totals By Fund

	Checks	Voids	Total
100	\$95,287.28	\$1,180.96	\$94,106.32
501	\$361,329.12		\$361,329.12
502	\$55,688.09	\$738.00	\$54,950.09
Totals:	\$512,304.49	\$1,918.96	\$510,385.53

BERRYVILLE TOWN OF

October 01, 2023 - October 31, 2023

Purchasing Card

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO Box 660441 Dallas, TX 75266-0441 TTY Hearing Impaired: Dial "711" Outside the U.S.: 1.509.353.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 10/31/23 Payment Due Date 11/25/23 Days in Billing Cycle 31 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$84,375.99	Previous Balance \$112,843.79 Payments -\$112,843.79 Credits \$0.00 Cash \$0.00 Purchases \$84,375.99 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 <hr/> Current Balance \$84,375.99

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 11/24/23.

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	Credits	Cash	Purchases and Other Debits	Total Activity
Credit Limit				

1284379 8437599 8437599 4715291201837237

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

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

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

Total Payment Due \$84,375.99
Payment Due Date 11/25/23

Enter payment amount

\$

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

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

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

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

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

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

Customer Service:	For questions regarding transactions, general assistance, and reporting lost and stolen cards, call:	
	<u>Within the U.S.</u> 1.888.449.2273	<u>Outside the U.S.</u> 1.509.353.6656 (collect calls accepted)

Thank you for your business.

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

Cardholder Activity Summary				
<i>Account Number</i>	<i>Credits</i>	<i>Cash</i>	<i>Purchases and Other Debits</i>	<i>Total Activity</i>
ATWELL, BRADLEY [REDACTED]				
500	0.00	0.00	344.26	344.26
BOOR, RICK [REDACTED]				
15,000	0.00	0.00	7,435.91	7,435.91
BOOTH, KEVIN [REDACTED]				
1,000	0.00	0.00	389.46	389.46
BUSSERT, ERNIE [REDACTED]				
50,000	0.00	0.00	8,270.12	8,270.12
CULP, PAUL [REDACTED]				
5,000	0.00	0.00	761.43	761.43
DALTON, KEITH [REDACTED]				
50,000	0.00	0.00	42,996.95	42,996.95
DORSEY, DANIEL [REDACTED]				
500	0.00	0.00	27.37	27.37
DUNKLE, CHRISTY [REDACTED]				
500	0.00	0.00	13.95	13.95
ELLIOTT, RALPH [REDACTED]				
5,000	0.00	0.00	225.64	225.64
FERREBEE, DARRELL [REDACTED]				
500	0.00	0.00	37.90	37.90
GRIFFITH, RICHARD A [REDACTED]				
500	0.00	0.00	33.30	33.30
JOHNSON, KAREN [REDACTED]				
1,000	0.00	0.00	0.61	0.61
LAMBERT, TRAE [REDACTED]				
500	0.00	0.00	100.00	100.00
LINK, BRIAN [REDACTED]				
5,000	0.00	0.00	370.04	370.04
MCCORMICK, HARRY [REDACTED]				
500	0.00	0.00	32.74	32.74
PETTI, JEAN [REDACTED]				
50,000	0.00	0.00	15,769.83	15,769.83
POULIN, CYNTHIA [REDACTED]				
5,000	0.00	0.00	3,092.38	3,092.38
SHARP, BRIAN [REDACTED]				
500	0.00	0.00	116.27	116.27
SHEETZ, CULLEN [REDACTED]				
500	0.00	0.00	65.11	65.11
SHOREMOUNT, JOSEPH E [REDACTED]				
500	0.00	0.00	384.63	384.63
STOVER, KEITH [REDACTED]				
5,000	0.00	0.00	2,508.22	2,508.22

Cardholder Activity Summary

Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
WHITE, NEAL				
15,000	0.00	0.00	1,399.87	1,399.87

Transactions

Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF						
Account Number:						Total Activity
						-\$112,843.79
10/24	10/24	AUTO PAYMENT DEDUCTION		0071		112,843.79
ATWELL, BRADLEY						Total Activity
Account Number:						344.26
10/10	10/09	PETRO RAPHINE RAPHINE VA	24427333282720203669892	5541	179.00	
10/18	10/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973291091404000065	5251	113.67	
10/25	10/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973298091408000353	5251	51.59	
BOOR, RICK						Total Activity
Account Number:						7,435.91
10/16	10/13	Ridgeway Autobody Berryville VA	24193043287004514397614	7531	1,583.37	
10/20	10/19	GRIFFITH ENERGY SERVIC 888-474-3391 MD	24941683292200757300817	4900	3,787.53	
10/26	10/25	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433298606800413589	5533	20.00	
10/26	10/25	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433298606800413597	5533	2,045.01	
BOOTH, KEVIN						Total Activity
Account Number:						389.46
10/12	10/11	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973285091402000024	5251	107.71	
10/12	10/11	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973285091402000255	5251	1.94	
10/16	10/14	BATTLEFIELD BOOTS WINCHESTER VA	24755423287272878080621	5661	157.21	
10/23	10/20	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063294200824400020	5533	122.60	
BUSSERT, ERNIE						Total Activity
Account Number:						8,270.12
10/04	10/03	USABlueBook Atlanta GA	24793383276001503775856	5085	2,058.66	
10/05	10/04	USABlueBook Atlanta GA	24793383277504793275858	5085	1,002.00	
10/12	10/11	COYNE CHEMICAL 215-785-3000 PA	24137463284300755898506	5169	601.91	
10/13	10/12	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231683286400025889032	5251	69.98	
10/18	10/17	COYNE CHEMICAL CROYDON PA	24137463290300757253975	5169	549.60	
10/18	10/17	COYNE CHEMICAL CROYDON PA	24137463290300757254056	5169	2,898.31	
10/25	10/24	USABlueBook Atlanta GA	24793383297900172064051	5085	183.37	
10/26	10/24	MCMaster-CARR 630-834-9600 IL	24789303298605100145988	5085	748.24	
10/30	10/27	TENCARVA MACHINERY COMPAN336-6651435 NC	24183103300900011670014	5085	158.05	
CULP, PAUL						Total Activity
Account Number:						761.43
10/06	10/05	AMAZON.COM*T97GQ11B1 SEATTLE WA	24431063278083348792738	5942	120.63	
10/06	10/05	USPS PO 5107560300 BERRYVILLE VA	24137463279001425843172	9402	17.60	
10/09	10/06	AMAZON.COM*TE5KZ5F30 SEATTLE WA	24431063279083738842969	5942	16.20	
10/09	10/06	AMZN Mktp US*TE50E4EO2 Amzn.com/billWA	24692163279105586675563	5942	111.69	
10/09	10/06	AMZN Mktp US*TE7T624K0 Amzn.com/billWA	24692163279105793702879	5942	49.40	
10/09	10/06	AMZN Mktp US*TE1X65EF2 Amzn.com/billWA	24692163279105596772707	5942	16.02	
10/09	10/06	Amazon.com*TE76J7ZT0 Amzn.com/billWA	24692163279105993635721	5942	37.80	
10/10	10/09	AMZN Mktp US*TE9ML6DL2 Amzn.com/billWA	24692163282108425359386	5942	76.59	
10/11	10/10	AMZN Mktp US*TE6PY89T2 Amzn.com/billWA	24692163283109260294174	5942	9.89	
10/19	10/19	Amazon.com*TD7Z58CL2 Amzn.com/billWA	24692163292106168436807	5942	29.98	
10/23	10/20	STAPLS7617225721000001 877-8267755 NJ	24164073293105133544793	5111	132.24	
10/23	10/20	STAPLS7617226913000001 877-8267755 NJ	24164073293105133578999	5111	44.49	
10/25	10/24	AMZN Mktp US*YJ97K8WD3 Amzn.com/billWA	24692163297100799949580	5942	98.90	
DALTON, KEITH						Total Activity
Account Number:						42,956.95
10/18	10/17	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683290747004081682	4900	5,304.84	
10/18	10/17	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683290747004081807	4900	10,000.00	
10/18	10/17	RAPPAHANNOCKELECTRICCOOP EBILL.MYREC.CVA	24231683290747004081880	4900	7,906.05	
10/19	10/18	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663291083731113933	4900	2,310.00	
10/19	10/18	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663291083725234927	4900	10,000.00	
10/19	10/18	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663291083741339338	4900	7,476.06	
DORSEY, DANIEL						Total Activity
Account Number:						27.37
10/27	10/26	GIANT MARTINS #6558 BERRYVILLE VA	24692163299102431884645	5411	12.68	
10/31	10/30	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973304091400000429	5251	14.69	
DUNKLE, CHRISTY						Total Activity
Account Number:						13.95

BERRYVILLE TOWN OF

October 01, 2023 - October 31, 2023

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Transactions							
<i>Posting Transaction</i>							
Date	Date	Description	Reference Number	MCC	Charge	Credit	
10/20	10/19	USPS PO 5107560300 BERRYVILLE VA	24137463293001452684053	9402	13.95		
ELLIOTT, RALPH							Total Activity
Account Number: [REDACTED]							225.64
10/12	10/11	LOWES #02724* Winchester VA	24692163284109971380089	5200	38.94		
10/20	10/19	CLARKE COUNTY AUTOMOTIVE BERRYVILLE VA	24247603292200145295215	7538	186.70		
FERREBEE, DARRELL							Total Activity
Account Number: [REDACTED]							37.90
10/20	10/19	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063293200824300098	5533	37.90		
GRIFFITH, RICHARD A							Total Activity
Account Number: [REDACTED]							33.30
10/19	10/18	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973292091406000138	5251	33.30		
JOHNSON, KAREN							Total Activity
Account Number: [REDACTED]							0.61
10/03	10/03	Amazon web services aws.amazon.coVA	24692163276103094521091	7399	0.61		
LAMBERT, TRAE							Total Activity
Account Number: [REDACTED]							100.00
10/03	10/02	DEPARTMENT OF PROFESSIONA804-3678597 VA	24755423275262758513944	9399	100.00		
LINK, BRIAN							Total Activity
Account Number: [REDACTED]							370.04
10/03	10/02	JNO. S SOLENBERGER AND C WINCHESTER VA	24138293276400000711114	5251	26.06		
10/05	10/04	BERRYVILLE FARM AND PET SBERRYVILLE VA	24761473277027010474952	5995	209.94		
10/26	10/25	LOWES #02724* Winchester VA	24692163298101408967194	5200	134.04		
MCCORMICK, HARRY							Total Activity
Account Number: [REDACTED]							32.74
10/25	10/24	GIANT MARTINS #6558 BERRYVILLE VA	24692163297100709975014	5411	32.74		
PETTI, JEAN							Total Activity
Account Number: [REDACTED]							15,769.83
10/02	09/30	UPS*1Z2TM3H90320019215 800-811-1648 GA	24692163273100638645777	4215	45.46		
10/09	10/06	DEPT OF ENVIRONMENTAL QUA804-6984166 VA	24755423280642801222044	9399	37.50		
10/09	10/06	DEPT OF ENVIRONMENTAL QUA804-6984166 VA	24755423280642801222051	9399	37.50		
10/09	10/06	BAMBOO INK 804-2304515 VA	24750763281900014002774	2741	21.37		
10/19	10/18	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941663291083708237780	4900	10,000.00		
10/20	10/19	THREAD LOGIC 800-3471612 MN	24275393292900013335679	5137	433.75		
10/25	10/24	COYNE CHEMICAL 215-785-3000 PA	24137463297300755369685	5169	504.00		
10/26	10/25	DGS DCLS WATER TEST KITS 804-7860447 VA	24755423299132998062311	8734	4,690.25		
POULIN, CYNTHIA							Total Activity
Account Number: [REDACTED]							3,092.38
10/05	10/04	THOMSON WEST*TCDD 800-328-4880 MN	24692163277104309659717	8999	104.00		
10/09	10/06	VA DMV ONLINE BILLING PAY804-4977100 VA	24755423280732802624452	9399	475.00		
10/18	10/18	COMCAST 800-COMCAST MD	24692163291105451889293	4899	160.79		
10/18	10/18	COMCAST 800-COMCAST MD	24692163291105451889475	4899	251.96		
10/19	10/18	VERIZON BILL PAYMENT 800-VERIZON FL	24692163291105543049146	4814	502.85		
10/19	10/18	VERIZON BILL PAYMENT 800-VERIZON FL	24692163291105543049153	4814	226.93		
10/19	10/18	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692163291105557167230	4814	1,053.85		
10/23	10/22	MSFT *E0100PHC9O MSBILL.INFO WA	24430993295400812011734	5045	6.00		
10/23	10/22	MSFT *E0100PH3CU MSBILL.INFO WA	24430993295400812080051	5045	252.00		
10/24	10/23	IN *TRUESHRED 888-7508783 VA	24692163296100096290804	7399	59.00		
SHARP, BRIAN							Total Activity
Account Number: [REDACTED]							116.27
10/09	10/06	GIANT MARTINS #6558 BERRYVILLE VA	24692163279106035949518	5411	18.18		
10/09	10/06	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433279525000354471	5533	36.88		
10/17	10/16	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973290091402000142	5251	41.05		
10/26	10/25	GIANT MARTINS #6558 BERRYVILLE VA	24692163298101638602967	5411	20.16		
SHEETZ, CULLEN							Total Activity
Account Number: [REDACTED]							65.11
10/19	10/18	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433291576400908881	5533	20.00		
10/23	10/20	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433293585500354233	5533	20.00		
10/23	10/20	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973294091400000074	5251	7.83		
10/30	10/27	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327433300616000469071	5533	17.28		
SHOREMOUNT, JOSEPH E							Total Activity
Account Number: [REDACTED]							384.63
10/02	09/29	WAWA 667 FREDERICKSBURVA	24055243273837000061569	5542	72.45		
10/09	10/08	TST* SILVER DINER - INNSBGLN ALLEN VA	24137463281001308084700	5812	22.86		
10/11	10/09	TACO BELL 15854 GLEN ALLEN VA	2494300328383800008644	5814	22.62		
10/13	10/12	GOLDEN CORRAL 749 GLEN ALLEN VA	24445003285300607267314	5812	20.66		
10/16	10/13	WAWA 8615 RICHMOND VA	24055243287837000069533	5542	51.53		
10/16	10/15	EXXON WINCHESTER CONVENIEWINCHESTER VA	24003223288752002201378	5542	49.08		

BERRYVILLE TOWN OF

October 01, 2023 - October 31, 2023

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Transactions

Posting Transaction

Date	Date	Description	Reference Number	MCC	Charge	Credit
10/17	10/16	WM SUPERCENTER #1523 GLEN ALLEN VA	24445003290400194894711	5411	104.75	
10/25	10/23	TEPPANYAKI GRILL AND BUFFHenrico VA	24426293297030038713604	5812	20.34	
10/26	10/24	TEPPANYAKI GRILL AND BUFFHenrico VA	24426293298030040880036	5812	20.34	

STOVER, KEITH

Account Number: [REDACTED]

Total Activity
2,508.22

10/02	09/29	RICE TIRE - 06 WINCHESTER VA	24137463273600190003833	5532	392.80	
10/10	10/09	ALTMED MEDICAL CTR- FR FRONT ROYAL VA	24493983282286693100070	8011	85.00	
10/16	10/13	LOWES #00656* WINCHESTER VA	24692163286101694723958	5200	88.52	
10/16	10/13	FABRITEK COMPANY INC 540-6629095 VA	24073143288900012800011	5051	92.34	
10/18	10/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973291091404000214	5251	20.57	
10/19	10/18	LOWES #02724* Winchester VA	24692163291105739501272	5200	1,033.50	
10/19	10/18	HARBOR FREIGHT TOOLS 595 WINCHESTER VA	24231683292400025900419	5251	29.98	
10/20	10/18	THE HOME DEPOT #4618 WINCHESTER VA	24943013292010181134973	5200	371.58	
10/23	10/20	LOWES #02724* Winchester VA	24692163293107581477963	5200	133.92	
10/23	10/20	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412903293027013708615	5599	51.80	
10/23	10/20	JNO. S SOLENBERGER AND C WINCHESTER VA	24138293294400000793581	5251	35.84	
10/24	10/23	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801973297091406000224	5251	44.09	
10/27	10/26	LOWES #02724* Winchester VA	24692163299102401975373	5200	53.48	
10/30	10/27	FISHER AUTO PARTS 009 BERRYVILLE VA	24431063301200824000094	5533	74.80	

WHITE, NEAL

Account Number: [REDACTED]

Total Activity
1,399.87

10/11	10/10	INTERSTATE BATTERIES OF PWILLIAMSPORT MD	24013393283001122008899	5533	160.54	
10/23	10/20	DROPBOX*ZF35FMZDTT2H DROPBOX.COM CA	24692163293107552323493	4816	119.88	
10/23	10/22	ADOBE INC. 408-536-6000 CA	24492153295719345323639	5734	239.88	
10/27	10/26	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433299611400303171	5533	13.86	
10/27	10/26	BERRYVILLE AUTO PARTS 540-9551292 VA	24327433299611401048106	5533	865.71	

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.

**Budget Summary
As of 9/30/2023**

	Budget	YTD	Variance	%
100 GF				
Revenue	\$ 4,504,477	\$ 895,322	\$ (3,609,155)	20%
Expense	\$ 4,504,477	\$ 1,014,079	\$ (3,490,398)	23%
501 WF				
Revenue	\$ 3,151,500	\$ 399,442	\$ (2,752,058)	13%
Expense	\$ 3,151,500	\$ 1,084,557	\$ (2,066,943)	34%
502 SF				
Revenue	\$ 2,963,250	\$ 547,418	\$ (2,415,832)	18%
Expense	\$ 2,963,250	\$ 655,441	\$ (2,307,809)	22%

Line item variance explanation (greater than 100% AND \$10,000):

502-4012222-3145 Professional Services \$ 18,000.00 \$ 31,278.64 \$ (13,278.64) 173.77%

Over due to electrical services paid to consolidated electric and Mid Atlantic Crane

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Prcnt
100 General Fund	100-4011100-1111 EXPENSE COMPENSATION	\$18,900.00	\$4,725.00	\$14,175.00	25.00%
100 General Fund	100-4011100-2100 MATCHING FICA	\$1,450.00	\$361.53	\$1,088.47	24.93%
100 General Fund	100-4011100-5540 TRAINING	\$4,000.00	\$0.00	\$4,000.00	0.00%
100 General Fund	100-4011100-5800 MISCELLANEOUS	\$5,000.00	\$0.00	\$5,000.00	0.00%
100 General Fund	100-4011100-5810 Dues	\$3,000.00	\$3,064.00	(\$64.00)	102.13%
100 General Fund	100-4011100-6017 TOWN CODE SUPPLEMENTS	\$2,000.00	\$0.00	\$2,000.00	0.00%
100 General Fund	100-4011200-1114 SALARIES/WAGES/TNCLK	\$52,100.00	\$13,938.40	\$38,161.60	26.75%
100 General Fund	100-4011200-2100 MATCHING FICA EXPENSE	\$4,100.00	\$1,075.06	\$3,024.94	26.22%
100 General Fund	100-4011200-5510 MILEAGE	\$250.00	\$0.00	\$250.00	0.00%
100 General Fund	100-4011200-5540 EDUCATION/TRAINING	\$1,000.00	\$0.00	\$1,000.00	0.00%
100 General Fund	100-4011200-5810 DUES	\$100.00	\$0.00	\$100.00	0.00%
100 General Fund	100-4012110-1112 COMPENSATION	\$83,000.00	\$20,332.50	\$62,667.50	24.50%
100 General Fund	100-4012110-2100 MATCHING FICA EXPENSE	\$6,500.00	\$1,128.45	\$5,371.55	17.36%
100 General Fund	100-4012110-3399 Blight Abatement	\$50,000.00	\$0.00	\$50,000.00	0.00%
100 General Fund	100-4012110-5230 TELECOMMUNICATIONS	\$600.00	\$150.00	\$450.00	25.00%
100 General Fund	100-4012110-5510 MILEAGE	\$150.00	\$0.00	\$150.00	0.00%
100 General Fund	100-4012110-5540 TRAINING	\$1,000.00	\$0.00	\$1,000.00	0.00%
100 General Fund	100-4012110-5810 DUES	\$750.00	\$365.00	\$385.00	48.67%
100 General Fund	100-4012210-3150 PROFESSIONAL SERVICES	\$50,000.00	\$9,162.50	\$40,837.50	18.33%
100 General Fund	100-4012220-2210 RETIREMENT	\$169,000.00	\$43,339.16	\$125,660.84	25.64%
100 General Fund	100-4012220-2220 VMLIP - STD	\$650.00	\$200.72	\$449.28	30.88%
100 General Fund	100-4012220-2230 VMLIP - LTD	\$6,900.00	\$2,344.01	\$4,555.99	33.97%
100 General Fund	100-4012220-2250 Line of Duty Act	\$8,500.00	\$8,108.00	\$392.00	95.39%
100 General Fund	100-4012220-2300 HEALTH INSURANCE	\$227,000.00	\$57,379.22	\$169,620.78	25.28%
100 General Fund	100-4012220-2400 LIFE INSURANCE	\$17,400.00	\$4,357.58	\$13,042.42	25.04%
100 General Fund	100-4012220-2600 UNEMPLOYMENT INSURANCE	\$230.00	\$5.33	\$224.67	2.32%
100 General Fund	100-4012220-2700 WORKER'S COMPENSATION	\$35,000.00	\$32,565.00	\$2,435.00	93.04%
100 General Fund	100-4012220-3110 RANDOM DRUG SCREENING	\$750.00	\$0.00	\$750.00	0.00%
100 General Fund	100-4012220-9001 EMPLOYEE RECOGNITION	\$2,000.00	\$106.67	\$1,893.33	5.33%
100 General Fund	100-4012240-3120 CONTRACTUAL SERVICES	\$20,000.00	\$0.00	\$20,000.00	0.00%
100 General Fund	100-4012410-1113 COMPENSATION	\$85,500.00	\$21,308.52	\$64,191.48	24.92%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Prort
100 General Fund	100-4012410-2100 MATCHING FICA EXPENSE	\$6,700.00	\$836.56	\$5,863.44	12.49%
100 General Fund	100-4012410-3130 PROFESSIONAL SER/TAX CONV	\$2,500.00	\$0.00	\$2,500.00	0.00%
100 General Fund	100-4012410-5306 SURETY BONDS	\$500.00	\$434.00	\$66.00	86.80%
100 General Fund	100-4012410-5540 TRAINING	\$2,000.00	\$0.00	\$2,000.00	0.00%
100 General Fund	100-4012410-5810 DUES	\$1,000.00	\$0.00	\$1,000.00	0.00%
100 General Fund	100-4012430-1113 COMPENSATION	\$130,000.00	\$19,259.14	\$110,740.86	14.81%
100 General Fund	100-4012430-2100 MATCHING FICA EXPENSE	\$9,700.00	\$1,325.59	\$8,374.41	13.67%
100 General Fund	100-4012430-5540 TRAINING	\$3,400.00	\$0.00	\$3,400.00	0.00%
100 General Fund	100-4012530-3320 MAINTENANCE CONTRACTS	\$52,250.00	\$21,262.94	\$30,987.06	40.69%
100 General Fund	100-4012530-3400 WEB SITE	\$1,000.00	\$1.21	\$998.79	0.12%
100 General Fund	100-4012530-3450 DIGITIZING	\$7,000.00	\$0.00	\$7,000.00	0.00%
100 General Fund	100-4012530-3501 NEWSLETTER	\$1,000.00	\$0.00	\$1,000.00	0.00%
100 General Fund	100-4012530-3600 ADVERTISING	\$8,000.00	\$4,461.30	\$3,538.70	55.77%
100 General Fund	100-4012530-5210 POSTAGE	\$16,000.00	\$391.39	\$15,608.61	2.45%
100 General Fund	100-4012530-5230 TELECOMMUNICATIONS	\$4,300.00	\$1,034.10	\$3,265.90	24.05%
100 General Fund	100-4012530-5250 SOCIAL MEDIA ARCHIVING	\$3,300.00	\$0.00	\$3,300.00	0.00%
100 General Fund	100-4012530-5415 COPIER LEASE	\$5,100.00	\$1,194.35	\$3,905.65	23.42%
100 General Fund	100-4012530-5540 TRAINING	\$2,500.00	\$0.00	\$2,500.00	0.00%
100 General Fund	100-4012530-5699 CONTRIBUTION/CC SOCIAL MEDIA	\$5,000.00	\$0.00	\$5,000.00	0.00%
100 General Fund	100-4012530-5810 DUES	\$500.00	\$0.00	\$500.00	0.00%
100 General Fund	100-4012530-6001 OFFICE SUPPLIES	\$15,000.00	\$2,816.20	\$12,183.80	18.77%
100 General Fund	100-4012550-5304 BLANKET EXCESS LIABILITY	\$16,000.00	\$12,720.00	\$3,280.00	79.50%
100 General Fund	100-4012550-5305 AUTOMOBILE INSURANCE	\$13,000.00	\$14,855.00	(\$1,855.00)	114.27%
100 General Fund	100-4012550-5308 SEMI-MULTI PERIL INS	\$36,500.00	\$39,968.00	(\$3,468.00)	109.50%
100 General Fund	100-4012600-3140 ENGINEERING SERVICES	\$5,000.00	\$0.00	\$5,000.00	0.00%
100 General Fund	100-4013100-1125 ELECTION OFFICIALS	\$2,500.00	\$0.00	\$2,500.00	0.00%
100 General Fund	100-4013100-6001 OFFICE SUPPLIES	\$1,500.00	\$0.00	\$1,500.00	0.00%
100 General Fund	100-4021500-3150 PUBLIC DEFENDER FEES	\$2,000.00	\$0.00	\$2,000.00	0.00%
100 General Fund	100-4031100-1139 COMPENSATION	\$700,500.00	\$174,202.31	\$526,297.69	24.87%
100 General Fund	100-4031100-2100 MATCHING FICA EXPENSE	\$54,000.00	\$13,226.99	\$40,773.01	24.49%
100 General Fund	100-4031100-3110 MEDICAL EXAMINATIONS	\$900.00	\$0.00	\$900.00	0.00%
100 General Fund	100-4031100-3115 PRE EMPLOYMENT DRUG SCREEN	\$250.00	\$0.00	\$250.00	0.00%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Prct
100 General Fund	100-4031100-3190 INTERPRETER	\$400.00	\$2.56	\$397.44	0.64%
100 General Fund	100-4031100-3310 REPAIR & MAINTENANCE	\$12,000.00	\$4,124.55	\$7,875.45	34.37%
100 General Fund	100-4031100-3320 MAINTENANCE CONTRACTS	\$40,100.00	\$13,066.98	\$27,033.02	32.59%
100 General Fund	100-4031100-4081 RICH RAU SAFETY FUND	\$5,000.00	\$2,198.53	\$2,801.47	43.97%
100 General Fund	100-4031100-4082 WILDLIFE MANAGEMENT	\$250.00	\$0.00	\$250.00	0.00%
100 General Fund	100-4031100-5210 POSTAGE	\$500.00	\$43.80	\$456.20	8.76%
100 General Fund	100-4031100-5230 TELECOMMUNICATIONS	\$3,000.00	\$990.06	\$2,009.94	33.00%
100 General Fund	100-4031100-5415 COPIER LEASE	\$4,400.00	\$1,194.35	\$3,205.65	27.14%
100 General Fund	100-4031100-5540 TRAINING	\$19,000.00	\$6,742.62	\$12,257.38	35.49%
100 General Fund	100-4031100-5545 OFFICE ACCREDITATION	\$500.00	\$0.00	\$500.00	0.00%
100 General Fund	100-4031100-5810 DUES	\$850.00	\$275.00	\$575.00	32.35%
	Fund Or Attrib	Budget	YTD	Variance	Prct
100 General Fund	100-4031100-5815 COMMUNITY RELATIONS	\$2,000.00	\$0.00	\$2,000.00	0.00%
100 General Fund	100-4031100-6001 OFFICE SUPPLIES	\$1,600.00	\$148.87	\$1,451.13	9.30%
100 General Fund	100-4031100-6008 GASOLINE & OIL	\$20,000.00	\$3,898.39	\$16,101.61	19.49%
100 General Fund	100-4031100-6010 POLICE SUPPLIES	\$13,500.00	\$7,142.27	\$6,357.73	52.91%
100 General Fund	100-4031100-6011 UNIFORMS	\$3,000.00	\$0.00	\$3,000.00	0.00%
100 General Fund	100-4031300-5699 COUNTY CONT/CROSSING GD	\$2,500.00	\$0.00	\$2,500.00	0.00%
100 General Fund	100-4031400-5699 CONTRIBUTION/CC CENT ALRM	\$5,000.00	\$0.00	\$5,000.00	0.00%
100 General Fund	100-4032200-5699 CONTRIBUTION/JHEV/FD	\$30,000.00	\$0.00	\$30,000.00	0.00%
100 General Fund	100-4032200-5707 FIRE FUND PROGRAM	\$18,500.00	\$0.00	\$18,500.00	0.00%
100 General Fund	100-4032200-8411 ENDERS CAPITAL PROJECT RESERVE	\$10,000.00	\$0.00	\$10,000.00	0.00%
100 General Fund	100-4041100-1140 Compensation	\$38,000.00	\$15,136.23	\$22,863.77	39.83%
100 General Fund	100-4041100-2100 MATCHING FICA EXPENSE	\$2,900.00	\$1,224.08	\$1,675.92	42.21%
100 General Fund	100-4041100-3110 MEDICAL EXAMS	\$1,000.00	\$135.00	\$865.00	13.50%
100 General Fund	100-4041100-3310 VEHICLE REP & MAINTENANCE	\$11,000.00	\$2,352.69	\$8,647.31	21.39%
100 General Fund	100-4041100-5120 FUEL OIL/HEAT	\$3,000.00	\$0.00	\$3,000.00	0.00%
100 General Fund	100-4041100-5230 TELECOMMUNICATIONS	\$8,000.00	\$2,212.97	\$5,787.03	27.66%
100 General Fund	100-4041100-5415 COPIER LEASE	\$2,700.00	\$998.54	\$1,701.46	36.98%
100 General Fund	100-4041100-5540 TRAINING	\$6,000.00	\$0.00	\$6,000.00	0.00%
100 General Fund	100-4041100-6001 OFFICE SUPPLIES	\$500.00	\$187.94	\$312.06	37.59%
100 General Fund	100-4041200-1183 COMPENSATION	\$191,000.00	\$49,402.24	\$141,597.76	25.87%
100 General Fund	100-4041200-2100 MATCHING FICA EXPENSE	\$14,800.00	\$3,801.94	\$10,998.06	25.69%

Fund Or Attrib		Budget	YTD	Variance	Prcnt
100 General Fund	100-4041200-3310 EQUIPMENT MAINTENANCE	\$12,000.00	\$12,401.48	(\$401.48)	103.35%
100 General Fund	100-4041200-3311 STREET TREES/SIDEWALKS	\$15,000.00	\$0.00	\$15,000.00	0.00%
100 General Fund	100-4041200-3315 SIDEWALK MAINTENANCE	\$16,000.00	\$0.00	\$16,000.00	0.00%
100 General Fund	100-4041200-5425 NORFOLK/SOUTHERN R-O-W'S	\$1,200.00	\$1,298.67	(\$98.67)	108.22%
100 General Fund	100-4041200-6007 MATERIALS & SUPPLIES	\$6,000.00	\$2,867.59	\$3,132.41	47.79%
100 General Fund	100-4041200-6008 GASOLINE & OIL	\$24,000.00	\$4,185.35	\$19,814.65	17.44%
100 General Fund	100-4041200-6011 UNIFORMS	\$6,000.00	\$783.71	\$5,216.29	13.06%
100 General Fund	100-4041250-3140 ENGINEERING	\$10,000.00	\$0.00	\$10,000.00	0.00%
100 General Fund	100-4041250-3300 VDOT STREET MAINTENANCE	\$0.00	\$71,891.78	(\$71,891.78)	0.00%
100 General Fund	100-4041250-3310 EQUIPMENT MAINTENANCE	\$15,000.00	\$853.95	\$14,146.05	5.69%
100 General Fund	100-4041250-3311 STORM SEWER MAINTENANCE	\$15,000.00	\$0.00	\$15,000.00	0.00%
100 General Fund	100-4041250-3316 SIGNS	\$10,000.00	\$1,272.86	\$8,727.14	12.73%
100 General Fund	100-4041250-5800 CONTINGENCY	\$25,000.00	\$0.00	\$25,000.00	0.00%
100 General Fund	100-4041250-6007 MATERIALS & SUPPLIES	\$10,000.00	\$0.00	\$10,000.00	0.00%
100 General Fund	100-4041250-6050 STREET MAINTENANCE	\$125,000.00	\$0.00	\$125,000.00	0.00%
100 General Fund	100-4041250-6060 SIDEWALK REPLACEMENT	\$45,000.00	\$0.00	\$45,000.00	0.00%
100 General Fund	100-4041250-6135 MOWING/TREE REMOVAL	\$15,000.00	\$0.00	\$15,000.00	0.00%
100 General Fund	100-4041250-6207 STREET SWEEPING	\$18,000.00	\$0.00	\$18,000.00	0.00%
	Fund Or Attrib	Budget	YTD	Variance	Prcnt
100 General Fund	100-4041250-6307 SNOW REMOVAL	\$60,000.00	\$0.00	\$60,000.00	0.00%
100 General Fund	100-4041250-8803 PW SITE IMPROVEMENTS	\$150,000.00	\$0.00	\$150,000.00	0.00%
100 General Fund	100-4041250-8804 SAFETY EQUIPMENT	\$5,000.00	\$0.00	\$5,000.00	0.00%
100 General Fund	100-4041320-5110 ELECTRICITY	\$90,000.00	\$19,022.23	\$70,977.77	21.14%
100 General Fund	100-4041330-3220 CONTRACTUAL SERVICES	\$20,000.00	\$0.00	\$20,000.00	0.00%
100 General Fund	100-4041330-6007 MATERIALS & SUPPLIES	\$2,000.00	\$0.00	\$2,000.00	0.00%
100 General Fund	100-4041340-6007 MATERIALS & SUPPLIES	\$2,000.00	\$0.00	\$2,000.00	0.00%
100 General Fund	100-4042300-3220 CONTRACTUAL SERVICES	\$240,000.00	\$50,822.48	\$189,177.52	21.18%
100 General Fund	100-4042300-6225 RECYCLING SERVICES	\$110,000.00	\$36,227.74	\$73,772.26	32.93%
100 General Fund	100-4042400-3800 FCO LANDFILL CHARGES	\$50,000.00	\$10,445.16	\$39,554.84	20.89%
100 General Fund	100-4043200-3310 REPAIR & MAINTENANCE	\$47,000.00	(\$1,962.00)	\$48,962.00	-4.17%
100 General Fund	100-4043200-3325 HERMITAGE SWPOND MAINT	\$4,100.00	\$1,800.00	\$2,300.00	43.90%
100 General Fund	100-4043200-6007 MATERIALS & SUPPLIES	\$500.00	\$0.00	\$500.00	0.00%
100 General Fund	100-4043200-6017 CHRISTMAS WREATHS	\$500.00	\$0.00	\$500.00	0.00%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Prcnt
100 General Fund	100-4064200-3150 PROFESSIONAL SERVICES	\$1,000.00	\$0.00	\$1,000.00	0.00%
100 General Fund	100-4064200-3200 CONTRACTURAL SERVICES	\$10,000.00	\$0.00	\$10,000.00	0.00%
100 General Fund	100-4064200-5110 ELECTRICITY	\$20,100.00	\$0.00	\$20,100.00	0.00%
100 General Fund	100-4064200-5120 NATURAL GAS/HEAT	\$3,000.00	\$0.00	\$3,000.00	0.00%
100 General Fund	100-4064200-5130 WATER/SEWER	\$800.00	\$0.00	\$800.00	0.00%
100 General Fund	100-4064200-5230 TELECOMMUNICATIONS	\$1,500.00	\$0.00	\$1,500.00	0.00%
100 General Fund	100-4064200-5304 LIABILITY INSURANCE	\$1,500.00	\$0.00	\$1,500.00	0.00%
100 General Fund	100-4064200-7113 IN KIND COSTS	\$13,000.00	\$0.00	\$13,000.00	0.00%
100 General Fund	100-4064200-7115 SHARED MAINTENANCE	\$19,000.00	\$612.50	\$18,387.50	3.22%
100 General Fund	100-4064200-8411 CAPITAL ASSET RESERVES	\$10,000.00	\$0.00	\$10,000.00	0.00%
100 General Fund	100-4071310-3160 CONTRACTURAL SER/JN BLUE	\$1,000.00	\$225.00	\$775.00	22.50%
100 General Fund	100-4071310-6017 CHRISTMAS LIGHTS	\$3,500.00	\$0.00	\$3,500.00	0.00%
100 General Fund	100-4071310-6018 ROSE HILL PARK MAINTENANCE	\$15,000.00	\$0.00	\$15,000.00	0.00%
100 General Fund	100-4081100-1155 COMPENSATION	\$97,000.00	\$23,355.78	\$73,644.22	24.08%
100 General Fund	100-4081100-2100 MATCHING FICA EXPENSE	\$7,500.00	\$1,806.12	\$5,693.88	24.08%
100 General Fund	100-4081100-3145 REIMBURSABLE CONST FEES	\$0.00	\$2,936.00	(\$2,936.00)	0.00%
100 General Fund	100-4081100-3190 PROFESSIONAL SERVICES	\$3,000.00	\$405.00	\$2,595.00	13.50%
100 General Fund	100-4081100-3500 PRINTING	\$250.00	\$138.98	\$111.02	55.59%
100 General Fund	100-4081100-5510 MILEAGE	\$100.00	\$0.00	\$100.00	0.00%
100 General Fund	100-4081100-6001 OFFICE EQUIPMENT	\$100.00	\$76.94	\$23.06	76.94%
100 General Fund	100-4081400-1110 EXPENSE COMPENSATION	\$500.00	\$0.00	\$500.00	0.00%
100 General Fund	100-4081400-5540 TRAINING	\$750.00	\$0.00	\$750.00	0.00%
100 General Fund	100-4081500-5693 ARTS FUNDING MATCH	\$4,500.00	\$4,500.00	\$0.00	100.00%
100 General Fund	100-4081500-5695 TOWN/COUNTY ECONOMIC DEV	\$20,500.00	\$0.00	\$20,500.00	0.00%
100 General Fund	100-4081500-5696 ECONOMIC DEVELOPMENT RESERVE	\$2,500.00	\$0.00	\$2,500.00	0.00%
100 General Fund	100-4081600-1111 EXPENSE COMPENSATION	\$5,000.00	\$800.00	\$4,200.00	16.00%
100 General Fund	100-4081600-5540 TRAINING	\$1,500.00	\$0.00	\$1,500.00	0.00%
100 General Fund	100-4081700-1111 EXPENSE COMPENSATION	\$2,500.00	\$155.00	\$2,345.00	6.20%
100 General Fund	100-4081700-5540 TRAINING	\$1,000.00	\$0.00	\$1,000.00	0.00%
100 General Fund	100-4081800-5540 TRAINING	\$500.00	\$0.00	\$500.00	0.00%
100 General Fund	100-4093000-3000 ARPA GF EXPENSES	\$0.00	\$28,645.00	(\$28,645.00)	0.00%
100 General Fund	100-4094200-8209 POLICE CRUISER CAMERA	\$0.00	\$6,682.96	(\$6,682.96)	0.00%

100 General Fund	100-4094200-8225	COMPUTER REPLACEMENT/UPGRADES	\$35,000.00	\$24,056.86	\$10,943.14	68.73%
100 General Fund	100-4094200-8231	PATROL VEHICLE	\$57,500.00	\$0.00	\$57,500.00	0.00%
100 General Fund	100-4094200-8341	B-BALL COURT REPAIRS	\$30,000.00	\$0.00	\$30,000.00	0.00%
100 General Fund	100-4094200-8411	CAPITAL RESERVE	\$196,238.10	\$0.00	\$196,238.10	0.00%
100 General Fund	100-4094200-8915	HOGAN'S ALLEY IMPROVEMENTS	\$10,000.00	\$1,397.65	\$8,602.35	13.98%
100 General Fund	100-4094200-9004	MOSBY BOULEVARD SIDEWALK	\$20,000.00	\$21,501.80	(\$1,501.80)	107.51%
100 General Fund	100-4094200-9005	FAIRFAX ST SIDEWALK RESERVE	\$60,000.00	\$0.00	\$60,000.00	0.00%
100 General Fund	100-4094200-9006	SECOND STREET REPAIRS	\$0.00	\$7,218.00	(\$7,218.00)	0.00%
100 General Fund	100-4094200-9007	INTERVIEW ROOM AV (PD)	\$6,500.00	\$0.00	\$6,500.00	0.00%
100 General Fund	100-4094200-9009	TOWN STREET REPAIRS	\$20,000.00	\$0.00	\$20,000.00	0.00%
100 General Fund	100-4094300-5800	CONTINGENCY	\$114,978.90	\$0.00	\$114,978.90	0.00%
100 General Fund	100-4095000-9110	RDA PRINCIPAL	\$46,500.00	\$11,416.04	\$35,083.96	24.55%
100 General Fund	100-4095000-9120	RDA INTEREST	\$75,100.00	\$18,952.96	\$56,147.04	25.24%
			\$4,504,447.00	\$1,014,078.93	\$3,490,368.07	23%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Pront
501 Water Fund	501-4012220-1140 COMPENSATION	\$130,000.00	\$33,740.55	\$96,259.45	25.95%
501 Water Fund	501-4012220-2100 SOCIAL SECURITY	\$9,950.00	\$2,123.56	\$7,826.44	21.34%
501 Water Fund	501-4012220-2210 RETIREMENT	\$79,000.00	\$11,599.17	\$67,400.83	14.68%
501 Water Fund	501-4012220-2220 VMLIP - STD	\$300.00	\$71.32	\$228.68	23.77%
501 Water Fund	501-4012220-2230 VMLIP - LTD	\$3,200.00	\$543.63	\$2,656.37	16.99%
501 Water Fund	501-4012220-2300 HEALTH INSURANCE	\$105,500.00	\$17,860.19	\$87,639.81	16.93%
501 Water Fund	501-4012220-2400 LIFE INSURANCE	\$7,500.00	\$1,179.76	\$6,320.24	15.73%
501 Water Fund	501-4012220-2600 UNEMPLOYMENT INSURANCE	\$110.00	\$5.33	\$104.67	4.85%
501 Water Fund	501-4012220-2700 WORKER'S COMPENSATION	\$21,000.00	\$21,000.00	\$0.00	100.00%
501 Water Fund	501-4012220-3170 MISS UTILITY	\$1,750.00	\$121.00	\$1,629.00	6.91%
501 Water Fund	501-4012220-3320 HANDHELD MAINT	\$5,000.00	\$0.00	\$5,000.00	0.00%
501 Water Fund	501-4012220-3450 DIGITIZING	\$7,000.00	\$0.00	\$7,000.00	0.00%
501 Water Fund	501-4012220-5210 POSTAGE	\$4,700.00	\$930.07	\$3,769.93	19.79%
501 Water Fund	501-4012220-5540 TRAINING	\$2,500.00	\$0.00	\$2,500.00	0.00%
501 Water Fund	501-4012220-6001 OFFICE SUPPLIES	\$2,000.00	\$983.95	\$1,016.05	49.20%
501 Water Fund	501-4012222-1147 COMPENSATION	\$273,000.00	\$50,043.82	\$222,956.18	18.33%
501 Water Fund	501-4012222-2100 MATCHING FICA EXPENSE	\$21,000.00	\$3,847.35	\$17,152.65	18.32%
501 Water Fund	501-4012222-2830 CERTIFICATION FEES	\$600.00	\$0.00	\$600.00	0.00%
501 Water Fund	501-4012222-2840 STATE CONNECTION FEES	\$5,900.00	\$5,636.00	\$264.00	95.53%
501 Water Fund	501-4012222-2850 LAB TESTING	\$11,000.00	\$4,772.75	\$6,227.25	43.39%
501 Water Fund	501-4012222-3110 MEDICAL EXAMS	\$200.00	\$0.00	\$200.00	0.00%
501 Water Fund	501-4012222-3145 PROFESSIONAL SERVICES	\$10,000.00	\$7,483.41	\$2,516.59	74.83%
501 Water Fund	501-4012222-3210 SLUDGE REMOVAL	\$27,000.00	\$0.00	\$27,000.00	0.00%
501 Water Fund	501-4012222-3220 CLEAN RIVER INTAKE	\$3,000.00	\$1,375.00	\$1,625.00	45.83%
501 Water Fund	501-4012222-3310 REPAIR & MAINTENANCE	\$75,000.00	\$42,460.84	\$32,539.16	56.61%
501 Water Fund	501-4012222-3510 CONSUMER CONFIDENCE RPT	\$1,000.00	\$0.00	\$1,000.00	0.00%
501 Water Fund	501-4012222-5110 ELECTRICITY	\$70,000.00	\$14,236.53	\$55,763.47	20.34%
501 Water Fund	501-4012222-5120 FUEL/OIL HEAT	\$7,200.00	\$0.00	\$7,200.00	0.00%
501 Water Fund	501-4012222-5230 TELECOMMUNICATIONS	\$4,700.00	\$1,058.49	\$3,641.51	22.52%
501 Water Fund	501-4012222-5415 COPIER LEASE	\$1,300.00	\$620.08	\$679.92	47.70%
501 Water Fund	501-4012222-5540 TRAINING	\$3,500.00	\$1,529.12	\$1,970.88	43.69%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Prnt
501 Water Fund	501-4012222-5690 DISCHARGE PERMIT RENEWAL	\$3,000.00	\$0.00	\$3,000.00	0.00%
501 Water Fund	501-4012222-5810 DUES	\$1,000.00	\$0.00	\$1,000.00	0.00%
501 Water Fund	501-4012222-6001 OFFICE SUPPLIES	\$1,000.00	\$248.09	\$751.91	24.81%
501 Water Fund	501-4012222-6004 LAB SUPPLIES	\$7,000.00	\$10,008.06	(\$3,008.06)	142.97%
501 Water Fund	501-4012222-6005 JANITORIAL SUPPLIES	\$1,300.00	\$21.86	\$1,278.14	1.68%
501 Water Fund	501-4012222-6008 GASOLINE & OIL	\$7,200.00	\$1,968.47	\$5,231.53	27.34%
501 Water Fund	501-4012222-6011 UNIFORMS	\$1,000.00	\$0.00	\$1,000.00	0.00%
501 Water Fund	501-4012222-6014 TOOLS	\$1,000.00	\$67.61	\$932.39	6.76%
501 Water Fund	501-4012222-6019 SAFETY EQUIPMENT	\$2,000.00	\$96.98	\$1,903.02	4.85%
501 Water Fund	501-4012222-6020 PERSONAL EQUIPMENT	\$600.00	\$0.00	\$600.00	0.00%
501 Water Fund	501-4012222-6025 CHEMICALS	\$50,000.00	\$5,471.16	\$44,528.84	10.94%
501 Water Fund	501-4012224-1183 COMPENSATION	\$192,000.00	\$50,021.11	\$141,978.89	26.05%
501 Water Fund	501-4012224-2100 MATCHING FICA EXPENSE	\$14,700.00	\$3,826.68	\$10,873.32	26.03%
501 Water Fund	501-4012224-3330 LINE REPAIR & MAINTENANCE	\$50,000.00	\$9,104.82	\$40,895.18	18.21%
501 Water Fund	501-4012224-6007 MATERIALS & SUPPLIES	\$30,000.00	\$4,428.62	\$25,571.38	14.76%
501 Water Fund	501-4012224-6019 SAFETY EQUIPMENT	\$700.00	\$0.00	\$700.00	0.00%
501 Water Fund	501-4012224-6030 NEW SERVICE SUPPLIES	\$2,000.00	\$0.00	\$2,000.00	0.00%
501 Water Fund	501-4012224-9008 STORAGE TANK MAINTENANCE CONTRAC	\$25,000.00	\$21,153.00	\$3,847.00	84.61%
501 Water Fund	501-4093000-3000 ARPA WF EXPENSES	\$0.00	\$688,406.92	(\$688,406.92)	0.00%
501 Water Fund	501-4094200-8144 WATER TREATMENT PLANT UPGRADES	\$1,200,000.00	\$34,431.21	\$1,165,568.79	2.87%
501 Water Fund	501-4094200-8211 CAPITAL RESERVES	\$11,587.70	\$0.00	\$11,587.70	0.00%
501 Water Fund	501-4094200-8225 COMPUTER UPGRADES	\$3,000.00	\$1,610.87	\$1,389.13	53.70%
501 Water Fund	501-4094200-8345 PW ONE TON DUMP	\$0.00	\$13,752.60	(\$13,752.60)	0.00%
501 Water Fund	501-4094200-8361 WATER DIST SYSTEM UPGRADES	\$400,000.00	\$8,492.00	\$391,508.00	2.12%
501 Water Fund	501-4094200-8704 FINISH PUMP REPLACEMENT	\$50,000.00	\$0.00	\$50,000.00	0.00%
501 Water Fund	501-4094200-8958 WATER METER REPLACEMENT	\$165,000.00	\$8,225.07	\$156,774.93	4.98%
501 Water Fund	501-4094300-5800 CONTINGENCY	\$38,502.30	\$0.00	\$38,502.30	0.00%
		\$3,151,500.00	\$1,084,557.05	\$2,066,942.95	34%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Pront
502 Sewer Fund	502-4012220-1114 COMPENSATION	\$130,000.00	\$32,702.18	\$97,297.82	25.16%
502 Sewer Fund	502-4012220-2100 SOCIAL SECURITY	\$10,000.00	\$2,123.56	\$7,876.44	21.24%
502 Sewer Fund	502-4012220-2210 RETIREMENT	\$54,300.00	\$8,702.08	\$45,597.92	16.03%
502 Sewer Fund	502-4012220-2220 VMLIP - STD	\$200.00	\$46.68	\$153.32	23.34%
502 Sewer Fund	502-4012220-2230 VMLIP - LTD	\$2,250.00	\$389.27	\$1,860.73	17.30%
502 Sewer Fund	502-4012220-2300 HEALTH INSURANCE	\$73,000.00	\$12,758.59	\$60,241.41	17.48%
502 Sewer Fund	502-4012220-2400 LIFE INSURANCE	\$5,600.00	\$856.77	\$4,743.23	15.30%
502 Sewer Fund	502-4012220-2600 UNEMPLOYMENT INSURANCE	\$75.00	\$2.66	\$72.34	3.55%
502 Sewer Fund	502-4012220-2700 WORKER'S COMPENSATION	\$14,000.00	\$14,000.00	\$0.00	100.00%
502 Sewer Fund	502-4012220-3320 HANDHELD MAINT	\$5,000.00	\$0.00	\$5,000.00	0.00%
502 Sewer Fund	502-4012220-3450 DIGITIZING	\$7,000.00	\$0.00	\$7,000.00	0.00%
502 Sewer Fund	502-4012220-5210 POSTAGE	\$7,500.00	\$930.07	\$6,569.93	12.40%
502 Sewer Fund	502-4012220-6001 OFFICE SUPPLIES	\$2,500.00	\$594.25	\$1,905.75	23.77%
502 Sewer Fund	502-4012222-1147 COMPENSATION	\$275,000.00	\$48,327.27	\$226,672.73	17.57%
502 Sewer Fund	502-4012222-2100 MATCHING FICA EXPENSE	\$21,000.00	\$3,987.96	\$17,012.04	18.99%
502 Sewer Fund	502-4012222-2830 CERTIFICATION FEES	\$600.00	\$80.00	\$520.00	13.33%
502 Sewer Fund	502-4012222-2850 LAB TESTING	\$33,000.00	\$8,313.50	\$24,686.50	25.19%
502 Sewer Fund	502-4012222-3145 PROFESSIONAL SERVICES	\$18,000.00	\$31,278.64	(\$13,278.64)	173.77%
502 Sewer Fund	502-4012222-3210 LANDFILL-SOLIDS DISPOSAL	\$85,000.00	\$22,374.54	\$62,625.46	26.32%
502 Sewer Fund	502-4012222-3310 REPAIR & MAINTENANCE	\$174,000.00	\$78,633.33	\$95,366.67	45.19%
502 Sewer Fund	502-4012222-5110 ELECTRICITY	\$145,000.00	\$38,440.54	\$106,559.46	26.51%
502 Sewer Fund	502-4012222-5230 TELECOMMUNICATIONS	\$6,500.00	\$1,652.37	\$4,847.63	25.42%
502 Sewer Fund	502-4012222-5415 COPIER LEASE	\$4,300.00	\$1,194.35	\$3,105.65	27.78%
502 Sewer Fund	502-4012222-5540 TRAINING	\$3,000.00	\$500.00	\$2,500.00	16.67%
502 Sewer Fund	502-4012222-5690 DISCHARGE PERMIT RENEWAL	\$3,500.00	\$3,180.00	\$320.00	90.86%
502 Sewer Fund	502-4012222-5810 DUES	\$600.00	\$500.00	\$100.00	83.33%
502 Sewer Fund	502-4012222-6001 OFFICE SUPPLIES	\$1,500.00	\$69.38	\$1,430.62	4.63%
502 Sewer Fund	502-4012222-6004 LAB SUPPLIES	\$6,200.00	\$1,550.10	\$4,649.90	25.00%
502 Sewer Fund	502-4012222-6005 JANITORIAL SUPPLIES	\$3,500.00	\$323.80	\$3,176.20	9.25%
502 Sewer Fund	502-4012222-6008 DIESEL FUEL	\$10,000.00	\$458.53	\$9,541.47	4.59%
502 Sewer Fund	502-4012222-6011 UNIFORMS	\$1,000.00	\$0.00	\$1,000.00	0.00%

Fund Or Attrib	Disp Acct	Budget	YTD	Variance	Prcnt
502 Sewer Fund	502-4012222-6014 TOOLS	\$1,500.00	\$22.53	\$1,477.47	1.50%
502 Sewer Fund	502-4012222-6019 SAFETY EQUIPMENT	\$2,500.00	\$124.97	\$2,375.03	5.00%
502 Sewer Fund	502-4012222-6020 PERSONAL EQUIPMENT	\$800.00	\$0.00	\$800.00	0.00%
502 Sewer Fund	502-4012222-6025 CHEMICALS	\$120,000.00	\$42,338.36	\$77,661.64	35.28%
502 Sewer Fund	502-4012224-1183 COMPENSATION	\$95,000.00	\$26,131.90	\$68,868.10	27.51%
502 Sewer Fund	502-4012224-2100 MATCHING FICA EXPENSE	\$7,500.00	\$1,999.15	\$5,500.85	26.66%
	Fund Or Attrib	Budget	YTD	Variance	Prcnt
502 Sewer Fund	502-4012224-3310 EQUIPMENT MAINTENANCE	\$5,000.00	\$291.35	\$4,708.65	5.83%
502 Sewer Fund	502-4012224-3330 REPAIR & MAINTENANCE	\$15,000.00	\$10,368.80	\$4,631.20	69.13%
502 Sewer Fund	502-4012224-6007 MATERIALS & SUPPLIES	\$3,000.00	\$1,343.18	\$1,656.82	44.77%
502 Sewer Fund	502-4012224-6019 SAFETY EQUIPMENT	\$500.00	\$0.00	\$500.00	0.00%
502 Sewer Fund	502-4093000-3000 ARPA SF EXPENSES	\$0.00	\$4,630.25	(\$4,630.25)	0.00%
502 Sewer Fund	502-4094200-8110 WWTP UPGRADES	\$775,000.00	\$1,190.50	\$773,809.50	0.15%
502 Sewer Fund	502-4094200-8134 SEWER SYSTEM UPGRADES	\$100,000.00	\$0.00	\$100,000.00	0.00%
502 Sewer Fund	502-4094200-8225 COMPUTER REPLACEMENT/UPGRADE	\$3,000.00	\$0.00	\$3,000.00	0.00%
502 Sewer Fund	502-4094200-8345 PW ONE TON DUMP	\$0.00	\$18,029.42	(\$18,029.42)	0.00%
502 Sewer Fund	502-4094200-8411 CAPITAL RESERVE	\$707.25	\$0.00	\$707.25	0.00%
502 Sewer Fund	502-4094200-9008 HARMONIC BALANCER	\$70,000.00	\$0.00	\$70,000.00	0.00%
502 Sewer Fund	502-4094200-9009 BAR SCREEN WWTP	\$150,000.00	\$0.00	\$150,000.00	0.00%
502 Sewer Fund	502-4094300-5800 CONTINGENCY	\$40,617.75	\$0.00	\$40,617.75	0.00%
502 Sewer Fund	502-4095000-9118 VRA PRINCIPAL	\$470,000.00	\$235,000.00	\$235,000.00	50.00%
		\$2,963,250.00	\$655,440.83	\$2,307,809.17	22%

Town Manager's Report

Proposed Truck Length Restrictions on Various Streets

The Town Council's Streets and Utilities Committee has reviewed this matter and will report its findings to the Council.

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

The Town Council's Community Development Committee is reviewing the proposed Town Code amendment and proposed rules.

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

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

The Streets and Utilities Committee has reviewed a portion of staff's recommended changes, but other items need to be placed before them. Staff intends to have everything in this regard in front of the Committee by the end of February. After all of the items have been reviewed by the Committee they will be forwarded to the Council.

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

The Town Council's Public Safety Committee is reviewing the Town Code sections in question.

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

The Town Council's Public Safety Committee is reviewing the Town Code sections in question.

Repair of the basketball court in Rose Hill Park

Repair of the basketball court in Rose Hill Park are nearly complete. The contractor expects to receive parts needed to affix the new backboards and rims to the poles early next week. We expect the work to be completed by November 17.

Christmas decorations

Staff expects the street decorations to be installed during the week of November 12. Staff expects that the Christmas tree will be decorated during the week of November 26.

These decorations will be energized on the first weekend in December.

November 14, 2023
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The October 2023 expenditure report is attached.

Attachments

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

Oct-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	\$ 2,047.50	\$ 19,025.50	\$ 128,927.00	13%
- Total		\$	\$ 21,073.00	\$	\$ 150,000.00

Fund balance from first payment

	\$	\$ 48,927.00
Fund balance from second payment	\$	\$ 80,000.00

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility	\$ 250,000.00	\$ 5,188.52	\$ 125,000.00	\$ 75,964.92	66%
Total		\$	\$ 49,035.08	\$	\$ 250,000.00

Fund balance from first payment

	\$	\$ -
Fund balance from second payment	\$	\$ 75,964.92

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

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

Complete necessary water and sewer infrastructure projects

Estimated cost of these actions					
- Cost of the projects	\$ 3,060,886.00	\$ 314,348.80	\$ 1,328,393.00	\$ 245,402.10	47.65%
Total			\$ 1,487,090.90		\$ 3,060,886.00
Fund balance from first payment					\$ -
Fund balance from second payment					\$ 245,402.10

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

NOTES:

<u>Administrative Costs:</u>	\$ -
<u>Legal</u>	\$ -
INFRASTRUCTURE COSTS:	
Frazier Assoc.(Wayfinding)	\$ 2,047.50
General Excavation(Josephine)	\$ 314,348.80
VA RIGGERS	\$ -
Kenneth Harper	\$ 5,188.52
MICHELLE JONES- FAÇADE GRANT	\$ -
Pennoni(Osborne, Church,Josephine)	\$ -
Pennoni (I&I, SSES Study)	\$ -
Webster Nursery(Concrete walls)	\$ -
Total	\$ 321,584.82

1st Tranche	\$ 2,267,493.00
Used to date	\$ 2,072,771.81
Balance	\$ 194,721.19
2nd Tranche	\$ 2,267,493.00
Used to date	\$ 1,616,125.98
Balance	\$ 651,367.02

ARPA MASTER LIST

11/14/2023

PROJECT NAME	BUDGET	SPENT TO DATE	BALANCE	%COMPLETE	COMPLETED PROJECTS (-/+)
1 Computers:Utility Clerk,PWs	\$ 2,437.90	\$ 2,437.90	\$ -	100% Admin	
2 Police Radio Replacements	\$ 75,000.00	\$ 72,842.19	\$ 2,157.81	100%	\$ 2,157.81
3 PW Compressor	\$ 25,000.00	\$ 23,629.85	\$ 1,370.15	100% infra	\$ 1,370.15
4 Water Dist Sys Flushing Equip	\$ 7,500.00	\$ 9,844.38	\$ (2,344.38)	100% infra	\$ (2,344.38)
5 Water Meter Reading Equip	\$ 25,000.00	\$ 12,458.03	\$ 12,541.97	100% infrastr	\$ 12,541.97
6 Grants for Improper Con to Sewer Sys	\$ 20,000.00	\$ 4,500.00	\$ 15,500.00	25% grant	
7 W/s Admin Fees	\$ 179,100.00	\$ 175,260.82	\$ 3,839.18	100% Neg Impac	\$ 3,839.18
8 Premium Pay for Employees	\$ 172,000.00	\$ 174,323.86	\$ (2,323.86)	100% premium p	\$ (2,323.86)
9 Grant John H Enders/Rescue Squad *	\$ 80,000.00	\$ 80,000.00	\$ -	75% grant	
10 Grant to Barns of Rose Hill *	\$ 40,000.00	\$ 40,000.00	\$ -	75% grant	
11 Grant for Façade Improvement	\$ 250,000.00	\$ 174,035.08	\$ 75,964.92	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	\$ 2,086,546.88	\$ 194,401.22	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	\$ 21,073.00	\$ 118,927.00	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	\$ 3,688,897.79	\$ 846,088.21		\$ 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: 11/14/2023

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: 11/14/2023

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

11

Date: 11/14/2023

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: \$173,035.08
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

6

Date: 11/14/2023

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: 11/14/2023

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

14

Date: 11/14/2023

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:

Spot Blight Abatement

Report of November 14, 2023

12 First Street

It appears that no work has occurred on the remaining structure subsequent to the last update to the Council.

The December 15, 2023 deadline for bringing the property into compliance with applicable law will be reached just after the December Town Council meeting.

225 Josephine Street

It appears that no work has been completed on the site subsequent to the last update to the Council.

The December 15, 2023 deadline for bringing the property into compliance with applicable law will be reached just after the December Town Council meeting.

114 Josephine Street

It appears that no work has been completed on the site subsequent to the last update to the Council. Staff has become aware of the fact that the letter that was sent to the owner of 114 Josephine Street just prior to the October Council meeting was lost and was not delivered to the property owner. A new notice has been mailed.

The December 15, 2023 deadline for bringing the property into compliance with applicable law will be reached just after the December Town Council meeting.

229 Josephine Street

Please find attached correspondence from Susan French dated November 9, 2023.

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 the new owner 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 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 of the enumerated work. If the work in question is not completed by the deadline date, then the Town will take action to bring the property into compliance with applicable law.

203 Josephine Street

The structure has been razed and the materials removed from the site.

229 Josephine Street

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

Staff will prepare a draft preliminary determination of blight for this property. That draft will be placed before the Town Council for comment on October 10, 2023.

Attachments

- 114 Josephine correspondence (emails from July 13, 2023 and August 5, 2023)

Report of July 11, 2023

Update

225 Josephine Street

Staff spoke with the property owner and was told that he is working:

- 1) with a contractor to raze the house in the fall,
- 2) to erect an accessory building on the property, and
- 3) to get materials that have been removed from the house off of the property.

114 Josephine Street

Town staff is scheduled to meet with the property owner to discuss work that needs to be completed to close this matter.

203 Josephine Street

The property owner has secured a surveyor to document the non-conforming structure before it is razed.

229 Josephine Street

At its June meeting, the Council requested that staff be able to inspect the cistern located at 229 Josephine Street before July 11 or it would initiate action under §5-3 of the Berryville Code. No such inspection was permitted.

The property owner's intermediary represented to the Town that the cistern has been filled.

Attachments

- 229 Josephine correspondence from June 13 to July 6

Report of June 13, 2023

Update

225 Josephine Street

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

A demolition permit has been secured for the dwelling.

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

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

12 First Street

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

114 Josephine Street

The dwelling has been razed and the building materials have been removed from the site.

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

203 Josephine Street

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

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

229 Josephine Street

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

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

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

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

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

Because the owner's representative claimed (in an email dated 5/18/23) that the owner was confused about what has to be done to get the property in question into compliance with the requirements of the Berryville Code, on 5/22/23 the Town Manager provided a draft letter that outlines what he has determined to be the obvious violations of the requirement of Chapter 5 of the Berryville Code. It is important to note that the town manager has not been permitted to enter the property to conduct an inspection; therefore he must rely on what can be seen from the street and the adjoining property (to the east and south).

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

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

Attachments

- 229 Josephine Street correspondence

Requested action

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

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

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

Report of May 9, 2023

112 Josephine Street

Staff recommends that the Council adopt the following motion:

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

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

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

225 Josephine Street

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

A demolition permit has been secured for the dwelling.

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

12 First Street

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

114 Josephine Street

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

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

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

229 and 203 Josephine Street

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

Attachments

- Recent correspondence regarding the properties in question

Report of April 11, 2023

Update

112 Josephine Street

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

225 Josephine Street

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

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

A demolition permit has been secured for the dwelling.

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

12 First Street

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

114 Josephine Street

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

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

229 and 203 Josephine Street

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

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

Report of March 14, 2023

Update

112 Josephine Street

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

225 Josephine Street

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

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

No demolition permit has been secured for the dwelling.

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

12 First Street

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

114 Josephine Street

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

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

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

229 and 203 Josephine Street

The plan executed by the owner of 229 Josephine Street required that an evaluation of the structure, a list of repairs to be completed on the structure, and a schedule for the

work to be completed be provided to the town manager by February 27, 2023. No submission was provided. The owner and town manager spoke on the phone and the owner is to contact the manager with an update on the plan for the property.

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

Report of February 14, 2023

Update

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

112 Josephine Street

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

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

Construction activity is occurring on the property.

225 Josephine Street

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

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

No demolition permit has been secured for the dwelling.

12 First Street

The southern portion of the building has been demolished.

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

114 Josephine Street

Demolition activity was to have commenced on the site by February 1, 2023. Because no activity was evident on the site, I contacted the owner and he informed me that he

has begun removing salvageable portions of the structure and that the project will be completed by the March 15, 2023 deadline.

229 and 203 Josephine Street

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

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

Attachments

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

Recommended Action(s):

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

Sample Motions:

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

Or

I move that the Council of the Town of Berryville find that the letter submitted to the Town Manager by the owner of 112 Josephine Street on February 6, 2023 does not meet the requirements of the February 6, 2023 milestone of the 112 Josephine Street Blight Abatement Plan and that the Town Manager is hereby directed to begin

enforcement action to bring the subject property into compliance with the Berryville Code.

Report of January 10, 2023

Update

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

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

Attachments

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

Staff requests guidance from the Council in this regard.

Report December 13, 2022

112 Josephine Street

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

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

12 First Street

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

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

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

225 Josephine Street

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

114 Josephine Street

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

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

Attachments

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

Report November 8, 2022

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

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

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

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

Attachments

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

Report September 13, 2022

Update

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

12 First Street

Required Milestones / Schedule

Owner secures demolition permit for southern portion of structure by 9/15/22

List of repairs to be completed on the northern portion of the structure

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

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

112 Josephine Street

Required Milestones / Schedule

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

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

114 Josephine Street

Required Milestones / Schedule

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

225 Josephine Street

Required Milestones / Schedule

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

All work completed (and required inspections passed) on structure and site by

12/15/23

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

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

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

The owner of 225 Josephine Street visited the Town Office on August 10, 2022. He met with the Town Manager. The Town Manager reviewed the required milestones / deadlines contained in the approved plan. The Town Manager highlighted the need for him to meet all deadlines established in the approved plan. The Town Manager agreed to provide the owner with a document that would meet the requirements of the first deadline. The Town Manager drafted a document and provided it to the property owner to review (it was requested that he review the document in detail (the Town Manager encouraged the property owner to seek assistance with this review if he was uncertain of any detail)), and return it signed if he found it acceptable. There has been no more contact from the property owner.

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

The first deadline for all property owners is September 15.

Attachments

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

Report July 12, 2022

Update

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

Report – June 14, 2022

Update

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

Report – May 10, 2022

Update

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

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

Attachment:

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

Recommended Action(s):

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

Sample Motion:

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

Report – April 12, 2022

Update

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

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

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

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

Attachments

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

Recommended Action(s):

- None

Sample Motion:

- None

Report – March 8, 2022

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

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

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

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

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

Recommended Action(s):

- None

Sample Motion:

- None

Report – February 8, 2022

Overview

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

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

Monthly Update

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

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

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

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

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

Attachment:

- Draft Spot Blight Abatement Review Schedule

ATTACHMENTS

Keith Dalton

From: susan french <[REDACTED]>
Sent: Thursday, November 9, 2023 7:22 AM
To: Keith Dalton; Jay Arnold (Mayor); Erecka Gibson; Ryan Tibbens; William Steinmetz; Diane Harrison; Grant Mazzarino; Paul Culp
Subject: Update 229 Josephine Street
Attachments: daltoncouncilnov92023229ltr.pdf; 229frontfoundationopeningcovered.jpg; 229photosidescreenedopening.jpg

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

Please see attached letter and photos

SUSAN L. FRENCH

Winchester, VA 22603

November 9, 2023
Keith Dalton
Town Manager
Mr. Harry Arnold
Mayor
Ms. Erecka Gibson
Deputy Mayor
Council Members
Town of Berryville
101 Chalmers Court
Berryville, VA 22611

Re: 229 Josephine Street – Richard Jenkins

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

I am writing this letter on behalf of Richard Jenkins to provide an update relating to 229 Josephine Street repairs.

This week, the foundation openings were secured – the ventilation opening on the side was covered with framed screening and the front opening secured with siding. We also observed the front door was in good condition and does not need replacing. Presently, it has a piece of plywood across it which will be removed as soon as we confirm the door is secure and locked. Two photos are attached.

In summary the following additional work has already been performed on 229 Josephine Street:

- Front porch removed
- Damaged roof sections replaced
- Two open windows boarded up
- Cistern (small and shallow) located and filled with gravel
- Several trees and branches that compromised structure cut and removed

We are waiting on contractor availability to repair the windows.

Regards,


Susan French for Richard Jenkins





November 14, 2023
Discussion

Invitation for Bids – Tree/Bush Removal and Tree/Brush Takedown Services

Background

The Town planning to have an upgraded water treatment plant constructed and operating by the end of 2026. The work on the treatment plant and the repair work to the intake facility will require a considerable amount of tree clearing. Further, the Town is planning to complete fencing the land that it acquired north of the Public Works facility in 2021. Tree clearing is required at that site as well.

At present, tree clearing may only occur between November 15 and March 31 because of the nesting season of a certain species of bat.

If the permissible clearing window is not met this year, then the work will have to occur in the fall winter of 24/25.

Request

Town staff requests that the Council review the attached IFB that would permit the Town to secure a contractor to fell trees within the permissible timeframe, and authorize its issuance.

Sample Motion

I move that the Council of the Town of Berryville authorize the Town Manager to issue IFB #2023-03 Tree/Brush Removal and Tree/Brush Takedown Services. I further move that the Town Manager is authorized to make necessary amendments and/or provide bidders with addenda to the IFB.

**Invitation for Bids
Town of Berryville
Tree/Brush Removal and Tree/Brush Takedown Services
IFB #2023-03**

Issue Date:

November 15, 2023

Title:

Tree/Brush Removal, and Tree/Brush Takedown Services IFB #2023-03

Purpose and Intent:

The Town of Berryville, Virginia herein referred to as "Town", is soliciting bids from qualified firms to perform tree and brush removal and tree and brush takedown services in accordance with the performance specifications herein. The Town wishes to establish a firm fixed-price contract with a qualified contractor to perform tree and brush removal and tree and brush takedown service in work areas at various locations as listed on Bid Proposal Form Scope of Work of this IFB.

Location of Work Sites:

Work will be completed at several sites in Clarke County, VA. The attached exhibits provide the locations of those sites.

Period of Contract:

Contract period shall begin when the contract is awarded and end with the completion of the project and final payment. However, Town reserves the right to utilize the services of the Contractor within two years of contract award, provided that the Town and Contractor agree to pricing for work to be performed beyond the scope of this offering.

All tree and brush felling operations must be completed between November 15, 2023 and March 31, 2024. All associated material removal operations, brush clearing, chipping, and work area restoration (as required by the Town or VDOT) shall be completed by May 31, 2024.

Pre-bid Conference:

A pre-bid conference will be held at 1:00 p.m. (ET) on November 30, 2023, in the Main Meeting Room of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, VA 22611.

If special ADA accommodations are needed, then please contact Paul Culp at townclerk@berryvilleva.gov no later than November 27, 2023.

After the pre-bid conference has been completed, potential bidders may visit the Berryville Water Treatment Plant (Work Areas 1, 2, & 3) and the Berryville Public Works facility (Work Area 4) to examine the work areas. Parking is available at both facilities.

Questions Regarding this Invitation to Bid / Posting of Addenda:

Any and all questions regarding this invitation for bid shall be submitted in writing to townclerk@berryvilleva.gov by 1:00 p.m. ET on December 6, 2023. The Town will determine whether any addendum should be issued as a result of any questions or other matters raised. Said

addendum, if issued, will be posted on the Town's website and the state procurement website by 5:00 p.m. ET on **December 12, 2023**. Because the Town does not exercise control over the state procurement Website, it hereby informs Bidders that they are expected to check the Town's website for IFB addenda and/or related announcements.

Town website:
berryvilleva.gov/2023/Bid-Procurement-Opportunities

State procurement website (eVA):
eva.virginia.gov

Oral answers to questions relative to interpretation of IFB specifications or the proposal process will not be binding on the Town.

Additional addenda, if needed, will be posted on the same sites referenced above.

Bid Submission:

Bids will be received by the Town until **1:00 p.m. ET on December 18, 2023** (Bid Deadline).

The Bidder assumes full responsibility for the timely delivery of a bid to the designated location. Bids delivered to any other office or location will not be considered. It is the responsibility of the Bidder to ensure that the bid is delivered to the place designated for receipt of bids and prior to the time set for receipt of bids. Bids received after the time designated for receipt of bids will be marked late and will not be considered.

Sealed bids may be either mailed (includes delivery by a shipping company) or hand-delivered to:

Town of Berryville
Business Office
Attention: Cindy Poulin, Treasurer
101 Chalmers Court
Berryville, VA 22611

The entire completed bid document (see attached Bidder's Checklist), including the signed cover section (pages 1-3), signed pricing schedule (each page must be completed (including total on last page) and signed). any/all addenda (acknowledged by Bidder), and any/all required attachments, must be received in the Town Business Office at 101 Chalmers Court, Berryville, VA no later than Bid Deadline.

Bids shall be made on the proposal cover section and the pricing schedule with all items completed.

Before submitting bids, the Bidders shall carefully examine the Specifications and other Contract Documents, visit the work areas, and fully inform themselves by such means as they may think necessary or desirable as to all existing site conditions and limitations.

Bid acceptance period: Any bid made in response to this solicitation shall be valid for 75 days. At the end of the 75 days, the bid may be withdrawn at the written request of the Bidder. If the bid is not withdrawn at that time, it remains in effect until an award is made or the solicitation is canceled.

The following should be clearly marked on both sides of the envelope in which the Bidder's bid is contained:

- "Town of Berryville Tree/Brush Removal and Tree/Brush Takedown Services Bid"
- "Town of Berryville IFB 2023-03"
- "Do not open, sealed bid enclosed"
- Name of bidder and bidder address

No responsibility will be attached to any Town personnel for the premature opening of a bid not properly addressed and identified on the outside of a sealed envelope.

Responsibility for Receipt of Bids:

It is the Bidder's responsibility to ensure that their bid is received prior to or at the specific time and place designated in the solicitation.

Cost of Bid Preparation:

The Bidder is solely responsible for the cost of bid preparation.

Rejection of Late Bids:

Bids received after the date and time specified for receipt will be marked late and will not be considered.

Public Bid Opening:

Bids will be opened at approximately 1:05 p.m. on **December 18, 2023** in the Main Meeting Room of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, VA 22611.

Rejection of Bid Qualified by Bidder:

A bid that is qualified by the Bidder by the attachment of unsolicited terms or conditions under which the bid is to be considered, may be subject to rejection.

Expected Date for Issuance of a Notice of Award and Notice to Proceed

The Town intends to issue a Notice of Intent to Award on or about December 21, 2024.

The Town intends to issue a Notice of Award no later than January 10, 2024.

The Town intends to enter into a contract with the Successful Bidder on or before January 19, 2024.

The Town intends to issue a Notice to Proceed on or before January 26, 2024.

Bidder Certification:

In compliance with this Invitation for Bids (hereafter referred to as "IFB") and all conditions imposed in this IFB, the undersigned firm hereby offers and agrees to furnish all goods and services required by this IFB at the prices indicated in the pricing schedule, and the undersigned firm hereby certifies that all information provided below, and in any schedule attached hereto, is true, correct, and complete.

Name and Address of Firm:

_____	Authorized Signature: _____
_____	Print Name: _____
_____	Title: _____
_____ Zip Code: _____	Date: _____
Federal Id #: _____	Telephone: () _____
Email: _____	Fax: () _____

Non-Discrimination Notice:

This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, sexual orientation, gender identity, political affiliation, or veteran status or any other basis prohibited by state law relating to discrimination in employment.

Scope of Work Summary (See Bid Proposal Scope of Work for detailed scope);

The Town is soliciting bids from qualified firms to perform tree and brush removal and tree and brush takedown services, in accordance with the performance specifications herein. The Town wishes to establish a firm fixed-price contract with a qualified contractor available to perform tree and brush removal and tree and brush takedown service in work areas at various locations as listed on Bid Proposal Form Scope of Work of this IFB.

The Town requests lump-sum pricing for Tree/Brush Removal services within each of the four work areas based on contractor's DBH unit pricing and their evaluation of the respective work areas. The Town also requests lump-sum pricing for Tree/Brush Takedown services at two of the sites. It is the intent of the Town to choose one option, either Tree/Brush Removal or Tree/Brush Takedown, on these two sites.

Detailed work area exhibits are attached to this IFB. The area within which trees will be removed in Work Areas 1 and 3 will be flagged prior to the Pre-bid Conference. Bidders will depend solely on the attached exhibit for Work Area 2 to develop their bid and complete work if they are the successful bidder. Bidders will depend solely on the attached exhibit for Work Area 4 and two marked property corners to develop their bid and complete work if they are the successful bidder. The Work Area markings described above will be in place for the Pre-bid Conference, but the Town does not guarantee the markings will remain in place beyond that date. The successful bidder will be responsible for marking Work Areas as needed to ensure that work only occurs within the designated area. Upon request, Town's engineer will provide CAD files for the exhibits for Work Areas 1, 2, & 3.

Contractor's DBH unit pricing will be used to price work not identified in this IFB that may be added as the project proceeds.

The award of this solicitation does not guarantee or infer that work in all of the above-referenced work areas will be completed by Contractor. Only work at the direction of the Town, in writing, shall be completed. The Town reserves the right to remove work areas or portions of work areas from the scope of work. The Town reserves the right to request additional work, for which unit pricing shall apply.

Work Hours:

Permissible work hours in Work Area 1 will be set by VDOT as a part of its permitting process.

Work in Work Areas 2, 3, and 4 shall be performed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. No work will be permitted on Saturdays, Sundays, or holidays unless approved in advance by the Town.

Contractor Responsibilities:

Contractor shall obtain and pay for all applicable permits prior to beginning any work. Contractor is responsible for obtaining all required permits and conforming to all permit requirements.

The Contractor shall obtain a Town and/or County business license as required.

Contractor shall notify Miss-Utility (811) 3 business-days prior to excavation or clearing activities. Contractor must provide a copy of the ticket to the Director and designated VDOT representative (when working on VDOT right-of-way). Site conditions may dictate the need for marking of any Town-owned utilities. It is the responsibility of the Contractor to notify the Director, ahead of any work performed, that this coordination and locating service is necessary.

The Contractor shall request all applicable inspections as required by this IFB, local, state, and/or federal codes and regulations.

The Contractor shall not act on requests or take direction from anyone except the Director or the Town Manager or designated VDOT representative (when working on VDOT right-of-way.)

Contractor's work shall be performed in accordance with the current versions of the ANSI A300 Pruning Standard, ANSI Z133.1 Safety Standard, and Best Practices - Tree Pruning (companion publication to the ANSI A300 Pruning Standard), Virginia Tree Policy and Seavey Operations 16VAC25-73-10, 16VAC25-75-10 and the current version of the Road and Bridge Specifications, when applicable. Further, all work performed on the VDOT right-of-way or on VDOT property must conform to the VDOT Tree Removal Permit Requirements. A copy of the aforesaid requirements is attached to IFB, but contractor is responsible for ensuring that they are aware of and conform to the current version of VDOT requirements.

Contractor will make all reasonable effort to avoid damaging neighboring trees during the removal of a subject tree. If a neighboring tree is damaged, then it shall be repaired at no additional cost to the Town. Such repairs shall be made in accordance with the current editions of ANSI A300-Pruning and ISA's Best Management Practices - Tree Pruning.

Contractor will remove all debris generated during Tree and Brush Removal operations from work areas at intervals agreed upon by the Town (or VDOT in Work Area 1). Such debris shall be transported and disposed of in a manner that conforms to law. The cost of debris removal from Tree and Brush Removal operations shall be the sole responsibility of the Contractor. If the Town elects to have the Contractor provide Tree and Brush Takedown services in a Work Area, then debris shall be managed in accordance with Tree Takedown measures defined in this offering.

Contractor shall conform all work and operations to the most current version of the Road and Bridge specifications and other applicable regulations and specifications when working with VDOT right-of-way or on VDOT property. Contractor shall secure all required permits and approvals from VDOT before commencing work on the VDOT right-of-way or on VDOT property. Contractor is responsible for adherence to all VDOT regulations and requirements.

Contractor shall follow all regulations, standards, and procedures in accordance with the Administrative Regulation Manual Part III, Occupational Safety and Health Standards 1910.266, 16VAC25-60-120, and 16VAC25-60-130 of the Virginia Department of Labor and Industry and the OSHA Standards for General Industry Part 191.67 (2) (viii).

Contractor shall provide traffic control measures in accordance with VDOT's minimum requirements. All traffic controls shall conform to the latest edition of the Manual on Uniform Traffic Control Device Standards (MUTCD), latest edition of Virginia Work Area Protection Manual (VWAPM), and VDOT IIM-TE-386.1. The Contractor shall provide, transport, erect and maintain and dismantle adequate traffic control work zone signs and or temporary barriers to delineate work areas when required and the price quoted shall include these costs.

The Contractor shall ensure that any member of the crew to be utilized as a flagger shall be certified in the VDOT Flagging Certification Program or the American Traffic Safety Services Association (ATSSA) Flagger Certification Program and maintain a valid certification throughout the contract period. The VDOT or ATSSA flagging certification card must be in their possession at all times. Flaggers found not in possession of a Certification card or performing their duties improperly shall not be allowed to perform work and the operation will be shut down. VDOT will inspect on a regular basis to ensure that flaggers have their Certification cards. Additionally, any crewmember that is used as a flagger shall be able to communicate to the traveling public in English while performing their job duty as a flagger at the flagger station as required in Section 6E.01 of the Virginia Work Area Protection Manual. The cost for flaggers shall be included in the unit rates for DBH removal/takedown.

Contractor shall remove all debris generated in the performance of this contract from the right-of-way each day. Such debris shall be disposed of in accordance with the provisions of this contract and

applicable law. Disposal costs shall be included in the Tree Removal bid prices. Debris shall be kept off the traveled portions and shoulders of the roadway, as work progresses.

The Contractor shall provide all necessary parts, labor, tools, materials, equipment, transportation, supervision, resources, and incidentals as may be required in accordance with the Virginia OSHA Standards. All costs associated with the work and meeting the requirements of permits, shall be included in the DBH quote provided in IFB response.

The Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with this project. All necessary precautions shall be taken to prevent injury to the Contractor's employees and other persons who may be affected by the project, to prevent damage to or loss of materials or equipment incorporated into the project, and to protect this and other property at or adjacent to the site.

The Contractor shall perform all specified work using properly trained, skilled, bonded, and licensed individuals supervised by the Contractor. The Contractor shall be licensed and bonded in the Commonwealth of Virginia and shall have a minimum of five (5) years of experience in this field.

The Contractor shall maintain an adequate supply of manpower and equipment to complete the project in a safe and timely manner. If subcontractors are to be utilized, they must meet the same qualifications and adhere to the same standards as the Contractor. The contractor shall be responsible for completely supervising and directing the work under this contract and all subcontractors that they may utilize, using their best skill and attention. Subcontractors who perform work under this contract shall be responsible to the contractor. The Contractor agrees that they are as fully responsible for the acts and omissions of their subcontractors and of persons employed by them as they are for the acts and omissions of their own employees.

Contractor's supervisor shall be responsible for assigning and coordinating work, notifying the Director and VDOT (applies to work completed on VDOT right-of-way) of crew locations on a daily basis, submitting daily/weekly report to the Town, and addressing general contract performance problems. Contractor's supervisor shall meet with the Town and VDOT (applies to work completed on VDOT right-of-way) representatives on site as needed. All costs incurred for Contractor's supervisor to review work with the Town and VDOT shall be the sole responsibility of the Contractor.

Contractor shall assign an individual to be the contact person for this project. This person must have direct knowledge of the project. The contact person's cellular phone number shall be provided to the Town and VDOT representative for this project. This contact person shall be responsive to calls from the Town and VDOT.

The Contractor shall provide adequate protection for all structures at the site. Any damage to facilities, either privately or publicly owned, by the Contractor shall be repaired or replaced at the Contractor's expense and to the complete satisfaction of the Town.

The Contractor shall make the areas safe at the end of each work shift.

The Contractor shall be responsible for removal and transport of waste to a Contractor-provided dumpsite in a manner consistent with applicable law.

The Contractor shall provide any water needed for operation and the means to transport and distribute said water to meet their needs.

Contractor may not store vehicles, equipment, or materials on Town property without prior written agreement from the Town.

Contractor's supervisor and at least one (1) crewmember on each crew shall be capable of communicating (both orally and in writing) and comprehending the English language.

Contractor's employees and subcontractor employees shall be dressed appropriately for the work. Said employees shall at all times communicate with the public, landowners, Town employees, VDOT employees, and others with whom they come into contact while engaged in this project, in a courteous and respectful manner.

The Contractor shall, after the completion of the project, repair and restore all property damaged by the Contractor's actions. Contractor shall restore damaged property to the same or better condition as it was at the time of the Notice to Proceed. Prior to any construction activities, it is the Contractor's responsibility to document any existing damage or substandard conditions. The Town and VDOT will inspect the work areas and confirm that restoration work has been completed. Retainage will not be released until all work has been Satisfactorily Completed and all equipment has been removed.

Warranty:

All work provided under this contract shall have, as a minimum, one (1) year warranty from the date of final acceptance thereof against any latent defects in design, materials, workmanship, installation, fraud, or such gross mistakes as may amount to fraud.

Insurance:

Contractor shall provide evidence of required insurance coverage before a contract is executed.

Insurance coverage required in this matter is set forth the Town's General Terms and Conditions. Because of the nature of this work, the coverage for this project must conform to the *Major construction (more than \$100,000) or contracts for work deemed hazardous.*

All insurance must remain valid throughout Period of Contract.

Indemnification:

The Contractor agrees to indemnify, defend, and hold harmless the Town of Berryville, its officers, agents, and employees, from any claims, damages, and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment of any kind or nature furnished by the Contractor/any services of any kind or nature furnished by the Contractor, provided that such liability is not attributable to the sole negligence of the Town or to failure of the Town to use the materials, goods, or equipment in the manner already and permanently described by the Contractor on the materials, goods, or equipment delivered.

Cancellation of Contract:

The Town reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 30 days' written notice to the contractor. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

Waiver of Informalities/Rejection of Bids:

The Town reserves the right to waive any informality in or to reject any or all bids, or to delete portions of bids, which in its sole and absolute judgment are responsive to the bid documents and will under all circumstances best serve the Town's interest.

Negotiation with the Lowest Bidder:

Unless all bids are cancelled or rejected, the Town reserves the right granted by § 2.2-4318 of the Code of Virginia to negotiate with the lowest responsive, responsible Bidder to obtain a contract price within the funds allocated to the Town whenever such low bid exceeds the Town's allocated funds. For the purpose of determining when such negotiations may take place, the term "allocated funds" shall mean those funds which were budgeted by the Town for this contract prior to the issuance of the written Invitation for Bids. Negotiations with the low bidder may include both modifications of the bid price and the Scope of Work/Specifications to be performed. The Town may initiate such negotiations by written notice to the lowest responsive, responsible bidder that its bid exceeds the allocated funds and that the Town wishes to negotiate a lower contract price. The times, places, and manner of negotiating shall be agreed to by the Town and the lowest responsive, responsible bidder.

Bid, Performance, and Payment Bonds:

Each bid must be accompanied by a bid bond in the form of a cashier's check or checks payable to the Town of Berryville, Virginia in an amount of at least five percent of the total bid, or a bid bond in like amount, as a guarantee that if the bid is accepted, the Bidder will execute a Contract Agreement for the work and furnish a construction performance bond in the full amount of the bid and a construction payment bond of 100 percent of the total bid, within ten (10) consecutive calendar days following receipt of the Notice of Award.

Bid Evaluation and Award Procedure:

Award will be made to the lowest responsive and responsible Bidder, based on Grand Total of Scope of Work for Tree and Brush Removal in the four Work Areas. Bidders must comply with all provisions of the IFB, and award will be made, provided the bid prices are reasonable and in the best interest of the Town.

Bids will not be accepted from, nor contracts awarded to, any person, firm, or corporation that is in arrears to the Town, or that is not fully qualified or able to perform the work. This includes being qualified and permitted to perform work within the VDOT right-of-way or on VDOT property.

Each Bidder must satisfy the Director as to the suitability and adequacy of their equipment and as to their practical ability to perform the work set forth in these Contract Documents within the specified time. VDOT officials may require the same review.

Bidders may be required to submit satisfactory evidence that they have the necessary financial resources to complete the proposed work.

Withdrawal of Bids:

Any Bidder may withdraw his bid by written request, at any time before the scheduled closing time for receipt of the bids.

Agreement:

The Bidder recommended for award will be required to complete a two-party standard form of agreement (Contract).

The successful Bidder shall execute the formal Contract and furnish a construction performance bond and a construction payment bond satisfactory to the Town within ten (10) business days, Saturdays, Sundays, and holidays excluded, from and including the date of receipt of the Notice of Award. Failure to do so will be an adequate and just cause of annulment or cancellation of the award, and in such case; the bid bond or bid guarantee will become the property of the Town.

Method of Payment:

In accordance of General Terms and Conditions - Invitations for Bids, payment in the form of a check will be issued within thirty days of receipt of an approved invoice.

Definitions:

The following definitions shall be used for specific terms used in this solicitation:

Bidder - Firm submitting a bid in response to this IFB.

Brush - All woody vegetation equal to or less than six (6) inches DBH.

Contractor - Bidder awarded the contract for this offering.

Diameter Breast Height (DBH) - The diameter of trunk of a tree measured at 4.5 feet above mean ground level at the base of the trunk or trunks. In instances where there is a dispute between the Town and Contractor concerning a measurement because of a tree's excessive lean, location on a slope, or having multiple leaders, the method of measurement used shall be in accordance with the most recent version of the International Society of Arboriculture (ISA) Guide for Plant Appraisal.

Director - Berryville Director of Public Works or designee

Felling - Cutting standing tree or brush and having it fall to the ground.

Satisfactorily Completed - All work has been completed by Contractor in accordance with the specifications Contract Documents. This includes inspection by the Town and VDOT (applies to work completed in VDOT right-of-way or VDOT property), and any rework as required by Town and VDOT (applies to work completed in VDOT right-of-way or VDOT property).

Town - Town of Berryville, Virginia

Tree - All woody vegetation greater than six (6) inches DBH.

Tree and brush removal - Total removal of the tree and brush to include the disposal of all debris generated during removal operations. Stumps shall not be more than three (3) inches in height and shall be cut following the contour of the existing grade.

Tree and brush takedown - Removal of the tree and brush with debris generated to remain on site cut into lengths of no more than six (6) feet and piled no higher than three (3) feet. Stumps shall not be more than three (3) inches in height and shall be cut following the contour of the existing grade. All tree limbs not cut and stacked and all brush shall be chipped and the chips dispersed on site.

Unplanned work - Work identified after the award of this contract.

VDOT - Virginia Department of Transportation

Pricing Schedule:

Bidders must complete the attached six-page pricing schedule. Failure to complete all parts of the schedule may result in rejection of bid. Each of the pages must be signed by Bidder.

Total amounts are to be indicated on the bid form, based on quantities and the unit prices bid. The last page provides a place for Bidders to provide the "GRAND TOTAL TREE AND BRUSH REMOVAL SERVICES FOR WORK AREAS 1, 2, 3, & 4". Bidders must complete this section.

Each Bidder shall include in the bid all costs necessary to complete the project, performed in full compliance with the specification requirements and all Contract Documents.

Attachments:

- Contractor Registration
- Bidder's Checklist
- Bid Bond Form
- Pricing Schedule
- Work Area Exhibits
- General Terms and Conditions - Invitation for Bids
- W-9: Identification Number and Certification
- Town's Vendor Registration/Update form
- VDOT Tree Removal Permit Requirements

CONTRACTOR REGISTRATION

If a contract for construction, removal, repair or improvement of a building or other real property is: for \$120,000 or more, or if the total value of all such contracts undertaken by bidder/offeror within any 12-month period is \$750,000 or more, then the bidder/offeror is required under Title 54.1- 1100, Code of Virginia (1950), as amended, to be licensed by the State Board of Contractors a "CLASS A CONTRACTOR."

If such a contract is: for \$10,000 or more but less than \$120,000, or if the total value of all such contracts undertaken by bidder/offeror within any 12-month period is \$150,000 or more, but less than \$750,000 or more, then the bidder/offeror is required under Title 54.1- 1100, Code of Virginia (1950), as amended, to be licensed as a "CLASS B CONTRACTOR."

If such a contract is: over \$1,000 but less than \$10,000, or if the contractor does less than \$150,000 in business in a 12-month period, then the bidder/offeror is required under Title 54.1- 1100, Code of Virginia (1950), as amended, to be licensed as a "CLASS C CONTRACTOR."

The board shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, and ventilation and air conditioning contractors. The bidder/offeror shall place on the outside of the envelope containing the bid/proposal, and shall place in the bid/proposal over his signature, whichever of the following notations is appropriate, inserting his contractor license number:

Licensed Class A Virginia Contractor No. Specialty:

Licensed Class B Virginia Contractor No. Specialty:

Licensed Class C Virginia Contractor No. Specialty:

CONTRACTOR/SUBCONTRACTOR LICENSE REQUIREMENT

By my signature on this solicitation, I certify that this firm/individual and subcontractor is properly licensed for providing the goods/services specified.

Contractor Name:

License #

Type:

Subcontractor Name:

License #

Type:

BIDDER'S CHECKLIST

BIDS MAY NOT BE CONSIDERED if the following documents and/or attachments are not completely filled out with your bid.

Before sending in your bid, please make sure of the following:

One original complete bid package which includes:

Completed IFB Cover Section (original signature - preferably in blue ink)

Completed Pricing Schedule (all sheets with original signature - preferably in blue ink)

Acknowledged addendums (each addendum with original signature - preferably in blue ink)

Town of Berryville Vendor Registration/ Update form

Completed W-9 (original signature - preferably in blue ink)

Certificate of Insurance

Completed Bid Bond (original signature - preferably in blue)

Completed Contractor Registration

Contractor's License

AND

Three copies of the complete bid package (see above)

Please remember that:

Erasures or other descriptive literature, brochures, and/or data must be initialed by the person signing the bid.

Envelope containing bid must be properly marked.

Offerors are encouraged to enclose bid in a separate sealed envelope when placing it the shipping company packaging (if applicable),

Offerors are encouraged to make and retain a separate copy of this bid package for their records.

BID BOND

KNOW ALL PERSON BY THESE PRESENTS, that _____

,of _____
(hereafter designated as "Bidder"), is submitting herewith to Town of Berryville, Virginia (hereafter designated as "Town") a bid, in accordance with the Scope for Tree Removal and Tree Takedown Services.

NOW THEREFORE, Bidder is organized and existing under by virtue of the law of the State/Commonwealth of _____, and authorized to transact business within the State of Virginia, as Surety, hereinafter called the "Surety", are held and firmly bound unto the Town in the sum of _____ Dollars (\$ _____) for the payment of which sum well and truly to be made we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Bidder has submitted the accompanying bid dated _____, 2023 for the Town Tree Removal and Tree Takedown Services.

THE CONDITION OF THIS OBLIGATION IS SUCH that if the Town accepts the Bidder's bid, the Bidder shall, within the period specified therefore, complete the formal contract agreement and furnish the required contract performance bond and contract payment bond as provided in the Contract Documents, upon acceptance of said bid by the Town, or if the Town shall have failed to accept said bid within 30 days of the opening of the bid for this work, then this obligation shall be void and of no effect, but otherwise shall remain in full force and effect. IN WITNESS WHEREOF, the above parties have executed this instrument under their several seals this _____ day of _____, 2023, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing board.

Principal

ATTEST:

By:
Corporate Secretary

By:

Address:

Principal

(Corporate Seal)

Pricing Schedule
IFB#2023-03

Complete and sign each page

WORK AREA 1 (VDOT Right-of-way) Tree and Brush Removal

<u>Size of Tree</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Extended Price</u>
Greater than 6 inches DBH and less than or equal to 12 inches DBH	-----	-----	-----
Greater than 12 inches DBH and less than or equal to 18 inches DBH	-----	-----	-----
Greater than 18 inches DBH and less than or equal to 24 inches DBH	-----	-----	-----
Greater than 24 inches DBH and less than or equal to 30 inches DBH	-----	-----	-----
Greater than 30 inches DBH and less than or equal to 36 inches DBH	-----	-----	-----
Greater than 36 inches DBH and less than or equal to 42 inches DBH	-----	-----	-----
Greater than 42 inches DBH and less than or equal to 48 inches DBH	-----	-----	-----
Greater than 48 inches DBH and less than or equal to 54 inches DBH	-----	-----	-----
Greater than 54 inches DBH	-----	-----	-----
Brush Removal for Work Area 1			

Total Bid for Tree and Brush Removal in Work Area 1 \$ -----

Bidder Firm Name:-----

Bidder's Authorized Signature:-----

Printed Name:-----

WORK AREA 2 (Water Treatment Plant Property) Tree and Brush Removal

<u>Size of Tree</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Extended Price</u>
Greater than 6 inches DBH and less than or equal to 12 inches DBH	-----	----	-----
Greater than 12 inches DBH and less than or equal to 18 inches DBH	-----	----	-----
Greater than 18 inches DBH and less than or equal to 24 inches DBH	-----	----	-----
Greater than 24 inches DBH and less than or equal to 30 inches DBH	-----	----	-----
Greater than 30 inches DBH and less than or equal to 36 inches DBH	-----	----	-----
Greater than 36 inches DBH and less than or equal to 42 inches DBH	-----	----	-----
Greater than 42 inches DBH and less than or equal to 48 inches DBH	-----	----	-----
Greater than 48 inches DBH and less than or equal to 54 inches DBH	-----	----	-----
Greater than 54 inches DBH	-----	----	-----
Brush Removal for Work Area 2			

Total Bid for Tree and Brush Removal in Work Area 2 \$ -----

Bidder Firm Name:-----

Bidder's Authorized Signature: ----- Printed Name: -----

WORK AREA 3 (Private property with Town Easement) Tree and Brush Removal

<u>Size of Tree</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Extended Price</u>
Greater than 6 inches DBH and less than or equal to 12 inches DBH	-----	---	-----
Greater than 12 inches DBH and less than or equal to 18 inches DBH	-----	---	-----
Greater than 18 inches DBH and less than or equal to 24 inches DBH	-----	---	-----
Greater than 24 inches DBH and less than or equal to 30 inches DBH	-----	---	-----
Greater than 30 inches DBH and less than or equal to 36 inches DBH	-----	---	-----
Greater than 36 inches DBH and less than or equal to 42 inches DBH	-----	---	-----
Greater than 42 inches DBH and less than or equal to 48 inches DBH	-----	---	-----
Greater than 48 inches DBH and less than or equal to 54 inches DBH	-----	---	-----
Greater than 54 inches DBH	-----	---	-----
Brush Removal for Work Area 3			-----

Total Bid for Tree and Brush Removal in Work Area 3 \$ -----

Bidder Firm Name:-----

Bidder's Authorized Signature:----- Printed Name:-----

NOTE: Either Tree/Brush Removal or Tree/Brush Takedown will be chosen by the Town for Area 3.

WORK AREA 3 (Private property with Town Easement) Tree and Brush Takedown Work

Size of Tree	Unit Price	Number of Units	Extended Price
Greater than 6 inches DBH and less than or equal to 12 inches DBH	-----	----	-----
Greater than 12 inches DBH and less than or equal to 18 inches DBH	-----	----	-----
Greater than 18 inches DBH and less than or equal to 24 inches DBH	-----	----	-----
Greater than 24 inches DBH and less than or equal to 30 inches DBH	-----	----	-----
Greater than 30 inches DBH and less than or equal to 36 inches DBH	-----	----	-----
Greater than 36 inches DBH and less than or equal to 42 inches DBH	-----	----	-----
Greater than 42 inches DBH and less than or equal to 48 inches DBH	-----	----	-----
Greater than 48 inches DBH and less than or equal to 54 inches DBH	-----	----	-----
Greater than 54 inches DBH	-----	----	-----
Brush Takedown 1 for Work Area 3			

Total Bid for Tree and Brush Takedown in Work Area 3 \$ -----

Bidder Firm Name:-----

Bidder's Authorized Signature:----- Printed Name:-----

NOTE: Either Tree Removal or Tree Takedown will be chosen by the Town for Area 3.

WORK AREA 4 (Public Works facility) Tree and Brush Removal

<u>Size of Tree</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Extended Price</u>
Greater than 6 inches DBH and less than or equal to 12 inches DBH	-----	----	-----
Greater than 12 inches DBH and less than or equal to 18 inches DBH	-----	----	-----
Greater than 18 inches DBH and less than or equal to 24 inches DBH	-----	----	-----
Greater than 24 inches DBH and less than or equal to 30 inches DBH	-----	----	-----
Greater than 30 inches DBH and less than or equal to 36 inches DBH	-----	----	-----
Greater than 36 inches DBH and less than or equal to 42 inches DBH	-----	----	-----
Greater than 42 inches DBH and less than or equal to 48 inches DBH	-----	----	-----
Greater than 48 inches DBH and less than or equal to 54 inches DBH	-----	----	-----
Greater than 54 inches DBH	-----	----	-----
Brush Removal for Work Area 4			

Total Bid for Tree and Brush Removal in Work Area 4 \$ -----

Bidder Firm Name:-----

Bidder's Authorized Signature:----- Printed Name:-----

NOTE: Either Tree Removal or Tree Takedown will be chosen by the Town for Area 4.

WORK AREA 4 (Public Works facility) Tree and Brush Takedown

<u>Size of Tree</u>	<u>Unit Price</u>	<u>Number of Units</u>	<u>Extended Price</u>
Greater than 6 inches DBH and less than or equal to 12 inches DBH	-----	-----	-----
Greater than 12 inches DBH and less than or equal to 18 inches DBH	-----	-----	-----
Greater than 18 inches DBH and less than or equal to 24 inches DBH	-----	-----	-----
Greater than 24 inches DBH and less than or equal to 30 inches DBH	-----	-----	-----
Greater than 30 inches DBH and less than or equal to 36 inches DBH	-----	-----	-----
Greater than 36 inches DBH and less than or equal to 42 inches DBH	-----	-----	-----
Greater than 42 inches DBH and less than or equal to 48 inches DBH	-----	-----	-----
Greater than 48 inches DBH and less than or equal to 54 inches DBH	-----	-----	-----
Greater than 54 inches DBH	-----	-----	-----
Brush Takedown for Work Area 4			

Total Bid for Tree and Brush Takedown in Work Area 4 \$ -----

Bidder Firm Name:-----

Bidder's Authorized Signature: ----- Printed Name: -----

NOTE: Either Tree Removal or Tree Takedown will be chosen by the Town for Area 4.

GRAND TOTAL TREE AND BRUSH REMOVAL SERVICES FOR WORK AREAS 1, 2, 3, & 4 \$ -----

Bidder Firm Name:-----

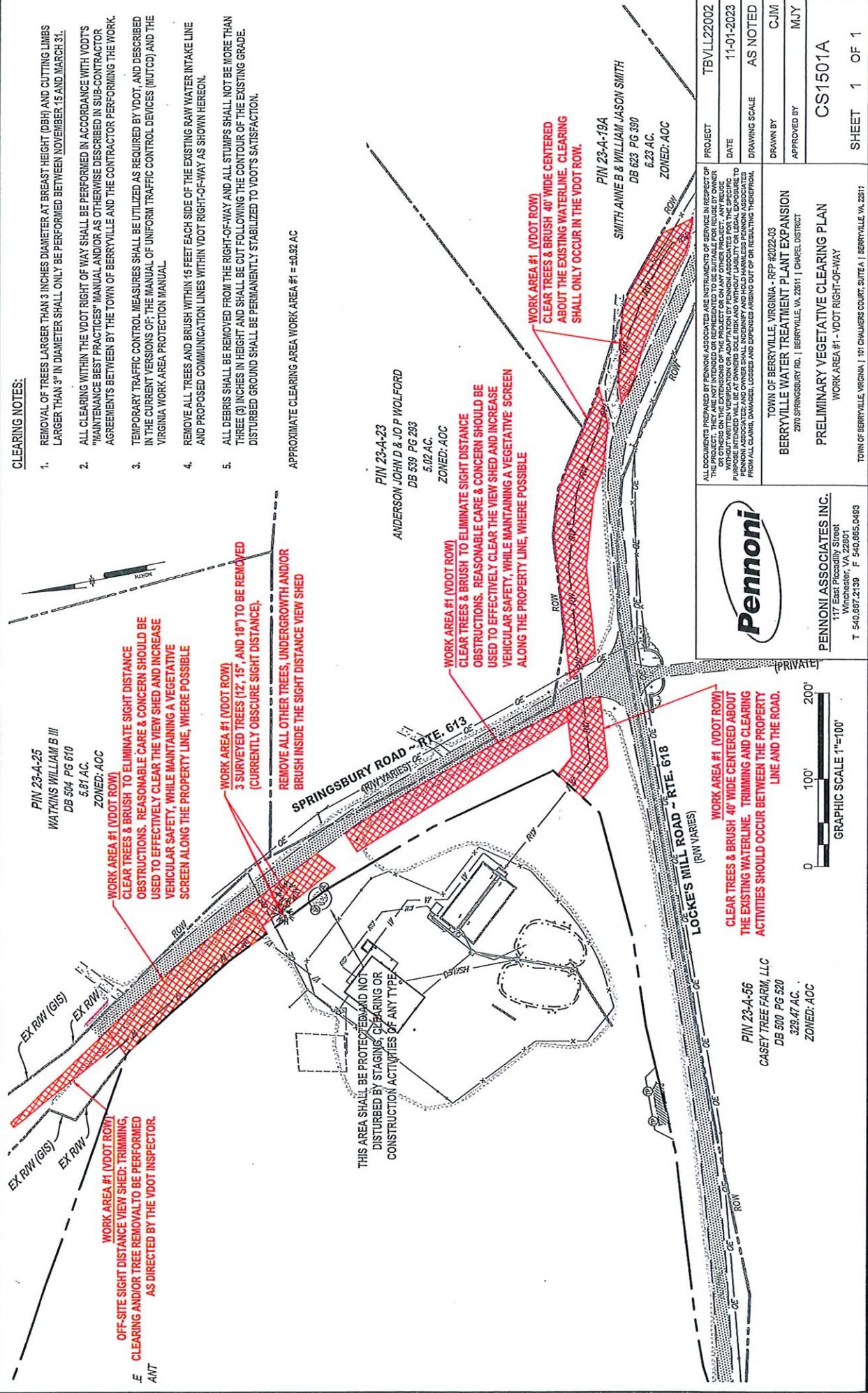
Bidder's Authorized Signature:-----

Printed Name:-----

CLEARING NOTES:

1. REMOVAL OF TREES LARGER THAN 3 INCHES DIAMETER AT BREAST HEIGHT (DBH) AND CUTTING LIMBS LARGER THAN 3" IN DIAMETER SHALL ONLY BE PERFORMED BETWEEN NOVEMBER 15 AND MARCH 31.
2. ALL CLEARING WITHIN THE VDOT RIGHT OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH VDOT'S "MAINTENANCE BEST PRACTICES" MANUAL AND/OR AS OTHERWISE DESCRIBED IN SUB-CONTRACTOR AGREEMENTS BETWEEN BY THE TOWN OF BERRYVILLE AND THE CONTRACTOR PERFORMING THE WORK.
3. TEMPORARY TRAFFIC CONTROL MEASURES SHALL BE UTILIZED AS REQUIRED BY VDOT, AND DESCRIBED IN THE CURRENT VERSIONS OF: THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE VIRGINIA WORK AREA PROTECTION MANUAL.
4. REMOVE ALL TREES AND BRUSH WITHIN 15 FEET EACH SIDE OF THE EXISTING RAW WATER INTAKE LINE AND PROPOSED COMMUNICATION LINES WITHIN VDOT RIGHT-OF-WAY AS SHOWN HEREON.
5. ALL DEBRIS SHALL BE REMOVED FROM THE RIGHT-OF-WAY AND ALL STUMPS SHALL NOT BE MORE THAN THREE (3) INCHES IN HEIGHT AND SHALL BE CUT FOLLOWING THE CONTOUR OF THE EXISTING GRADE. DISTURBED GROUND SHALL BE PERMANENTLY STABILIZED TO VDOT'S SATISFACTION.

APPROXIMATE CLEARING AREA WORK AREA #1 = 40.97 AC



PIN 23-A-25
WATKINS WILLIAM B III
DB 504 PG 610
5.81 AC.
ZONED: AOC

WORK AREA #1 (VDOT ROW)
CLEAR TREES & BRUSH TO ELIMINATE SIGHT DISTANCE OBSTRUCTIONS. REASONABLE CARE & CONCERN SHOULD BE USED TO EFFECTIVELY CLEAR THE VIEW SHED AND INCREASE VEHICULAR SAFETY, WHILE MAINTAINING A VEGETATIVE SCREEN ALONG THE PROPERTY LINE, WHERE POSSIBLE

WORK AREA #1 (VDOT ROW)
3 SURVEYED TREES (12", 15", AND 18") TO BE REMOVED (CURRENTLY OBSCURE SIGHT DISTANCE).
REMOVE ALL OTHER TREES, UNDERGROWTH AND/OR BRUSH INSIDE THE SIGHT DISTANCE VIEW SHED

PIN 23-A-23
ANDERSON JOHN D & JO P WOLFORD
DB 539 PG 293
5.02 AC.
ZONED: AOC

WORK AREA #1 (VDOT ROW)
CLEAR TREES & BRUSH TO ELIMINATE SIGHT DISTANCE OBSTRUCTIONS. REASONABLE CARE & CONCERN SHOULD BE USED TO EFFECTIVELY CLEAR THE VIEW SHED AND INCREASE VEHICULAR SAFETY, WHILE MAINTAINING A VEGETATIVE SCREEN ALONG THE PROPERTY LINE, WHERE POSSIBLE

PIN 23-A-19A
SMITH ANNIE B & WILLIAM JASON SMITH
DB 623 PG 390
6.23 AC.
ZONED: AOC

WORK AREA #1 (VDOT ROW)
CLEAR TREES & BRUSH 40' WIDE CENTERED ABOUT THE EXISTING WATERLINE. CLEARING SHALL ONLY OCCUR IN THE VDOT ROW.

WORK AREA #1 (VDOT ROW)
CLEAR TREES & BRUSH 40' WIDE CENTERED ABOUT THE EXISTING WATERLINE. TRIMMING AND CLEARING ACTIVITIES SHOULD OCCUR BETWEEN THE PROPERTY LINE AND THE ROAD.

PIN 23-A-56
CASEY TREE FARM, LLC
DB 500 PG 520
329.47 AC.
ZONED: AOC



PENNONI ASSOCIATES INC.
117 East Piccadilly Street
Winchester, VA 22601
T 540.667.2139 F 540.855.0493

PROJECT	TBVLL22002
DATE	11-01-2023
DRAWING SCALE	AS NOTED
DRAWN BY	CJM
APPROVED BY	MJY
CS1501A	
SHEET 1 OF 1	

TOWN OF BERRYVILLE, VIRGINIA - RFP #2022-03
BERRYVILLE WATER TREATMENT PLANT EXPANSION
290 SPRINGSBURY RD., BERRYVILLE, VA 22811 | CHAPEL DISTRICT

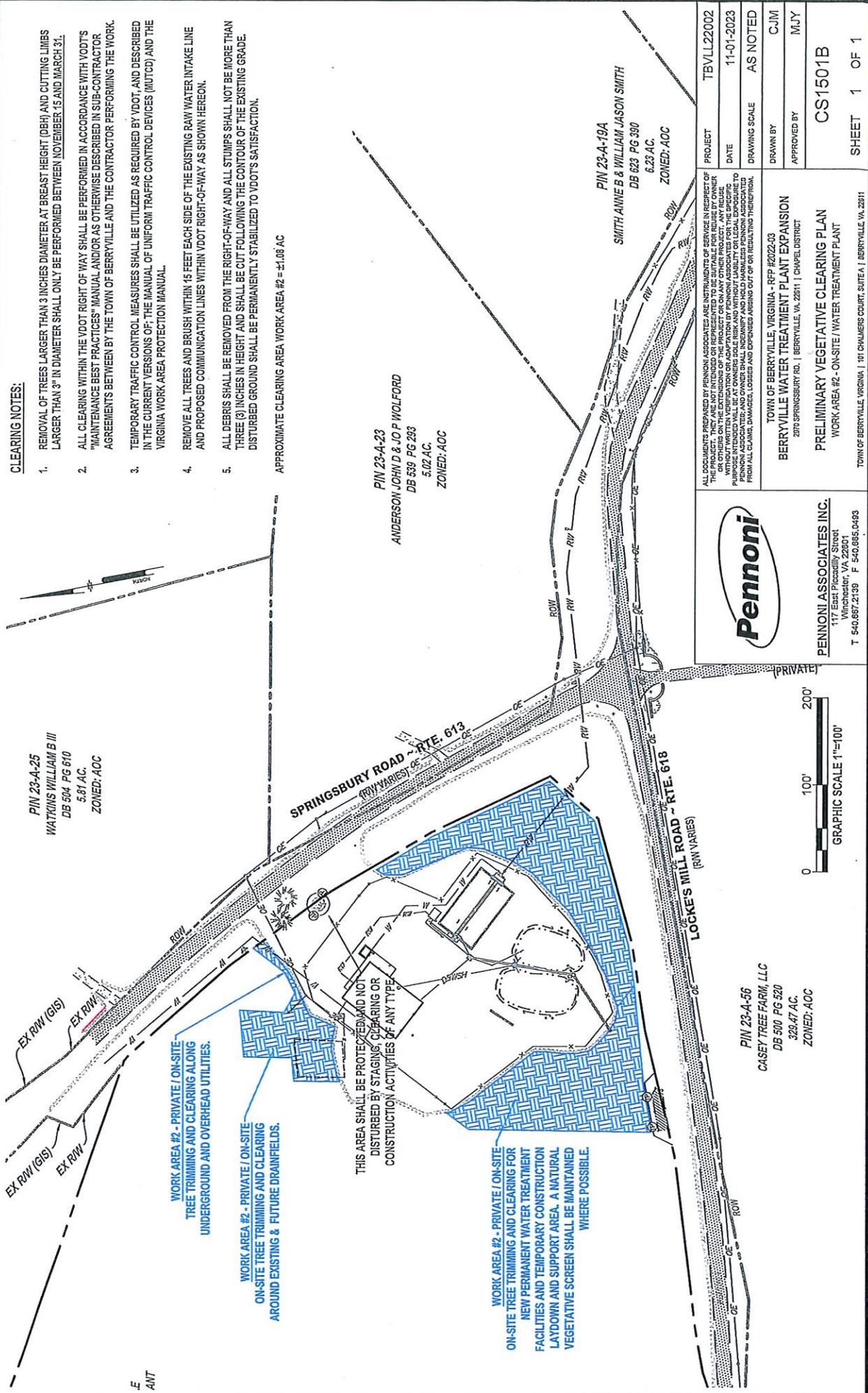
PRELIMINARY VEGETATIVE CLEARING PLAN
WORK AREA #1 - VDOT RIGHT-OF-WAY

TOWN OF BERRYVILLE, VIRGINIA | 101 CHAMBERS COURT, SUITE A | BERRYVILLE, VA 22811

CLEARING NOTES:

1. REMOVAL OF TREES LARGER THAN 3 INCHES DIAMETER AT BREAST HEIGHT (DBH) AND CUTTING LIMBS LARGER THAN 3" IN DIAMETER SHALL ONLY BE PERFORMED BETWEEN NOVEMBER 15 AND MARCH 31.
2. ALL CLEARING WITHIN THE VDOT RIGHT OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH VDOT'S "MAINTENANCE BEST PRACTICES" MANUAL AND/OR AS OTHERWISE DESCRIBED IN SUB-CONTRACTOR AGREEMENTS BETWEEN BY THE TOWN OF BERRYVILLE AND THE CONTRACTOR PERFORMING THE WORK.
3. TEMPORARY TRAFFIC CONTROL MEASURES SHALL BE UTILIZED AS REQUIRED BY VDOT, AND DESCRIBED IN THE CURRENT VERSIONS OF: THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE VIRGINIA WORK AREA PROTECTION MANUAL.
4. REMOVE ALL TREES AND BRUSH WITHIN 15 FEET EACH SIDE OF THE EXISTING RAW WATER INTAKE LINE AND PROPOSED COMMUNICATION LINES WITHIN VDOT RIGHT-OF-WAY AS SHOWN HEREON.
5. ALL DEBRIS SHALL BE REMOVED FROM THE RIGHT-OF-WAY AND ALL STUMPS SHALL NOT BE MORE THAN THREE (3) INCHES IN HEIGHT AND SHALL BE CUT FOLLOWING THE CONTOUR OF THE EXISTING GRADE. DISTURBED GROUND SHALL BE PERMANENTLY STABILIZED TO VDOT'S SATISFACTION.

APPROXIMATE CLEARING AREA WORK AREA #2 = ±1.08 AC



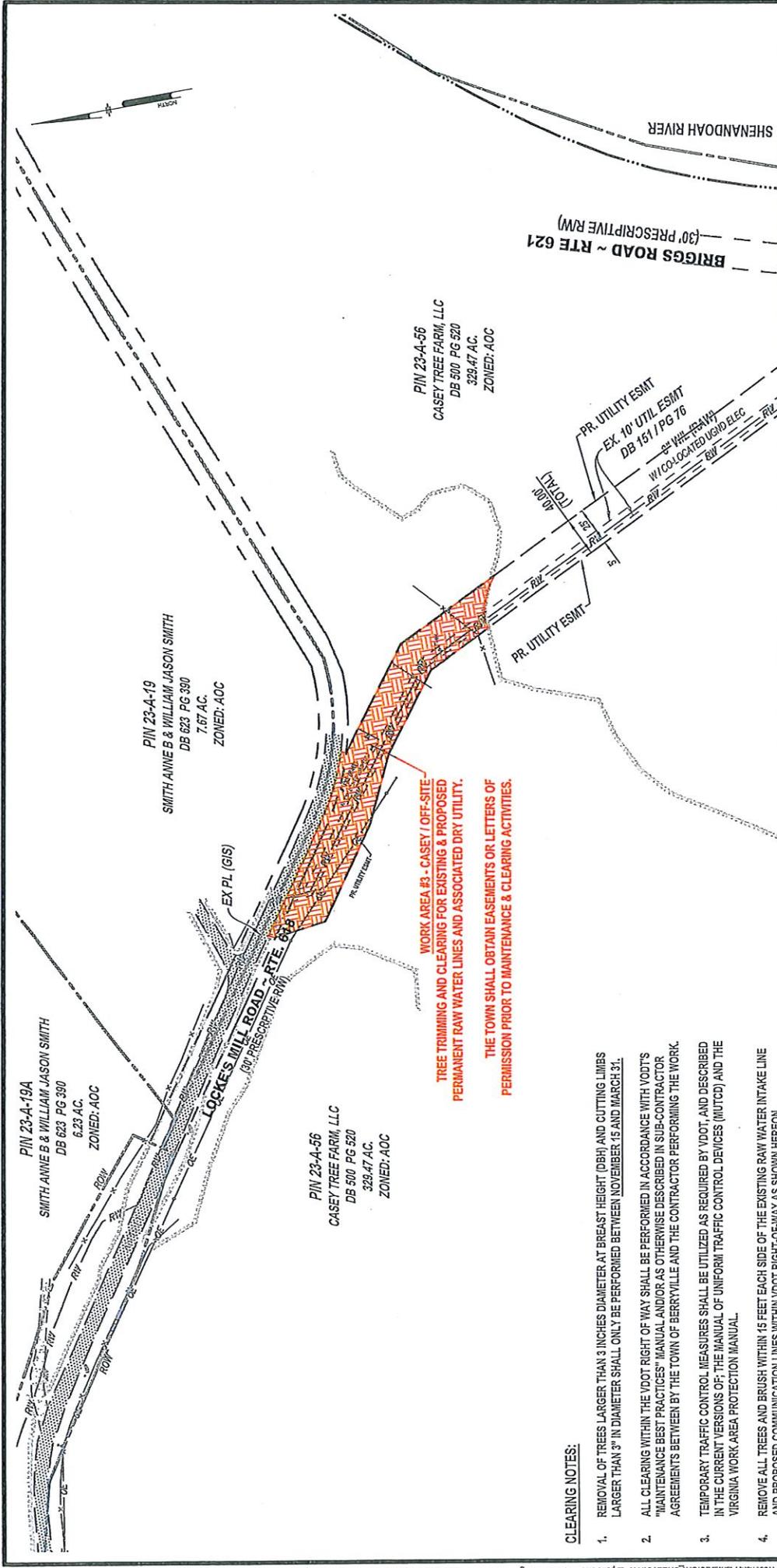
Pennoni
 PENNONI ASSOCIATES INC.
 117 East Piccadilly Street
 Winchester, VA 22601
 T 540.667.2139 F 540.665.0493

TOWN OF BERRYVILLE, VIRGINIA - RFP #2022-03
 BERRYVILLE WATER TREATMENT PLANT EXPANSION
 2070 SPRINGSBURY RD. | BERRYVILLE, VA 22611 | CHAPEL DISTRICT

PRELIMINARY VEGETATIVE CLEARING PLAN
 WORK AREA #2 - ON-SITE / WATER TREATMENT PLANT

TOWN OF BERRYVILLE, VIRGINIA | 101 CHALMERS COURT, SUITE A | BERRYVILLE, VA 22611

PROJECT	TBVLL22002
DATE	11-01-2023
DRAWING SCALE	AS NOTED
DRAWN BY	CJM
APPROVED BY	MJY
CS1501B	
SHEET 1 OF 1	



PROJECT	TBVL22002
DATE	11-01-2023
DRAWING SCALE	AS NOTED
DRAWN BY	CJM
APPROVED BY	MJY
CS1502A	
SHEET 1 OF 1	

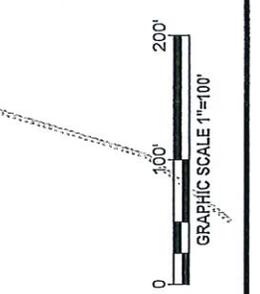
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR RELEASE BY OWNER OR OTHERS ON THE EXTENSION OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE OR REPRODUCTION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF PENNONI ASSOCIATES IS PROHIBITED. PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RELATING TO THESE INSTRUMENTS.

TOWN OF BERRYVILLE, VIRGINIA - REP #2022-03
 BERRYVILLE WATER TREATMENT PLANT EXPANSION
 2970 SPRINGBOURD RD., BERRYVILLE, VA, 22611 | CHAPEL DISTRICT

PRELIMINARY VEGETATIVE CLEARING PLAN
 WORK AREA #3 - CASEY PARCEL

TOWN OF BERRYVILLE, VIRGINIA | 101 CHAMBERS COURT, SUITE A | BERRYVILLE, VA, 22611

Pennonni ASSOCIATES INC.
 117 East Piccadilly Street
 Winchester, VA 22601
 T 540.667.2139 F 540.665.0493



WORK AREA #3 - CASEY / OFF-SITE
TREE TRIMMING AND CLEARING FOR EXISTING & PROPOSED PERMANENT RAW WATER LINES AND ASSOCIATED DRY UTILITY.
THE TOWN SHALL OBTAIN EASEMENTS OR LETTERS OF PERMISSION PRIOR TO MAINTENANCE & CLEARING ACTIVITIES.

CLEARING NOTES:

1. REMOVAL OF TREES LARGER THAN 3 INCHES DIAMETER AT BREAST HEIGHT (DBH) AND CUTTING LIMBS LARGER THAN 3" IN DIAMETER SHALL ONLY BE PERFORMED BETWEEN NOVEMBER 15 AND MARCH 31.
2. ALL CLEARING WITHIN THE VDOT RIGHT OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH VDOT'S "MAINTENANCE BEST PRACTICES" MANUAL AND/OR AS OTHERWISE DESCRIBED IN SUB-CONTRACTOR AGREEMENTS BETWEEN BY THE TOWN OF BERRYVILLE AND THE CONTRACTOR PERFORMING THE WORK.
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4. REMOVE ALL TREES AND BRUSH WITHIN 15 FEET EACH SIDE OF THE EXISTING RAW WATER INTAKE LINE AND PROPOSED COMMUNICATION LINES WITHIN VDOT RIGHT-OF-WAY AS SHOWN HEREON.
5. ALL DEBRIS SHALL BE REMOVED FROM THE RIGHT-OF-WAY AND ALL STUMPS SHALL NOT BE MORE THAN THREE (3) INCHES IN HEIGHT AND SHALL BE CUT FOLLOWING THE CONTOUR OF THE EXISTING GRADE. DISTURBED GROUND SHALL BE PERMANENTLY STABILIZED TO VDOT'S SATISFACTION.

APPROXIMATE CLEARING AREA WORK AREA #3 = 40.40 AC

PIN 23-A-19A
 SMITH ANNE B & WILLIAM JASON SMITH
 DB 623 PG 390
 6.23 AC.
 ZONED: AOC

PIN 23-A-19
 SMITH ANNE B & WILLIAM JASON SMITH
 DB 623 PG 390
 7.67 AC.
 ZONED: AOC

PIN 23-A-56
 CASEY TREE FARM, LLC
 DB 500 PG 520
 329.47 AC.
 ZONED: AOC

PIN 23-A-56
 CASEY TREE FARM, LLC
 DB 500 PG 520
 329.47 AC.
 ZONED: AOC

BRIGGS ROAD ~ RTE 621
 (30' PRESCRIPTIVE RM)

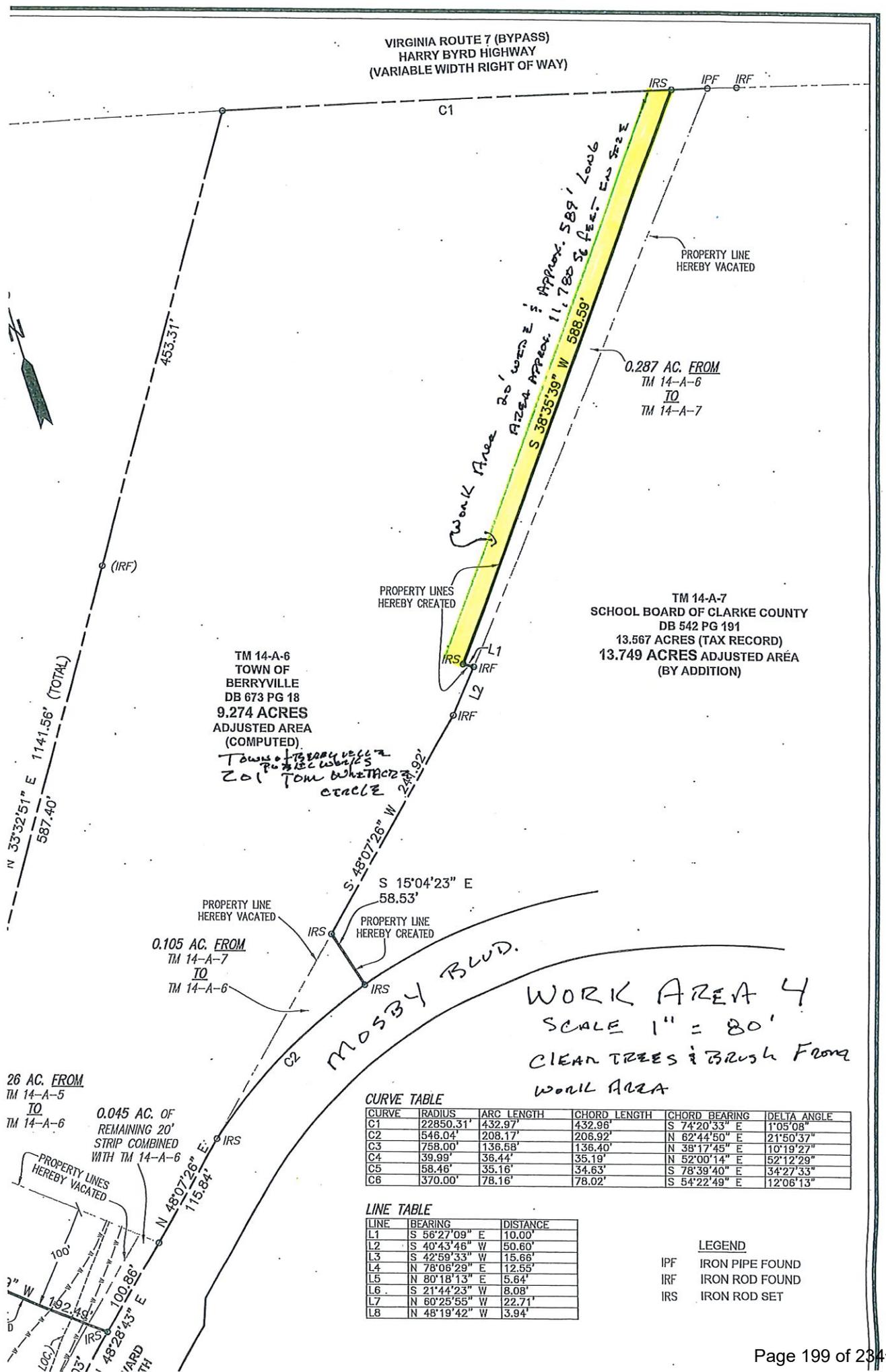
PR-UTILITY ESMT
 EX. 10' UTIL ESMT
 DB 151 / PG 76
 W/ COLOCATED W/MD ELEG

PR-UTILITY ESMT

PR-UTILITY ESMT

EX PL (GIS)
 LOCKES MILL ROAD
 (30' PRESCRIPTIVE RM)

VIRGINIA ROUTE 7 (BYPASS)
HARRY BYRD HIGHWAY
(VARIABLE WIDTH RIGHT OF WAY)



TM 14-A-7
SCHOOL BOARD OF CLARKE COUNTY
DB 542 PG 191
13.567 ACRES (TAX RECORD)
13.749 ACRES ADJUSTED AREA
(BY ADDITION)

TM 14-A-6
TOWN OF BERRYVILLE
DB 673 PG 18
9.274 ACRES
ADJUSTED AREA
(COMPUTED)

*Town of Berryville
Public Works
201 Tom Whitaker
circle*

WORK AREA 4
SCALE 1" = 80'
CLEAN TREES & BRUSH FROM
WORK AREA

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	22850.31'	432.97'	432.96'	S 74°20'33" E	1°05'08"
C2	546.04'	208.17'	206.92'	N 62°44'50" E	21°50'37"
C3	768.00'	136.58'	136.40'	N 38°17'45" E	10°19'27"
C4	39.99'	36.44'	35.19'	N 52°00'14" E	52°12'29"
C5	58.46'	35.16'	34.63'	S 78°39'40" E	34°27'33"
C6	370.00'	78.16'	78.02'	S 54°22'49" E	12°06'13"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 56°27'09" E	10.00'
L2	S 40°43'46" W	50.60'
L3	S 42°59'33" W	15.66'
L4	N 78°06'29" E	12.55'
L5	N 80°18'13" E	5.64'
L6	S 21°44'23" W	8.08'
L7	N 60°25'55" W	22.71'
L8	N 48°19'42" W	3.94'

LEGEND

- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- IRS IRON ROD SET

Town of Berryville
General Terms and Conditions – Invitations for Bids
10/25/23

These General Terms and Conditions are required for use in written solicitations issued by the Town for procurements.

APPLICABLE LAWS AND COURTS: This solicitation and any resulting contract shall be governed in all respects by the laws of the Commonwealth of Virginia, and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The contractor shall comply with all applicable federal, state, and local laws, rules, and regulations.

ANTI-DISCRIMINATION: By submitting their bids, bidders certify to the Town of Berryville that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, and where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act, and § 2.2-4311 of the Virginia Public Procurement Act (VPPA).

Employment discrimination by contractor is prohibited. During the performance of this contract, the contractor agrees as follows:

- A) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
- C) Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The contractor will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

EMPLOYMENT DISCRIMINATION PROHIBITED: Employment discrimination by contractor is prohibited. During the performance of this contract, the contractor agrees as follows:

- A) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

C) Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The contractor will include the provisions of the foregoing paragraphs a, b, and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

ETHICS IN PUBLIC CONTRACTING: By submitting their bids, bidders certify that their bids are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other bidder, supplier, manufacturer, or subcontractor in connection with their bid, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

IMMIGRATION REFORM AND CONTROL ACT OF 1986: By submitting their bids, bidders certify that they do not and will not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the Federal Immigration Reform and Control Act of 1986.

DEBARMENT STATUS: By submitting their bids, bidders certify that they are not currently debarred by the Town of Berryville from submitting bids or proposals on contracts for the type of goods and/or services covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.

MANDATORY USE OF TOWN TERMS AND CONDITIONS FOR IFBs: Modification of or additions to any portion of the Invitation for Bids may be cause for rejection of the bid; however, the Town reserves the right to decide, on a case-by-case basis, in its sole discretion, whether to reject such a bid as nonresponsive. As a precondition to its acceptance, the Town may, in its sole discretion, request that the bidder withdraw or modify nonresponsive portions of a bid which do not affect quality, quantity, price, or delivery. No modification of or addition to the provisions of the contract shall be effective unless reduced to writing and signed by the parties.

BILL PAYMENT POLICY: The Town Treasurer shall make payment in full (unless an alternate payment plan has been agreed upon) for all goods delivered or services rendered, within thirty days of receipt of the bill.

No goods or services shall be deemed received until such goods are completely delivered and found acceptable by the Department Head. For purposes of determining whether or not payment was made in accordance with this policy, payment in full shall be considered to be made on the date the check for payment was mailed or otherwise transmitted.

When a bill submitted to the Town of Berryville is incorrect or when there is a defect or impropriety in a bill submitted, the respective Department Head shall notify the creditor in writing prior to the date on which payment in full is due. The notice shall contain a description of the defect or impropriety and any other additional information to enable the creditor to correct the bill. Upon receiving a corrected bill, the Town of Berryville shall make payment in full on or before the thirtieth calendar day after receipt of the corrected bill.

SUBCONTRACTORS: All Offerors shall include a list of all subcontractors with their proposal. The Town reserves the right to reject the successful Offeror's selection of subcontractors for good cause. If a subcontractor is rejected, the Offeror may replace that subcontractor with another subcontractor subject to the

approval of the Town. Any such replacement shall be at no additional expense to the Town nor shall it result in an extension of time without the Town's approval.

A contractor awarded a contract under this solicitation is hereby obligated:

- A) To pay the subcontractor(s) within seven (7) days of the contractor's receipt of payment from the Town for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or
- B) To notify the Town and the subcontractor(s), in writing, of the contractor's intention to withhold payment, and the reason.

PRECEDENCE OF TERMS: In the event there is a conflict between any of the other General Terms and Conditions and any Special Terms and Conditions in this solicitation, the Special Terms and Conditions shall apply.

QUALIFICATIONS OF BIDDERS: The Town may make such reasonable investigations as deemed proper and necessary to determine the ability of the bidder to perform the services/furnish the goods, and the bidder shall furnish to the Town all such information and data for this purpose as may be requested. The Town reserves the right to inspect bidder's physical facilities prior to award to satisfy questions regarding the bidder's capabilities. The Town further reserves the right to reject any bid if the evidence submitted by, or investigations of, such bidder fails to satisfy the Town that such bidder is properly qualified to carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein.

TESTING AND INSPECTION: The Town reserves the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

ASSIGNMENT OF CONTRACT: A contract shall not be assignable by the contractor in whole or in part without the written consent of the Town.

CHANGES TO THE CONTRACT: Changes can be made to the contract in any of the following ways:

- A) The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
- B) The Town may order changes within the general scope of the contract at any time by written notice to the contractor. Changes within the scope of the contract include, but are not limited to, things such as services to be performed, the method of packing or shipment, and the place of delivery or installation. The contractor shall comply with the notice upon receipt. The contractor shall be compensated for any additional costs incurred as the result of such order and shall give the Town a credit for any savings. Said compensation shall be determined by one of the following methods:
 - 1) By mutual agreement between the parties in writing; or
 - 2) By agreeing upon a unit price or using a unit price set forth in the contract, if the work to be done can be expressed in units, and the contractor accounts for the number of units of work performed, subject to the Town's right to audit the contractor's records and/or to determine the correct number of units independently; or
 - 3) By ordering the contractor to proceed with the work and keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The contractor shall present the Town with all vouchers and records of expenses incurred and savings realized. The Town shall have the right to audit the records of the

contractor as it deems necessary to determine costs or savings. Any claim for an adjustment in price under this provision must be asserted by written notice to the Town within thirty (30) days from the date of receipt of the written order from the Town. If the parties fail to agree on an amount of adjustment, the question of an increase or decrease in the contract price or time for performance shall be resolved in accordance with the procedures for resolving disputes provided by the Disputes Clause of this contract. Neither the existence of a claim nor a dispute resolution process, litigation, or any other provision of this contract shall excuse the contractor from promptly complying with the changes ordered by the Town or with the performance of the contract generally.

DEFAULT: In case of failure to deliver goods or services in accordance with the contract terms and conditions, the Town, after due oral or written notice, may procure them from other sources and hold the contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the Town may have.

TAXES: Sales to the Town are normally exempt from State sales tax. State sales and use tax certificates of exemption will be issued upon request.

BID PRICE CURRENCY: Unless stated otherwise in the solicitation, bidders shall state bid/offer prices in U.S. dollars.

USE OF BRAND NAMES: Unless otherwise provided in this solicitation, unless otherwise provided in the Invitation for Bid, the name of a certain brand does not restrict bidders to a specific brand, make, or manufacturer's name, but conveys the general style, type, character, and quality of the article desired. Any article that the Town in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be acceptable.

TRANSPORTATION AND PACKAGING: By submitting their bids, all bidders certify and warrant that the price offered for FOB destination includes only the actual freight rate costs at the lowest and best rate and is based upon the actual weight of the goods to be shipped. Except as otherwise specified herein, standard commercial packaging, packing and shipping containers shall be used.

NEGOTIATION WITH LOWEST RESPONSIBLE BIDDER: Unless cancelled or rejected, a responsive bid from the lowest responsible bidder shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds allocated funds, the Town may negotiate with the apparent low bidder to obtain a contract price within allocated funds.

A) Procedures for negotiations. If the Town wishes to negotiate with the apparent low bidder to obtain a contract price within allocated funds, negotiations shall be conducted in accordance with the following procedures:

- 1) The using agency shall provide the director of public works, in the case of construction projects, and the procurement officer, in all other matters, with a written determination that the apparent low bid exceeds allocated funds. Said determination shall be confirmed in writing by the treasurer or his/her designee. The using agency may also provide the appropriate officer/director with a suggested reduction in scope for the proposed purchase.
- 2) The appropriate officer/director shall advise the lowest responsible bidder, in writing, that the proposed purchase exceeds allocated funds they may further suggest a reduction in scope for the proposed purchase, and invite the lowest responsible bidder to amend its bid proposal based upon the proposed reduction in scope.

- 3) Repetitive informal discussions with the lowest responsible bidder for purposes of obtaining a contract within allocated funds shall be permissible.
- 4) The lowest responsible bidder shall submit an addendum to its bid, which addendum shall include any change in scope for the proposed purchase, the reduction in price, and the new contract value.
- 5) If the proposed addendum is acceptable to the town, the Town may award a contract within funds allocated to the lowest responsible bidder based upon the amended bid proposal.
- 6) If the Town and the lowest responsible bidder cannot negotiate a contract within allocated funds, all bids shall be rejected.

INSURANCE: By signing and submitting a bid or proposal under this solicitation, the bidder or offeror certifies that if awarded the contract, it will have the following insurance coverage at the time the contract is awarded as well as any other insurance requirements laid out in the request for bid or proposal. The Town requires minimum insurance amounts as recommended by the Virginia Risk Sharing Association for construction contracts, if any subcontractors are involved, the subcontractor will have workers' compensation insurance in accordance with §§ 2.2-4332 and 65.2-800 et seq. of the Code of Virginia. The bidder or offeror further certifies that the contractor and any subcontractors will maintain these insurance coverages during the entire term of the contract and that all insurance coverage will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission. The Town Manager is authorized to amend coverages and limits as required. Such amendments shall be provided in writing and specifically state that established coverages and limits differ from those provided in the Town's General Terms and Conditions.

MINIMUM INSURANCE COVERAGES AND LIMITS REQUIRED FOR MOST CONTRACTS:

General services contracts or leases:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Workers Compensation Insurance -\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit (unless sole proprietor)

Excess Liability-\$1,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

Minor construction contracts (\$99,999.99 or less):

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period (only if consulting or designing is involved).

Excess Liability-\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

Major construction (more than \$100,000) or contracts for work deemed hazardous:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-Refer to Risk Manager-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period).

Excess Liability- Refer to Risk Manager-\$5,000,000 each (CGL/AL/EL) occurrence/\$5,000,000 Annual Policy Aggregate

Professional services contracts: Commercial

General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period).

Cyber or Identity Breach liability-\$1,000,000 each identity breach

Excess Liability-\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

Design professional services and surveyors' contracts:

Commercial General Liability

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$3 million General Aggregate that applies on a per project basis
- \$3 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

Owned and/or Non-Owned Automobile Liability-\$1,000,000 each accident

Employer's Liability-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

Professional Liability (Errors and Omissions)-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one three-year extended reporting period). **Excess**

Liability-\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

The Town shall be a named as an additional insured on any policy obtained by Contractor/ Subcontractor/Vendor/Lessee pursuant to this paragraph. Contractor shall furnish the Town with all Certificates of Insurance that indicate(s) adequate insurance coverage has been obtained. Contractor shall furnish the Town with an additional insured endorsement.

HOLD HARMLESS AGREEMENT: Contractor shall attach to each liability insurance policy, with the exception of Workers' Compensation, the following endorsement: "Contractor and all subcontractors shall save Town harmless from any and all claims, damages, liabilities, expenses of litigation, including attorney's fees, and losses arising out of injury to, or death of, any of Contractor's employees or any other person while

on or about Town's premises or job site in connection with any matters relating to or arising out of the performance of this Contract. It is understood and agreed that the Contractor is at all times acting as an independent contractor."

ADDITIONAL REQUIREMENTS:

During the performance of the Work described in the Contract Documents, the Contractor agrees to:

- A) Employment discrimination by contractor prohibited; required contract provisions (see § 2.2-4311 of the Code of Virginia).
- B) Compliance with federal, state, and local laws and federal immigration law; required contract provisions (see § 2.2-4311.1 of the Code of Virginia).
- C) Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth (see § 2.2-4311.2 of the Code of Virginia.)
- D) Drug-free workplace to be maintained by contractor; required contract provisions (see § 2.2-4312 of the Code of Virginia).
- E) Provide access to adequate toilet facilities as required by law.
- F) Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- G) Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.
- H) Be responsible for the resolution of any and all damage claims presented to either the Town or Contractor

Contractor also agrees to retain all books, documents, papers, account records, subcontracting records, and other evidence supporting services performed, and costs incurred during the contract period for six (6) years after the final invoice is paid.

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	Exempt payee code (if any) _____
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small>	Exemption from FATCA reporting code (if any) _____
	<input type="checkbox"/> Other (see instructions) ▶ _____	<small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
or									
Employer identification number									

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What Is FATCA Reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; do not leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C corporation, or S corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLÉ accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i) (A))	The grantor ⁴
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(ii)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/identitytheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



Town of Berryville
Vendor Registration

Please fill out the information below and the attached W-9 form to be registered as a vendor with the Town of Berryville.

Your company's legal name: _____

Business Type: _____

What kind of products/services does your company offer?

Company Website: _____

Company Address : _____

City _____

State _____ ZIP Code _____

Name of person representing the company: _____

Phone : _____ Fax: _____

Email : _____

Payment Method: _____ Check _____ P-card

***If you accept VISA, you are required to accept P-card payments.**

For Town Office Use Only

Certificate of Insurance Required: _____ Yes _____ No

Contractor's License Required: _____ Yes _____ No

VDOT Tree Removal Permit Requirements

1. Permittee acceptance and use of a Virginia Department of Transportation (VDOT) land use permit is prima facie evidence that the permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.
2. The permittee assumes full responsibility for any and all damages that may occur as a result of the work performed under a VDOT land use permit and agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the permitted activity.
3. For the term of the permit, the permittee shall employ (on staff) or engage (on contract) an arborist who is currently certified by the ISA to represent the permittee. The arborist shall provide the permittee's contract crews with the necessary guidance to ensure that the authorized activities are performed in accordance with the permit provisions. A copy of the arborist's current certification shall be made available upon request by authorized VDOT representatives.
4. The permittee's arborist must be present during all pruning and/or complete tree removal from within state maintained right-of-way.
5. Removal of trees larger than 3 inches diameter at breast height (DBH) and cutting limbs larger than 3" in diameter shall only be performed between November 15 and March 31.
6. It shall be the permittee's responsibility to obtain any and all necessary permits and permissions that may be required by any other government agencies or property owners.
7. No land disturbance shall be allowed under the auspices of a VDOT land use permit authorizing tree pruning or removal on state maintained rights-of way.
8. All cut vegetation shall be immediately removed from state maintained right of way and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) of the Virginia Waste Management Board.
9. When trees are completely removed the stumps shall be cut at ground level and the face of the stump shall be cut parallel with the surrounding grade.
10. Tree pruning and/or removal operations shall be accomplished in accordance with the following:
 - American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)
 - American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.1)
 - International Society of Arboriculture, Best Management Practices – Tree Pruning (ISA)
11. The district roadside manager shall approve all requests for the complete removal of vegetation having a trunk base diameter greater than or equal to 6-inches from state maintained right-of-way.

12. The permittee's arborist shall be available to meet on site with VDOT representatives within 24 hours of notification for dispute or performance resolution.
13. All herbicide applicators shall meet the applicable requirements established by the Virginia Department of Agricultural and Consumer Services and maintain a Category 6 (ROW) certification. Activities involving the chemical control of vegetation shall comply with all applicable federal and state regulations.
14. Stump treatments shall be applied to live deciduous cut stumps in accordance with product label directions and specifications.
15. Any and all highway signs, right-of-way markers, etc., that are disturbed as a result of work performed under the auspices of a land use permit shall be accurately reset by the permittee immediately following completion of the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying may be required.

Town Council Agenda Item Report Summary

November 14, 2023

Item Title

Tree Board Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

Ms. Wood-Brondstater would like to be reappointed to the Tree Board. She was first appointed in October of 2021, filling the unexpired term of Derek Sprincis.

Findings/Current Activity

Ms. Wood-Brondstater works as a teacher and English Language Department Chair for Loudoun County Public Schools. She is also a volunteer and Glen Burnie, Belle Grove, and Blandy where she assists as a gardener at these venues.

Financial Considerations

The Tree Board is a volunteer board.

Schedule/Deadlines

The Tree Board currently meets quarterly on the first Wednesday of each month at 6:00 p.m.

Other Considerations

N/A

Recommendation

Appoint Ms. Wood-Brondstater to the Tree Board.

Sample Motion

I move that the Council of the Town of Berryville reappoint Kelly Wood-Brondstater to the Berryville Tree Board to a term which expires on December 31, 2027.

Public Safety Committee Action Item

Revision of Chapter 6 – Fire Prevention and Protection

The Public Safety committee recommends the following revision to Chapter 6 of the Town Code. This revision acknowledges the legal name of the John H. Enders Fire Company and incorporate the Clarke County Department of Fire and EMS. The revision also removes two state code references that have been repealed from the Code of Virginia.

Chapter 6 - FIRE PREVENTION AND PROTECTION⁽¹⁾

Footnotes:

--- (1) ---

Editor's note— By resolution adopted February 1, 1949, and recorded in Minute Book 4, p. 18, the council recognized the formation, under the statutory procedure, of a volunteer fire company known as the "John H. Enders Fire Company." Such resolution also adopted and approved the provisions of chapter 125, Michie's Virginia Code of 1942, relative to "Fires in Cities and Towns." See now title 27 of the Code of Virginia.

Cross reference— John H. Enders Fire Company, Inc., designated as part of town's official safety program, § 2-8; building regulations, Ch. 5; authority of fire department officers to direct traffic in vicinity of fire, § 10-9; calling fire-fighting apparatus without cause or malicious activation of fire alarm in public building, § 13-8.

State Law reference— Fire protection, Code of Virginia, title 27; ~~authority of town to make regulations for purpose of guarding against danger from accidents by fire, § 15.1-15.~~

Sec. 6-1. - Open burning, generally

- (a) *Purpose.* The purpose of this section is to protect public health, safety, and welfare by regulating open burning within the Town of Berryville to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This ordinance is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.
- (b) *Definitions.* For the purpose of this section and subsequent amendments or any orders issued by the town, the words or phrases shall have the meaning given them in this section.
 - (1) *Clean burning waste* means waste that is not prohibited to be burned under this ordinance and that consists only of (i) one hundred (100) percent wood waste, (ii) one hundred (100) percent clean lumber or clean wood, (iii) one hundred (100) yard waste, or (iv) one hundred (100) mixture of only any combination of wood waste, clean lumber, clean wood, or yard waste.
 - (2) *Clean lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.
 - (3) *Clean wood* means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, by-products of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings, or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders, or resins; or painted, stained, or coated.

- (4) *Construction waste* means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.
- (5) *Debris waste* means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.
- (6) *Demolition waste* means that solid waste which is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.
- (7) *Garbage* means readily putrescible discarded materials composed of animal, vegetable, or other organic matter.
- (8) *Hazardous waste* means a "hazardous waste" as described in 9VAC 20-60, Hazardous Waste Management Regulations.
- (9) *Household waste* means any waste material, including garbage, trash, and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, campgrounds, picnic grounds, and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by state agencies.
- (10) *Industrial waste* means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.
- (11) *Junk* means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
- (12) *Junkyard* means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.
- (13) *Open burning* means the combustion of solid waste without:
 - a. Control of combustion air to maintain adequate temperature for efficient combustion;
 - b. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
 - c. Control of the combustion products' emission.
- (14) *Open pit incinerator* means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.
- (15) *Refuse* means all solid waste products having the characteristics of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or containment or other discarded materials.

- (16) *Salvage operation* means any operation consisting of a business, trade, or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.
- (17) *Smoke* means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash, and other material in concentrations sufficient to form a visible plume.
- (18) *Special incinerator device* means an open pit incinerator, conical, or teepee burner, or any other device specifically designed to provide good combustion performance.
- (19) *Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:
- a. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
 - b. Construction, renovation, or demolition wastes.
 - c. Clean lumber.
- (20) *Yard waste* means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.
- (c) *Prohibitions on open burning.* No owner, tenant, or other person shall cause, suffer, allow or permit open burning within the corporate limits of the Town of Berryville, except as provided in this section.
- (1) No owner, tenant, or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials except when conducting bona fide fire fighting instruction at fire fighting training schools having permanent facilities.
 - (2) No owner, tenant, or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.
 - (3) No owner, tenant, or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the destruction of commercial/industrial waste.
 - (4) Open burning or the use of special incineration devices permitted under the provisions of this section does not exempt or excuse any owner, tenant, or other person from the consequences, liability, damages or injuries that may result from such conduct; nor does it excuse or exempt any owner, tenant, or other person from complying with other applicable laws, ordinances, regulations and orders of governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to § 10.1-1142 of the Forest Fire Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.
 - (5) Upon declaration of an alert, warning, or emergency stage of an air pollution episode as described in 9 VAC 5 Chapter 70 (9VAC 5-70) or when deemed advisable by the State Air Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner, tenant, or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.
- (d) *Exemptions.* Open fire may be set when approved by the town manager and the chief of the John H. Enders Fire Department Company Inc. or chief of Clarke County Department of Fire and EMS for one or more of the following reasons:

- (1) For the prevention of a hazard, that cannot be abated by other means.
 - (2) For instruction of firefighters.
 - (3) For protection of public health.
 - (4) For recognized practices of agriculture, including the burning of fence rows, diseased trees, brush or weeds on properties that are included in farming land use.
 - (5) For recognized practices of reforestation, when such burnings are undertaken in compliance with existing forestry practices.
- (e) *Permissible open burning.*
- (1) Open fires of clean wood, lumber, and wood waste may be used for cooking food for human consumption, recreational purposes, ceremonial purposes and the operation of craft exhibits, and pageants of historical significance. Those who plan to use open fires at ceremonies, craft exhibits, and pageants of historical significance should notify the town manager of the event date, time, and purpose.
 - (2) Salamanders or other devices providing good combustion may be used for heating by construction or other workers. Workers may also burn clean burning waste, not to include construction or demolition waste, in a metal barrel for warmth provided the barrel has a mesh screen of not greater than three-quarters ($\frac{3}{4}$) inches so affixed and maintained so as to prevent the exit of sparks; provided that no fire shall be built within twenty (20) feet of any building, fence, or other structure, nor left unattended. Burning for warmth of construction workers may only be done provided no smoke violation or other nuisance is created.
 - (3) Since the public collection of yard and household waste is available through agents of the Town of Berryville, the open burning of grass, leaves, landscape debris waste, commercial waste, household waste, and other yard waste is not permitted. If any person wishes to burn wood waste, yard waste, or debris waste which the Town of Berryville and its agents decline to collect, then that person must obtain a permit from the town manager before they conduct such burning. Permits will only be issued once the site has been inspected by an agent of the Town of Berryville for potential impact on adjacent properties.
- (f) *Violations.* Any person who violates or fails to comply with any of the mandatory provisions of this section shall be charged with a class 1 misdemeanor (see § 15.2-1429 of the Code of Virginia) as provided by law. Enforcement of this section shall be by the town police department.
- (1) Any Berryville Police Department officer who is summonsed to the scene of an open burn in violation of this section shall instruct the owner or other person to extinguish the fire. If necessary, the fire department with jurisdiction may be called upon to assist with extinguishment.
 - (2) Each separate incident may be considered a new violation.

(Ord. of 4-10-07)

State Law reference— Authority for towns to regulate the making of fires, § 15.2-1118; regulating the burning of woods brush, etc., penalties; § 10.1-114; state air pollution control board, 9VAC 5-40-5641.

Sample Motion

I move that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 6 of the Town Code.

AN ORDINANCE AMENDING CHAPTER 6 OF THE
CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of Town of Berryville, that Chapter 6 – FIRE PREVENTION AND PROTECTION, of the Code of the Town of Berryville, is amended as follows:

Chapter 6 – FIRE PREVENTION AND PROTECTION⁽¹⁾

Footnotes:

---- (1) ----

Editor's note— By resolution adopted February 1, 1949, and recorded in Minute Book 4, p. 18, the council recognized the formation, under the statutory procedure, of a volunteer fire company known as the "John H. Enders Fire Company." Such resolution also adopted and approved the provisions of chapter 125, Michie's Virginia Code of 1942, relative to "Fires in Cities and Towns." See now title 27 of the Code of Virginia.

Cross reference— John H. Enders Fire Company, Inc., designated as part of town's official safety program, § 2-8; building regulations, Ch. 5; authority of fire department officers to direct traffic in vicinity of fire, § 10-9; calling fire-fighting apparatus without cause or malicious activation of fire alarm in public building, § 13-8.

State Law reference— Fire protection, Code of Virginia, title 27; ~~authority of town to make regulations for purpose of guarding against danger from accidents by fire, § 15.1-15.~~

Sec. 6-1. - Open burning, generally

- (a) *Purpose.* The purpose of this section is to protect public health, safety, and welfare by regulating open burning within the Town of Berryville to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This ordinance is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.
- (b) *Definitions.* For the purpose of this section and subsequent amendments or any orders issued by the town, the words or phrases shall have the meaning given them in this section.
- (1) *Clean burning waste* means waste that is not prohibited to be burned under this ordinance and that consists only of (i) one hundred (100) percent wood waste, (ii) one hundred (100) percent clean lumber or clean wood, (iii) one hundred (100) yard waste, or (iv) one hundred (100) mixture of only any combination of wood waste, clean lumber, clean wood, or yard waste.
- (2) *Clean lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.
- (3) *Clean wood* means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, by-products of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings, or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders, or resins; or painted, stained, or coated.
- (4) *Construction waste* means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and

other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

- (5) *Debris waste* means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.
- (6) *Demolition waste* means that solid waste which is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.
- (7) *Garbage* means readily putrescible discarded materials composed of animal, vegetable, or other organic matter.
- (8) *Hazardous waste* means a "hazardous waste" as described in 9VAC 20-60, Hazardous Waste Management Regulations.
- (9) *Household waste* means any waste material, including garbage, trash, and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, campgrounds, picnic grounds, and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by state agencies.
- (10) *Industrial waste* means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.
- (11) *Junk* means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
- (12) *Junkyard* means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.
- (13) *Open burning* means the combustion of solid waste without:
 - a. Control of combustion air to maintain adequate temperature for efficient combustion;
 - b. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
 - c. Control of the combustion products' emission.
- (14) *Open pit incinerator* means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.

- (15) *Refuse* means all solid waste products having the characteristics of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or containment or other discarded materials.
 - (16) *Salvage operation* means any operation consisting of a business, trade, or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.
 - (17) *Smoke* means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash, and other material in concentrations sufficient to form a visible plume.
 - (18) *Special incinerator device* means an open pit incinerator, conical, or teepee burner, or any other device specifically designed to provide good combustion performance.
 - (19) *Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:
 - a. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
 - b. Construction, renovation, or demolition wastes.
 - c. Clean lumber.
 - (20) *Yard waste* means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.
- (c) *Prohibitions on open burning.* No owner, tenant, or other person shall cause, suffer, allow or permit open burning within the corporate limits of the Town of Berryville, except as provided in this section.
- (1) No owner, tenant, or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials except when conducting bona fide fire fighting instruction at fire fighting training schools having permanent facilities.
 - (2) No owner, tenant, or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.
 - (3) No owner, tenant, or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the destruction of commercial/industrial waste.
 - (4) Open burning or the use of special incineration devices permitted under the provisions of this section does not exempt or excuse any owner, tenant, or other person from the consequences, liability, damages or injuries that may result from such conduct; nor does it excuse or exempt any owner, tenant, or other person from complying with other applicable laws, ordinances, regulations and orders of governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to § 10.1-1142 of the Forest Fire Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.

- (5) Upon declaration of an alert, warning, or emergency stage of an air pollution episode as described in 9 VAC 5 Chapter 70 (9VAC 5-70) or when deemed advisable by the State Air Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner, tenant, or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.
- (d) *Exemptions.* Open fire may be set when approved by the town manager and the chief of the John H. Enders Fire ~~Department~~ Company Inc. or chief of Clarke County Department of Fire and EMS for one or more of the following reasons:
- (1) For the prevention of a hazard, that cannot be abated by other means.
 - (2) For instruction of firefighters.
 - (3) For protection of public health.
 - (4) For recognized practices of agriculture, including the burning of fence rows, diseased trees, brush or weeds on properties that are included in farming land use.
 - (5) For recognized practices of reforestation, when such burnings are undertaken in compliance with existing forestry practices.
- (e) *Permissible open burning.*
- (1) Open fires of clean wood, lumber, and wood waste may be used for cooking food for human consumption, recreational purposes, ceremonial purposes and the operation of craft exhibits, and pageants of historical significance. Those who plan to use open fires at ceremonies, craft exhibits, and pageants of historical significance should notify the town manager of the event date, time, and purpose.
 - (2) Salamanders or other devices providing good combustion may be used for heating by construction or other workers. Workers may also burn clean burning waste, not to include construction or demolition waste, in a metal barrel for warmth provided the barrel has a mesh screen of not greater than three-quarters ($\frac{3}{4}$) inches so affixed and maintained so as to prevent the exit of sparks; provided that no fire shall be built within twenty (20) feet of any building, fence, or other structure, nor left unattended. Burning for warmth of construction workers may only be done provided no smoke violation or other nuisance is created.
 - (3) Since the public collection of yard and household waste is available through agents of the Town of Berryville, the open burning of grass, leaves, landscape debris waste, commercial waste, household waste, and other yard waste is not permitted. If any person wishes to burn wood waste, yard waste, or debris waste which the Town of Berryville and its agents decline to collect, then that person must obtain a permit from the town manager before they conduct such burning. Permits will only be issued once the site has been inspected by an agent of the Town of Berryville for potential impact on adjacent properties.
- (f) *Violations.* Any person who violates or fails to comply with any of the mandatory provisions of this section shall be charged with a class 1 misdemeanor (see § 15.2-1429 of the Code of Virginia) as provided by law. Enforcement of this section shall be by the town police department.
- (1) Any Berryville Police Department officer who is summonsed to the scene of an open burn in violation of this section shall instruct the owner or other person to extinguish the fire. If necessary, the fire department with jurisdiction may be called upon to assist with extinguishment.
 - (2) Each separate incident may be considered a new violation.

(Ord. of 4-10-07)

~~State Law reference Authority for towns to regulate the making of fires, § 15.2-1118; regulating the burning of woods brush, etc., penalties; § 10.1-114;~~ state air pollution control board, 9VAC 5-40-5641.

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: November 14, 2023

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: November 14, 2023

Public Safety Committee Action Item

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

The Public Safety committee recommends the following revision to sec. 2-8 of the Town Code. These revisions are necessary to incorporate the legal name of John H. Enders Fire Company and recognize the Clarke County Department of Fire and EMS. It also updates the Virginia Code reference.

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

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

The following entities and their membership are hereby declared to be an integral part of the official safety program of the town:

- i. John H. Enders Fire Company Inc.
- ii. The Berryville Police Department
- iii. Clarke County Department of Fire and EMS

(Ord. of 9-27-18.)

Editor's note— The above section was adopted pursuant to the Line of Duty Act, § 9-400 9.1-400, et seq. of the Code of Virginia.

Sample Motion

I move that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 2 of the Town Code.

AN ORDINANCE AMENDING CHAPTER 2 OF THE
CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of Town of Berryville, that Chapter 2 –
ADMINISTRATION, of the Code of the Town of Berryville, is amended as follows:

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

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

The following entities and their membership are hereby declared to be an integral part of
the official safety program of the town:

- i. John H. Enders Fire Company Inc.
- ii. The Berryville Police Department
- iii. Clarke County Department of Fire and EMS

(Ord. of 9-27-18)

Editor's note— The above section was adopted pursuant to the Line of Duty Act, § 9-
400 9.1-400, et seq. of the Code of Virginia.

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: November 14, 2023

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: November 14, 2023

Public Safety Committee Action Item

Repeal of Sec. 13-30 Open storage of inoperative vehicles in certain zoning districts.

The Public Safety Committee recommends the repeal and reservation of Berryville Town Code sec. 13-30 as it had previously been moved to Chapter 10. The exact same ordinance now is contained in sec. 10-79 where it more logically fits, however the repeal of sec. 13-30 was overlooked in the previous Council action.

~~• Sec. 13-30. Open storage of inoperative vehicles in certain zoning districts.~~

~~(a) It shall be unlawful and a Class 4 misdemeanor for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer, or semi-trailer, as such are defined in § 46.2-100 of the Code of Virginia, which is inoperative. As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this act shall not apply to licensed business which on June 26, 1970, is regularly engaged in the business as an automobile dealer, salvage dealer or scrap processor.~~

~~(b) A maximum of one (1) inoperable motor vehicle, trailer, or semi-trailer may be kept outside of a fully enclosed building or structure, as long as such vehicle, trailer, or semi-trailer is shielded or screened from view. "Shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located or the vehicle is covered by a cover made for vehicles.~~

~~(c) The owners of property zoned for residential or commercial purposes shall, at such time or times as the council may prescribe, remove therefrom any such vehicles, trailers or semi-trailer described above that are not kept within a fully enclosed building or structure.~~

~~(d) The town manager through the town's agents and employees may remove such inoperable motor vehicles, trailers, or semi-trailers as hereinabove described whenever the owner of the premises, after reasonable notice, has failed to do so. Reasonable notice may be given by first class and registered or certified mail addressed to the owner of the premises, as shown on the current real estate tax records, at the address to which the real estate tax bill is mailed; personal service upon an owner of the premises upon which the vehicles are located; or conspicuously posting notice of the violation upon the premises where the inoperative motor vehicles are located. In the event any such motor vehicle, trailer, or semi-trailer is so removed, the town manager through the town's agents and employees may dispose of the same, after giving additional notice to the owner of the vehicle.~~

~~(e) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes and levies are collected. Every such cost with which the owner of the premises has been assessed shall constitute~~

~~a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost has been made to the town.~~

~~(Ord. of 7-18-85; Ord. of 5-9-89; Ord. of 6-13-06; Ord. of 12-9-14(1))~~

~~**Cross reference**—Penalty for Class 4 misdemeanor, [§ 1-11](#); motor vehicles and traffic; [Ch. 10](#); zoning ordinance, App. A.~~

~~**State Law reference**—Authority for above section, Code of Virginia, § 15.2-904.~~

Sec. 13-30. - Reserved

Sample Motion

I move that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 13 of the Town Code.

AN ORDINANCE AMENDING CHAPTER 13 OF THE
CODE OF THE TOWN OF BERRYVILLE

BE IT ORDAINED, by the Council of Town of Berryville, that Chapter 13 – OFFENSES - MISCELLANEOUS, of the Code of the Town of Berryville, is amended as follows:

• ~~Sec. 13-30. -- Open storage of inoperative vehicles in certain zoning districts.~~

~~(a) It shall be unlawful and a Class 4 misdemeanor for any person, firm or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes, any motor vehicle, trailer, or semi-trailer, as such are defined in § 46.2-100 of the Code of Virginia, which is inoperative. As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this act shall not apply to licensed business which on June 26, 1970, is regularly engaged in the business as an automobile dealer, salvage dealer or scrap processor.~~

~~(b) A maximum of one (1) inoperable motor vehicle, trailer, or semi-trailer may be kept outside of a fully enclosed building or structure, as long as such vehicle, trailer, or semi-trailer is shielded or screened from view. "Shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located or the vehicle is covered by a cover made for vehicles.~~

~~(c) The owners of property zoned for residential or commercial purposes shall, at such time or times as the council may prescribe, remove therefrom any such vehicles, trailers or semi-trailer described above that are not kept within a fully enclosed building or structure.~~

~~(d) The town manager through the town's agents and employees may remove such inoperable motor vehicles, trailers, or semi-trailers as hereinabove described whenever the owner of the premises, after reasonable notice, has failed to do so. Reasonable notice may be given by first class and registered or certified mail addressed to the owner of the premises, as shown on the current real estate tax records, at the address to which the real estate tax bill is mailed; personal service upon an owner of the premises upon which the vehicles are located; or conspicuously posting~~

~~notice of the violation upon the premises where the inoperative motor vehicles are located. In the event any such motor vehicle, trailer, or semi-trailer is so removed, the town manager through the town's agents and employees may dispose of the same, after giving additional notice to the owner of the vehicle.~~

~~(e) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes and levies are collected. Every such cost with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost has been made to the town.~~

~~(Ord. of 7-18-85; Ord. of 5-9-89; Ord. of 6-13-06; Ord. of 12-9-14(1))~~

~~**Cross reference**— Penalty for Class 4 misdemeanor, [§ 1-11](#); motor vehicles and traffic; [Ch. 10](#); zoning ordinance, App. A.~~

~~**State Law reference**— Authority for above section, Code of Virginia, § 15.2-904.~~

Sec. 13-30. - Reserved

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: November 14, 2023

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: November 14, 2023