



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

May 14, 2024

7:00 PM

Item

Page

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Presentations/Awards and Recognitions**
Resolution in honor of Darrell Ferrebee
5. **Public Hearing on Proposed Budget for FY25**
Proposed Budget FY25
6. **Discussion of Public Hearing Items**
7. **Citizens' Forum**
8. **Consent Agenda**
Town Council Regular Meeting Minutes 9 April 2024

9. Unfinished Business

Update: IFB# 2024-01- Paving, Milling, and Line Striping

10. New Business

11. Council Member Reports

Mayor

Vice Mayor

Ward 1

Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works

Departmental Update

Public Utilities

Departmental Update

Police Department

Departmental Update

Community Development

Departmental Update

Construction Update

Set Public Hearing- Special Use Permit- Home Occupation at 108 Isaac Court

Set Public Hearing- Repeal and Readopt Section 322 Erosion and Sediment Control

Set Public Hearing- Text Amendments- Street width and street light standards

Administration and Finance

Cash Balance Report

ARPA update

Deputy Town Manager

Berryville Main Street- Hogan's Alley Update

Town Manager

Spot Blight Abatement Update May 2024

13. Committee Updates

Budget and Finance

Community Development

Discussion-Portable Storage Containers

Personnel, Appointments, and Policy

Public Safety

Streets and Utilities

14. Closed Session

15. Adjourn



**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE HONORING
Darrell Ferrebee**

WHEREAS Darrell Ferrebee has been a valued member of Berryville's Department of Public Works for 21 years in the position of Public Works Technician I; and

WHEREAS he aided in installation, repair, and maintenance of the public utilities distribution and collection systems, and unswervingly responded for emergency repairs, even on holidays and in extreme weather; and

WHEREAS Darrell Ferrebee faithfully prepared roadways and cleared snow from streets, parking lots, and sidewalks to ensure safe passage for first responders, residents, businesses, and visitors during snow events in the community; and

WHEREAS he cheerfully maintained the facilities and grounds of community parks, public spaces, and Berryville properties in every season and in every weather; and

WHEREAS he collected fees and maintained parking meters for the entirety of downtown Berryville; and

WHEREAS Darrell Ferrebee also served as model of quiet integrity and dependability.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville honors Darrell Ferrebee's tireless dedication to excellence and service to the community and citizens of Berryville.

By order of the Town Council this 14th day of May, 2024.

Harry Lee Arnold Jr., Mayor

Erecka L. Gibson, Vice Mayor

William Steinmetz
Ward 1

Council Members
Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE TOWN COUNCIL PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on Tuesday, May 14, 2024, to consider the following:

1) Proposed Fiscal Year 2024-2025 Budget as follows:

<u>Resources and Revenues</u>	APPROVED FY 23-24	REQUESTED FY 24-25
GENERAL FUND		
Fund Balance	\$ 0.00	\$ 558,169.00
Revenue from Local Sources	\$ 3,554,275.00	\$ 3,924,275.00
Revenue from State Sources	\$ 949,172.00	\$ 1,088,567.00
Revenue from Other Sources	\$ 1,000.00	\$ 1,000.00
Total	\$ 4,504,447.00	\$ 5,572,011.00
WATER FUND		
Fund Balance	\$ 615,000.00	\$ 0.00
Revenue from Local Sources	\$ 2,506,000.00	\$ 6,494,000.00
Availability Fees	\$ 30,500.00	\$ 0.00
Total	\$ 3,151,500.00	\$ 6,494,000.00
SEWER FUND		
Fund Balance	\$ 1,095,000.00	\$ 360,300.00
Revenue from Local Sources	\$ 1,835,500.00	\$ 2,167,500.00
Availability Fees	\$ 32,750.00	\$ 0.00
Total	\$ 2,963,250.00	\$ 2,527,800.00
TOTAL RESOURCES AND REVENUES	\$ 10,619,197.00	\$ 14,593,811.00

Expenses and Reserves

GENERAL FUND		
Maintenance and Operational	\$ 3,832,630.00	\$ 4,585,350.00
Debt Service	\$ 121,600.00	\$ 121,600.00
Capital Reserves and Expenses	\$ 435,238.10	\$ 727,500.00
Contingency	\$ 114,978.90	\$ 137,561.00
Total	\$ 4,504,447.00	\$ 5,572,011.00
WATER FUND		
Maintenance and Operational	\$ 1,283,410.00	\$ 1,267,315.00
Debt Service	\$ 0.00	\$ 0.00
Capital Reserves and Expenses	\$ 1,829,587.70	\$ 5,188,665.55
Contingency	\$ 38,502.30	\$ 38,019.45

Total	\$	3,151,500.00	\$	6,494,000.00
SEWER FUND				
Maintenance and Operational	\$	1,353,925.00	\$	1,697,864.00
Debt Service	\$	470,000.00	\$	470,000.00
Capital Reserves and Expenses	\$	1,098,707.25	\$	309,000.00
Contingency	\$	40,617.75	\$	50,936.00
Total	\$	2,963,250.00	\$	2,527,800.00
TOTAL EXPENSES AND RESERVES	\$	10,619,197.00	\$	14,593,811.00

Copies of the materials may be examined at www.berryvilleva.gov and the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Director of Finance/Treasurer Cindy Pulin at 540 955-1099. Any person desiring to be heard on this matter should appear at the appointed time and place.

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

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

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Please publish in the Winchester Star on Tuesday, April 30 and Tuesday, May 7, 2024
Please call Cindy with questions – 955-1099

FY 24-25 BUDGET REVENUES

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
GENERAL FUND			
FUND BALANCE			
100-3000000-0000	FUND BALANCE FORWARD	\$ -	\$ 558,169.00
	TOTAL FUND BALANCE	\$ -	\$ 558,169.00
REVENUE FROM LOCAL SOURCES			
100-3110101-0000	CURRENT REAL ESTATE TAXES	\$ 1,355,575.00	\$ 1,355,575.00
100-3110102-0000	DEL REAL ESTATE TAXES	\$ -	\$ -
100-3110201-0000	UTILITY REAL ESTATE TAXES	\$ 11,200.00	\$ 11,200.00
100-3110301-0000	CURRENT PERS PROP TAXES	\$ 400,000.00	\$ 600,000.00
100-3110302-0000	DEL PERS PROP TAXES	\$ -	\$ -
100-3110303-0000	REFUSE COLLECTION(EXTRA TOTERS)	\$ 13,000.00	\$ 13,000.00
100-3110401-0000	MACHINERY & TOOLS	\$ 170,000.00	\$ 180,000.00
100-3110601-0000	TAX PENALTIES	\$ 8,000.00	\$ 8,000.00
100-3110602-0000	TAX INTEREST	\$ 2,000.00	\$ 3,500.00
	TOTAL REV FROM LOCAL SOURCES	1,974,775.00	\$ 2,171,275.00
OTHER LOCAL TAXES			
100-3120101-0000	LOCAL SALES TAX	\$ 280,000.00	\$ 325,000.00
100-3120201-0000	CONSUMER UTILITY TAX	\$ 100,000.00	\$ 110,000.00
100-3120300-0000	BUSINESS LICENSE	\$ 240,000.00	\$ 280,000.00
100-3120402-0000	REC FRANCHISE FEES	\$ 35,000.00	\$ 43,000.00
100-3120501-0000	AUTO LICENSE	\$ 102,000.00	\$ 102,000.00
100-3120601-0000	BANK FRANCHISE FEES	\$ 150,000.00	\$ 175,000.00
100-3120801-0000	CIGARETTE TAX (0c)	\$ 13,000.00	\$ 13,000.00
100-3121001-0000	LODGING TAX (2%)	\$ 10,000.00	\$ 10,000.00
100-3121101-0000	MEALS TAX (4%)	\$ 400,000.00	\$ 430,000.00
	TOTAL OTHER LOCAL TAXES	\$ 1,330,000.00	\$ 1,488,000.00
PERMITS, FEES & LICENSES			
100-3130304-0000	LAND USE APPLICATION FEES	\$ 1,000.00	\$ 1,000.00
100-3130307-0000	ZONING SUBDIVISION FEES	\$ 10,000.00	\$ 10,000.00
	TOTAL PERMITS, FEES & LICENSES	\$ 11,000.00	\$ 11,000.00
FINES & FORFEITURES			
100-3140101-0000	COURT FINES	\$ 12,000.00	\$ 12,000.00
100-3140102-0000	PARKING METER FINES	\$ 2,000.00	\$ 2,000.00
100-3140103-0000	ESUMMONS	\$ 1,000.00	\$ 500.00
	TOTAL FINES & FORFEITURES	\$ 15,000.00	\$ 14,500.00

Account Number	Account Description		FY23-24 APPROVED 2023-2024		FY24-25 DRAFT 2024-2025
REVENUE FROM MONEY OR PROP					
100-3150101-0000	INTEREST ON DEPOSITS	\$	95,000.00	\$	105,000.00
100-3150201-0000	RENTAL OF PROPERTY	\$	12,500.00	\$	13,500.00
100-3150205-0000	WATER TANK SITE LEASE	\$	86,000.00	\$	92,000.00
100-3150206-0000	CHARGE CARD REBATE	\$	17,000.00	\$	14,000.00
	TOTAL FROM MONEY OR PROP	\$	210,500.00	\$	224,500.00
CHARGES FOR SERVICES					
100-3160703-0000	PARKING METERS	\$	8,000.00	\$	10,000.00
100-3161502-0000	SALE OF PUBLICATIONS	\$	-	\$	-
	TOTAL CHARGES FOR SERVICES	\$	8,000.00	\$	10,000.00
MISCELLANEOUS REVENUES					
100-3189905-0000	SALE OF SURPLUS	\$	5,000.00	\$	5,000.00
	TOTAL MISC REVENUES	\$	5,000.00	\$	5,000.00
TOTAL LOCAL REVENUES		\$	3,554,275.00	\$	4,482,444.00

REVENUE FROM THE COMMONWEALTH					
NON-CATEGORICAL AID					
100-3220107-0000	ROLLING STOCK TAX	\$	1,850.00	\$	1,900.00
100-3189999-0000	PPTRA	\$	209,917.00	\$	209,917.00
100-3220201-0000	COMMUNICATION TAX	\$	65,000.00	\$	62,000.00
100-3220106-0000	ARPA FUNDS (2ND YEAR)	\$	-	\$	-
	TOTAL NON-CATEGORICAL AID	\$	276,767.00	\$	273,817.00
CATEGORICAL AID					
100-3220108-0000	595 SNOW ENFORCEMENT GRANT	\$	90,600.00	\$	95,000.00
100-3240103-0000	LE BLOK GRANT	\$	1,000.00	\$	1,000.00
100-3240201-0000	FIRE FUND PROGRAM	\$	15,250.00	\$	15,250.00
100-3240300-0000	VDOT LANE RISE ALLOWANCE	\$	503,000.00	\$	635,000.00
100-3240301-0000	VDOT PRIM RD SNOW REMOVAL REIMB	\$	55,555.00	\$	60,000.00
100-3240302-0000	LITTER CONTROL GRANT	\$	2,500.00	\$	4,000.00
100-3240312-0000	VA COMMISSION FOR THE ARTS	\$	4,500.00	\$	4,500.00
100-3240710-0000	DMV ANIMAL FRIENDLY PLATES	\$	-	\$	-
	TOTAL CATEGORICAL AID	\$	672,405.00	\$	814,750.00
TOTAL FROM THE COMMONWEALTH		\$	949,172.00	\$	1,088,567.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
REVENUE FROM THE FEDERAL GOVERNMENT			
CATEGORICAL AID			
100-3340102-0000	FEDERAL FIRE FUND PROGRAM	\$ -	\$ -
100-3340311-0000	FEDERAL EMERGENCY R&R	\$ -	\$ -
	TOTAL CATEGORICAL AID	\$ -	\$ -
TOTAL FROM FEDERAL GOVERNMENT		\$ -	\$ -
REVENUE FROM OTHER SOURCES			
NON-REVENUE RECEIPTS			
100-3410201-0000	MISCELLANEOUS REVENUES	\$ 1,000.00	\$ 1,000.00
	TOTAL FROM OTHER SOURCES	\$ 1,000.00	\$ 1,000.00
TOTAL FROM OTHER SOURCES		\$ 1,000.00	\$ 1,000.00
TOTAL GENERAL FUND REVENUES		\$ 4,504,447.00	\$ 5,572,011.00
WATER FUND			
FUND BALANCE			
501-3000000-0000	FUND BALANCE	\$ 615,000.00	\$ -
	TOTAL FUND BALANCE	\$ 615,000.00	\$ -
REVENUE FROM USE OF MONEY OR PROP			
501-3150102-0000	INTEREST ON INVESTMENTS	\$ 65,000.00	\$ 130,000.00
	TOTAL FROM USE OF MONEY OR PROP	\$ 65,000.00	\$ 130,000.00
CHARGES FOR SERVICES			
501-3160110-0000	TREATMENT FEES	\$ 1,200,000.00	\$ 1,324,000.00
501-3160111-0000	DELINQUENT ACCT PENALTIES	\$ 40,000.00	\$ 40,000.00
501-3160113-0000	AVAILABILITY CHARGES	\$ 30,500.00	\$ -
501-3160114-0000	CONNECTION CHARGES	\$ -	\$ -
501-3160115-0000	METER FEES	\$ 1,000.00	\$ -
501-3160116-0000	LOAN PROCEEDS	\$ 1,200,000.00	\$ 5,000,000.00
	TOTAL CHARGES FOR SERVICES	\$ 2,471,500.00	\$ 6,364,000.00
TOTAL WATER FUND		\$ 3,151,500.00	\$ 6,494,000.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024		FY24-25 DRAFT 2024-2025	
SEWER FUND					
FUND BALANCE					
502-3000000-0000	FUND BALANCE	\$	1,095,000.00	\$	360,300.00
TOTAL FUND BALANCE		\$	1,095,000.00	\$	360,300.00
REVENUE FROM MONEY OR PROP					
502-3150101-0000	INTEREST INCOME	\$	35,000.00	\$	155,000.00
TOTAL REVENUE FROM MONEY OR PROP		\$	35,000.00	\$	155,000.00
CHARGES FOR SERVICES					
502-3160110-0000	TREATMENT FEES	\$	2,000,000.00	\$	2,012,000.00
502-3160112-0000	SECURITY DEPOSITS	\$	-	\$	-
502-3160113-0000	AVAILABILITY CHARGES	\$	32,750.00	\$	-
TOTAL CHARGES FOR SERVICES		\$	1,832,750.00	\$	2,012,000.00
REVENUE FROM OTHER SOURCES					
NON-REVENUE RECEIPTS					
502-3410401-0000	VRA LOAN	\$	-	\$	-
502-3410402-0000	WQIF Grant	\$	-	\$	-
502-3410404-0000	NUTRIENT CREDIT REBATE		500.00	\$	500.00
TOTAL NON-REVENUE RECEIPTS		\$	500.00	\$	500.00
TOTAL FROM OTHER SOURCES		\$	500.00	\$	500.00
TOTAL SEWER FUND		\$	2,963,250.00	\$	2,527,800.00
TOTAL REVENUES ALL FUNDS		\$	10,619,197.00	\$	14,593,811.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
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FY 24-25 BUDGET EXPENSES

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
GENERAL FUND			
TOWN COUNCIL			
100-4011100-1111	EXPENSE COMPENSATION	\$ 18,900.00	\$ 18,900.00
100-4011100-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 1,450.00	\$ 1,450.00
100-4011100-5540	TRAINING	\$ 400.00	\$ 400.00
100-4011100-5699	LOCAL CONTRIBUTIONS	\$ -	\$ -
100-4011100-5800	MISCELLANEOUS	\$ 5,000.00	\$ 5,000.00
100-4011100-5810	DUES	\$ 3,000.00	\$ 3,000.00
100-4011100-6017	TOWN CODE SUPPLEMENTS	\$ 2,000.00	\$ 2,000.00
100-4011100-6018	STATE CODE SUPPLEMENTS	\$ -	\$ -
TOTAL TOWN COUNCIL		\$ 34,350.00	\$ 30,750.00
TOWN CLERK			
100-4011200-1114	SALARIES/WAGES/TNCLK	\$ 52,100.00	\$ 53,100.00
100-4011200-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 4,100.00	\$ 4,350.00
100-4011200-5510	MILEAGE	\$ 250.00	\$ 250.00
100-4011200-5540	EDUCATION/TRAINING	\$ 1,000.00	\$ 1,000.00
100-4011200-5810	DUES	\$ 100.00	\$ 100.00
TOTAL TOWN CLERK		\$ 57,550.00	\$ 58,800.00
OFFICE OF TOWN MANAGER/DEP TM			
100-4012110-1112	COMPENSATION	\$ 83,000.00	\$ 240,000.00
100-4012110-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 6,500.00	\$ 18,000.00
100-4012110-3399	BUGHT ABATEMENT	\$ 50,000.00	\$ 50,000.00
100-4012110-5230	TELECOMMUNICATIONS	\$ 600.00	\$ 1,200.00
100-4012110-5510	MILEAGE	\$ 150.00	\$ 150.00
100-4012110-5540	TRAINING	\$ 1,000.00	\$ 1,000.00
100-4012110-5810	DUES	\$ 750.00	\$ 750.00
TOTAL TOWN MANAGER		\$ 142,000.00	\$ 311,100.00
LEGAL SERVICES			
100-4012210-3150	PROFESSIONAL SERVICES	\$ 50,000.00	\$ 50,000.00
TOTAL LEGAL SERVICES		\$ 50,000.00	\$ 50,000.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
PERSONNEL			
100-4012220-2210	VRS	\$ 169,000.00	\$ 205,000.00
100-4012220-2220	VMLIP - STD	\$ 650.00	\$ 670.00
100-4012220-2230	VMLIP - LTD	\$ 6,900.00	\$ 8,800.00
100-4012220-2250	Line of Duty Act	\$ 8,500.00	\$ 8,200.00
100-4012220-2300	HEALTH INSURANCE	\$ 227,000.00	\$ 265,000.00
100-4012220-2400	LIFE INSURANCE	\$ 17,400.00	\$ 21,000.00
100-4012220-2600	UNEMPLOYMENT INSURANCE	\$ 230.00	\$ 180.00
100-4012220-2700	WORKER'S COMPENSATION	\$ 35,000.00	\$ 35,000.00
100-4012220-3110	RANDOM DRUG SCREENING	\$ 750.00	\$ 750.00
100-4012220-9001	EMPLOYEE RECOGNITION	\$ 2,000.00	\$ 2,000.00
	TOTAL PERSONNEL	\$ 577,430.00	\$ 546,600.00
INDEPENDENT AUDITOR			
100-4012240-3120	CONTRACTUAL SERVICES	\$ 20,000.00	\$ 21,000.00
	TOTAL INDEPENDENT AUDITOR	\$ 20,000.00	\$ 21,000.00
TOWN TREASURER			
100-4012410-1113	COMPENSATION	\$ 85,500.00	\$ 92,000.00
100-4012410-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 6,700.00	\$ 9,100.00
100-4012410-3130	PROFESSIONAL SER/TAX CONV	\$ 2,500.00	\$ 2,500.00
100-4012410-3150	PROFESSIONAL SER/VEC	\$ -	\$ -
100-4012410-5306	SURETY BONDS	\$ 500.00	\$ 500.00
100-4012410-5540	TRAINING	\$ 2,000.00	\$ 2,000.00
100-4012410-5810	DUES	\$ 1,000.00	\$ 1,000.00
100-4012410-6015	AUTO DECALS	\$ -	\$ -
100-4012410-6020	CIGARETTE TAX STAMPS	\$ -	\$ -
	TOTAL TOWN TREASURER	\$ 98,200.00	\$ 107,100.00
FINANCE/ACCOUNTING			
100-4012430-1113	COMPENSATION	\$ 130,000.00	\$ 131,000.00
100-4012430-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 9,700.00	\$ 10,000.00
100-4012430-5540	TRAINING	\$ 3,400.00	\$ 3,400.00
	TOTAL FINANCE/ACCOUNTING	\$ 143,100.00	\$ 144,400.00
CENTRAL ADM/PURCHASING			
100-4012530-3320	MAINTENANCE CONTRACTS	\$ 52,250.00	\$ 69,000.00
100-4012530-3400	WEB SITE	\$ 1,000.00	\$ 1,000.00
100-4012530-3450	DIGITIZING	\$ 7,000.00	\$ 7,000.00
100-4012530-3501	NEWSLETTER	\$ 1,000.00	\$ 1,000.00
100-4012530-3600	ADVERTISING	\$ 8,000.00	\$ 8,000.00
100-4012530-5210	POSTAGE	\$ 16,000.00	\$ 17,000.00
100-4012530-5230	TELECOMMUNICATIONS	\$ 4,300.00	\$ 4,500.00
100-4012530-5250	SOCIAL MEDIA ARCHIVING	\$ 3,300.00	\$ 3,300.00
100-4012530-5415	COPIER LEASE	\$ 5,100.00	\$ 5,300.00
100-4012530-5540	TRAINING	\$ 2,500.00	\$ 2,500.00
100-4012530-5699	CONTRIBUTION / CC SOCIAL MEDIA	\$ 5,000.00	\$ 5,000.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
100-4012530-5810	DUES	\$ 500.00	\$ 500.00
100-4012530-6001	OFFICE SUPPLIES	\$ 15,000.00	\$ 17,000.00
	TOTAL CENTRAL ADM/PURCHASING	\$ 120,950.00	\$ 141,100.00
	RISK MANAGEMENT		
100-4012550-5304	BLANKET EXCESS LIABILITY	\$ 16,000.00	\$ 16,000.00
100-4012550-5305	AUTOMOBILE INSURANCE	\$ 13,000.00	\$ 15,500.00
100-4012550-5308	SEMI-MULTI PERIL INS	\$ 36,500.00	\$ 43,000.00
100-4012550-5800	INSURANCE DEDUCTABLES	\$ -	\$ -
	TOTAL RISK MANAGEMENT	\$ 65,500.00	\$ 74,500.00
	ENGINEERING SERVICES		
100-4012600-3140	ENGINEERING SERVICES	\$ 5,000.00	\$ 5,000.00
	TOTAL ENGINEERING SERVICES	\$ 5,000.00	\$ 5,000.00
	ELECTIONS		
100-4013100-1125	ELECTION OFFICIALS	\$ 2,500.00	\$ 3,500.00
100-4013100-6001	OFFICE SUPPLIES	\$ 1,500.00	\$ 1,500.00
	TOTAL ELECTIONS	\$ 4,000.00	\$ 5,000.00
	PUBLIC DEFENDER FEES		
100-4021500-3150	PUBLIC DEFENDER FEES	\$ 2,000.00	\$ 2,000.00
	TOTAL PUBLIC DEFENDER FEES	\$ 2,000.00	\$ 2,000.00
	POLICE DEPARTMENT		
100-4031100-1139	COMPUTER	\$ 700,500.00	\$ 794,400.00
100-4031100-2100	MATCHING FICA DEDUCTION (5.5%)	\$ 54,000.00	\$ 60,500.00
100-4031100-3110	MEDICAL EXAMINATIONS	\$ 900.00	\$ 500.00
100-4031100-3115	PRE-EMPLOYMENT SCREENING	\$ 250.00	\$ 2,000.00
100-4031100-3190	INTERPRETER	\$ 400.00	\$ 400.00
100-4031100-3310	VEHICLE REPAIR & MAINTENANCE	\$ 12,000.00	\$ 16,000.00
100-4031100-3320	MAINTENANCE CONTRACTS	\$ 40,100.00	\$ 34,300.00
100-4031100-4081	RICH RAU SAFETY EQUIP & EDUCATION	\$ 5,000.00	\$ 5,000.00
100-4031100-4082	WILDLIFE MANAGEMENT	\$ 250.00	\$ 250.00
100-4031100-5210	POSTAGE	\$ 500.00	\$ 500.00
100-4031100-5230	TELECOMMUNICATIONS	\$ 3,000.00	\$ 5,600.00
100-4031100-5415	COPIER LEASE	\$ 4,400.00	\$ 5,300.00
100-4031100-5540	TRAINING	\$ 19,000.00	\$ 16,000.00
100-4031100-5545	OFFICE ACCREDITATION	\$ 500.00	\$ 500.00
100-4031100-5810	DUES	\$ 850.00	\$ 850.00
100-4031100-5815	COMMUNITY RELATIONS	\$ 2,000.00	\$ 2,000.00
100-4031100-6001	OFFICE SUPPLIES	\$ 1,600.00	\$ 1,800.00
100-4031100-6008	VEHICLE GASOLINE & OIL	\$ 20,000.00	\$ 20,000.00
100-4031100-6010	POLICE SUPPLIES	\$ 13,500.00	\$ 14,000.00
100-4031100-6011	UNIFORMS	\$ 3,000.00	\$ 5,000.00
100-4031100-6012	RECRUITMENT/ADVERTISING	\$	\$ 2,000.00
	TOTAL POLICE DEPARTMENT	\$ 881,750.00	\$ 986,900.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
	TRAFFIC CONTROL		
100-4031300-5699	COUNTY CONT/CROSSING GD	\$ 2,500.00	\$ 2,500.00
	TOTAL TRAFFIC CONTROL	\$ 2,500.00	\$ 2,500.00
	EMERGENCY SERVICES		
100-4031400-5699	CONTRIBUTION/CC CENT ALRM	\$ 5,000.00	\$ 5,000.00
	TOTAL EMERGENCY SERVICES	\$ 5,000.00	\$ 5,000.00
	VOLUNTEER FIRE DEPARTMENT		
100-4032200-5699	CONTRIBUTION/JHEVFD	\$ 30,000.00	\$ 30,000.00
100-4032200-5707	FIRE FUND PROGRAM	\$ 18,500.00	\$ 22,000.00
100-4032200-8411	CAPITAL PROJECT	\$ 36,000.00	\$ 85,000.00
	TOTAL VOLUNTEER FIRE DEPT	\$ 84,500.00	\$ 137,000.00
	CORRECTION & DETENTION		
100-4033200-5550	CONFINEMENT OF PRISONERS	\$ -	\$ -
	TOTAL CORRECTION & DETENTION	\$ -	\$ -
	PUBLIC WORKS ADMINISTRATION		
100-4041100-1140	COMPENSATION	\$ 38,000.00	\$ 61,500.00
100-4041100-2100	MATCHING FICA EXPENSE (7.65%)	\$ 2,900.00	\$ 4,700.00
100-4041100-3110	MEDICAL EXAMS	\$ 1,000.00	\$ 1,000.00
100-4041100-3310	VEHICLE REP & MAINTENANCE	\$ 11,000.00	\$ 11,000.00
100-4041100-5120	FUEL OIL/HEAT	\$ 3,000.00	\$ 3,000.00
100-4041100-5230	TELECOMMUNICATIONS	\$ 8,000.00	\$ 8,000.00
100-4041100-5415	COPIES	\$ 2,700.00	\$ 4,200.00
100-4041100-5540	TRAINING	\$ 6,000.00	\$ 4,000.00
100-4041100-6001	OFFICE SUPPLIES	\$ 500.00	\$ 500.00
	TOTAL PUBLI WKS ADMINISTRATION	\$ 73,100.00	\$ 97,900.00
	HWYS, STS BRIDGES & SDWLKS		
100-4041200-1183	COMPENSATION	\$ 191,000.00	\$ 205,000.00
100-4041200-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 14,800.00	\$ 16,000.00
100-4041200-3310	EQUIPMENT MAINTENANCE	\$ 12,000.00	\$ 18,000.00
100-4041200-3311	STREET TREES/SIDEWALKS	\$ 15,000.00	\$ 15,000.00
100-4041200-3315	SIDEWALK MAINTENANCE	\$ 16,000.00	\$ 16,000.00
100-4041200-3316	STREET SIGN MAINTENANCE	\$ -	\$ -
100-4041200-5425	NORFOLK/SOUTHERN R-O-W'S	\$ 1,200.00	\$ 1,200.00
100-4041200-6007	MATERIALS & SUPPLIES	\$ 6,000.00	\$ 8,000.00
100-4041200-6008	VEHICLE GASOLINE & OIL	\$ 24,000.00	\$ 24,000.00
100-4041200-6011	UNIFORMS	\$ 6,000.00	\$ 6,000.00
	TOTAL HWYS, STS BRIDGES & SWLKS	\$ 286,000.00	\$ 309,200.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
	VDOT STREET MAINTENANCE		
100-4041250-3140	ENGINEERING	\$ 10,000.00	\$ 50,000.00
100-4041250-3310	EQUIPMENT MAINTENANCE	\$ 15,000.00	\$ 20,000.00
100-4041250-3311	STORM SEWER MAINTENANCE	\$ 15,000.00	\$ 20,000.00
100-4041250-3316	SIGN MAINTENANCE	\$ 10,000.00	\$ 10,000.00
100-4041250-5800	CONTINGENCY	\$ 25,000.00	\$ 27,000.00
100-4041250-6007	MATERIALS AND SUPPLIES	\$ 10,000.00	\$ 10,000.00
100-4041250-6050	STREET MAINTENANCE	\$ 125,000.00	\$ 135,000.00
100-4041250-6060	SIDEWALK REPLACEMENT	\$ 45,000.00	\$ 45,000.00
100-4041250-6135	MOWING/TREE REMOVAL	\$ 15,000.00	\$ 15,000.00
100-4041250-6207	STREET SWEEPING	\$ 18,000.00	\$ 18,000.00
100-4041250-6307	SNOW REMOVAL	\$ 180,000.00	\$ 180,000.00
100-4041250-8801	EQUIPMENT PURCHASE	\$ -	\$ 50,000.00
100-4041250-8803	PW SITE IMPROVEMENTS	\$ 15,000.00	\$ 50,000.00
100-4041250-8804	SAFETY EQUIPMENT	\$ 5,000.00	\$ 5,000.00
	TOTAL VDOT STREET MAINTENANCE	\$ 503,000.00	\$ 635,000.00
	STREET LIGHTS		
100-4041320-5110	ELECTRICITY	\$ 90,000.00	\$ 90,000.00
	TOTAL STREET LIGHTS	\$ 90,000.00	\$ 90,000.00
	SNOW REMOVAL - DOWNTOWN		
100-4041330-3220	CONTRACTUAL SERVICES	\$ 20,000.00	\$ 20,000.00
100-4041330-6007	MATERIALS & SUPPLIES	\$ 2,000.00	\$ 2,000.00
	TOTAL SNOW REMOVAL - DOWNTOWN	\$ 22,000.00	\$ 22,000.00
	PARKING METERS & LOTS		
100-4041340-6007	MATERIALS & SUPPLIES	\$ 2,000.00	\$ 3,000.00
	TOTAL PARKING METERS & LOTS	\$ 2,000.00	\$ 3,000.00
	REFUSE COLLECTION		
100-4042300-3220	CONTRACTUAL SERVICES	\$ 240,000.00	\$ 250,000.00
100-4042300-6225	RECYCLING SERVICES	\$ 110,000.00	\$ 120,000.00
	TOTAL REFUSE COLLECTION	\$ 350,000.00	\$ 370,000.00
	REFUSE DISPOSAL		
100-4042400-3800	FCO LANDFILL CHARGES	\$ 50,000.00	\$ 30,000.00
	TOTAL REFUSE DISPOSAL	\$ 50,000.00	\$ 30,000.00
	GENERAL PROPERTIES		
100-4043200-3310	IMPROVEMENT,REPAIR,MAINTENANCE	\$ 47,000.00	\$ 50,000.00
100-4043200-3325	HERMITAGE SWPOND MAINT	\$ 4,100.00	\$ 5,400.00
100-4043200-6007	MATERIALS & SUPPLIES	\$ 500.00	\$ 500.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
100-4043200-6017	CHRISTMAS WREATHS	\$ 500.00	\$ 500.00
	TOTAL GENERAL PROPERTIES	\$ 52,100.00	\$ 56,400.00
	BUILDING SERVICES		
100-4064200-3150	PROFESSIONAL SERVICES	\$ 1,000.00	\$ 1,000.00
100-4064200-3200	CONTRACTURAL SERVICES	\$ 10,000.00	\$ 12,000.00
100-4064200-5110	ELECTRICITY	\$ 20,100.00	\$ 22,500.00
100-4064200-5120	NATURAL GAS/HEAT	\$ 3,000.00	\$ 3,100.00
100-4064200-5130	WATER/SEWER	\$ 800.00	\$ 1,000.00
100-4064200-5230	TELECOMMUNICATIONS	\$ 1,500.00	\$ 1,500.00
100-4064200-5304	LIABILITY INSURANCE	\$ 1,500.00	\$ 1,500.00
100-4064200-7113	IN KIND COSTS	\$ 13,000.00	\$ 13,000.00
100-4064200-7115	SHARED MAINTENANCE	\$ 20,000.00	\$ 20,000.00
100-4064200-8411	CAPITAL ASSET RESERVES	\$ 10,000.00	\$ 10,000.00
	TOTAL BUILDING SERVICES	\$ 79,900.00	\$ 85,600.00
	PARKS & RECREATION		
100-4071310-3160	CONTRACTURAL SER/JN BLUE	\$ 1,000.00	\$ 1,000.00
100-4071310-6017	CHRISTMAS LIGHTS	\$ 3,500.00	\$ 3,500.00
100-4071310-6018	ROSE HILL PARK MAINTENANCE	\$ 15,000.00	\$ 10,000.00
	TOTAL PARKS & RECREATION	\$ 19,500.00	\$ 14,500.00
	PLANNING		
100-4081100-1155	COMPENSATION	\$ 97,000.00	\$ 129,000.00
100-4081100-2100	MATCHING FICA EXPENSE (7.65%)	\$ 7,500.00	\$ 9,900.00
100-4081100-3190	PROFESSIONAL SERVICES	\$ 3,000.00	\$ 8,000.00
100-4081100-3195	PREPAID APPLICATION REVIEW FEES	\$ -	\$ -
100-4081100-3500	PRINTING	\$ 250.00	\$ 250.00
100-4081100-5510	MISCELLANEOUS	\$ 100.00	\$ 100.00
100-4081100-5540	TRAINING	\$ -	\$ 3,000.00
100-4081100-5810	DEVELOPMENT	\$ -	\$ -
100-4081100-6001	OFFICE EQUIPMENT	\$ 100.00	\$ -
100-4081100-6012	PUBLICATIONS	\$ -	\$ -
	TOTAL PLANNING	\$ 107,950.00	\$ 150,250.00
	BOARD OF ZONING APPEALS		
100-4081400-1110	EXPENSE COMPENSATION	\$ 500.00	\$ 500.00
100-4081400-5540	TRAINING	\$ 750.00	\$ 750.00
	TOTAL BOARD OF ZONING APPEALS	\$ 1,250.00	\$ 1,250.00
	ECONOMIC DEVELOPMENT		
100-4081500-5411	WAYFINDING SIGNS	\$ -	\$ 50,000.00
100-4081500-5693	VA COMMISSION FOR ARTS FUNDING	\$ 4,500.00	\$ 4,500.00
100-4081500-5695	TOWN/COUNTY ECONOMIC DEV	\$ 20,500.00	\$ 21,500.00

Account Number	Account Description		FY23-24 APPROVED 2023-2024		FY24-25 DRAFT 2024-2025
100-4081500-5696	ECONOMIC DEVELOPMENT RESERVE	\$	2,500.00	\$	2,500.00
100-4081500-5699	DBI/ECO DEV PROF SERVICES	\$	-	\$	2,000.00
100-4081500-5700	ANNEXATION AREA PROF SERVICES	\$	-	\$	-
	TOTAL ECONOMIC DEVELOPMENT	\$	27,500.00	\$	80,500.00
	PLANNING COMMISSION				
100-4081600-1111	EXPENSE COMPENSATION	\$	5,000.00	\$	5,000.00
100-4081600-5540	TRAINING	\$	1,500.00	\$	2,000.00
100-4081600-5810	DUES	\$	-	\$	-
	TOTAL PLANNING COMMISSION	\$	6,500.00	\$	7,000.00
	B'VILLE AREA DEV AUTHORITY				
100-4081700-1111	EXPENSE COMPENSATION	\$	2,500.00	\$	2,500.00
100-4081700-5540	TRAINING	\$	1,000.00	\$	1,000.00
100-4081700-5810	DUES	\$	-	\$	-
	TOTAL B'VILLE AREA DEV AUTHORITY		3,500.00	\$	3,500.00
	ARCHITECTURAL REVIEW BOARD				
100-4081800-5540	TRAINING	\$	500.00	\$	500.00
	TOTAL ARCHITECTURAL REVIEW BD		500.00	\$	500.00
	TREE BOARD				
100-4081900-5800	MISCELLANEOUS	\$	-	\$	-
	TOTAL TREE BOARD	\$	-	\$	-

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
CAPITAL OUTLAY			
100-4094200-8225	COMPUTER REPLACEMENT	\$ 35,000.00	\$ 3,500.00
100-4094200-8231	PATROL VEHICLE	\$ 57,500.00	\$ 62,000.00
100-4094200-8338	SNOW PLOW(S)	\$ -	\$ -
100-4094200-8340	MOWER	\$ -	\$ 12,000.00
100-4094200-8341	ROSE HILL PARK REPAIRS (PW)	\$ 30,000.00	\$ -
100-4094200-8345	PW TON DUMP	\$ -	\$ -
100-4094200-8411	CAPITAL RESERVE	\$ 196,238.10	\$ -
100-4094200-8602	3/4 TON TRUCK (PW)	\$ -	\$ -
100-4094200-8702	WAYFINDING SIGNS RESERVE	\$ -	\$ -
100-4094200-8803	PUBLIC WORKS SITE IMPROVEMENTS	\$ -	\$ -
100-4094200-8915	HOGAN'S ALLEY IMPROVEMENTS	\$ 10,000.00	\$ -
100-4094200-8918	ROSE HILL PARK MASTERPLAN	\$ -	\$ 600,000.00
100-4094200-8951	PD RADIO REPLACEMENT RESERVE	\$ -	\$ -
100-4094200-8959	CHRISTMAS DECORATIONS FOR STS(PW)	\$ -	\$ -
100-4094200-9002	JACKSON DR SWMA/DORSEY ST STMWTR	\$ -	\$ -
100-4094200-9003	BACKHOE (PW)	\$ -	\$ -
100-4094200-9004	MOSBY BOULEVARD SIDEWALK	\$ 20,000.00	\$ -
100-4094200-9005	FAIRFAX (E&W) SIDEWALK RESERVE	\$ 60,000.00	\$ 50,000.00
100-4094200-9006	SECOND STREET REPAIRS	\$ -	\$ -
100-4094200-9007	INTERVIEW ROOM AV (PD)	\$ 6,500.00	\$ -
100-4094200-9008	SALT BUILDING (PW)	\$ -	\$ -
100-4094200-9009	TOWN STREET REPAIRS	\$ 20,000.00	\$ -
	TOTAL CAPITAL OUTLAY	435,238.10	\$ 727,500.00
ARPA EXPENSES			
100-4094300-5700	ARPA EXPENSES	\$ -	\$ -
	TOTAL ARPA EXPENSES	\$ -	\$ -
CONTINGENCY			
100-4094300-5800	CONTINGENCY (30%)	\$ 114,978.90	\$ 137,561.00
	TOTAL CONTINGENCY	\$ 114,978.90	\$ 137,561.00
DEBT SERVICE			
100-4095000-9110	RDA PRINCIPAL	\$ 46,500.00	\$ 48,400.00
100-4095000-9120	RDA INTEREST	\$ 75,100.00	\$ 73,200.00
100-4095000-9130	RDA DEBT SER RESERVE	\$ -	\$ -
	TOTAL DEBT SERVICE	\$ 121,600.00	\$ 121,600.00
	TOTAL GENERAL FUND OPERATIONAL	\$ 3,832,630.00	\$ 4,585,350.00
	TOTAL GENERAL FUND CONTINGENCY	\$ 114,978.90	\$ 137,561.00
	TOTAL GENERAL FUND CAP OUTLAY	\$ 435,238.10	\$ 727,500.00
	TOTAL GENERAL FUND DEBT SERVICE	\$ 121,600.00	\$ 121,600.00
TOTAL GENERAL FUND EXPENSES		\$ 4,504,447.00	\$ 5,572,011.00

Account Number	Account Description	FY23-24		FY24-25	
		APPROVED		DRAFT	
		2023-2024		2024-2025	

WATER FUND

PERSONNEL

501-4012220-1140	COMPENSATION	\$	130,000.00	\$	60,000.00
501-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	\$	9,950.00	\$	4,600.00
501-4012220-2210	VRS	\$	79,000.00	\$	60,000.00
501-4012220-2220	VMLIP - STD	\$	300.00	\$	240.00
501-4012220-2230	VMLIP - LTD	\$	3,200.00	\$	2,200.00
501-4012220-2300	HEALTH INSURANCE	\$	105,500.00	\$	93,000.00
501-4012220-2400	LIFE INSURANCE	\$	5,500.00	\$	6,000.00
501-4012220-2600	UNEMPLOYMENT INSURANCE	\$	110.00	\$	75.00
501-4012220-2700	WORKER'S COMPENSATION	\$	1,000.00	\$	24,000.00
501-4012220-3170	MISS UTILITY	\$	1,750.00	\$	1,750.00
501-4012220-3320	HANDHELD MAINT	\$	5,000.00	\$	5,000.00
501-4012220-3450	DIGITIZING	\$	7,000.00	\$	7,000.00
501-4012220-5210	POSTAGE	\$	4,700.00	\$	5,500.00
501-4012220-5540	TRAINING	\$	2,500.00	\$	2,500.00
501-4012220-6001	OFFICE SUPPLIES	\$	2,000.00	\$	4,500.00

TOTAL PERSONNEL

DRAFT

\$	379,510.00	\$	276,365.00
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TREATMENT

501-4012222-1147	COMPENSATION	\$	273,000.00	\$	290,000.00
501-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	\$	21,000.00	\$	22,000.00
501-4012222-2830	CERTIFICATION FEES	\$	600.00	\$	300.00
501-4012222-2840	STATE CONNECTION FEES	\$	5,900.00	\$	5,900.00
501-4012222-2850	LAB TESTING	\$	11,000.00	\$	15,000.00
501-4012222-3110	MEDICAL EXAMS	\$	200.00	\$	100.00
501-4012222-3145	PROFESSIONAL SERVICES	\$	10,000.00	\$	10,000.00
501-4012222-3210	SLUDGE REMOVAL	\$	27,000.00	\$	24,000.00
501-4012222-3220	SEAN RIVER INTAKE	\$	3,000.00	\$	4,000.00
501-4012222-3310	REPAIR & MAINTENANCE	\$	75,000.00	\$	125,000.00
501-4012222-3510	CONSUMER CONFIDENCE RPT	\$	1,000.00	\$	-
501-4012222-5110	ELECTRICITY	\$	70,000.00	\$	70,000.00
501-4012222-5120	PROPANE FOR WTP	\$	7,200.00	\$	4,000.00
501-4012222-5230	TELECOMMUNICATIONS	\$	4,700.00	\$	4,700.00
501-4012222-5415	COPIER LEASE	\$	1,300.00	\$	1,800.00
501-4012222-5540	TRAINING	\$	3,500.00	\$	3,500.00
501-4012222-5690	DISCHARGE PERMIT RENEWAL	\$	3,000.00	\$	-
501-4012222-5810	DUES	\$	1,000.00	\$	400.00
501-4012222-6001	OFFICE SUPPLIES	\$	1,000.00	\$	400.00
501-4012222-6004	LAB SUPPLIES	\$	7,000.00	\$	20,000.00
501-4012222-6005	JANITORIAL SUPPLIES	\$	1,300.00	\$	1,000.00
501-4012222-6008	VEHICLE GASOLINE & OIL	\$	7,200.00	\$	7,200.00
501-4012222-6011	UNIFORMS	\$	1,000.00	\$	1,500.00
501-4012222-6014	TOOLS	\$	1,000.00	\$	750.00
501-4012222-6019	SAFETY EQUIPMENT	\$	2,000.00	\$	2,000.00
501-4012222-6020	PERSONAL EQUIPMENT	\$	600.00	\$	-
501-4012222-6025	CHEMICALS	\$	50,000.00	\$	50,000.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
	TOTAL TREATMENT	\$ 589,500.00	\$ 663,550.00
	DISTRIBUTION & MAINTENANCE		
501-4012224-1183	COMPENSATION	\$ 192,000.00	\$ 205,000.00
501-4012224-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 14,700.00	\$ 15,700.00
501-4012224-3330	LINE REPAIR & MAINTENANCE	\$ 50,000.00	\$ 50,000.00
501-4012224-6007	MATERIALS & SUPPLIES	\$ 30,000.00	\$ 30,000.00
501-4012224-6019	SAFETY EQUIPMENT	\$ 700.00	\$ 700.00
501-4012224-6030	NEW SERVICE SUPPLIES	\$ 2,000.00	\$ 1,000.00
501-4012224-9008	STORAGE TANK MAINT CONTRACT	\$ 25,000.00	\$ 25,000.00
	TOTAL DISTRIBUTION & MAINT	\$ 44,400.00	\$ 327,400.00
	CAPITAL OUTLAY		
501-4094200-8102	TANK REPAIR & MAINTENANCE	\$ -	\$ -
501-4094200-8105	PICKUP (1/2)	\$ -	\$ 20,000.00
501-4094200-8118	WTP BACKWASH LAGOON REPAIR	\$ -	\$ -
501-4094200-8144	WATER TREATMENT PLANT UPGRADES	\$ 1,200,000.00	\$ 5,000,000.00
501-4094200-8211	CAPITAL RESERVES	\$ 11,587.70	\$ -
501-4094200-8225	COMPUTER UPGRADE	\$ 3,000.00	\$ 3,500.00
501-4094200-8340	MOWER (1/3)	\$ -	\$ -
501-4094200-8345	PW ONE TON DUMP TRUCK	\$ -	\$ 20,500.00
501-4094200-8360	HANDHELD METER READER	\$ -	\$ -
501-4094200-8361	WATER DIST SYSTEM UPGRADES	\$ 400,000.00	\$ 144,665.55
501-4094200-8602	3/4 TON TRUCK	\$ -	\$ -
501-4094200-8605	WTP BUILDING MAINTENANCE	\$ -	\$ -
501-4094200-8704	FINISH PUMP PROJECT	\$ 50,000.00	\$ -
501-4094200-8958	WATER METER REPLACEMENT	\$ 165,000.00	\$ -
501-4094200-9003	BACKHOE(PW)	\$ -	\$ -
501-4094200-9004	SECURITY MOVEMENTS	\$ -	\$ -
501-4094200-9005	WATER RIVER PUMP DISCONNECT ELIM	\$ -	\$ -
501-4094200-9006	PUMP UPGRADE- PE	\$ -	\$ -
	TOTAL CAPITAL OUTLAY	\$ 1,829,587.70	\$ 5,188,665.55
	CONTINGENCY		
501-4094300-5800	CONTINGENCY (3.00%)	\$ 38,502.30	\$ 38,019.45
	TOTAL CONTINGENCY	\$ 38,502.30	\$ 38,019.45
	TOTAL WATER FUND OPERATIONAL	\$ 1,283,410.00	\$ 1,267,315.00
	TOTAL WATER FUND CONTINGENCY	\$ 38,502.30	\$ 38,019.45
	TOTAL WATER FUND CAP OUTLAY	\$ 1,829,587.70	\$ 5,188,665.55
	TOTAL WATER FUND EXPENSES	\$ 3,151,500.00	\$ 6,494,000.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
SEWER FUND			
PERSONNEL			
502-4012220-1114	COMPENSATION	\$ 130,000.00	\$ 61,000.00
502-4012220-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 10,000.00	\$ 4,600.00
502-4012220-2210	VRS	\$ 54,300.00	\$ 60,100.00
502-4012220-2220	VMLIP - STD	\$ 200.00	\$ 237.00
502-4012220-2230	VMLIP - LTD	\$ 2,250.00	\$ 2,400.00
502-4012220-2300	HEALTH INSURANCE	\$ 7,000.00	\$ 91,500.00
502-4012220-2400	LIFE INSURANCE	\$ 5,600.00	\$ 6,100.00
502-4012220-2600	UNEMPLOYMENT INSURANCE	\$ 75.00	\$ 72.00
502-4012220-2700	WORKER'S COMPENSATION	\$ 17,000.00	\$ 17,000.00
502-4012220-3320	HANDHELD MAINT	\$ 5,000.00	\$ 5,000.00
502-4012220-3450	DIGITIZING	\$ 7,000.00	\$ 7,000.00
502-4012220-5210	POSTAGE	\$ 7,500.00	\$ 7,700.00
502-4012220-6001	OFFICE SUPPLIES	\$ 2,500.00	\$ 4,000.00
	TOTAL PERSONNEL	\$ 311,425.00	\$ 266,709.00
TREATMENT			
502-4012222-1147	COMPENSATION	\$ 275,000.00	\$ 290,000.00
502-4012222-2100	MATCHING FICA EXPENSE (7.65 %)	\$ 21,000.00	\$ 22,000.00
502-4012222-2830	CERTIFICATION FEES	\$ 600.00	\$ 600.00
502-4012222-2850	LAB TESTING	\$ 33,000.00	\$ 40,000.00
502-4012222-3145	PROFESSIONAL SERVICES	\$ 18,000.00	\$ 108,000.00
502-4012222-3210	LANDFILL-SOLIDS DISPOSAL	\$ 85,000.00	\$ 90,000.00
502-4012222-3310	REPAIR & MAINTENANCE	\$ 174,000.00	\$ 374,030.00
502-4012222-5110	ELECTRICITY	\$ 145,000.00	\$ 155,000.00
502-4012222-5230	TELECOMMUNICATIONS	\$ 6,500.00	\$ 6,600.00
502-4012222-5415	PIPER LEASE	\$ 4,300.00	\$ 5,300.00
502-4012222-5540	TRAINING	\$ 3,000.00	\$ 3,000.00
502-4012222-5690	DISCHARGE PERMIT RENEWAL	\$ 3,500.00	\$ 3,500.00
502-4012222-5810	DUES	\$ 600.00	\$ 625.00
502-4012222-6001	OFFICE SUPPLIES	\$ 1,500.00	\$ 1,000.00
502-4012222-6004	LAB SUPPLIES	\$ 6,200.00	\$ 5,000.00
502-4012222-6005	JANITORIAL SUPPLIES	\$ 3,500.00	\$ 3,500.00
502-4012222-6008	VEHICLE GASOLINE & DIESEL FUEL	\$ 10,000.00	\$ 2,000.00
502-4012222-6011	UNIFORMS	\$ 1,000.00	\$ 1,500.00
502-4012222-6014	TOOLS	\$ 1,500.00	\$ 1,000.00
502-4012222-6019	SAFETY EQUIPMENT	\$ 2,500.00	\$ 2,000.00
502-4012222-6020	PERSONAL EQUIPMENT	\$ 800.00	\$ -
502-4012222-6025	CHEMICALS	\$ 120,000.00	\$ 170,000.00
	TOTAL TREATMENT	\$ 916,500.00	\$ 1,284,655.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
DISTRIBUTION & MAINTENANCE			
502-4012224-1183	COMPENSATION	\$ 95,000.00	\$ 105,000.00
502-4012224-1183	MATCHING FICA EXPENSE (7.65 %)	\$ 7,500.00	\$ 8,000.00
502-4012224-3310	EQUIPMENT MAINTENANCE	\$ 5,000.00	\$ 5,000.00
502-4012224-3330	REPAIR & MAINTENANCE	\$ 15,000.00	\$ 25,000.00
502-4012224-6007	MATERIALS & SUPPLIES	\$ 3,000.00	\$ 3,000.00
502-4012224-6019	SAFETY EQUIPMENT	\$ 500.00	\$ 500.00
502-4012224-6030	NEW SERVICE SUPPLIES	\$ -	\$ -
	TOTAL DISTRIBUTION & MAINT	\$ 136,000.00	\$ 146,500.00
CAPITAL OUTLAY			
502-4094200-8105	PICK UP	\$ -	\$ 20,000.00
502-4094200-8110	WWTP UPGRADES	\$ 775,000.00	\$ -
502-4094200-8134	SEWER COLLECTION SYSTEM REHAB	\$ 100,000.00	\$ 100,000.00
502-4094200-8225	COMPUTER REPLACEMENT/UPGRADE	\$ 3,000.00	\$ 3,500.00
502-4094200-8340	MOWER (1/3)	\$ -	\$ -
502-4094200-8345	PW ONE TON DUMP TRUCK	\$ -	\$ 20,500.00
502-4094200-8360	HANDHELD METER READER		
502-4094200-8367	SEWER JET RODDER		
502-4094200-8411	CAPITAL RESERVES	\$ 707.25	\$ -
502-4094200-8540	MEMBRANE REPLACEMENT RESERVE		
502-4094200-8545	MEMBRANE PRE-PURCHASE	\$ -	\$ -
502-4094200-8550	EQUIPMENT REPAIR RESERVE		
502-4094200-8602	3/4 TON PICKUP FOR VDOT	\$ -	\$ -
502-4094200-9003	BACKHOE PW	\$ -	\$ -
502-4094200-9006	WWTP ST DISCONNECTS	\$ -	\$ -
502-4094200-9007	WWTP PERMEATE PUMPS	\$ -	\$ 40,000.00
502-4094200-9008	HARMONIC BALANCER	\$ 70,000.00	\$ -
502-4094200-9009	BARS SCREEN WWTP	\$ 150,000.00	\$ -
502-4094200-9010	WWTP MEMBRANE ENTRY	\$ -	\$ 125,000.00
	TOTAL CAPITAL OUTLAY	\$ 1,098,707.25	\$ 309,000.00
CONTINGENCY			
502-4094300-5800	CONTINGENCY (3.00%)	\$ 40,617.75	\$ 50,936.00
	TOTAL CONTINGENCY	\$ 40,617.75	\$ 50,936.00
DEBT SERVICE			
502-4095000-9118	VRA PRINCIPAL	\$ 470,000.00	\$ 470,000.00
	TOTAL DEBT SERVICE	\$ 470,000.00	\$ 470,000.00
	TOTAL SEWER FUND OPERATIONAL	\$ 1,353,925.00	\$ 1,697,864.00
	TOTAL SEWER FUND CONTINGENCY	\$ 40,617.75	\$ 50,936.00

Account Number	Account Description	FY23-24 APPROVED 2023-2024	FY24-25 DRAFT 2024-2025
	TOTAL SEWER FUND CAP OUTLAY	1,098,707.25 \$	309,000.00
	TOTAL SEWER FUND DEBT SERVICE	470,000.00 \$	470,000.00
	TOTAL SEWER FUND EXPENSE	\$ 2,963,250.00	\$ 2,527,800.00
	TOTAL EXPENSES ALL FUNDS	\$ 10,619,197.00	\$ 14,593,811.00

**Capital Improvement Narrative
Fiscal Year 2025**

Updated 4/5/24

General Fund FY25

Capital Reserves \$ 0

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement \$3,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Administrative, Community Development, and Police Departments.

Patrol Vehicle \$62,000

Police

This item provides for the purchase of a Police Department patrol vehicle and related equipment.

At present, the Police Department maintains a fleet of six patrol vehicles. Five of the vehicles are marked all-wheel-drive sport-utility vehicles (SUV) and one is an unmarked sedan. The "replaced" vehicle will remain in the fleet, but will be moved out of regular patrol rotation and therefore will be driven considerably less than it would be if it remained in that rotation. This will increase the number of vehicles in the Police Department fleet to seven.

The requested vehicle would be a marked SUV. Additional items purchased include radar unit and rear compartment partition.

Mower \$12,000

Public Works

This item provides for the purchase of a mower that will be used to maintain Town-owned property and maintain properties in accordance with requirements of the Berryville Code.

Rose Hill Park, Crow Street Parking Lot, John Rixey Moore, and

23 East Main Street Parking Lot Improvements \$600,000

This item provides required to complete the following projects:

- Stabilization of the livery stable at 23 East Main Street (\$255,000)
- HVAC improvements at 23 East Main Street (\$30,000)
- Purchase and siting of a public bathroom on 23 East Main Street (\$105,000)
- Design and construction of a new bridge across Town Run in Rose Hill Park (\$80,000)
- Purchase and installation of improved lighting in the John Rixey Moore Parking Lot and paving or sealing and restriping (\$50,000)
- Purchase and installation of cameras in Rose Hill Park, Crow Street Parking Lot, and the John Rixey Moore Parking Lot (\$80,000)

Fairfax Street Sidewalk \$50,000

Community Development

This item will provide a reserve for the Town's share of a Transportation Alternatives Program (TAP) sidewalk/drainage project on East and West Fairfax Streets. The Town Council made the decision to pursue this project because Fairfax Street has now been opened from Buckmarsh Street to First Street.

The project, which has a total estimated budget of \$1,401,096, will provide for installation of nearly 1,130 linear feet of sidewalk and associated improvements. Eighty-percent of the project funding will be provided through TAP and the Town will be responsible for the remaining twenty percent of the cost. This places the Town's share at \$280,220, but an additional \$19,780 is budgeted as protection against rising project costs.

The funds for the Town's share of the project, which will be budgeted over several years, are anticipated to in excess of \$300,000. At present the Transportation Alternatives Program (TAP) Project Matching Funds Reserve has \$380,000. With the addition of \$50,000 to the fund in FY25, FY26, and FY27, it is expected that the Town will have sufficient funds in reserve to meet matching requirements for this project and two Mosby Boulevard sidewalk TAP projects.

Water Fund FY25

Capital Reserves \$ 0

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement \$3,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

One-ton dump truck \$20,500

Public Works

This item provides for the purchase of a one-ton dump truck.

The Public Works Department maintains four one-ton dump trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund \$41,000 (VDOT reimbursement funds)

Water Fund \$20,500

Sewer Fund \$20,500

Water Treatment Plant Upgrade \$5,000,000

Public Utilities

This item would provide funds for the upgrade and/or repair of the Town's Water Treatment Plant, raw water intake, and raw water transmission main. These improvements were constructed in 1983-84.

The Town of Berryville Utility Rate Study completed in 2019 identified expenses related to the replacement/improvement/repair of this facility and the pumping station at the Shenandoah River.

On December 27, 2022, the Town entered into a contract with an engineering firm that would be tasked with plant design and construction activity oversight.

On September 12, 2023 the Town Council approved a preliminary engineering report in which it was recommended that the Town upgrade the water treatment plant with membrane filtration units.

The Town will fund a portion of this project with monies from the Water Treatment Plant Reserve. The remaining project funding will be borrowed. It is expected that the Town will secure funding for project in the second half of FY24.

It is expected that the upgraded plant and repaired raw water facilities will go on line by September 2026 (FY27). Final project completion is expected by January 2027 (FY27).

Water Treatment Plant Upgrade

Expected Expenditures By Year

(Adjusted for Inflation)

<u>Fiscal Year</u>	<u>Expected Expenditure</u>
FY25	\$5,000,000
FY26	\$4,000,000
FY27	\$3,600,000

Water Treatment Plant Upgrade

Cost Estimates for Non-Construction v. Construction Activities

(Adjusted for Inflation)

<u>Type of Activity</u>	<u>Estimated Cost</u>	<u>Fiscal Year(s)</u>
Non-Construction Capital	\$ 1,600,000	FY24, FY25, FY26, & FY27
Construction Capital	\$11,000,000	FY25, FY26, & FY27

The total estimated capital cost for the water treatment plant upgrade project when adjusted for inflation is \$12,600,000.

Water Distribution System Upgrades \$144,666

Public Works Department

These funds are utilized to complete water distribution system upgrades during the subject fiscal year. Funds that remain unspent at the end of the fiscal year are placed in the water fund's water distribution system reserve.

Half-ton truck \$20,000

Public Utilities

This item provides for the purchase of a half-ton pickup truck.

The Public Utilities Department maintains three half-ton pickup trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service with the Public Utilities Department will be transferred to the Public Works Department for their use.

This purchase will be funded as follows:

Water Fund \$20,000

Sewer Fund \$20,000

Sewer Fund FY25

Capital Reserves \$ 0

Administration

This item provides for savings to address unforeseen expenses and fund planned projects and purchases.

Computer Replacement \$3,500

Administration

This item provides for the purchase of replacement computer workstations within the Town's Public Works, Public Utilities, and Administrative Departments.

One-ton dump truck \$20,500

Public Works

This item provides for the purchase of a one-ton dump truck.

The Public Works Department maintains four small dump trucks. The truck purchased with these funds will replace the one of those trucks. The truck that is taken out of service will be sold at auction.

This purchase will be funded as follows:

General Fund \$41,000 (VDOT reimbursement funds)

Water Fund \$20,500

Sewer Fund \$20,500

Half-ton truck \$20,000

Public Utilities

This item provides for the purchase of a half-ton pickup truck.

The Public Utilities Department maintains three half-ton pickup trucks. The truck purchased with these funds will replace one of those trucks. The truck that is taken out of service with the Public Utilities Department will be transferred to the Public Works Department for their use.

This purchase will be funded as follows:

Water Fund \$20,000

Sewer Fund \$20,000

Collection System Upgrades \$100,000

Public Works

These funds are utilized to complete sewer collection system upgrades during the subject fiscal year. Funds that remain unspent at the end of the fiscal year are placed in the sewer fund's sewer collection system reserve.

Work will be guided by the results of the 2023 I&I study.

Gantry Crane for Membranes at Wastewater Treatment Plant \$125,000

Public Utilities

These funds would be used for the inspection and repair of the pier(s) of the membrane gantry crane.

It is expected that one or more of the piers that support the beams on which the crane operates will have to be repaired/modified (Note: There is damage to one pier. The Town's consulting engineer will provide a recommendation as to whether it is wise to modify all of the piers while the beams and crane are disassembled).

Permeate Pump at Wastewater Treatment Plant \$40,000

Public Utilities

These funds would be used for the purchase and installation of a new permeate pump. It is expected that the pump that is removed will be rebuilt in FY26 and retained as a spare.

The wastewater treatment plant utilizes permeate pumps to pull wastewater through each of its four membrane trains.

Town Council Agenda Item Report Summary

May 14, 2024

Item Title

Consent Agenda

Prepared By

Christy Dunkle

Background/History/General Information

N/A

Findings/Current Activities

The consent agenda comprises the following item to be considered for approval:

- Minutes of the April 9, 2024 Town Council regular meeting

Financial Considerations

N/A

Schedules/Deadlines

N/A

Other Considerations

N/A

Attachments

- Minutes of the April 9, 2024 Town Council regular meeting

Recommendation

N/A

Sample Motion

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

BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting Minutes
April 9, 2024

A meeting of the Berryville Town Council was held on Tuesday, April 9, 2024 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Attendance: Members of the Town Council present: Harry Lee Arnold, Jr., Mayor; Erecka Gibson, Vice Mayor; Diane Harrison, Grant Mazzarino, Ryan Tibbens

Absent: William Steinmetz

Staff present: Keith Dalton, Town Manager; Neal White, Chief of Police; Jean Petti, Deputy Town Manager; Cindy Poulin, Director of Finance and Administration/Treasurer; Christy Dunkle, Community Development Director

Press present: Mickey Powell, Winchester Star

1. Call to Order

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

2. Pledge of Allegiance

Mayor Arnold requested attendees stand for the pledge of allegiance.

3. Approval of Agenda

Vice Mayor Gibson made the motion to approve the agenda as presented. The motion passed by voice vote.

4. Presentations/Awards and Recognitions

There were none.

5. Public Hearings

Proposed Tax Rates for Tax Year 2024

Listed below are the proposed tax rates for the tax year beginning January 1, 2024, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

- A. \$.20 per \$100 assessed valuation on real estate, including real estate of public service corporations;**

B. **\$1.25 per \$100 assessed valuation on tangible personal property except machinery and tools;**

C. **\$1.30 per \$100 assessed valuation on tangible machinery and tools.**

The proposed real estate tax rate reflects no increase in the real estate rate that was adopted for the year 2023.

The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2023. It is proposed that for tax year 2024 the personal property tax relief discount be set at 35%. The proposed relief discount is unchanged from the discount adopted for the year 2023.

The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2023.

Mayor Arnold asked Ms. Poulin to read the public hearing notice. He asked Council members if they had any questions of staff. There were none. Mayor Arnold opened the public hearing.

Mayor Arnold recognized Craig Mattice, Town resident. Mr. Mattice said that he realized that this public hearing was about property tax rates, not the budget. He said he would not be available for the budget public hearing adding that the budget and tax rates are interwoven. He discussed the general fund and personal property taxes, and real estates taxes. He recommended using the budget surplus in the reserve fund for the water treatment plant upgrade. Mr. Mattice discussed cutting expenses that aren't necessary, cutting the tax rate, and applying the savings to reduce the loan amount. He said that the water and sewer administrative fees are a burden to low-income residents. He said that the tax rates have never been explained to him and that there is no information supporting the numbers calculated. He said that tax rates are unchanged and recommended reducing expenses and reducing the loan amount which would limit the debt service burden.

There were no other speakers. Mayor Arnold closed the public hearing.

Special Use Permit – Short-Term Rental

Paul Perez and Gail Gallagher, Owners, are requesting a special use permit in order to operate a short-term rental at the property located at 116A South Church Street, identified as Tax Map Parcel number 14A5-((A))-69, zoned R-2 Residential. SUP 01-24

Ms. Dunkle read the public hearing notice. She said that the Planning Commission made the recommendation to approve the request as presented. Mayor Arnold asked if any Council members had any questions. There were none.

Mayor Arnold opened the public hearing. There were no speakers. Mayor Arnold closed the public hearing.

6. Discussion of Public Hearings

Proposed Tax Rates for Tax Year 2024

Mayor Arnold asked if Council members had any questions or comments. There were none.

Council member Mazzarino moved that the Council of the Town of Berryville adopt the attached ordinance setting the tax levies for the tax year 2024 per the Code of the Town of Berryville, Chapter 16-Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

And

I hereby move that the Council of the Town of Berryville adopt the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2024. The motion passed by voice vote.

Special Use Permit – Short-Term Rental

Mayor Arnold asked if Council members had any questions or comments. There were none.

Council member Harrison moved that the Council of the Town of Berryville approve a special use permit in order to operate a short-term rental at 116 A South Church Street. The motion passed by voice vote.

7. Citizens' Forum

Mayor Arnold recognized Craig Mattice, Town resident. Mr. Mattice thanked Council member Tibbens for his willingness to look at the information he submitted to Town Council. He discussed the water treatment plant upgrade and offered information about the number of users and associated costs. He discussed reducing the debt for the upgrade and recommended not rolling over previous funds that have been spent into the loan. He said he identified some discrepancies in the reserve report and that he was unable to reconcile the numbers.

8. Consent Agenda

Mayor Arnold asked for a motion to approve the consent agenda (minutes attached).

Vice Mayor Gibson made the motion to approve the consent agenda as presented. The motion passed by voice vote.

9. Unfinished Business

There was no unfinished business.

10. New Business

Proposed Issuance of IFB #2024-01 – Paving, Milling, and Line Striping

Mr. Dalton identified nine streets that are slated for paving. He said that if Council approves the invitation for bid, he would issue the document on Wednesday and would like to have the work completed this fiscal year.

Council member Harrison made the motion that the Council of the Town of Berryville approve the issuance of IFB#2024-01 and authorize the Town Manager to:

- **Award the IFB if the lowest responsible bidder's total price does not exceed funds available for this purpose.**
- **Execute any documents related to this matter.**

The motion passed by voice vote.

11. Council Member Reports

Mayor Arold said that he and Ms. Petti attended a career expo at Laurel Ridge Community College. He added that Berryville Main Street will be holding The Big Flea on Saturday in downtown Berryville.

There were no other reports.

12. Staff Reports

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

Community Development

Ms. Dunkle requested that Town Council adopt the annual Arbor Day resolution that will be held at the opening day of the farmers' market scheduled for Saturday, May 4, 2024.

Vice Chair Gibson made the motion that the Council of the Town of Berryville adopt the attached proclamation for Arbor Day 2024. The motion passed by voice vote.

Administration and Finance

Ms. Poulin discussed the ARPA report that was distributed to Council members at the meeting.

Town Manager

Mr. Dalton updated Council members on the spot blight abatement. He said that Ms. French had contacted him about 229 Josephine Street. He said that the other two properties, 114 and 225 Josephine Street, are likely not going to comply by the May 1 deadline.

13. Committee Updates

Budget and Finance

Council member Tibbens made the motion that the Council of the Town of Berryville set a public hearing for the FY25 Budget for the May regular meeting which will be held on May 14, 2024.

Mr. Dalton discussed stormwater reserves and cost estimate revisions for the Walnut Street – Buckmarsh Street project. Vice Mayor Gibson confirmed that the reserves have been approved by Council.

Community Development

Council member Tibbens said the committee has been discussing the park rules and graffiti ordinances proposed for the Town Code. Mr. Dalton said he would like to review the temporary storage containers code section prior to approval.

Personnel, Appointments, and Policy

Mayor Arnold said there will soon be two Planning Commission openings and one on the Tree Board.

Public Safety

Council member Mazzarino asked Sergeant Bristol if he had any additional discussion items. He did not.

Streets and Utilities

There was no discussion.

14. Closed Session

There was no closed session.

15. Adjourned

Vice Mayor Gibson made the motion to adjourn the meeting. The meeting was adjourned at 7:39 p.m.

Erecka L. Gibson, Vice Mayor

Keith Dalton, Town Manager

Discussion: Proposed Invitation for Bids – Paving, Milling, and Line Striping
IFB#2024-01

May 11, 2024 Report

The IFB was issued on April 11, 2024.

A pre-bid conference was held on April 22, 2024.

Bids were opened on May 2, 2024.

The Town received five bids. The responsive responsible low-bidder is Stuart Perry, Inc. The low bid for paving Lincoln Avenue from Main Street to the entrance of JWMS, Jack Enders from Main Street to the entrance of BVG, Crown Street, Pender Court, Early Drive, Custer Court, Edgar Court, Chamberlain Street, Freemont Court, and McGuire Circle was \$262,014.60. *Note: Dorsey Street was removed from the offering because it was determined that it would be prudent to complete utility work in the area prior to paving. Chamberlain Street and Freemont Court were added to the offering.*

Using unit pricing included with the low bid, it is expected that the following streets will also be paved as a part of this project: Liberty Street, McClellan Street, and Hancock Court. The Town estimates the cost of the additional street work to be \$96,565. If the Town's estimate is accepted by the contractor, then the total cost of the work performed by the contractor will be \$358,579.60. The Town estimates the cost of manhole risers and valve boxes, which are to be furnished to the contractor, to be \$12,000. This would place the total cost of the project at \$370,579.60.

Work utilizing funds from FY24 secondary street funds to be expended by August 15, 2024. Any overage from this project would be charged against FY25 secondary street funds.

A notice of intent to award was issued on May 6, 2024. Town staff expects to issue a notice to proceed on May 21, 2024.

April 9, 2024 Report

Background

The Town assumed responsibility for secondary street maintenance in 2012. Subsequently the Town has utilized VDOT secondary street maintenance funds to maintain secondary streets and associated improvements, maintain/purchase equipment, and the like.

Each year the Town contracts to have streets within the secondary system paved.

Please note, the Town also periodically issues an offering for concrete work. Staff intends to have an offering for concrete work presented to the Council in May. The work would be scheduled for early in FY25.

Proposal

IFB#2024-01 provides for asphalt work on Crown Street, Custer Court, Dorsey Street, Early Drive, Edgar Court, Jack Enders Boulevard between East Main Street and the entrance to Berryville Graphics, Lincoln Avenue between West Main Street and the JWMS entrance, McGuire Circle, and Pender Court.

The IFB is structured to provide the Town with unit pricing, which will permit the Town to complete other projects if necessary.

If the enumerated projects exceed available funds, then projects will be eliminated or altered to ensure that the package that is awarded can be funded.

It is important to note that two streets that are in need of paving (in fact would be at the top of the list for improvement) were not made a part of this offering. Both Bel Voi Drive and Crow Street need to be paved. It is hoped that needed utility work in these streets will be completed soon and they can be paved in FY25.

Attachments

- Proposed Invitation for Bids – Paving, Milling, and Line Striping IFB#2024-01
- List of street work completed since 2012.

Recommended action

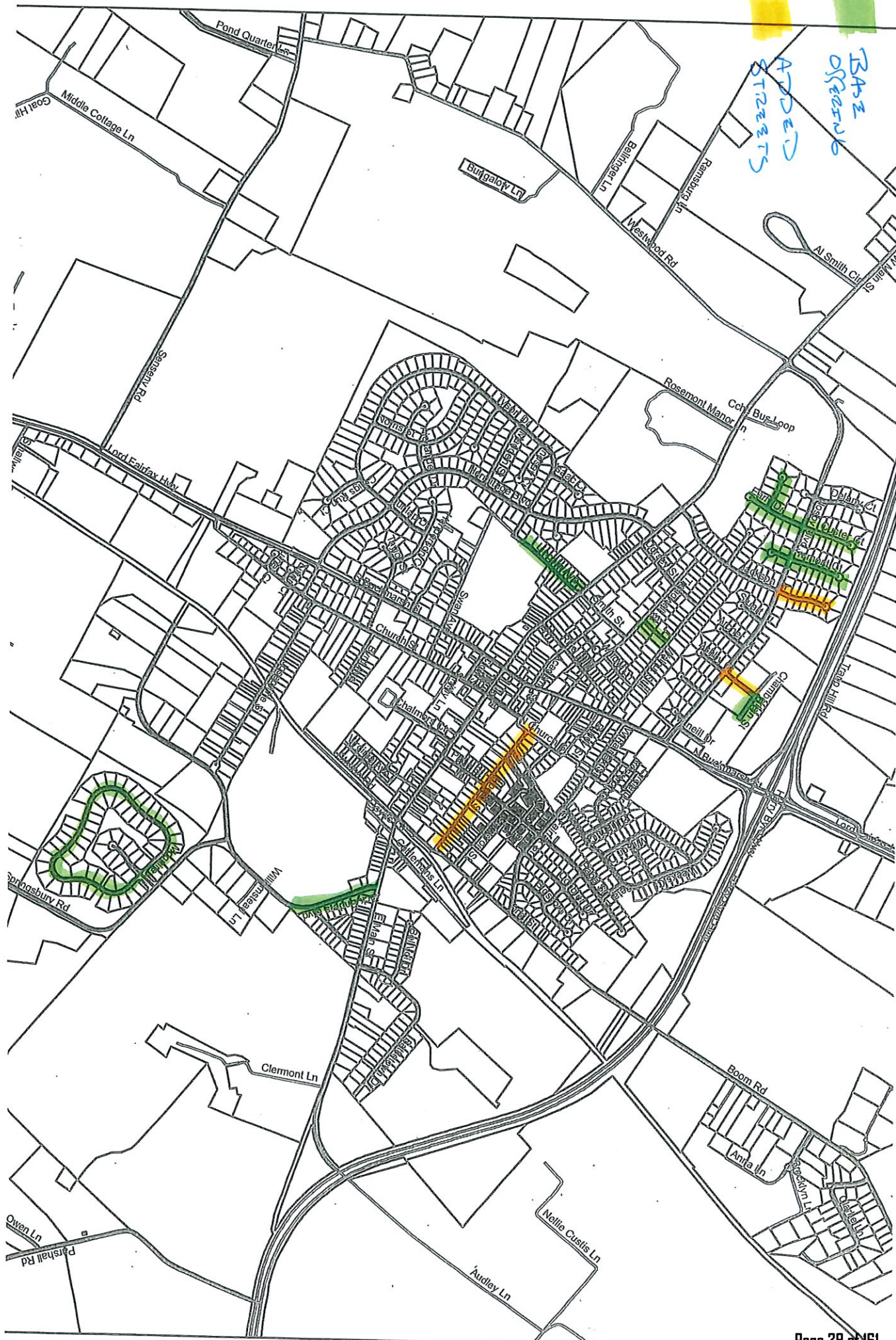
Staff recommends that the Council approve the issuance of this offering and authorize the Town Manager to award the IFB and execute documents related to the offerings and associated contracts.

Sample motion

I move that the Council of the Town of Berryville approve the issuance of IFB#2024-01 and authorize the Town Manager to:

- Award the IFB if the lowest responsible bidder's total price does not exceed funds available for this purpose.
- Execute any documents related to this matter.

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STREETS
ADDED



Report of the Department of Public Works

May 7, 2024

General Information

We opened the bids for our Spring Milling and Paving Projects and Stuart M. Perry was the apparent low bidder. Mr. Dalton is in the process of reviewing the bid documents and will issue the proper notices when their review is completed.

Our painting of fire hydrants and playground equipment has been slow due to the recent weather conditions. As soon as the weather permits, we will continue with those projects.

Water

We are in the process of planning water improvement projects for Crow Street and Dorsey Street. On Crow Street we plan on installing a new eight-inch water line and one new fire hydrant from Church Street to South Buckmarsh Street. This will improve fire protection in the area.

The water improvement project on Dorsey Street will be to replace the existing water main from Walnut Street to West Main Street. We will also will be replacing all the water services and adding two fire hydrants.

I am in the process of ordering the material for these projects and plan on starting the work on Crow Street the first week of June.

Sewer

We experienced no major sewer issues or pump station problems this past month.

Public Utilities Department Report
14 May 2024

Item Title: Department Update

Prepared By: Jean Petti

Water Treatment Plant Activity A notice to consumers was distributed in accordance with VDH directive regarding HAA5 sampling in February, which detected levels of 0.056 and 0.054 mg/L, bringing four-quarter averages to 0.070 and 0.069mg/L. As the maximum contaminant level is 0.060 mg/L, the average constitutes exceedance.

Following this, we received a *Warning Letter* from VDH, which identifies the Town as a “Serious Violator”. We have been ordered to return to compliance or resolve the exceedance within six months. A subsequent phone consultation with VDH has indicated that they require the submission of a summary of efforts-to-date and a proposed plan of action. As no cause has been established for the exceedance, we have been directed to continue our course of surveillance and process evaluation/adjustment.

A chemist was retained in April to develop an optimized treatment protocol and train operators in monitoring raw water conditions. Conclusions are expected by June 2024. We are currently subject to rigorous water quality monitoring and are cooperating fully.

Wastewater Treatment Plant Activity With the assistance of Inboden Environmental Services (IES), we are preparing our VADEQ Permit renewal application, due July 2024. We anticipate no changes to the permit conditions or impediments to the renewal.

A security gate has been installed at the plant.

Department General Activity We welcome Jeffrey Sheppard to our staff. Mr. Sheppard holds a Class 1 Water Operator License and has finished educational prerequisites for wastewater licensure. There are (3) three vacancies in the department. IES has provided us a full-time Class 1 operator at our WWTP while we seek staff.

Attachment

Response to VDH *Warning Letter*

Public Utilities Department Report
14 May 2024

Item Title: Department Update

Prepared By: Jean Petti

Water Treatment Plant Activity HAA5 sampling in February detected levels of 0.056 and 0.054 mg/L, bringing four-quarter averages to 0.070 and 0.069mg/L. As the maximum contaminant level is 0.060 mg/L, the average constitutes exceedance. A notice to consumers was distributed in accordance with VDH directive.

A chemist has been retained to develop an optimized treatment protocol and train operators in monitoring raw water conditions. Conclusions are expected by June 2024. We are currently subject to rigorous water quality monitoring and are cooperating fully.

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BERRYVILLE POLICE DEPARTMENT

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

MEMO

DATE: 05/07/2024
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 05/14/2024

Monthly Activity Report

The activity report for the month of April 2024 is attached to this report.

Public Safety Committee

The Public Safety Committee did not meet in April 2024.



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611

(T) 540.955.3863 (F) 540.955.0207

policeadmin@berryvilleva.gov

W. Neal White – Chief of Police

Police and Security Report

Month/Year: April	Year To Date 2024	April 2024	March 2024
<u>Complaints Answered</u>			
911 Hang Up:	7	5	2
Alarms:	24	7	6
Animal Complaint:	39	12	10
Assault:	5	2	0
Assist County:	38	17	13
Assist EMS and Fire:	40	11	8
Auto Larceny:	0	0	0
Burglary:	12	0	0
Civil Complaints:	39	13	11
Disturbance:	19	4	3
Domestic Disturbance:	8	3	1
Driving Under the Influence	4	1	0
Drunk In Public:	1	1	0
Fraud:	15	0	7
Larceny:	17	5	4
Harassment/Intimidation:	10	4	0
Homicide:	0	0	0
Identity Theft	0	0	0
Juvenile Related:	7	1	1
Mental Health Crisis:	19	4	3
Narcotics Related:	1	0	0
Noise	9	4	2
Public Service:	12	4	4
Sexual Assault:	0	0	0
Robbery:	2	2	0
Shoplifting:	0	0	0
Suspicious Activity:	66	20	16
Trespassing:	3	2	0
Vandalism:	13	4	0
Welfare Check:	31	9	9
Miscellaneous Complaints:	228	55	59
Total Complaints Answered:	669	190	159



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611

(T) 540.955.3863 (F) 540.955.0207

policeadmin@berryvilleva.gov

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	April	March
	2024	2024	2024
<u>Traffic</u>			
Accidents Investigated:	12	2	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	1	0	0
Funeral Escort:	12	3	2
Hit & Run:	2	1	0
Parking Tickets:	9	0	9
Traffic Warnings:	205	70	63
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	2	2	0
Expired Inspection:	5	4	1
Expired Registration:	0	0	0
Fail to Obey Highway Sign:	24	8	4
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	0	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	4	2	2
No Seat Belt:	0	0	0
Reckless Driving:	4	2	1
Speeding:	35	16	6
Miscellaneous Summons:	8	1	2
Total Traffic Summons Issued:	82	35	16
<u>Found Open at Businesses in Town</u>			
Doors:	1	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	April	March
	2024	2024	2024
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	3	1	1
Assault and Battery on Police Officer:	3	0	3
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	3	1	2
Disorderly Conduct:	0	0	0
Driving Under the Influence:	4	1	0
Drunk In Public:	2	1	0
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	0	0	0
Fraud:	1	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	0	0	0
Larceny:	4	0	1
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	1	1	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	1	0	0
Vandalism:	0	0	0
Weapons Violation:	1	1	1
Miscellaneous Criminal Arrests:	6	1	1
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	29	7	8



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	April	March
	2024	2024	2024
<u>Response to Resistance</u>			
Total Community Interface	996	305	249
Total Enforcement Contacts	315	112	87
Physical Custody	13	4	4
Reported Force Involved	2	0	0
Administrative Review - Justified	2	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	0	0	0
Strikes (Hands / Knees)	0	0	0
Chemical Sprays (O.C.)	0	0	0
Impact Weapon (Baton)	0	0	0
Mechanical Non-Lethal	0	0	0
Firearm	0	0	0
<u>Arrestee Demographics</u>			
White Male	6	4	1
Black Male	5	0	0
Other Male	0	0	0
White Female	7	0	3
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary

May 14, 2024

Item Title

Community Development Update

Prepared By

Christy Dunkle

Town Council Work Session

Staff is recommending that Council set a work session date to discuss the Friant rezoning application. Due to the Labor Day holiday (September 2) and a standing meeting the following Tuesday, the next available date in September is Wednesday, September 4 at 3:00 p.m. The October work session meeting is scheduled for Monday, October 7, 2024.

Planning Commission

The Planning Commission held a meeting on Tuesday, April 23, 2024 at 7:00 p.m. They set the following public hearings:

Rebekah Fowlds, Owner, is requesting a special use permit per Section 201.2(a) of the Berryville Zoning Ordinance in order to operate a home occupation (hair salon/personal services) at the property located at 108 Isaac Court, identified as Tax Map Parcel number 14A8-((4))-149, zoned R-1 Residential. SUP 02-24

Repeal and Readopt Section 322 Erosion & Sediment Control of the Berryville Zoning Ordinance

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with updated laws and regulations of the Commonwealth of Virginia Department of Environmental Quality. TA 01-24

Text Amendments establishing secondary public street widths and street light standards

The Berryville Planning Commission is sponsoring text amendments establishing street right-of-way widths and street light standards to Section 314.7(a) of the Berryville Zoning Ordinance and to Article IV, Section B of the Berryville Subdivision Ordinance. TA 02-24

Staff is requesting that Council set these public hearings for the June 11, 2024 meeting. Full reports are included in this packet. The Planning Commission's next meeting is scheduled for Tuesday, May 28, 2024 at 7:00 p.m.

Berryville Area Development Authority

The BADA did not meet in April. Their next meeting is scheduled for Wednesday, May 22, 2024 at 1:00 p.m.

Architectural Review Board

The ARB did not hold a May meeting. Their next meeting is scheduled for Wednesday, June 5, 2024 at 12:30 p.m.

Tree Board

The Tree Board participated in their annual Arbor Day celebration held at the opening day of the Clarke County Farmers Market on Saturday, May 4, 2024. Bartlett Tree Experts partnered with the Tree Board and distributed approximately 100 free saplings to residents.

Their next meeting is scheduled for Wednesday, July 3, 2024 at 6:00 p.m.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary

May 14, 2024

Item Title

Construction Update

Prepared By

Christy Dunkle

Shenandoah Crossing Subdivision

- 82 single-family homes
- Zoned DR-2 Detached Residential
- HOA-maintained facilities
- All homes and paving have been completed
- Request for public street acceptance has been forwarded to VDOT

Fellowship Square Subdivision

- 50 single-family homes
- Zoned DR-4 Detached Residential
- Cluster layout
- HOA-maintained facilities
- All homes and paving have been completed
- Request for public street acceptance has been forwarded to VDOT

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
- Town staff conducted a final walkthrough for sidewalk, curb, and gutter
- Request for public street acceptance has been forwarded to VDOT
- Staff and Council member Mazzarino met with DEQ and discussed the stormwater management facility between Tyson Drive and Jones Court. Council members received a copy of DEQ's inspection report.
- Concrete inspections are ongoing to determine repairs to spalling sidewalks and driveways

Item Title

Set Public Hearing – Special Use Permit – Home Occupation

Prepared By

Christy Dunkle

Rebekah Fowlds, Owner, is requesting a special use permit per Section 201.2(a) of the Berryville Zoning Ordinance in order to operate a home occupation (hair salon/personal services) at the property located at 108 Isaac Court, identified as Tax Map Parcel number 14A8-((4))-149, zoned R-1 Residential. SUP 02-24

Background/History/General Information

Ms. Fowlds is requesting a special use permit in order to operate a hair salon at her home on Isaac Court. She plans to operate her business from Monday through Friday with hours of operation from 7:00 a.m. until 5:00 p.m. and Saturdays from 9:00 a.m. to 3:00 p.m. She anticipates having one client on the property at a time, with three clients per day.

Adjacent Zoning

The adjacent property in the Hermitage subdivision is R-1 residential.

Parking

The property has four off-street parking spaces and a two-car garage.

Signage

Up to two (2) square feet of signage is permitted for a home occupation per Section 315.5(a) of the Berryville Zoning Ordinance.

Cosmetologists are regulated by the Virginia Department of Professional and Occupation Regulation and are required to have licensure from the Commonwealth.

Home occupations are regulated under Section 315 of the Berryville Zoning Ordinance. A copy of this section is included in the packet.

Section 503 of the Berryville Zoning Ordinance regulates special use permits. The Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of the ordinance. Once a special use permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council. The authorized activities shall be established within two (2) years of the date of approval with an extension of

one (1) additional year with Council approval, or such special use permit shall expire without notice.

Findings/Current Activity

The Planning Commission has set a public hearing for their May 28, 2024 meeting. They will have recommendations to Council by the June 11, 2024 meeting.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Set a public hearing for the June 11, 2024 meeting.

Sample Motion

I move that the Council of the Town of Berryville set a public hearing for Tuesday, June 11, 2024 for a special use permit for a home occupation (hair salon) located at 108 Isaac Court.

Attachments:

- Letter from the applicant
- Site plan
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance

Rebekah Fowlds

108 Isaac Ct.
Berryville, VA 22611
931-302-3204
Fowldsrbj@icloud.com

April 16, 2024

To whom it may concern:

I wish to operate a salon as a home occupation in the Town of Berryville.

I would like to have hours of operation from 7:00 a.m. until 5:00 p.m. Monday through Friday and 9:00 a.m. until 3:00 p.m. on Saturdays. I anticipate having one client on the property at a time, with up three clients per day.

Sincerely yours,

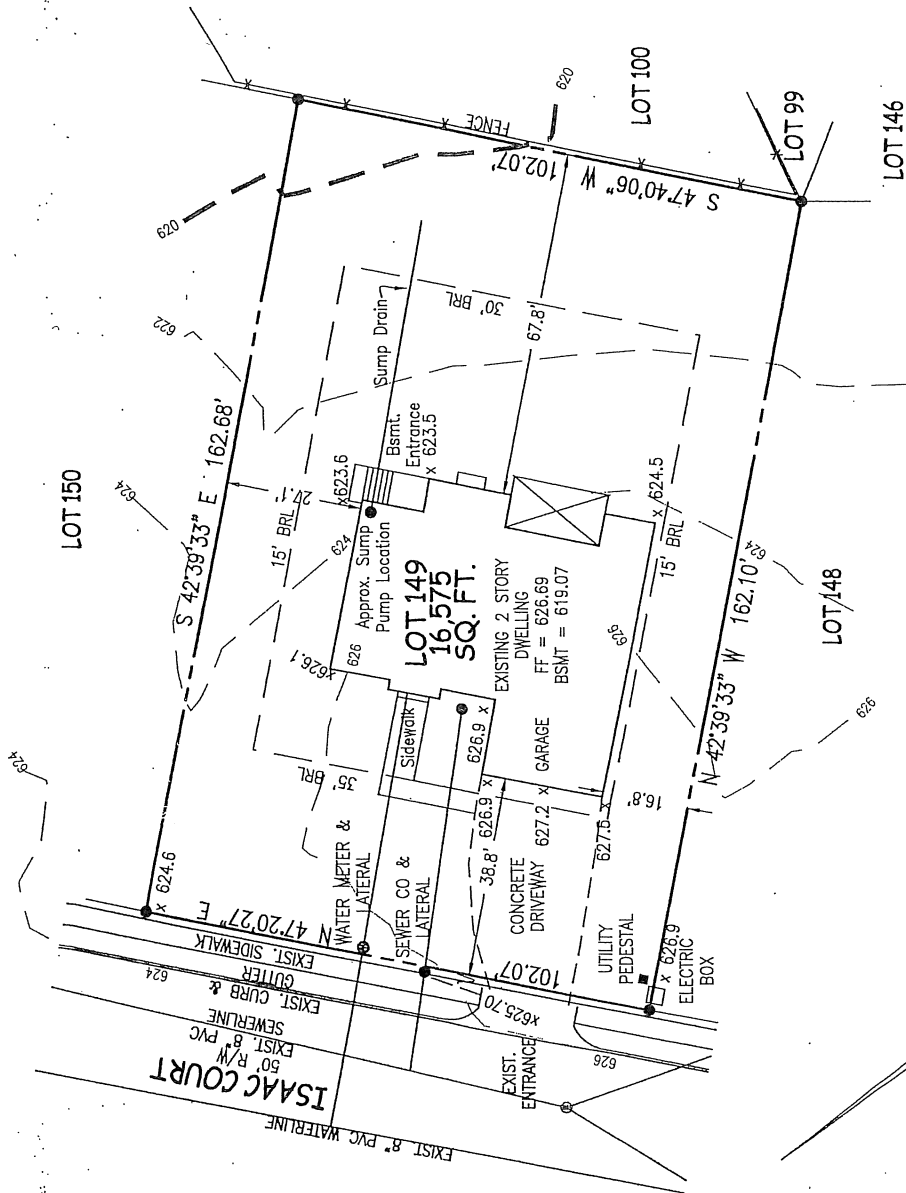
Rebekah Fowlds



- NOTES:
1. BOUNDARY SHOWN HEREON WAS DETERMINED BY A FIELD RUN SURVEY PERFORMED BY ARTZ & ASSOCIATES ON MAY 16, 2005.
 2. THIS PLAT IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 3. UNDERGROUND UTILITIES, ARE SHOWN BASED UPON BEST AVAILABLE EVIDENCE.

ADDRESS:
108 ISAAC COURT

ASBUILT SURVEY OF
LOT 149
HERMITAGE ~ PHASE 4-B
TOWN OF BERRYVILLE
CLARKE COUNTY, VIRGINIA
SCALE: 1" = 30' DATE: MAY 16, 2005
PROJECT #20899



Artz and Associates, PLC
A Subsidiary of Valley Engineering, PLC
LAND SURVEYING LAND PLANNING DEVELOPMENT
16 East Piccadilly Street
WINCHESTER, VA 22601-4740
TEL 540-667-3233 FAX 540-667-9188
TOLL FREE 1-800-758-7320

(2/01) SECTION 315 – HOME OCCUPATIONS, HOME OFFICES

315.1 INTENT

The Town Council intends to allow Home Occupations and Home Offices in the town to foster economic activity. Through the application of this Ordinance, the Town Council intends to preserve the sanctity, tranquility, value, appearance, and ambiance of the residential neighborhoods, residential units, or residential uses in the Town and to prevent, eliminate, or discontinue home-based businesses that negatively impact residents living near, around, or next to the site of the home-based business.

315.2 ALLOWANCE OF HOME OCCUPATIONS AND HOME OFFICES

- (a) Under the terms of the Section, a Home Office may be conducted by right in any dwelling unit in any residence in the Town.
- (b) Home occupations are allowed in residences either by right or by Special Use Permit as permitted in a given zoning district.
- (c) No such use shall be instituted or maintained unless the Zoning Administrator has first issued a zoning permit for this use.

315.3 ADMINISTRATION AND ENFORCEMENT

- (a) The practitioner of the proposed Home Occupation or Home Office shall file a zoning permit application with the Zoning Administrator. The application shall include a description of the business to be conducted, the square footage of the dwelling unit and the square footage to be used for the Home Occupation or Home Office, and the names and addresses of the proposed owners.
- (b) A Home Occupation or Home Office may be conducted within a dwelling unit or accessory building only so long as the business use remains incidental and secondary to the use of the dwelling unit as a place of residence. The Zoning Administrator shall determine if a Home Occupation or Home Office is not, or stops being, incidental and secondary to the use of the dwelling unit as a place of residence if and when Town officers, or residents living near, around, or next to the dwelling unit used for a Home Occupation or Home Office may hear, see, smell, or detect the existence of this use, in such a manner as alters the residential character of the zoning district in which the Home Occupation or Home Office is located. In making this determination, the Zoning Administrator shall rely on the intent Section of the respective zoning district regulations, the Intent Section of this Article, and any public affidavits filed by such residents. If the Zoning Administrator determines that due to growth or change in the Home Occupation or Home Office, the Home Occupation or Home Office is no longer consistent with this Article and other relevant provisions of this Section, the Zoning Administrator may revoke the zoning permit issued to the person conducting the Home Occupation or Home Office. The person conducting this use shall cease operation after forty-five days written notice mailed by certified mail. During this time period the business owner may apply to the Board of Zoning Appeals for a determination of the Zoning Administrator's decision.

- (c) The Town Treasurer shall refuse to issue a business license to any person conducting a Home Occupation or Home Office that the Zoning Administrator certifies is in violation of this Article.
- (d) No vested rights shall accrue to any person as to a Home Occupation or Home Office that begins as conforming to this Article and through growth or change becomes inconsistent with this Article and related provisions of this Section.

315.4 GENERAL RESTRICTIONS ON HOME OCCUPATIONS AND HOME OFFICES (2/01)

A use within a residential dwelling shall meet the following criteria in order to qualify as either a Home Occupation or Home Office:

- (a) Such use shall be clearly incidental to a dwelling and if located within the dwelling, it must not occupy more than twenty-five (25) percent of the floor area of the principal structure.
- (b) No Home Occupation conducted in any accessory building shall occupy more than four hundred (400) square feet, which area shall be included in the maximum square footage allowed in Section 315.4(a). If located within an accessory building, a landscaping plan must be submitted for review and approval by the Zoning Administrator. If a Special Use Permit is required, the landscaping plan will be reviewed by the Planning Commission.
- (c) Such use shall be carried on by a resident or residents of the premises. No person not a resident on the premises may be employed, nor may there be sub-contracting of any work performed at the premises.
- (d) No stock, commodity, equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors, electromagnetic interference, or radio frequency interference detectable to the normal senses off the lot if the occupation is conducted in a detached single-family residence, or outside the dwelling unit if conducted in an attached residence.
- (e) There shall be no exterior evidence that the building is being used for any purpose other than a dwelling.
- (f) There shall be no motor vehicle regularly operated from the premises that carries advertising.
- (g) All applicable licenses and permits shall be secured and other local, state, and federal requirements satisfied.
- (h) A Town of Berryville business license shall be obtained in accordance with Chapter 9 of the Code of the Town of Berryville (if applicable).
- (i) Home Occupation/Home Office permits shall be automatically renewed annually; however, permit shall be reviewed upon receipt of complaints.

315.5 HOME OCCUPATIONS (12/92)

In addition to those requirements listed in Section 315.4 above, a use within a residential dwelling shall meet the following criteria in order to qualify as a Home Occupation:

- (a) There shall be no advertising sign displayed other than a nameplate not exceeding two (2) square feet in area on each face of said plate.

Section 315 – Home Occupations, Home Offices

- (b) No storage of explosive or hazardous material is permitted in quantities not normally found in a residence.
- (c) Vehicular repair is specifically prohibited as a Home Occupation.

315.6 HOME OFFICE

In addition to the requirements listed in Section 315.4, a Home Office shall be a permitted use in a residential dwelling when fully meeting each of the following criteria:

- (a) Customers shall not come to the premises in order to receive the service provided.
- (b) There shall be no signs identifying or advertising the Home Office either attached to the dwelling or posted in the yard.
- (c) There shall be no advertising of the street address.

SECTION 316 – PROVISIONS FOR CUL-DE-SAC LOTS

316 PROVISIONS FOR CUL-DE-SAC LOTS

The minimum width of any lot 15,000 square feet or greater in area that fronts on a cul-de-sac, as defined in Section IX of the Subdivision Ordinance, shall not be more than a twenty (20) percent reduction at the setback line as set forth in the appropriate zoning district regulations. (9/98)

SECTION 317 – KARST FEATURES (07/04)

317.1

Prior to the issuance of a Zoning Permit for principle structures or additions thereto on lots in subdivisions for which a Karst Plan has been prepared or lots of record on which karst features have been identified, a geotechnical study shall be conducted at the site of the principle structure or addition to determine the existence of karst features. If karst features are found, a remediation plan shall be prepared by a PE or PG in order to protect the health, safety, and welfare of the occupants of the structure. This remediation plan shall:

- a. provide for mitigation of all karst features and sinkholes, except those identified as Critical Environmental Areas, in accordance with the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228) or other applicable mitigation standard as recommended by a PE or PG and approved by the Town's Engineer and the Town's Zoning Administrator, or
- b. the applicant shall submit a report prepared by a PE or PG that identifies subsurface conditions within one-hundred (100) feet, or an appropriate distance as determined by the Town Zoning Administrator and Town's Engineer, of the discernable edge of any sinkhole or karst feature and establishes a minimum recommended setback for structures and a minimum recommended ground water protection buffer approved by the Town's Engineer and the Town's Zoning Administrator shall review and approve the report before issuance of said permit. (7/04)

Item Title

Set Public Hearing – Repeal and Readopt Section 322 Erosion and Sediment Control

Prepared By

Christy Dunkle

The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with updated laws and regulations of the Commonwealth of Virginia Department of Environmental Quality. TA 01-24

Background/History/General Information

In December of 2023, the Virginia Department of Environmental Quality (DEQ) sent a memorandum to local program administrators of Virginia Erosion and Sediment Control Programs (VESCP) throughout the Commonwealth informing them of the consolidation of the stormwater management and erosion and sediment control programs under the Virginia Erosion and Stormwater Management Act (VESMA).

In 2016 and 2017, the smaller localities in the region opted to have the DEQ manage their stormwater programs leaving the erosion and sediment control programs to be managed locally. Accordingly, updates were made to the model ordinances of localities who administer the VESCP program to reflect new laws and regulations. The ordinance under consideration has been modified to fit within the Town's ordinance formatting and reflects recommended modifications from the DEQ.

Findings/Current Activity

The Planning Commission has scheduled a public hearing for their May 28, 2024 meeting and will have recommendations to Town Council prior to a June public hearing.

Schedule/Deadlines

The effective date of the updated VESMA regulations is July 1, 2024. Updated local ordinances for the administration of an erosion and sediment control program will need to be updated by that time. Staff will request that Town Council set a public hearing for their June meeting which

will enable Planning Commission to review the ordinance and make recommendations as needed at the May meeting.

Other Considerations

N/A

Recommendation

Set a public hearing for the June 11, 2024 meeting.

Sample Motion

I move that the Council of the Town of Berryville set a public hearing for Tuesday, June 11, 2024 for the repeal and readoption of Section 322 Erosion and Sediment Control of the Berryville Zoning Ordinance.

Attachments:

- Letter from Megan Mayfield, Director of the Virginia DEA Division of Water Permitting
- Current Section 322
- Draft of updated Section 322



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

MEMORANDUM

To: All Local Virginia Erosion and Sediment Control Program Administrators
All Local Virginia Stormwater Management Program Administrators

From: Megan Mayfield, Director, Division of Water Permitting

Date: December 27, 2023

Subject: Virginia Erosion and Stormwater Management Program and Virginia Erosion and Sediment Control Program Model Ordinances

At the June 22, 2023 State Water Control Board (Board) meeting, the Board approved and adopted the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) and approved the repeal of the Erosion and Sediment Control Regulations (9VAC25-840), Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850), and Virginia Stormwater Management Program Regulation (9VAC25-870). The VESM Regulation and repeal of the other regulations, will be effective July 1, 2024. The Final VESM Regulation was published on December 4, 2023 in the *Virginia Register of Regulations*, Volume 40 Issue 8. Below is a link to the final regulation:

[Vol. 40 Iss. 8 \(Final\) 9VAC25-840, Erosion And Sediment Control Regulations
December 04, 2023 \(virginia.gov\)](#)

Also on July 1, 2024, Chapters 68 and 758 of the 2016 Acts of Assembly become effective. Those Acts, referred to as the "Consolidation Bill," combine stormwater management and erosion and sediment control requirements under the Virginia Erosion and Stormwater Management Act (VESMA), §§ 62.1-44.15:24 through 62.1-44.15:50 of the Code of Virginia. Requirements for a Virginia Erosion and Sediment Control Program (VЕСP) are in the Erosion and Sediment Control Law (ESCL) for Localities Not Administering a Virginia Erosion and Stormwater Management Program, §§ 62.1-44.15:51 through 62.1-44.15:66 of the Code of Virginia. With the Consolidation Bill and VESM Regulation becoming effective on July 1, 2024, local ordinances for the administration of a Virginia Erosion and Sediment Control Program

(VESCP) or Virginia Stormwater Management Program (VSMP) will need to be updated to reflect both the new law and regulations.

Consistent with § 62.1-44.15:27 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) has prepared a Virginia Erosion and Stormwater Management Program (VESMP) Model Ordinance and a Virginia Erosion and Sediment Control Program (VESCP) Model Ordinance to assist in the development of the appropriate local ordinance for your locality. The model ordinances incorporate requirements in the VESMA, ESCL for Localities Not Administering a Virginia Erosion and Stormwater Management Program, and VESM Regulation. Copies of each are attached for your use.

The DEQ is not required to review and/or approve the local ordinances, or associated documents, manuals, etc., prior to adoption. Please note that a locality may, by local ordinance adopted pursuant to § 62.1-44.15:33 or 62.1-44.15:65 of the Code of Virginia, establish more stringent local requirements. If a VESMP authority elects to adopt more stringent ordinances, the authority shall submit a letter report to the DEQ when more stringent stormwater management ordinances or more stringent requirements are authorized by such stormwater management ordinances. If a VESCP authority elects to adopt more stringent ordinances, the authority shall report to the DEQ when more stringent erosion and sediment control ordinances are determined to be necessary.

Please feel free to contact Rebecca Rochet if you have any questions or need additional assistance (Rebecca.Rochet@deq.virginia.gov or 804-801-2950).

322 EROSION AND SEDIMENT CONTROL ORDINANCE (9/17)

322.1 TITLE, PURPOSE, AND AUTHORITY

This ordinance shall be known as the “Erosion and Sediment Control Ordinance of the Town of Berryville”. The purpose of this chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the Town of Berryville by establishing requirements for the control of soil erosion, sediment deposition and non-agricultural runoff, and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, Title 62.1, Chapter 3.1. Article 2.4, known as the Virginia Erosion and Sediment Control Law.

322.2 DEFINITIONS

Agreement in lieu of a plan – a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant – any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board – The Virginia State Water Control Board.

Certified inspector – an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection, or (ii) is enrolled in the Board’s training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer – an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of a plan review, (ii) is enrolled in the Board’s training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article I (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in § 54.1-22 of the Code of Virginia.

Certified program administrator – an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board’s training program for program administration and successfully completes such program within one year after enrollment.

Clearing – any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Department – the Department of Environmental Quality.

Development – means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director – means the director of the Department of Environmental Quality.

District or Soil and Water Conservation District – refers to the Lord Fairfax Soil and Water Conservation District.

Erosion and Sediment Control Plan or Plan – a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, and appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions and all information deemed necessary by the VESCP plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area – an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

Excavating – any digging, scooping or other methods of removing earth materials.

Filling – any depositing or stockpiling of earth materials.

Grading – any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing activity – any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;

Section 322 – Erosion and Sediment Control

- (6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or natural in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163;
- (7) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (8) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Va. Code §10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
- (9) Disturbed land areas of less than 10,000 square feet in size, or less than 2,500 square feet in all areas of the jurisdiction designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, or the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and
- (12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land Disturbing Permit or approval – a permit issued by the Town of Berryville for clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any other land disturbing activity.

Natural channel design concepts – the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner – the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

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Peak Flow Rate – the maximum instantaneous flow from a given storm condition at a particular location.

Permit, state – an approval to conduct a land-disturbing activity issued by the Board in the form of a State stormwater individual permit or coverage issued under a State general permit.

Permittee – the person to whom the land-disturbing approval is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person – any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority, VESCP – the Zoning Administrator responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units or lands and for approving plans.

Program authority or VESCP Authority – the Town of Berryville which has adopted a soil erosion and sediment control program that has been approved by the Board.

Responsible Land Disturber or RLD – an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as a prerequisite for engaging in land disturbance.

Runoff volume – the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence – a noncommercial dwelling that is occupied exclusively by one family.

State waters – all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

Town – the incorporated Town of Berryville.

Transporting – any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program or VESCP – a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

Water quality volume – the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

322.3 LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

Pursuant to § 62.1-44.15:44 of the Code of Virginia, the Town of Berryville hereby establishes a VESCP program and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources) and the *Virginia Erosion & Sediment Control Handbook*, third edition. In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-, 2-, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

- A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specific in § 62.1-44.15:28 of the Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.
- B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of the Town of Berryville shall contain a certified program administrator, a certified plan reviewer, and a certified inspector (who may be the same person).
- C. The Town of Berryville hereby designates the Zoning Administrator as the plan-approving authority.

- D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Zoning Administrator.

322.4

SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS

- A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the Zoning Administrator for the Town of Berryville an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the VESCP authority. No approval to begin land disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Department for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an “agreement in lieu of a plan” may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.
- B. The standards contained within the “Virginia Erosion and Sediment Control Regulations”, the Virginia Erosion and Sediment Control Handbook as amended is to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between publications, the State regulations shall take precedence.
- C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board’s regulations, and if the person responsible for carrying out the plan certifies that s/he will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the program authority, as provided by § 62.1-44.15:52 of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.
- D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.
- E. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

- F. The VESCP authority may require changes to an approved plan when:
- (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.
- G. Variances: The VESCP plan approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions by granting a variance. A variance may be granted under the following conditions:
- (1) At the time of plan submission, an applicant may request a variance to become part of the approved Erosion and Sediment Control Plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
 - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
 - (3) The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- H. In order to prevent further erosion, the Town of Berryville may require approval of a plan for any land identified in the local program as an erosion impact area.
- I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- J. In accordance with the procedure set forth in § 62.1-44.15:55(E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

- K. State agency projects are exempt from the provisions of this ordinance except as provided in the Code of Virginia § 62.1-44.15:56.

322.5

PERMITS; FEES; SECURITY FOR PERFORMANCE

- A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his/her application an approved erosion and sediment control plan, certification that the plan will be followed, and evidence of state permit coverage where it is required.
- B. No person may engage in any land-disturbing activity until s/he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.
- C. An administrative fee of \$200.00 shall be paid to the Town of Berryville at the time of submission of the erosion and sediment control plan.
- D. No land-disturbing permit shall be issued until the applicant submits with his/her application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.
- E. All applicants for permits shall provide to the Town of Berryville a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Zoning Administrator, to ensure that measures could be taken by the Town of Berryville at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of the applicant by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the Town of Berryville to take such conservation action, the Town of Berryville may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Zoning Administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpected or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

322.6

MONITORING, REPORTS, AND INSPECTIONS

- A. The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The Town of Berryville may require the person responsible for carrying out the plan to monitor the land-disturbing activity.

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The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

- B. The Zoning Administrator shall periodically inspect the land-disturbing activity in accordance with Section 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the Zoning Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

- C. Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56, the Zoning Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Zoning Administrator may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approval plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of the County of Clarke. The Town of Berryville shall serve such order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

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If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Zoning Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of the Town of Berryville.

The owner may appeal the issuance of an order to the Circuit Court of the County of Clarke.

Any person violating or failing, neglecting or refusing to obey an order issued by the Zoning Administrator may be compelled in a proceeding instituted in the Circuit Court of the County of Clarke to obey same to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Zoning Administrator from taking any other action authorized by this ordinance.

322.7 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

- A. Violators of this ordinance shall be guilty of a Class I misdemeanor.
- B. Any person who violates any provision of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56 shall, upon a finding of the District Court of the County of Clarke be assessed a civil penalty. The civil penalty for any one violation shall not be less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000. Any such civil penalties shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of § 62.1-44.15:63.
- C. The Zoning Administrator or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of the County of Clarke to enjoin a violation or a threatened violation of Va. Code §§ 62.1-44.15:55, -44.15:56, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.
- D. In addition to any criminal penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to the Town of Berryville in a civil action for damages.

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- E. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the Town of Berryville.
Any civil penalties assessed by a court shall be paid into the treasury of the Town of Berryville except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- F. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of the VESCP authority the Town of Berryville may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection B or E.
- G. The Commonwealth's Attorney shall, upon request of the Town of Berryville legal action to enforce the provisions of this ordinance.
- H. Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

322.8 APPEALS AND JUDICIAL REVIEW

- A. Final decisions of the Town of Berryville under this ordinance shall be subject to review by the County of Clarke Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.

322 EROSION AND SEDIMENT CONTROL ORDINANCE (9/17 XX/24)**322.1 TITLE, PURPOSE, AND AUTHORITY**

This ordinance shall be known as the “Erosion and Sediment Control Ordinance of the Town of Berryville.” The purpose of this ordinance is to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources of the Town of Berryville by establishing requirements for the effective control of soil erosion, sediment deposition, and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This ordinance is authorized by § 62.1-44.15:54 of the Code of Virginia.

322.2 DEFINITIONS

Agreement in lieu of a plan – a contract between the Town of Berryville and the owner that specifies conservation measures that must be implemented to comply with the requirements of this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; this contract may be executed by the Town of Berryville in lieu of a formal site plan.

Applicant – any person submitting an erosion and sediment control plan for approval in order to obtain authorization for land-disturbing activities to commence.

Board – The State Water Control Board.

Certified inspector for ESC – an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of project inspection or (ii) is enrolled in the department’s training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer for ESC – an employee or agent of a program authority who (i) holds a certificate of competence from the department in the area of a plan review, (ii) is enrolled in the department’s training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article I (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia or a professional soil scientist as defined in § 54.1-2200 of the Code of Virginia.

Certified program administrator for ESC – an employee or agent of the VESCP authority who (i) holds a certification from the department in the classification or program administrator or (ii) is enrolled in the department’s training program for program administration and successfully completes such program within one year after enrollment.

Clearing – any activity which removes the vegetative ground cover including, but not limited to, root mat removal or topsoil removal.

Department – the Department of Environmental Quality.

Development – means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

District or Soil and Water Conservation District – refers to the Loud Fairfax Soil and Water Conservation District.

Erosion and sediment control plan or plan – a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area – an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

Excavating – any digging, scooping or other methods of removing earth materials.

Filling – any depositing or stockpiling of earth materials.

Grading – any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land disturbance or land-disturbing activity – a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting, and filling of land.

Land Disturbing Permit or approval – a permit or an approval allowing a land-disturbing activity to commence issued by the Town of Berryville after the requirements of § 62.1-44.15:55 of the Code of Virginia have been met.

Natural channel design concepts – the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner – the same as provided in § 62.1-44.3 of the Code of Virginia. For a land-disturbing activity that is regulated under Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title

62.1 of the Code of Virginia and this ordinance, “owner” also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate – the maximum instantaneous flow from a prescribed design storm at a particular location.

Percent impervious – the impervious area within the site divided by the area of the site multiplied by 100.

Permittee – the person to whom the permit is issued.

Person – any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan-approving authority or **VESCP** – the Zoning Administrator is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units or lands and for approving plans.

Program authority or **VESCP authority** – the Town of Berryville which has adopted a soil erosion and sediment control program that has been approved by the Board.

Responsible Land Disturber or **RLD** – an individual holding a certificate issued by the department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as defined in the Virginia Erosion and Stormwater Management Regulation (9VAC25-875) as a prerequisite for engaging in land disturbance. The RLD must be designated on the ESC plan or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

Runoff volume – the volume of water that runs off the land development project from a prescribed storm event.

Single-family detached residential structure – a noncommercial dwelling that is occupied exclusively by one family.

State waters – all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdictions, including wetlands.

Town – the incorporated Town of Berryville.

Transporting – any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program or VESCP – a program approved by the department that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of the Erosion and Sediment Control Law (ESCL).

Virginia Erosion and Sediment Control Program authority or VESCP authority – the Town of Berryville that has been approved by the department to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1, the State Water Control Law, of Title 62.1 of the Code of Virginia.

VESCP plan-approving authority – the Department of Planning and Zoning is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or unit of lands and for approving plans.

VPDES Permit – a General Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction activities, 9VAC25-880, issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

322.3

LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

Pursuant to § 62.1-44.15:54 of the Code of Virginia, the Town of Berryville hereby establishes a Virginia Erosion and Sediment Control Program (VESCP) and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources) and the *Virginia Erosion & Sediment Control Handbook*, third edition. In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-, 2-, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and

shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

- A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in 9VAC25-875-600, unless such land-disturbing activities are in accordance with the grandfathering provisions of 9VAC25-875-490.
- B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer for ESC. Inspections of land-disturbing activities shall be conducted by a certified inspector for ESC. The Erosion Control Program of the Town of Berryville shall contain a certified program administrator and a certified inspector (who may be the same person).
- C. The Town of Berryville hereby designates the Zoning Administrator as the VESCP plan-approving authority.
- D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Zoning Administrator.

322.4 REGULATED LAND-DISTURBING ACTIVITIES

Land-disturbing activity that disturbs 10,000 square feet or more, is less than one acre, not in an area of a locality designated as a Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation.

322.5 SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS

- A. Except as provided herein, no person may engage in any regulated land-disturbing activity until he or she has submitted to the Town of Berryville an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by the Town of Berryville. No approval to begin a land disturbing activity will be issued unless evidence of VPDES permit coverage is obtained where it is required.
Where the land-disturbing activity results from the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP plan-approving authority.
- B. The standards contained within the “Virginia Erosion and Sediment Control Regulation (9VAC25-875)” and the *Virginia Erosion and Sediment Control Handbook* as amended are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The VESCP plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations, and guidelines. When the standards vary between publications, the Virginia Erosion and Stormwater Management Regulation shall take precedence.
- C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board’s regulations, and if the person responsible for carrying out the plan

certifies that s/he will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the Town of Berryville, as provided by 9VAC25-875-300 and 9VAC25-875-550, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

- D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms, and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.
- E. The Town of Berryville shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.
- F. The Town of Berryville may require changes to an approved plan when:
 - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the VESCP plan-approving authority and the person responsible for carrying out the plans.
- G. Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions by granting a variance. A variance may be granted under the following conditions:
 - (1) At the time of plan submission, an applicant may request a variance to become part of the approved Erosion and Sediment Control Plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP plan-approving authority shall be documented in the plan.
 - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP plan-approving authority. The VESCP plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten (10) days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
 - (3) The Town of Berryville shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.
- H. In order to prevent further erosion, the Town of Berryville may require approval of a plan for any land identified in the local program as an erosion impact area.

- I. When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- J. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34 of the code of Virginia to the Town of Berryville any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted.

322.6

EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLAN

- A. An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall be consistent with the criteria, techniques, and methods in 9VAC25-875-560. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:
 - (1) Appropriate maps;
 - (2) An appropriate soil and water plan inventory and management information with needed interpretations; and
 - (3) A record of decisions contributing to conservation treatment.
- B. The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the VESMP authority.
- C. If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an Agreement in Lieu of a Plan signed by the property owner.
- D. Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA, ESCL, or this ordinance if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.

322.7

PERMITS; FEES; SECURITY FOR PERFORMANCE

- A. Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his/her application an approved erosion and sediment control plan, certification that the plan will be followed, and evidence of state permit coverage where it is required.

- B. No person may engage in any land-disturbing activity until s/he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees, and posted the required bond.
- C. An administrative fee of \$200.00 shall be paid to the Town of Berryville at the time of submission of the erosion and sediment control plan.
- D. No land-disturbing permit shall be issued until the applicant submits with his/her application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.
- E. All applicants for permits shall provide to the Town of Berryville a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Zoning Administrator to ensure that measures could be taken by the Town of Berryville at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of the applicant by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the Town of Berryville to take such conservation action, the Town of Berryville may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the Zoning Administrator in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpected or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

322.8

MONITORING, REPORTS, AND INSPECTIONS

- A. The responsible land disturber, as provided by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The Town of Berryville may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.
- B. The Zoning Administrator shall periodically inspect the land-disturbing activity in accordance with Section 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the Zoning Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

- C. Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56, the Zoning Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan, the Zoning Administrator may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approval plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of the County of Clarke. The Town of Berryville shall serve such order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Zoning Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application or the land records of the Town of Berryville.

The owner may appeal the issuance of an order to the Circuit Court of the County of Clarke.

Any person violating or failing, neglecting or refusing to obey an order issued by the Zoning Administrator may be compelled in a proceeding instituted in the Circuit Court of the County of Clarke to obey same to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Zoning Administrator from taking any other action authorized by this ordinance.

322.9 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

- A. Any person who has violated or failed, neglected, or refused to obey any order, notice, or requirement of the Town of Berryville, any condition of a land-disturbance approval, or any provision of this ordinance shall, upon a finding of the District Court of the County of Clarke, be assessed a civil penalty. The civil penalty for any one violation shall not be less than \$100 nor more than \$1,000, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.
- B. The Zoning Administrator, or the owner or property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Circuit Court of the County of Clarke to enjoin a violation or a threatened violation of §§ 62.1-44.15:55 or 62.1-44.15:58 of the Code of Virginia, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) s/he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his/her property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

- C. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to the Town of Berryville in a civil action for damages.
- D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the Town of Berryville.

Any civil penalties assessed by court shall be paid into the treasury of the Town of Berryville, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

322.10 APPEALS AND JUDICIAL REVIEW

- A. Final decisions of the Town of Berryville under this ordinance shall be subject to review by the County of Clarke Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Item Title

Set Public Hearing – Text Amendments establishing public street widths and street light standards

Prepared By

Christy Dunkle

Text Amendments establishing secondary public street widths and street light standards

The Berryville Planning Commission is sponsoring text amendments establishing street right-of-way widths and street light standards to Section 314.7(a) of the Berryville Zoning Ordinance and to Article IV, Section B of the Berryville Subdivision Ordinance.
TA 02-24

Background/History/General Information

In January, the Town Council Streets and Utilities Committee discussed staff recommendations to address right-of-way widths and street light standards.

Right-of-way widths

The following widths were recommended by the Streets and Utilities Committee and reviewed by VDOT representatives. In order to accommodate an increase in the width of current sidewalk widths (previously four-feet, now a five-foot minimum), the proposed right-of-way widths were modified to accommodate this change.

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55'	Up to 2,000	25 mph	30'	CG-6	5'	5'
65'	2,001 to 4,000	25 mph	36'	CG-6	7'	5'

Staff is recommending that the chart above be included in the following documents:

- Construction Standards and Specifications Manual under *Section 2 General Design Standards, VIII Streets and Related Improvements in the Public Right-of-Way (please note: modifications to the Construction Standards and Specifications Manual are approved by Town Council and do not require a public hearing);*
- *Section 314.7(a) Streets and Rights-of-Way* of the Berryville Zoning Ordinance; and

- *Article IV Subdivision Design Standards, Section B. Streets* of the Berryville Subdivision Ordinance.

Street light standards

Rappahannock Electric Coop does not have standards for distances between street lights on public roads. Staff reviewed a number of ordinances and did not find a definitive distance due to site-specific conditions (e.g., speed limits, widths of streets). The standards below reflect this research and recommendations:

Street Lights

The placement of street lights shall follow the guidelines below.

Residential

- *At intersections:*

In order to provide lighting within the intersection area of two local streets, a light pole shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.

- *Within cul-de-sac bulbs:*

A light pole shall be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the local street to the center of the cul-de-sac bulb.

- *Mid-block streetlights:*

A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Director of Public Works. Lights should desirably be located on or near property lines and not in front of structures when possible.

Commercial

Commercial street lighting will be reviewed on a performance-based review as part of the site plan review and based on guidelines established above.

Collector Street Lighting

Street lights on collector streets with rights-of-way of sixty 60 feet or more with average daily trips (ADT's) of 2,001 vehicles or more shall maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

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Staff is recommending that chart above be included in the following documents:

- Construction Standards and Specifications Manual under *Section 2 General Design Standards, VIII Streets and Related Improvements in the Public Right-of-Way* (please note: modifications to the Construction Standards and Specifications Manual are approved by Town Council and do not require a public hearing);
- *Section 314.7(a) Streets and Rights-of-Way* of the Berryville Zoning Ordinance; and
- *Article IV Subdivision Design Standards, Section B. Streets* of the Berryville Subdivision Ordinance, establishing Section IV. B. 16.

Findings/Current Activity

The Planning Commission has set a public hearing for their May 28, 2024 meeting and will have recommendations to Town Council by the June 11, 2024 meeting.

Schedule/Deadlines

Staff would like to get the ordinances updated by July 1, 2024.

Other Considerations

N/A

Recommendation

Set a public hearing for the June 11, 2024 meeting.

Sample Motion

I move that the Planning Commission of the Town of Berryville set a public hearing for Tuesday, June 11, 2024 for text amendments establishing requirements for street rights-of-way and street lighting standards in the zoning and subdivision ordinances.

Attachments:

- Construction Standards and Specifications Manual under *Section 2 General Design Standards, VIII Streets and Related Improvements in the Public Right-of-Way*;
- *Section 314.7(a) Streets and Rights-of-Way* of the Berryville Zoning Ordinance; and
- *Article IV Subdivision Design Standards, Section B. Streets* of the Berryville Subdivision Ordinance

VI. Submission of Calculation Data in Digital Format

- A. Engineering calculations used in the design of public improvements shall be submitted to the Town in digital format for review.
- B. Submissions for water system design shall be on a master development plan that includes the locations of the water mains. The plan(s) shall be paper drawings or provided in an AutoCad compatible format. In addition, the plans shall be a scale accurate drawings referenced to the State Plane Coordinate System.
- C. Submissions for sanitary sewer system design should be provided in Microsoft Excel format, or Heastead input/output files.
- D. Submissions for storm drain system, and storm water management design should be provided in Microsoft Excel format, or Heastead input/output files, or Soil Conservation Service TRT -20 or 55 format.

VII. Transferring of Pump Station Ownership

- A. Transfer of ownership of a pump station to the Town of Berryville will occur only after final acceptance in writing of a completed project. A project is considered complete for the purpose of transferal when 95% of the structures in the project area have a Certificate to Occupy. See Section 14 1 A of the Town of Berryville Construction Standards and Specifications for additional information on transferal / acceptance requirements.
- B. The developer will be responsible for any maintenance as a result of construction defects of said facilities for one year from the date of Final Acceptance.

VIII. Streets and Related Improvements in the Public Right-of-Way

- A. All activity performed in the public right-of-way requires an approved permit from VDOT or the Town of Berryville. VDOT maintains public primary roadways (Business Route 7 and SH 340). The Town of Berryville maintains public secondary roadways.
- B. All work performed under a permit issued by the Town of Berryville must be performed in accordance with the following as applicable:
 - 1. Berryville Town Ordinances
 - 2. Berryville Construction Standards and Specifications
 - 3. VDOT Road and Bridge Standards, current edition
 - 4. VDOT Road and Bridge Specifications, current edition
 - 5. Manual on Uniform Traffic Control Devices (MUTCD) including the VDOT supplement
 - 6. VDOT Manuals on Planting and Irrigation in the Right-of-Way
 - 7. VDOT Land Use Permit Manual
 - 8. Virginia Erosion and Sediment Control Handbook
- C. Right-of-way dedication and acceptance of public streets not maintained by VDOT shall be evidenced by authorized signatures on the deed of dedication or other instrument deemed acceptable by the Town of Berryville.
- D. In order to obtain guarantee of performance to assure timely completion and competent construction of physical improvements, the applicant is required to post a bond or other acceptable surety as identified in Article VII. Performance

Surety, of the Town of Berryville Subdivision Ordinance and Article III, Section 314.8 Construction and Bonding of the Town of Berryville Zoning Ordinance.

- E. Performance bonds shall be submitted to the Town of Berryville for review and approval for those streets in the Town's system (secondaries).
- F. Dedication and acceptance of public streets shall be in compliance with VDOT Memorandum SR-50-93, Guide for Additions, Abandonments, and Discontinuances, current edition.

G. The following chart identifies requirements for right-of-way widths:

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55'	Up to 2,000	25 mph	30'	CG-6	5'	5'
65'	2,001 to 4,000	25 mph	36'	CG-6	7'	5'

H. Street Lighting

All outdoor lighting fixtures shall be shielded to prevent glare on adjacent properties or rights-of-way. No lighting fixtures shall exceed twenty-five (25) feet above the ground in height.

The placement of street lights shall follow the guidelines below:

Residential

- *At intersections:*

In order to provide lighting within the intersection area of two local streets, a light ball shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.

- *Within cul-de-sac bulbs:*

A light pole will be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the intersection local streets to the center of the cul-de-sac bulb.

- *Mid-block streetlights:*

A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Director of Public Works. Lights should desirably be located on or near property lines and not in front of structures when possible.

Collector Street Lighting

Street lights on collector streets with rights-of-way of sixty 60 feet or more with ADT's of 2,001 vehicles or more shall maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

Commercial

Commercial street lighting will be reviewed on a performance-based review as part of the site plan review and based on guidelines established above.

- (ii) A copy of all proposed homeowners' association by laws, and other covenants or maintenance documents where common ownership is anticipated.
- (jj) A copy of rezoning proffers, Special Use Permit conditions, or variances granted for the property shall be submitted with the site plan.
- (kk) Bond estimates for all required improvements.
- (ll) Any necessary notes required by the Agent to explain the purpose of specific items on the plan.
- (mm) Additional information as deemed necessary by the Administrative Body or the Agent.

314.7 IMPROVEMENTS AND MINIMUM STANDARDS

To further the intent of this Section and to protect public safety and general welfare, no site plan shall be approved until the Administrative Body is assured that improvements will be made which meet the following minimum standards:

(a) Streets and Rights-of-Way

1. Streets, driveways, access roads and rights-of-way shall be constructed and dedicated, and existing streets widened and improved as necessary, when the need for such streets and improvements is generated by the proposed development, or is indicated in the Berryville Comprehensive Plan and/or its Berryville Area Plan component.
2. All street construction standards and geometric design standards shall be in accord with the standards of the Berryville Subdivision Ordinance, the Virginia Department of Transportation, or other standards provided by the Town of Berryville. However, the Authority or the Agent may modify standards for local, collector, and minor loop streets, provided that off-street parking sufficient to accommodate required parking ratios are provided to complement the street system, and approval of the modifications is obtained from the Virginia Department of Transportation, where applicable.
3. All development must have direct access to public dedicated and State or Town-maintained roads. Sites or lots shall not have direct access to any arterial road, unless the physiography, shape, or size of the tract precludes other methods of access.
4. Where traffic generated from an entire development exceeds 2,000 vehicle trips per day, such development shall provide connectors to existing public roads at two or more locations. Where only one connection is physically achievable, the connecting portion of the entrance road must be a four-lane divided road extending not less than two hundred fifty (250) feet into the development. No internal vehicular connection shall be permitted on this entrance section.
5. Streets and rights-of-way shall permit access to adjoin properties in conformance with the Berryville Area Plan, Comprehensive Plan, and the satisfaction the Administrative Body or the Agent.
6. Travel ways designed for on-site two-way vehicular traffic circulation shall in no case have a pavement width of less than twenty (20) feet.

7. Street right-of-way widths shall conform to the following chart:

Section 314 – Site Development Plans

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55'	Up to 2,000	25 mph	30'	CG-6	5'	5'
65'	2,001 to 4,000	25 mph	36'	CG-6	7'	5'

(b) Cul-de-Sacs

Cul-de-sacs shall be designed and constructed in accordance with the street standards of the Berryville Subdivision Ordinance, or with other standards provided by the Town of Berryville. Cul-de-sacs may not be used as parking areas.

(c) Parking

Parking bays shall be constructed to standards compatible with those of the adjoining public street, and shall be provided in a quantity according to the schedule set forth in the Berryville Zoning Ordinance. Off-street parking spaces shall be accessed via private travel ways, and not directly accessed from public rights-of-way.

(d) Sidewalks, Paths, and Walkways

Sidewalks, paths, and/or walkways shall be provided to enable the public to walk safely and conveniently from one building to another on the site, to and from adjacent sites, and to and from sidewalks in the public right-of-way. The construction material to be used must meet the approval of the Administrative Body or the Agent.

(e) Curb and Gutter

Curb and gutter (CG-6 or approved equivalent) shall be required on all new public streets. The Administrative Body may require curb and gutter on off-street parking areas, service drives, private streets, and around medians, where warranted by conditions. Upon recommendation from the Virginia Department of Transportation, the Administrative Body may waive the requirement for curb and gutter when in keeping with existing conditions on adjacent sites, and when safe travel and adequate stormwater management can be assured without curb and gutter.

(f) Utilities and Utility Easements

All utilities necessary to serve the proposed development shall be installed by the developer, and shall be installed underground in accordance with the adopted facilities plans of the Town of Berryville; provided however, that:

1. Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which are normally installed aboveground, may continue to be so installed;
2. Meters, connections, and similar equipment normally attached to outside walls may be so installed; and
3. Dedications of right-of-way easements shall be made for all utilities and facilities that are intended to be publicly maintained. Easements shall be clearly defined for the purposes intended. Minimum easement widths shall be as specified by the Administrative Body, the Agent, or utility company.

(g) Water and Sewer Systems

All water distribution and sewer collection systems shall be designed to accommodate normal and peak demand loads. All such systems shall be designed to meet or exceed the specifications of the Berryville Area Water and Sewerage Program. Regulations of the Virginia Department of Health and other state agencies shall also be met, as applicable.

(h) Stormwater Management

The stormwater runoff rate for a developed area shall be equal to or less than the runoff rate for the area prior to development. The policies and design criteria for meeting those goals are addressed in the Berryville Area Stormwater System Master Plan. Dedicated easements shall be provided for all facilities. As noted in the Master Plan, a pro-rata monetary contribution toward off-site drainage improvements may be substituted for on-site improvements, though only for those so designated in the Master Plan.

(i) Soil Suitability

The U.S. Department of Agriculture, Soil Conservation Service, shall be referred to for commenting on the suitability of soils for intended development, and on any special measures that are recommended for development on a certain soil classification. The applicant shall provide a generalized mapping of on-site soils and their engineering characteristics.

(j) Landscaping, Screening, Buffering

1. Where non-residentially zoned land is developed adjacent to land zoned for residential or open space uses, or where residentially zoned land is developed adjacent to a railroad or limited access highway, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along the common property line. The buffer shall include fencing and plant material. Fencing shall consist of a solid opaque wood fence or masonry wall six (6) feet in height. Plant material shall consist of deciduous trees, evergreen trees, and/or shrubs, in addition to ground cover, and shall be provided on at least one side of the fence.
2. All refuse containers shall be completely enclosed with a solid opaque wood fence or masonry wall at least six (6) feet high.
3. Mechanical equipment (including HVAC), energy conservation or collection equipment, or communications transmitting or receiving apparatus should be screened from public view.
4. Walls and fences used for screening should be composed of such traditional materials as brick, stone, or wood. Use of chain link, plastic, fiberglass, and plywood is discouraged.
5. For all uses, a landscaped buffer strip a minimum of ten (10) feet wide shall be provided along all public rights-of-way. The buffer shall include plant material consisting of deciduous trees, evergreen trees, and/or shrubs, in addition to living ground cover.
6. Where parking areas are adjacent to public rights-of-way, landscaping shall include shrubs and/or berms to screen parked automobiles.
7. New/replacement trees shall be spaced no farther apart than an average of fifty (50) feet, on center, and placed as close to the roadway as allowed in the

Virginia Department of Transportation's Guidelines for Planting Along Virginia's Roadways.

8. Parking lots containing ten or more spaces shall be planted with at least one (1) deciduous tree per eight (8) spaces, meeting the following requirements:
 - (a) Such required trees shall be surrounded by not less than forty (40) square feet of permeable, unpaved area.
 - (b) Other landscaping materials, including shrubs and groundcover, shall be included with the trees on parking islands.
 - (c) Each parking island shall have at least one (1) tree.
 - (d) Trees shall be at least ten (10) feet apart if on the same parking island.
9. Tree Specification:
 - (a) Required street and parking island trees shall be major deciduous hardwood trees (maple, oak, linden, sycamore, etc.) meeting the following requirements:
 - (i) Cast moderate to dense shadow; be long-lived (60+ years); be tolerant of pollution; be tolerant of direct or reflected heat; require little maintenance; be physically hardy and insect/disease resistant; be able to survive two years with no irrigation after establishment; be of native origin.
 - (ii) All deciduous trees shall have a minimum trunk diameter of two-inch caliper measured at 4.5 feet from the ground when planted.
 - (b) Any evergreen tree shall be a minimum of five (5) feet in height when planted.
10. The property owner shall be responsible for maintenance and replacement of such landscape material, as needed.

(k) Lighting

All outdoor lighting fixtures shall be shielded to prevent glare on adjacent properties or rights-of-way. No lighting fixtures shall exceed twenty-five (25) feet above the ground in height.

The placement of street lights shall follow the guidelines below:

Residential

- At intersections:

In order to provide lighting within the intersection area of two local streets, a light ball shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.

- Within cul-de-sac bulbs:

A light pole will be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the intersection local streets to the center of the cul-de-sac bulb.

- Mid-block streetlights:

A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by

the Director of Public Works. Lights should desirably be located on or near property lines and not in front of structures when possible.

Collector Street Lighting

Street lights on collector streets with rights-of-way of sixty 60 feet or more with ADT's of 2,001 vehicles or more shall maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

Commercial

Commercial street lighting will be reviewed on a performance-based review as part of the site plan review and based on guidelines established above.

(l) Erosion and Sediment Control

An erosion and sediment control plan for the entire disturbed area of a development shall be prepared in accordance with the Berryville Erosion and Sediment Control Ordinance, and must receive the approval of the Lord Fairfax Soil & Water Conservations District Board.

(m) Miscellaneous Design Criteria

All other criteria and specifications shall be in accordance with Town standards, where provided. Where Town standards are not provided, the Administrative Body shall provide those standards or shall rule upon the standards proposed by the developer.

314.8 CONSTRUCTION AND BONDING

- (a) No site improvement activities may occur unless all of the following have been met:
 - 1. Approval of final site plan and erosion and sediment control plan.
 - 2. Approval of erosion and sediment control bond, and installation of erosion and sediment control measures.
 - 3. Posting of construction bond.
- (b) All improvements required by this Section shall be installed at the cost of the Developer, except where cost sharing or reimbursement agreements between the Town and the applicant are appropriate, the same to be recognized by formal written approval prior to site plan approval.
- (c) The approval of a site plan and/or the installation of improvements shall not obligate the Town to accept the improvements for maintenance, repair, or operation. Acceptance shall be subject to Town and/or State regulations, where applicable, and dependent on the satisfactory nature of the improvements.
- (d) The applicant is required to post a bond or other acceptable surety covering the construction and satisfactory completion of all required on-site and off-site improvements. Such bond shall be posted under the provisions of Berryville Area Plan Bonding Agreement.

314.9 REVISIONS

The Agent may administratively approve changes to an approved site plan which the Agent determines are minor revisions, complying with all provisions of the Section and having no additional adverse impact on public facilities or adjacent properties. Major revisions

In furtherance of the purposes of this Ordinance, the following minimum subdivision design standards, as applicable, shall be required and delineated on final subdivision plats.

B. **STREETS**

1. Street standards and design

- a. All street and highway construction standards and geometric design standards shall be in accordance with those specified by the Virginia Department of Transportation and applicable Town Design and Construction Standards. In certain cases, the Town may modify street geometric design standards for local, collector, and minor loop streets with the provision that sufficient off-street parking be provided to complement the street system and approval for modification is obtained from the Virginia Department of Transportation where applicable.
- b. Specifications for improvements to proposed and planned streets shall be in accordance with the Virginia Department of Transportation and/or Town design standards and criteria established by the Town.
- c. All subdivisions must have direct access to publicly dedicated and publicly maintained roads, except that private roads may be permitted in accordance with the provisions in this Ordinance.
- d. Subdivisions shall be designed so that lots will not front any arterial road unless the physiography, shape or size of the tract would preclude other methods of providing access.

2. Street classifications

The classification of proposed streets shall be determined by an estimate of the anticipated vehicular traffic volume as currently prescribed, or as revised, by the Virginia Department of Transportation and shall apply to streets proposed by a subdivider and to all streets shown on the transportation element of the Berryville Area Plan.

3. Street layout

Streets in predominantly residential subdivisions shall be designed to discourage through traffic, but offset or jog streets shall be avoided.

4. Street width

~~a. The right of way width for all public streets shall conform to the widths designated on the transportation element of the Berryville Area Plan.~~

~~b. The right of way width for streets shall be not less than 50 feet.~~

Public street rights of way shall conform to the following requirements:

ROW WIDTH	ADT	Design Speed	Road Width (Parking 2 sides)	Curb & Gutter	Buffer Strip	Sidewalk Width
55'	Up to 2,000	25 mph	30'	CG-6	5'	5'

65'	2,001 to 4,000	25 mph	36'	CG-6	7'	5'
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5. Street right-of-way lines
Right-of-way lines shall conform to the property lines of lots and shall be parallel to the street center line.
6. Street grades
 - a. The grade of streets shall not exceed 8 percent unless approved by the Town Council, and in no case shall a street grade exceed 10 percent.
 - b. A minimum street grade of 0.5 percent shall be required.
7. Street approach angle
Streets shall intersect at near right angles of not less than 80 degrees, unless otherwise approved by the Town Council or its agent, or upon recommendation from the Virginia Department of Transportation for specific reasons of contour, terrain, or matching of existing patterns.
8. Curb and gutter requirements
Curb and gutter shall be required as provided in Article III Section 320 of the Berryville Zoning Ordinance. All curb and gutter sections shall be constructed in accordance with Virginia Department of Transportation Standards. **(9/05)**
9. Half-street sections
Half-street sections (streets of less than the full right-of-way required) along the property line of land proposed for subdivision shall not be permitted, unless approved by the Virginia Department of Transportation. When a new subdivision abuts one side of an existing or platted street, the subdivider shall dedicate at least half of the right-of-way necessary to make such street comply with the minimum width fixed for the same by this section. However, where half-streets exist on adjoining property, the provisions of the section may be satisfied by the dedication of the remaining required right-of-way upon which the subdivision in question abuts. No building shall be permitted without such dedication.
10. Cul-de-sacs
Cul-de-sacs (minor neighborhood streets designed to have one end permanently closed) shall not be longer than 600 feet. All cul-de-sacs must be terminated by a turnaround having a right-of-way radius of 50 feet and a paved radius (face of curb to face of curb) of 43 feet.
11. Coordination and continuation of streets adjacent to subdivision
 - a. Subdivision street layout shall allow for the planned continuation of existing streets in adjoining areas, and must not be such as to cause unnecessary hardship to owners of adjoining property which may be susceptible to future subdivision planning.
 - b. Subdivision streets shall be provided and designed to give access to adjoining acreage in conformance with the Berryville Area Plan and to the satisfaction of the Town.

- c. Any proposed street that will extend an existing street shall be improved in like manner as the existing street unless as otherwise directed by the Virginia Department of Transportation (VDOT). The type of improvement and the construction materials shall be in accordance with VDOT and/or applicable Town standards and criteria or as otherwise established by the Town.
 - d. There shall be no buffer or reserve strips (“hate strips” or “spite strips”) limiting access from existing or planned through streets, except under such limitations and conditions as may be in the form of a written approval from the Administrative Body. Such limitations and conditions in effect shall secure removal of the buffer or reserve strip whenever it is in the public interest that such be converted into a public street as an access or additional access to adjacent lands.
- 12. Street signs and names
 - a. At each street intersection within or adjacent to the proposed subdivision one street identification sign of a design approved by the Town shall be installed by, and at the expense of, the subdivider/developer.
 - b. The Town shall approve all new subdivision street names.
 - c. Proposed streets that are obviously in alignment with other already existing and named streets shall bear the name of the existing streets. In no case shall the names of proposed streets duplicate existing streets irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court.
- 13. Subdivision entrances
 - a. No subdivision shall be approved unless the principle means of access thereto, and all streets within, shall conform to the standards of the Virginia Department of Transportation.
 - b. Each entrance onto any public road for vehicular traffic to and from such subdivision shall be subject to the approval of the Administrative Body upon the advice of the Virginia Department of Transportation Highway Engineer and shall be constructed in accordance with the applicable design standards of the Town of Berryville and/or the Virginia Department of Transportation.
 - c. Where traffic generated from a subdivision exceeds 2,000 vehicle-trips per day, such subdivision shall provide connectors to any existing public road(s) at two locations. Where only one connection is feasible, the entrance roadway must be a four-lane divided road with a length of not less than 250 feet or as otherwise recommended by the Virginia Department of Transportation. There shall be no curb cuts along this four-lane divided entrance road.
- 14. Alleys
 - a. Dead-end alleys and alleys in residential areas will not be permitted.
 - b. Privately maintained and properly documented alley easements in commercial zones may be permitted at the discretion of the town, provided there is documentation acceptable to the Town ensuring the

maintenance and upkeep of the alley easement. No such alley easement shall be less than 24 feet in width.

15. Service drives

- a. Whenever a proposed subdivision contains, or is adjacent to a minor or major arterial, sufficient land shall be reserved so as to provide for subsequent construction of service drives or service streets approximately parallel to such right-of-way; but the Administrative Body may, when consistent with the public convenience and necessity, waive the requirement of such provision.
- b. Except where impractical by reason of topographic hardship, the area between the drive and the major highway shall be sufficient to provide for scenic planting and screening. The dimension of the area between the service drive and a major highway and the points of access between the same shall be determined after due consideration of traffic safety requirements.

16. Streetlights

The placement of street lights shall follow the guidelines below.

a. Residential

- *At intersections:*

In order to provide lighting within the intersection area of two local streets, a light ball shall be installed on one corner of any intersection or opposite the intersection in the case of a T-intersection.

- *Within cul-de-sac bulbs:*

A light pole will be installed within the cul-de-sac bulb when the cul-de-sac street is longer than 200 feet measured from the intersection of the intersection local streets to the center of the cul-de-sac bulb.

- *Mid-block streetlights:*

A minimum number of mid-block streetlights shall be installed in order to achieve a desired pole spacing of approximately 250 feet. The maximum spacing between lights should not exceed 300 feet and the minimum spacing between lights should not be less than 200 feet unless otherwise approved by the Director of Public Works. Lights should desirably be located on or near property lines and not in front of structures when possible.

b. Commercial

Commercial street lighting will be reviewed on a performance-based review as part of the site plan review and based on guidelines established above.

c. Collector Street Lighting

Street lights on collector streets with rights-of-way of sixty 60 feet or more with ADT's of 2,001 vehicles or more shall maintain separation based on the guidelines established above. Cobra head fixtures may be installed on these roadways.

Cash Balance Report

Period Ending 4/30/2024

Town of Berryville

5/2/2024 3:43 PM

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	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-\$83,572.44
2	Bank of Clarke NOW Acct#- 1138502	\$13,589,894.34
3	Bank of Clarke Payroll Acct#- 1139510	\$40,153.99
4	Bank of Clarke CIP Acct#- 1138405	\$10,483,301.84
5	Bank of Clarke SW Acct#- 1138413	\$479,717.83
6	Bank of Clarke PDAF Acct#- 1138421	\$27,368.40
7	Bank of Clarke DSR Acct#- 1138456	\$112,287.98
9	Bank of Clarke RAU Acct#- 1138472	\$949.30
10	Bank of Clarke VRA Reserve Acct#- 6041647	\$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	\$90,666.72
12	Bank of Clarke Performance Bonds Acct#- 1910841	\$11,306.83
13	TRUIST Acct#- 5137523525	\$568,583.09
14	Bank of Clarke PD Contributions Acct#- 5759859	\$6,120.44

Total Cash Balance:	\$25,796,778.32
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Check Listing

Date From: 4/1/2024 Date To: 4/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
05/02/2024 03:42 PM

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Check Number	Bank	Vendor	Date	Amount
8874	1	ANDERSON LAWN CARE, INC.	04/04/2024	<u>\$300.00</u>
8875	1	Broy & Son Pump Service, Inc	04/04/2024	<u>\$10,773.88</u>
8876	1	COMBS WASTEWATER MANAGEMENT LLC	04/04/2024	<u>\$75.00</u>
8877	1	CORE & MAIN LP	04/04/2024	<u>\$34,030.00</u>
8878	1	DSS ENTERPRISES, LC	04/04/2024	<u>\$297.75</u>
8879	1	Michelle M. Jones	04/04/2024	<u>\$1,621.50</u>
8880	1	Minnesota Life Insurance Co.	04/04/2024	<u>\$254.94</u>
8881	1	MUNICIPAL EMERGENCY SERVICES INC	04/04/2024	<u>\$8,750.00</u>
8882	1	SARAH HOGUE	04/04/2024	<u>\$213.47</u>
8883	1	The Hall Company	04/04/2024	<u>\$1,605.23</u>
8884	1	The Winchester Star	04/04/2024	<u>\$479.20</u>
8885	1	Total Pest Services, Inc	04/04/2024	<u>\$158.00</u>
8886	1	Treasurer of Clarke County	04/04/2024	<u>\$31,762.55</u>
8887	1	UBEO MIDCO LLC	04/04/2024	<u>\$15.00</u>
8888	1	USA Bluebook	VOIDED 04/04/2024	<u>\$306.79</u>
8889	1	VUPS	04/04/2024	<u>\$57.65</u>
8890	1	Berryville Main Street	04/11/2024	<u>\$616.00</u>
8891	1	Commercial Press Inc	04/11/2024	<u>\$398.50</u>
8892	1	EBERT REPRODUCTION & SUPPLY	04/11/2024	<u>\$35.24</u>
8893	1	H2O Pipe Cleaning LLC	04/11/2024	<u>\$2,500.00</u>
8894	1	Hall, Monahan, Engle, Mahan & Mitchell	04/11/2024	<u>\$127.00</u>
8895	1	INNOVATIVE ACCESS TECHNOLOGIES	04/11/2024	<u>\$126.00</u>
8896	1	Jean Petti	04/11/2024	<u>\$50.00</u>
8897	1	Keith Dalton	04/11/2024	<u>\$50.00</u>
8898	1	THOMSON REUTERS	04/11/2024	<u>\$109.20</u>
8899	1	AT&T	04/17/2024	<u>\$656.62</u>
8900	1	BERRYVILLE AUTO PARTS	04/17/2024	<u>\$94.10</u>
8901	1	Berryville Main Street	04/17/2024	<u>\$2,156.23</u>
8902	1	CIVICPLUS	VOIDED 04/17/2024	<u>\$250.00</u>
8903	1	DSS ENTERPRISES, LC	04/17/2024	<u>\$297.75</u>
8904	1	ESS- Enterprise security solutions	04/17/2024	<u>\$9,450.00</u>
8905	1	Fire Protection Company, LLC	04/17/2024	<u>\$35.75</u>

Check Listing

Date From: 4/1/2024 Date To: 4/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
05/02/2024 03:42 PM

Page: 2 of 3

Check Number	Bank	Vendor	Date	Amount
8906	1	LANGUAGE LINE SERVICES INC	04/17/2024	\$4.48
8907	1	MST YASMIN ARA	04/17/2024	\$182.63
8908	1	MUNICIPAL EMERGENCY SERVICES INC	04/17/2024	\$4.25
8909	1	PENNONI ASSOCIATES INC	04/17/2024	\$18,623.00
8910	1	PHOENIX DISTRIBUTORS	04/17/2024	\$975.00
8911	1	TATIANA CLARK	04/17/2024	\$285.00
8912	1	Treasurer of Frederick County	04/17/2024	\$6,030.36
8913	1	Trojan Technologies	04/17/2024	\$1,430.00
8914	1	UBEO MIDCO LLC	04/17/2024	\$15.00
8915	1	USA Bluebook	04/17/2024	\$5,654.12
8916	1	Valley Automation	04/17/2024	\$1,008.40
8917	1	VIRASEC IT Support Services, Inc.	04/17/2024	\$2,843.70
8918	1	WASHINGTON FIRE PROTECTION ENGINEERING LLC	04/17/2024	\$910.00
8919	1	BKT UNIFORMS	04/24/2024	\$330.70
8920	1	CIVICPLUS	VOIDED 04/24/2024	\$250.00
8921	1	DANA LIBBY	04/24/2024	\$40.00
8922	1	FLOMEC INC	04/24/2024	\$8,467.76
8923	1	Gwen Malone	04/24/2024	\$40.00
8924	1	Hach Company	04/24/2024	\$577.45
8925	1	Michelle K. Marino	04/24/2024	\$40.00
8926	1	Sheryl Reid	04/24/2024	\$40.00
8927	1	Thomas Randall Parker Jr.	04/24/2024	\$40.00
8928	1	VUPS	04/24/2024	\$36.80
8929	1	William and John Gillison	04/24/2024	\$275.00
8930	1	WILLIAM MITCHELL GILPIN	04/24/2024	\$40.00
8931	1	William Steinmetz	04/24/2024	\$75.00
58	Checks Totaling -			\$155,872.00

Totals By Fund

	Checks	Voids	Total
100	\$66,584.56	\$500.00	\$66,084.56
501	\$73,739.65	\$306.79	\$73,432.86
502	\$15,547.79		\$15,547.79

Check Listing

Date From: 4/1/2024 Date To: 4/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
05/02/2024 03:42 PM

Page: 3 of 3

Check Number	Bank	Vendor		Date	Amount
			Checks	Voids	Total
		Totals:	\$155,872.00	\$806.79	\$155,065.21



Purchasing Card

BERRYVILLE TOWN OF
[Redacted]
April 01, 2024 - April 30, 2024

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 04/30/24 Payment Due Date 05/25/24 Days in Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$74,129.52	Previous Balance \$71,946.56 Payments -\$71,946.56 Credits -\$101.07 Cash \$0.00 Purchases \$74,230.59 Other Debits \$0.00 Overlimit Fee \$0.00 Late Payment Fee \$0.00 Cash Fees \$0.00 Other Fees \$0.00 Finance Charge \$0.00 Current Balance \$74,129.52

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 05/24/24.

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				

7194656 7412952 7412952 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]
April 01, 2024 - April 30, 2024

Total Payment Due \$74,129.52
Payment Due Date 05/25/24

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:
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<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

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK				
15,000	0.00	0.00	11,444.34	11,444.34
BOOTH, KEVIN				
1,000	0.00	0.00	287.57	287.57
BRISTOL, TIM				
5,000	0.00	0.00	40.00	40.00
BUSSETT, ERNIE				
47,702	0.00	0.00	276.79	276.79
COLE, HEIDI				
50,000	0.00	0.00	27,970.00	27,970.00
DALTON, KEITH				
50,000	0.00	0.00	10,000.00	10,000.00
DUNKLE, CHRISTY				
500	0.00	0.00	100.00	100.00
ELLIOTT, RALPH				
5,000	0.00	0.00	349.73	349.73
FERREBEE, DARRELL				
500	0.00	0.00	252.00	252.00
GRIFFITH, RICHARD A				
500	0.00	0.00	43.15	43.15
JOHNSON, KAREN				
1,000	0.00	0.00	412.49	412.49
LAMBERT, TRAE				
500	0.00	0.00	22.87	22.87
LINK, BRIAN				
5,000	0.00	0.00	451.73	451.73
MCCORMICK, HARRY				
500	80.35	0.00	168.45	88.10
PETTI, JEAN				
50,000	0.00	0.00	16,996.82	16,996.82
POULIN, CYNTHIA				
5,000	0.00	0.00	906.50	906.50
SHEETZ, CULLEN				
500	0.00	0.00	70.93	70.93
SHOREMOUNT, JOSEPH E				
500	0.00	0.00	34.60	34.60
STOVER, KEITH				
5,000	0.00	0.00	2,651.62	2,651.62
WEATHERHOLT, EUGENE W				
500	0.00	0.00	49.98	49.98
WHITE, NEAL				
14,980	20.72	0.00	1,701.02	1,680.30

BERRYVILLE TOWN OF
April 01, 2024 - April 30, 2024
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Transactions							
Posting Transaction							
Date	Date	Description	Reference Number	MCC	Charge	Credit	
BERRYVILLE TOWN OF							Total Activity
Account Number: [REDACTED]							- \$71,946.56
04/23	04/23	AUTO PAYMENT DEDUCTION		0071			71,946.56
BOOR, RICK							Total Activity
Account Number: [REDACTED]							11,444.34
04/02	04/01	CORE & MAIN - WV004 304-263-6986 WV	24445004092300648906244	5074	4,446.75		
04/04	04/03	VERMEER MID ATLANTIC MANA571-2925236 VA	24067204094403190000324	5046	3,790.27		
04/16	04/15	WM SUPERCENTER #3344 WINCHESTER VA	24445004107400355101691	5411	116.86		
04/22	04/19	GRIFFITH ENERGY SERVIC 888-474-3391 MD	24941684110200757701004	4900	2,674.59		
04/22	04/21	AMZN Mktp US*IF6M91QL3 Amzn.com/billWA	24692164112106638420130	5942	415.87		
BOOTH, KEVIN							Total Activity
Account Number: [REDACTED]							287.57
04/01	03/29	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974090091406000528	5251	8.99		
04/02	04/01	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974093091400000083	5251	86.16		
04/04	04/03	COSTCO WHSE #0239 WINCHESTER VA	24943004095898002013071	5300	42.10		
04/11	04/10	GRAND TRUE VALUE RENTALS WINCHESTER VA	24323004101034175739506	7394	85.22		
04/18	04/17	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974109091402000083	5251	27.90		
04/19	04/18	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974110091404000203	5251	37.20		
BRISTOL, TIM							Total Activity
Account Number: [REDACTED]							40.00
04/23	04/22	FESTIVAL CLEANERS BERRYVILLE VA	24022444113900012700026	7216	40.00		
BUSSERT, ERNIE							Total Activity
Account Number: [REDACTED]							276.79
04/05	04/03	MCMaster-CARR 630-834-9600 IL	24789304095390200045726	5085	118.47		
04/11	04/10	AMZN Mktp US*JJ44R44W3 Amzn.com/billWA	24692164101107578393405	5942	20.96		
04/18	04/17	LOWES #02724* Winchester VA	24692164108103184219152	5200	137.36		
COLE, HEIDI							Total Activity
Account Number: [REDACTED]							27,970.00
04/03	04/03	COMCAST 800-COMCAST MD	24692164094101360376438	4899	126.07		
04/04	04/03	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664094083710688852	4900	5,252.18		
04/10	04/09	VERIZON BILL PAYMENT 800-VERIZON FL	24692164100106402840178	4814	449.52		
04/10	04/09	VERIZON BILL PAYMENT 800-VERIZON FL	24692164100106402840186	4814	226.26		
04/15	04/12	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664104083756143562	4900	1,380.00		
04/15	04/12	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664104083701111284	4900	10,000.00		
04/15	04/12	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664103083756144447	4900	10,000.00		
04/15	04/12	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664103083719123306	4900	375.39		
04/22	04/20	COMCAST 800-COMCAST MD	24692164111105415768894	4899	160.58		
DALTON, KEITH							Total Activity
Account Number: [REDACTED]							10,000.00
04/15	04/12	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664103083707116866	4900	10,000.00		
DUNKLE, CHRISTY							Total Activity
Account Number: [REDACTED]							100.00
04/16	04/15	VDOT LAND USE PERMITS 804-7860622 VA	24755424107731070880480	9399	100.00		
ELLIOTT, RALPH							Total Activity
Account Number: [REDACTED]							349.73
04/15	04/12	A SIGN PLACE/PERSONALIZE WINCHESTER VA	24223694105030087710929	5099	328.40		
04/23	04/22	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974114091402000573	5251	21.33		
FERREBEE, DARRELL							Total Activity
Account Number: [REDACTED]							252.00
04/01	03/29	ANDERSON'S NURSERY BERRYVILLE VA	24061064091016034410330	5261	252.00		
GRIFFITH, RICHARD A							Total Activity
Account Number: [REDACTED]							43.15
04/15	04/12	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327434103438301130451	5533	22.99		
04/18	04/17	GIANT MARTINS #6558 BERRYVILLE VA	24692164108103206673428	5411	20.16		
JOHNSON, KAREN							Total Activity
Account Number: [REDACTED]							412.49
04/01	03/29	STAPLS7629423932000002 877-8267755 NJ	24164074089105441315494	5111	36.16		
04/03	04/03	Amazon web services aws.amazon.coVA	24692164094101304501992	7399	0.60		
04/04	04/03	STAPLS7629685738000001 877-8267755 NJ	24164074094105441478162	5111	133.47		
04/15	04/12	STAPLS7630431538000001 877-8267755 NJ	24164074103105442834461	5111	109.39		
04/19	04/18	AMZN Mktp US*T02P169W3 Amzn.com/billWA	24692164109104141269156	5942	38.88		
04/22	04/22	AMZN Mktp US*5Z6XW3ZD3 Amzn.com/billWA	24692164113107067562417	5942	20.95		
04/29	04/28	STAPLS7631237336000001 877-8267755 NJ	24164074119105441212620	5111	73.04		
LAMBERT, TRAE							Total Activity
Account Number: [REDACTED]							22.87
04/16	04/15	GIANT MARTINS #6558 BERRYVILLE VA	24692164106101630427504	5411	12.10		
04/30	04/29	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974121091406000133	5251	10.77		

BERRYVILLE TOWN OF

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Transactions

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Date	Date	Description	Reference Number	MCC	Charge	Credit
LINK, BRIAN						Total Activity
Account Number: [REDACTED]						451.73
04/11	04/10	LOWES #02724* Winchester VA	24692164101107376370381	5200	167.88	
04/15	04/12	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974104091402000104	5251	5.38	
04/16	04/15	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974107091408000014	5251	30.35	
04/25	04/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974116091406000148	5251	53.66	
04/26	04/25	LOWES #00656* WINCHESTER VA	24692164116109731119969	5200	141.60	
04/26	04/25	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974117091408000442	5251	52.86	
MCCORMICK, HARRY						Total Activity
Account Number: [REDACTED]						88.10
04/01	03/30	GIANT MARTINS #6558 BERRYVILLE VA	24692164090101496012950	5411	8.98	
04/22	04/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974113091400000055	5251	118.02	
04/22	04/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	74801974113091400000068	5251		80.35
04/24	04/23	USPS PO 5107560300 BERRYVILLE VA	24137464115001567136613	9402	41.45	
PETTI, JEAN						Total Activity
Account Number: [REDACTED]						16,996.82
04/01	03/30	AMZN Mktp US*8D6A72FX3 Amzn.com/billWA	24692164090101742483765	5942	25.23	
04/02	04/01	Amazon.com*RA3NM7841 Amzn.com/billWA	24692164092102921292884	5942	134.99	
04/02	04/01	IN*JOINER LABS, LLC 540-3477212 VA	24692164092100191524267	8734	25.00	
04/03	04/02	COYNE CHEMICAL CROYDON PA	24137464093300827679941	5169	3,040.35	
04/03	04/02	COYNE CHEMICAL CROYDON PA	24137464093300827680006	5169	378.40	
04/03	04/03	AMZN MKTP US*RO89F1R70 SEATTLE WA	24431064094083751013069	5942	14.97	
04/05	04/04	AMZN Mktp US*8I9OE1ZM3 Amzn.com/billWA	24692164095102626327081	5942	45.99	
04/10	04/09	AMAZON RET* 111-769946 WWW.AMAZON.COWA	24011344100000054430887	5331	28.95	
04/10	04/09	AMZN Mktp US*FZ4L25PI3 Amzn.com/billWA	24692164100106925494792	5942	44.95	
04/12	04/11	AMZN Mktp US*ND2MN3SX3 Amzn.com/billWA	24692164102108213004091	5942	83.96	
04/15	04/14	AMZN Mktp US*VI3DJ9CV3 Amzn.com/billWA	24692164105100746093425	5942	32.39	
04/18	04/17	COYNE CHEMICAL CROYDON PA	24137464108300793398313	5169	1,205.60	
04/18	04/17	VT CPE PAYMENTS 540-2315182 VA	24755424109641091596049	8220	950.00	
04/18	04/18	AMAZON.COM*AR1OH7TN3 SEATTLE WA	24431064109083303946033	5942	8.79	
04/24	04/23	ENVIRO SELECTS ENVIROSELECTSWA	24492164114000023029533	5261	1,212.20	
04/25	04/24	UPS*296HGEHAF6M 800-811-1648 GA	24692164115108822540209	4215	8.50	
04/25	04/24	COYNE CHEMICAL CROYDON PA	24137464115300790612030	5169	2,924.00	
04/29	04/27	USABlueBook 847-3775150 GA	24793384117004442170057	5085	5,654.12	
04/30	04/29	ACO CONTAINER SYSTEMS 905-6838222 ON	74872714120271207269810	5085	118.83	
04/30	04/29	04/30 162.00 CAD 1.363292				
04/30	04/29	DGS DCLS WATER TEST KITS 804-7860447 VA	24755424121131218853170	8734	1,059.60	
POULIN, CYNTHIA						Total Activity
Account Number: [REDACTED]						906.50
04/02	04/01	IN*TRUESHRED 888-7508783 VA	24692164092100191825458	7399	62.00	
04/16	04/15	VA DMV ONLINE BILLING PAY804-4977100 VA	24755424107731071077540	9399	500.00	
04/23	04/22	MSFT* E0100RUK00 MSBILL.INFO WA	24430994113400816016539	5045	6.00	
04/23	04/22	MSFT* E0100RUP5X MSBILL.INFO WA	24430994113400816022941	5045	12.50	
04/23	04/22	MSFT* E0100RUNM6 MSBILL.INFO WA	24430994113400816073928	5045	264.00	
04/30	04/29	IN*TRUESHRED 888-7508783 VA	24692164120103383375304	7399	62.00	
SHEETZ, CULLEN						Total Activity
Account Number: [REDACTED]						70.93
04/04	04/03	GIANT MARTINS #6558 BERRYVILLE VA	24692164094101644390619	5411	20.16	
04/04	04/03	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327434094386300206452	5533	20.00	
04/05	04/04	FISHER AUTO PARTS 009 BERRYVILLE VA	24431064096200824500090	5533	19.51	
04/25	04/24	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974116091406000072	5251	11.26	
SHOREMOUNT, JOSEPH E						Total Activity
Account Number: [REDACTED]						34.60
04/04	04/03	USPS PO 5107560300 BERRYVILLE VA	24137464095001511963264	9402	17.30	
04/09	04/08	USPS PO 5107560300 BERRYVILLE VA	24137464100001463899865	9402	17.30	
STOVER, KEITH						Total Activity
Account Number: [REDACTED]						2,651.62
04/01	03/29	CUTTING EDGE SMALL ENGINEWINCHESTER VA	24622754089300909077560	5999	311.99	
04/04	04/03	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412904094027013218420	5599	831.75	
04/04	04/03	JNO. S SOLENBERGER AND C WINCHESTER VA	24138294095400001959867	5251	129.59	
04/11	04/10	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974102091408000621	5251	8.80	
04/16	04/15	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974107091408000048	5251	10.28	
04/17	04/16	LOWES #02724* Winchester VA	24692164107102466170613	5200	70.95	
04/17	04/16	CUTTING EDGE SMALL ENGINEWINCHESTER VA	24622754107200241368875	5999	66.94	
04/17	04/16	JRE - STEPHENSON STEPHENSON VA	24269794107300731341624	5046	514.04	
04/18	04/17	LOWES #02724* Winchester VA	24692164108103285147039	5200	346.68	
04/23	04/22	WV DMV MOOREFIELD O 3045583973 WV	24072804113762386562125	9399	45.00	
04/24	04/23	JRE - STEPHENSON STEPHENSON VA	24269794114300717464391	5046	108.27	

BERRYVILLE TOWN OF
[REDACTED]
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Transactions*Posting Transaction*

Date	Date	Description	Reference Number	MCC	Charge	Credit
04/25	04/23	VIRGINIA TRACTOR - WINCHEWINCHESTER VA	24269794115500651723764	5599	131.45	
04/25	04/23	VIRGINIA TRACTOR - WINCHEWINCHESTER VA	24269794115500651723848	5599	52.58	
04/29	04/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974118091400000522	5251	23.30	

WEATHERHOLT, EUGENE W**Total Activity****Account Number:** [REDACTED] **49.98**

04/01	03/29	JRE - STEPHENSON STEPHENSON VA	24269794089300787846239	5046	49.98	
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WHITE, NEAL**Total Activity****Account Number:** [REDACTED] **1,680.30**

04/03	04/02	AMZN Mktp US*VW59I49GQ3 Amzn.com/billWA	24692164093100979916270	5942	137.98	
04/03	04/02	AMZN Mktp US*PN2EK3EM3 Amzn.com/billWA	24692164094101171158983	5942	23.97	
04/11	04/10	Amazon.com*HO8FN4LF3 Amzn.com/billWA	24692164101107185198205	5942	137.69	
04/15	04/13	Amazon.com Amzn.com/billWA	74692164104109718848563	5942		20.72
04/16	04/15	BERRYVILLE AUTO PARTS 540-9551292 VA	24327434106454900622423	5533	58.92	
04/17	04/16	THOMSON WEST*TCO 800-328-4880 MN	24692164107102489659311	8999	117.82	
04/17	04/16	OPTICSPLANET, INC. 847-513-6201 IL	24492154107715696510622	5941	291.53	
04/18	04/16	AXON 800-9782737 AZ	24121574108510050448353	5085	313.00	
04/25	04/24	BROWNELLS INC 800-7410015 IA	24270744115900019462067	5941	99.11	
04/29	04/26	KNOX COMPANY INC 623-687-2300 AZ	24055224117063576076150	5099	521.00	

Finance Charge Calculation

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

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

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

MAY 14, 2024
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The April 2024 expenditure report is attached.

Attachments

- April 2024 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

Apr-24

Water and sewer bill accounts

Estimated cost of these actions:

- Payment of delinquent accounts	\$ 4,069.34	\$ -	\$ 4,069.34	\$ -	100%	\$ 4,069.34
- Water and sewer account credits	\$ 169,100.00	\$ -	\$ 171,191.48	\$ -	101%	\$ 169,100.00
- Total		\$	\$ 175,260.82			\$ 175,260.82
Fund balance from first payment						\$ -

Signage

Estimated cost of these actions

- Signage	\$ 140,000.00	\$ -	\$ 41,503.00	\$ 98,497.00	30%	\$ 140,000.00
- Total		\$	\$ 41,503.00			\$ 140,000.00

Fund balance from first payment

Fund balance from second payment						\$ 32,912.34
						\$ 65,584.66

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility	\$ 196,185.08	\$ -	\$ 125,000.00	\$ -	100%	\$ 196,185.08
Total		\$	\$ 71,185.08			\$ 196,185.08

Fund balance from first payment

Fund balance from second payment						\$ -
						\$ -

Non- Profits

Estimated cost of these actions

- John H Enders FD	\$ 80,000.00	\$	-	\$	80,000.00	\$	100%	\$	80,000.00
- Barns of Rose Hill	\$ 40,000.00	\$	-	\$	40,000.00	\$	100%	\$	40,000.00
- Housing assistance	\$ 40,000.00	\$	-	\$	40,000.00	\$	100%	\$	40,000.00
- Total		\$		\$	160,000.00	\$		\$	160,000.00

Fund balance from first payment

	\$	-		\$		\$		\$	-
Fund balance from second payment									-

Purchase of equipment and supplies

Estimated cost of these actions

- Purchase of equipment, etc	\$ 23,629.85	\$	-	\$	23,629.85	\$	100%	\$	23,629.85
- Total		\$		\$	23,629.85	\$		\$	23,629.85

Fund balance from first payment

	\$	-		\$		\$		\$	-
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Improve Communications

Estimated cost of these actions

- Website	\$ 5,845.29	\$	-	\$	5,845.29	\$	100%	\$	5,845.29
- Radios	\$ 75,000.00	\$	-	\$	75,000.00	\$	100%	\$	75,000.00
- Other imp.	\$ 43,203.27	\$	-	\$	29,240.31	\$	68%	\$	29,240.31
- Total		\$		\$	110,085.60	\$		\$	110,085.60

Fund balance from first payment

	\$	9,547.62		\$		\$		\$	9,547.62
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Premium Pay

Estimated cost of these actions					
- Provide premium pay	\$ 172,000.00	\$ 174,323.86	\$ -	101%	\$ 172,000.00
- Total		\$ 174,323.86			\$ 172,000.00
Fund balance from first payment					\$ -

Complete necessary water and sewer infrastructure projects

Capital Projects

Estimated cost of these actions					
- Cost of the projects	\$ 3,485,953.17	\$ 34,725.00	\$ 1,435,229.91	\$ -	85.00%
Total			\$ 1,542,162.76	\$ 508,560.50	\$ 3,485,953.17
Fund balance from first payment			\$ 2,977,392.67		\$ -
Fund balance from second payment					\$ 508,560.50

Pay for administrative costs

Estimated cost of these actions											
- Administrative costs per FY (5.5)	\$	60,000.00	\$	-	\$	45,055.39	\$	14,944.61	75%	\$	60,000.00
- Total					\$	45,055.39				\$	60,000.00
Fund balance from first payment											
										\$	14,944.61

NOTES:

Administrative Costs:

Legal	\$	-
	\$	-

INFRASTRUCTURE COSTS:

Frazier Assoc.(Wayfinding)	\$	-	1st Tranche	\$	2,267,493.00
Core & Main	\$	34,030.00	Used to date	\$	2,210,088.43
VA RIGGERS	\$	-	Balance	\$	57,404.57
Pete McLean	\$	-	2nd Tranche	\$	2,267,493.00
Norfolk Southern	\$	-	Used to date	\$	1,693,347.84
Pennoni(Osborne, Church,Josephine)	\$	695.00	Balance	\$	574,145.16
Pennoni (I&I, SSES Study)	\$	-			
Webster Nursery(Concrete walls)	\$	-			
Total	\$	34,725.00			

ARPA MASTER LIST

5/14/2024

	PROJECT NAME	BUDGET	SPENT TO DATE	BALANCE	%COMPLETE
1	Computers:Utility Clerk,PWs	\$ 2,437.90	\$ 2,437.90	\$ -	100% Admin
2	Police Radio Replacements	\$ 75,000.00	\$ 75,000.00	\$ -	100%
3	PW Compressor	\$ 23,629.85	\$ 23,629.85	\$ -	100% infra
4	Water Dist Sys Flushing Equip	\$ 7,500.00	\$ 9,844.38	\$ -	100% infra
5	Water Meter Reading Equip	\$ 12,458.03	\$ 12,458.03	\$ -	100% infrastr
6	Grants for Improper Con to Sewer Sys	\$ 4,500.00	\$ 4,500.00	\$ -	100% grant
7	W/s Admin Fees	\$ 175,260.82	\$ 175,260.82	\$ -	100% Neg Impact
8	Premium Pay for Employees	\$ 172,000.00	\$ 174,323.86	\$ -	100% premium pay
9	Grant John H Enders/Rescue Squad *	\$ 80,000.00	\$ 80,000.00	\$ -	100% grant
10	Grant to Barns of Rose Hill *	\$ 40,000.00	\$ 40,000.00	\$ -	100% grant
11	Grant for Façade Improvement	\$ 196,185.08	\$ 196,185.08	\$ -	100% grant
12	Website	\$ 5,845.29	\$ 5,845.29	\$ -	100% Admin
13	Leak Study	\$ 8,662.50	\$ 8,662.50	\$ -	100% infra
14	SSES Study	\$ 117,868.73	\$ 117,868.73	\$ -	100% infra
15	River Pumping Station Upgrade	\$ 25,000.00	\$ 28,538.55	\$ -	100% Infra
16	Water Meter & Setter Replacements *	\$ 350,000.00	\$ 350,000.00	\$ -	95% infra
17	Hermitage Pump Station	\$ 26,000.00	\$ 26,000.00	\$ -	100% infra
18	Booster Building Upgrade	\$ 20,000.00	\$ 22,985.85	\$ -	100% infra
19	WWTP Headworks Lighting Upgrade	\$ 4,764.00	\$ 4,764.00	\$ -	100% infra
20	Ridge Road Water Main	\$ 25,939.04	\$ 25,939.04	\$ -	100% Infra
21	Water, Sewer and Drainage Projects	\$ 2,228,476.76	\$ 2,228,476.76	\$ -	100% infra
22	Rockcroft Water Main Abandonment	\$ 10,000.00	\$ 10,550.96	\$ -	100% infra
23	Security Upgrades	\$ 125,000.00	\$ 100,995.91	\$ 647.99	100% infra/admin70
24	Drainage Dorsey, Walnut, Treadwell	\$ 1,500.00	\$ 1,500.00	\$ -	100% infra
25	Bel Voi and Battletown Water Main Repl	\$ -	\$ 11,612.50	\$ -	100% infra
26	Wayfinding Signs	\$ 140,000.00	\$ 41,503.00	\$ 98,497.00	30%
27	Raw Water Intake Land-Easement Acquisition	\$ 13,672.50	\$ 13,672.50	\$ -	100% infra
28	Grant Housing (3 years)	\$ 40,000.00	\$ 40,000.00	\$ -	100%
29	Capital Projects	\$ 543,285.50	\$ 25,825.37	\$ 517,460.13	0%
	Administrative /Legal Fees	\$ 60,000.00	\$ 45,055.39	\$ 14,944.61	75% Admin
	Total Encumbered	\$ 4,534,986.00	\$ 3,903,436.27	\$ 631,549.73	
	Total ARPA	\$ 4,534,986.00			
*	Project For (2) two years				

Project Status Report

16

Date: 5/14/2024

Project Name:

Water Meter and Setter Replacements

Project Budget: \$350,000.00

Expected Completion Date: June 2023

Executive Summary:

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

Project Goals:

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

Project Status:

Status Item	Status	Summary
Budget \$350,000.00	Completed	Total Spend: \$350,000.00
Schedule/Timeline	On Track	% Complete: 95

Project Milestones:

Description	% Complete	Status
1. Order meters, setters, valves, plus other supplies	100%	Completed
2. Install meters / setters	90%	On Track

Project Issues or Concerns:

1. Multiyear project

Project Status Report

26

Date: 5/14/2024

Project Name:
Wayfinding Signs

Project Budget: \$140,000.00

Expected Completion Date: December 2023

Executive Summary:

Design, construct, and install entrance and wayfinding signs.

Project Goals:

1. To improve business environment in downtown business district.

Project Status:

Status Item	Status	Summary
Budget 140,000.00	On Track	Total Spend: \$41,503.00
Schedule/Timeline	On Track	Complete: 30%

Project Milestones:

Description	% Complete	Status
1. Design	0%	On Track
2. Determine Sign locations	0%	Not Started
3. Secure VDOT approvals	80%	On Track
4. Develop offering for design and construction/award/have signs fabricated	0%	Not Started
5. Secure contractor to install signs	0%	Not Started
6. Have signs installed	0%	Not Started
RFP ISSUED ON 6/30/2022 & COUNCIL AUTHORIZED THE TOWN MANAGER TO AWARD BID.		

Project Issues or Concerns:

Project Status Report

Date: 5/14/2024

Project Name: Capital Projects

Project Budget: \$543,285.50

Expected Completion Date:

Project List Under Consideration:

- Bel Voi Water Main Replacement
- Bar Screen at STP
- North Crow Street Drainage
- Rose Hill Park Bridge

Project Goals:

Project Status:

Status Item	Status	Summary
Budget \$543,285.50	Not Started	Total Spend: \$
Schedule/Timeline	Not Started	% Complete: 5

Project Milestones:

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

Project Issues or Concerns:

Deputy Town Manager Report
14 May 2024

Item Title: Berryville Main Street- Hogan's Alley

Prepared By: Jean Petti

Activity to date:

Berryville Main Street's mural artist has finished the mural and will return to seal the work at the end of May.

Drainage improvements have been completed, including the redirection of downspouts away from the sidewalk along Main Street and into the storm drain that runs under the alley.

Public Works installed decorative removable bollards at the Crow Street end of the alley and ironwork from the old train depot at the northern end. These will prevent unauthorized vehicular traffic from entering, while still permitting snow removal activities and maintenance/repair work.

Current Activity:

The sign honoring John Hogan will be installed by Public Works the week of May 13th and several areas of damaged asphalt will be patched. Following this, Berryville Main Street expects to have the alley surface painted (color resembles a concrete sidewalk) by the end of May.

Berryville Main Street has secured a sponsor for the planters and they will be in place as soon as alley surface improvements are completed.

String lights have been purchased by Berryville Main Street and will be installed in early June. This will conclude the alley project.

May 14, 2024
Monthly Update

Spot Blight Abatement

May 14, 2024

114 Josephine Street

It appears that no work has been completed on this property between April 9 and May 9. The owner contacted the Town and asked questions about sewer later abandonment, but has not completed that work.

Photos taken of the property on May 9, 2024 are attached to this report.

225 Josephine Street

A considerable amount of work has been completed on this property since April 9. Work remains to be done, but the owner has been making a significant effort to improve the condition of the property.

The owner of this property has filed suit against Mayor Arnold and Town Manager Dalton. A copy of the court filings in this matter, as well as photos taken of the property on May 9, 2024 are attached to this report.

Attachments

- Photos taken of the property located at 114 Josephine Street on May 9, 2024
- Photos taken of the property located at 225 Josephine Street on May 9, 2024
- Documents from Thomas Brown v. Keith Dalton, Town Manager and Harry Lee Arnold, Jr., Mayor

April 9, 2024

114 Josephine Street

At its March meeting, the Town Council determined that final notice was to be given to the owner of the property. This final notice was to inform the owner that the required blight abatement work must be completed by May 1, 2024 or the Town will, without further notice take action to complete the work enumerated in the approved blight abatement plan.

225 Josephine Street

At its March meeting, the Town Council determined that final notice was to be given to the owner of the property. This final notice was to inform the owner that the required blight abatement work must be completed by May 1, 2024 or the Town will, without further notice take action to complete the work enumerated in the approved blight abatement plan.

At the March Town Council meeting, Susan French lodged a complaint about activities on the property. Ms. French's concerns were forwarded to the Virginia Department of Environmental Quality.

229

Ms. French has provided an update on efforts to improve the property in question.

Attachments

- Letter (final notice) dated March 12, 2024 to owner of 114 Josephine Street from Dalton
- Letter (final notice) dated March 12, 2024 to owner of 225 Josephine Street from Dalton
- Email from Susan French concerning 229 Josephine Street
- Correspondence concerning Susan French Complaint about activities on 225 Josephine Street

Report of March 12, 2024

On February 13, 2024, the Council set a final deadline of April 9, 2024 for the owners of 114 and 225 Josephine Street comply with approved spot blight abatement plans.

Previous Reports not included















VIRGINIA:

IN THE CIRCUIT COURT OF CLARKE COUNTY

Berryville, Virginia

THOMAS H. BROWN,
121 Josephine Street,
Berryville, Virginia 22611
Plaintiff,

v.

KEITH R. DALTON,
In his capacity as Town Manager
101 Chalmers Court, Suite A,
Berryville, Virginia 22611

HARRY LEE ARNOLD
In his capacity as Mayor of Berryville
315 S. Buckmarsh Street,
Berryville, Virginia 22611
Defendants.

CASE NO. 24-126

Received and Filed
APR 04 2024
Clarke Circuit Court

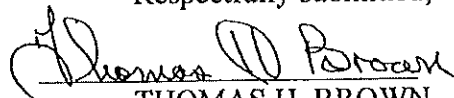
PRAECIPE

COMES NOW PLAINTIFF Thomas H. Brown with his request to the Clerk to place the above-styled case on the docket for the Motions Day of the Court to be held on the this 20th day of May, 2024 for the purpose of hearing plaintiff's request for the Court to Order Grounds of Defense from defendants Keith R. Dalton and Harry Lee Arnold in response to plaintiff's Complaint, by then already served upon defendants.

Plaintiff's estimate of time required for the hearing is ten (10) minutes.

Dated this 4th day of April, 2024.

Respectfully submitted,


THOMAS H. BROWN,
Plaintiff, Pro Se

FOR THE PLAINTIFF

THOMAS H. BROWN
121 Josephine Street,
Berryville, Virginia 22611
Telephone: 540-206-4206

SERVE

CERTIFICATE OF SERVICE

I certify that on the 4th day of April, 2024, a true copy of the foregoing Praecipe was filed with the Clerk of the Circuit Court of Clarke County, and to be served accordingly upon Defendants Keith R. Dalton and Harry Lee Arnold by the Sheriff of Clarke County.


THOMAS H. BROWN, Plaintiff, pro se

COMMONWEALTH OF VIRGINIA



CLARKE CIRCUIT COURT
Civil Division
102 NORTH CHURCH STREET
BERRYVILLE VA 22611
(540) 955-5116

Summons

To: HARRY LEE ARNOLD
315 S BUCKMARSH ST
BERRYVILLE VA 22611

Case No. 043CL24000126-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, April 04, 2024

Clerk of Court: APRIL WILKERSON

by April Wilkerson
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: BROWN, THOMAS
PRO SE

VIRGINIA:

IN THE CIRCUIT COURT OF CLARKE COUNTY

Berryville, Virginia

Received and Filed
APR 04 2024
Clarke Circuit Court

THOMAS H. BROWN,
121 Josephine Street,
Berryville, Virginia 22611
Plaintiff,

v.

KEITH R. DALTON,
In his capacity as Town Manager
101 Chalmers Court, Suite A,
Berryville, Virginia 22611

HARRY LEE ARNOLD
In his capacity as Mayor of Berryville
315 S. Buckmarsh Street,
Berryville, Virginia 22611
Defendants.

CASE NO. 24-126

COMPLAINT

COMES NOW PLAINTIFF Thomas H. Brown (hereafter "Plaintiff," "Brown," "Thomas Brown"), who prays this honorable Court, based upon particulars stated herein, to stay the ongoing enumerated targeted actions of Defendants against his private lot across from Berryville Graphics, Inc., Berryville, Virginia 22611, and to Order them to cease and desist their apparent plan "to take without just compensation" by force from Plaintiff, titled land that had been owned for more than one hundred years by the family of Plaintiff's deceased wife Rosa (née Paige) Brown of Josephine Street, Berryville, Clarke County, Virginia 22611.

PARTIES AND JURISDICTION

1. Thomas H. Brown is an individual widowed 83-year-old resident and property owner of Clarke County, Virginia, with a residence address of 121 Josephine Street, Berryville, Virginia 22611, and owner of separate vacant lot at 225 Josephine Street.
2. Keith R. Dalton is Town Manager of Berryville, Virginia, with a postal address of P.O. Box 932, Berryville, Virginia 22611.

3 Harry Lee “Jay” Arnold is an individual resident, business/property owner of Berryville, Clarke County, Virginia, elected Mayor and former Recorder/Vice-Mayor of Berryville, with a residence address of 315 South Buckmarsh Street, Berryville, Virginia 22611.

4. Jurisdiction and venue are proper in this Court because the Plaintiff, Defendants, and the property affected by all relevant acts and statements giving rise to the cause of action are located in Clarke County.

FACTUAL BACKGROUND

5. The contents of Paragraphs 1 through 4, above, are hereby incorporated by reference as if expressly stated herein.

6. Starting October 5, 2023 through March 21, 2023, Defendant Dalton has waged an unwelcome and painful bullying/threatening letters campaign against Plaintiff regarding his vacant lot at 225 Josephine Street. A true copy of said documents (13 pages) is attached hereto as collective **Exhibit 1**. Plaintiff had on September 26, 2022 co-signed with Defendant Dalton “List of actions to be taken at 225 Josephine Street and completion of work, following Berryville Town Council’s approval and enactment of “Town of Berryville Blight Abatement Plan 225 Josephine Street Berryville, VA” on July 12, 2022. Plaintiff’s privately-owned lot, and another adjoining with different ownership at 223 Josephine Street, have downed structures. Plaintiff’s demolition debris since 2022 has been steadily burned by Brown, but the property does not meet the standard of Virginia Code § 36-3, paragraphs 4 and 5, as “any area that endangers the public health, safety or welfare.” The adjacent 223 Josephine Street lot ignored by Defendants has been basically abandoned by its owners.

7. Previously on January 6, 2022, Plaintiff’s wife of 56 years suddenly had a heart attack and died. As property co-owner, lot numbered 225 Josephine Street was retitled according to law during Plaintiff’s own grief period while searching for ways to afford continued debris removal costs.

8. Yet Plaintiff has since worked diligently for two years to implement the plan by burning and moving debris at his own time and expense without any cooperative assistance from Defendants to move debris to an appropriate solid waste facility. In recent visit with Plaintiff and Defendant Dalton March 20, 2024, Jennifer Hottinger, Pollution Response Coordinator of the Virginia Department of Environmental Quality in Harrisonburg, Virginia, praised Plaintiff's cleanup work and stated categorically, "I saw no environmental concerns at the property and believe the best path forward is for the Town to continue to work with Mr. Brown in disposing of the material at an appropriate solid waste facility." A true copy of the state official's conclusion (1 page) is attached hereto as **Exhibit 2**.

9. However, starting October 5, 2023, Defendant Dalton started series of threatening unhelpful letters and pressed Berryville's Town Council headed by Defendant Arnold to set unreasonable impossible "definite deadline" first in April, then May 1, 2024 "for compliance with measures agreed upon previously." If all debris removal was not done by then, Dalton said he would order town public works staff to come onto Plaintiff's property, clear the lot themselves, then "a lien will be placed on the property in question in the amount of the cost incurred completing the work required by the approved plan."

10.. Yet the adjoining delapidated lot immediately west of plaintiff's fronting Josephine Street, in worse shape without same town dictatorial treatment imposed on your plaintiff is a veritable jungle with old shed partially down, large fiberglass swimming pool surrounded by falling trees and no town "compliance action, " a sure demonstration plaintiff has been wrongly singled out for Defendants' arbitrary onslaught, as shown by photographs attached herein as **Exhibit 3**.

11. Plaintiff also knows that many local grants amounting tens of thousands of dollars have gone to Josephine Street people and organizations, but no assistance for Plaintiff might apply their needs from prior state and federal grants for such as historic Josephine City School Museum next to Johnson-Williams Apartments at 301 Josephine Street, and so forth to offset plaintiff's estimated \$37,000 cost for remaining "blight plan" cleanup, had application been offered long before defendants' oft-changing April-May deadline in Dalton's stream of threatening certified letters.

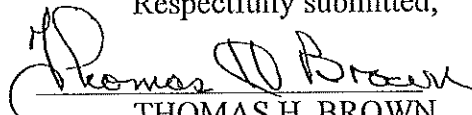
12. Minutes of Berryville Town Council meeting February 13, 2024 show instead to approve lien to be placed on Plaintiff's 225 Josephine Street lot, along with publicity by *The Winchester Star* (see **Exhibit 4**),. This foresees ultimate possible unlawful foreclosure to take Brown's land for some other municipal government purpose, such as intersect roadway, in violation of the Constitutional guarantee against taking private property without just compensation.

PLAINTIFF THEREBY PRAYS this honorable Court:

- a) To stay further action by Defendants;
- b) To Order their Grounds of Defense, and;
- c) At the Court's choosing, to visit the 225 and adjoining 223 Josephine Street properties less than a mile from the Court House, with the parties, in order to more appreciate the full dynamics of this municipal government versus longtime resident stand-off.

Dated this 4th day of April, 2024.

Respectfully submitted,



THOMAS H. BROWN,
Plaintiff, Pro Se

FOR THE PLAINTIFF

THOMAS H. BROWN
121 Josephine Street,
Berryville, Virginia 22611
Telephone: 540-206-4206

Exhibit 1

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



[T] 540/955-1029
[F] 540/955-4524
[E] info@berryvilleva.gov
www.berryvilleva.gov

TOWN OF BERRYVILLE VIRGINIA

CERTIFIED MAIL

October 5, 2023

Mr. Thomas Brown
121 Josephine Street
Berryville, VA 22611

Dear Mr. Brown:

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

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

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

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

Harry Lee Arnold, Jr.
Mayor

Brecha L. Gibson
Vice Mayor

Council Members:

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

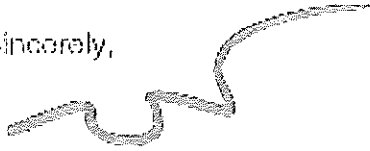
Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

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

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

Sincerely,



Keith R. Dalton
Town Manager

Attachments:

Approved a spot blight abatement plan
List of actions to be taken on 225 Josephine Street and schedule for completion
of work dated September 28, 2022

Cc:

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

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

Overview

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

Permitting

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

Utilities

As applicable owner will:

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

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

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

Erosion and Sedimentation Control

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

Repair of the Structure/Removal of Debris

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

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

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

Abandonment of On-Site Sewer Treatment System and/or Well or Cistern

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

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

Cleaning and Removal of Plant Material

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

Owner will cause all material from cleaning and plant material to be removed from the site and disposed of in accordance with applicable regulations and laws.

Stabilization

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

Unforeseen Hazards

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

Required Milestones / Schedule

List of repairs to be completed on the structure and a schedule for completion of that work provided to the Town Manager by

9/15/22*

All required permits issued for work on structure by

12/3/22

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

12/15/23

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

Costs Incurred Abating Blight

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

Town Action if Owner Fails to Meet Deadlines

Unless an extension is approved in writing by the Town Manager, if the owner fails to meet all deadlines enumerated above, then the Town will proceed with demolition of the structure and clearing of the site. If the Town completes work to abate blight, then it will file a lien on the subject property in accordance with the provisions of Chapter 25 of the Bartoville Code.

Plan Approved by Town Council On 7/12/22

APPROVED:

Harry Lee Arnold, Jr.
Harry Lee Arnold, Jr. Mayor

7-21-2022
Date

ATTEST:

Erecka L. Gibson
Erecka L. Gibson, Recorder

7/21/22
Date

 COPY

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

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

Before December 1, 2022

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

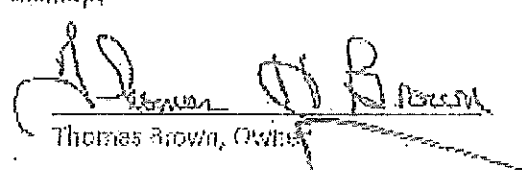
Before June 1, 2023

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

Before December 15, 2023

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

Submitted by:


Thomas Brown, Owner

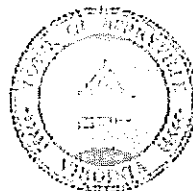
9-26-22
Date

Approved by:


Keith R. Dalton, Town Manager

9-26-22
Date

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



[T] 540/955-1099
[F] 540/955-4522
[E] info@berryvilleva.gov
www.berryvilleva.gov

TOWN OF
BERRYVILLE
VIRGINIA
CERTIFIED MAIL

January 29, 2024

Mr. Thomas Brown
121 Josephine Street
Berryville, VA 22611

Dear Mr. Brown:

This letter is written regarding your property at 225 Josephine Street.

On October 5, 2023 you were provided a final notice in which you were informed that the property in question must be brought into compliance with the approved spot blight abatement plan by December 15, 2023.

The required work has not been completed. Accordingly, this matter will be forwarded to the Berryville Town Council on February 13, 2024 (meeting begins at 7:00 p.m.). At that time, Town staff will request that the Town Council agree to proceed with having contractors working for the Town complete the required work. Please note that if the Town causes the work to be completed, then a lien will be placed on the property in question in the amount of the cost incurred completing the work required by the approved plan.

The Town Council meeting referenced above is open to the public and you are encouraged to attend.

Sincerely,


Keith R. Dalton
Town Manager

Attachments:

Letter dated October 5, 2023 to Brown from Dalton

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

William Steinmetz
Ward 1

Diane Harrison
Ward 2

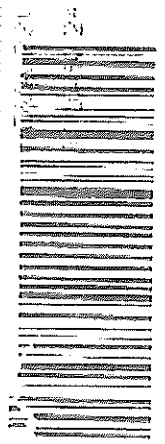
Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

TOWN OF BERRYVILLE
101 CHARLES COURT.
BERRYVILLE, VA 22611

ADDRESS SERVICE REQUESTED



7021 0950 2022 0287 3387



22611

U.S. POSTAGE PAID
FCM LETTER
BERRYVILLE, VA 22611
JAN 30, 2024

\$8.97

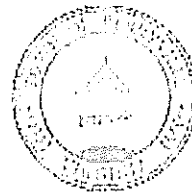
023041113055 03

Mr. Thomas Brown
121 Josephine Street
Berryville, VA 22611

023041113055 03

023041113055 03

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



(F) 540/955-1999
(F) 540/955-4524
(E) info@berryvilleva.gov
www.berryvilleva.gov

TOWN OF
BERRYVILLE
VIRGINIA

CERTIFIED MAIL

March 12, 2024

Mr. Thomas Brown
121 Josephine Street
Berryville, VA 22611

Dear Mr. Brown:

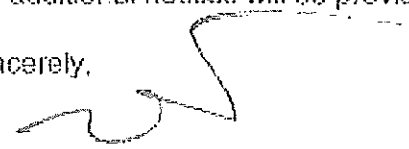
This letter is written regarding your property at 225 Josephine Street.

On October 5, 2023 you were provided a final notice in which you were informed that the property in question must be brought into compliance with the approved spot blight abatement plan by December 15, 2023. To date, the property has not been brought into compliance with the approved plan.

This matter was forwarded to the Town Council on February 13, 2024 and March 12, 2024. The Council determined that the property must be brought in to compliance with the approved spot abatement plan by May 1, 2024. If the work is not completed by May 1, 2024, then the Town will cause the property to be brought into compliance with the plan. If the Town causes the work in question to be completed, then a lien will be placed on the property in question in the amount of the cost incurred completing the work required by the approved plan.

No additional notices will be provided in this matter.

Sincerely,


Keith R. Dalton
Town Manager

Attachment: Approved Spot Blight Abatement Plan

Darryl Lee Arnold, Jr.
Mayor

Ernesta L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzurino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

Guaranteed delivery delivery. Add to make your delivery.

Sorry we missed you while you were out.

Date: 5-15-24

The item was sent by: Frank R. Bessyville

It was sent for: Mr. Thomas Bessyville

At this address: 101 Chalmers Court, Suite A

About the missed delivery:

I was a

Package: ☒ Letter ☐ Large envelope

USPS® Smart Parcel Locker® Edge

(Smaller than 11x14x3/4x3/4)

Available for pickup date: 3/6/24

This is the

☒ First attempt ☐ Final notice

To schedule a redelivery:

Scan the QR code or go to
usps.com/redelivery

Article number:

5293 0851 6074 3429

We have item/s for you which we could not deliver because:

☐ It requires a payment of \$ 5.00 for
Postage due Customer

☐ Receiving a full item oversized

☐ No secure location available

☒ No authorized recipient available

☒ Signature required

must be 18+ years old must be 21+ years old

☐ Other _____

Please see reverse to schedule redelivery or pickup.

USPS Form 3849, November 2023

U.S. POSTAGE PAID

PERMIT NO. 1000

BERYVILLE, VA 22511

DATE OF ISSUE: MAY 14, 2024

\$8.97

R2305M144221-10

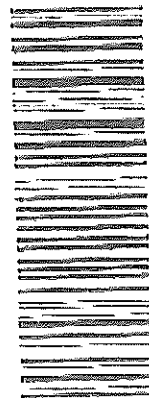


22511

Retail



RDC 99



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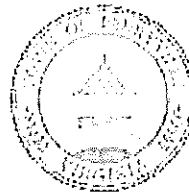
Mr. Thomas Bessyville
101 Chalmers Court
Beryville, VA 22511

Town of Beryville

101 Chalmers Court, Suite A
Beryville, VA 22511

ADDRESS SERVICE REQUESTED

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



(P) 540/955-1999
(F) 540/955-1524
(E) mio@berryvilleva.gov
www.berryvilleva.gov

TOWN OF
BERRYVILLE
VIRGINIA

March 21, 2024

Mr. Thomas Brown
121 Josephine Street
Berryville, VA 22611

Dear Mr. Brown:

This letter is written regarding your property at 225 Josephine Street.

On March 18, 2024, Jennifer Hottinger, Pollution Response Coordinator with the Virginia Department of Environmental Quality (DEQ) visited your property and spoke with you regarding the complaint that DEQ received concerning the demolition debris on your property.

On March 20, 2024, Ms. Hottinger sent an email to me in which she explained her findings. I have attached a copy of her email to this letter.

I will take this opportunity to remind you of two Town related matters:

- no construction debris may be burned on the site and
- the property must be brought in to compliance with the approved spot abatement plan by May 1, 2024.

Sincerely,

Keith R. Dalton
Town Manager

Attachment: Email: Hottinger to Dalton dated 3/20/24

Harry Lee Arnold, Jr.
Mayor

Frecka L. Gibson
Vice Mayor

Council Members:

William Stelmets
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

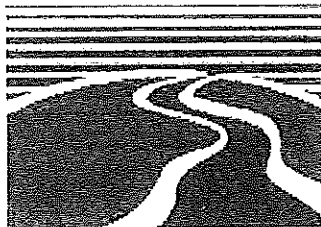
Keith Dalton

From: Hottinger, Jennifer (DEQ) <Jennifer.Hottinger@deq.virginia.gov>
Sent: Wednesday, March 20, 2024 3:35 PM
To: Keith Dalton
Cc: Stuart, Laura (DEQ); Neal White; Jamie Royston
Subject: RF: 225 Josephine Street, Berryville, VA

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

Keith,

Thank you for meeting with me at the property with Mr. Brown on Monday. During our visit we looked at the material that was left at the site after the burning. Material that was present was demolition debris. I did not see any environmental concerns at the property and believe the best path forward is for the Town to continue to work with Mr. Brown in disposing of the material at an appropriate solid waste facility.



Jennifer W. Hottinger
Pollution Response Coordinator, VRO
Virginia Department of Environmental
Quality
4411 Lorry Road, Harrisonburg, VA 22802
804-652-5812

From: Keith Dalton <townmanager@berryvilleva.gov>
Sent: Friday, March 15, 2024 1:10 PM
To: Hottinger, Jennifer (DEQ) <Jennifer.Hottinger@deq.virginia.gov>
Cc: Stuart, Laura (DEQ) <Laura.Stuart@deq.virginia.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Jamie Royston <jroyston@clarkcountypa.gov>
Subject: RF: 225 Josephine Street, Berryville, VA
Importance: High

Ms. Hottinger:

Please find embedded in this email several photos of the site in question.

I called Mr. Brown (the property owner) and left a message for him. In that message I told him that we would be on site with you at 11:00 a.m. on Monday.

I look forward to meeting with you.

Take care,

Keith

French

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

Town of Berryville
101 Chalmers Court, Suite A
Berryville, WA 22011

ADDRESS SERVICE REQUESTED

Mr. Thomas Brown

First Class Mail
U.S. Postage
PAID
Berryville, WA
Permit No. 32

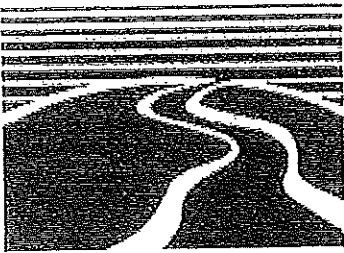
Keith Dalton

From: Hottinger, Jennifer (DEQ) <Jennifer.Hottinger@deq.virginia.gov>
Sent: Wednesday, March 20, 2024 3:33 PM
To: Keith Dalton
Cc: Stuart, Laura (DEQ); Neal White; Jamie Royston
Subject: RE: 225 Josephine Street, Berryville, VA

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

Keith,

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Jennifer W. Hottinger
Pollution Response Coordinator, VRO
Virginia Department of Environmental
Quality
4411 Early Road, Harrisonburg, VA 22802
804-652-5812

From: Keith Dalton <townmanager@berryvilleva.gov>
Sent: Friday, March 15, 2024 1:10 PM
To: Hottinger, Jennifer (DEQ) <Jennifer.Hottinger@deq.virginia.gov>
Cc: Stuart, Laura (DEQ) <Laura.Stuart@deq.virginia.gov>; Neal White <chiefofpolice@berryvilleva.gov>; Jamie Royston <jroyston@clarkecounty.gov>
Subject: RE: 225 Josephine Street, Berryville, VA
Importance: High

Ms. Hottinger:

Please find embedded in this email several photos of the site in question.

I called Mr. Brown (the property owner) and left a message for him. In that message I told him that we would be on site with you at 11:00 a.m. on Monday.

I look forward to meeting with you.

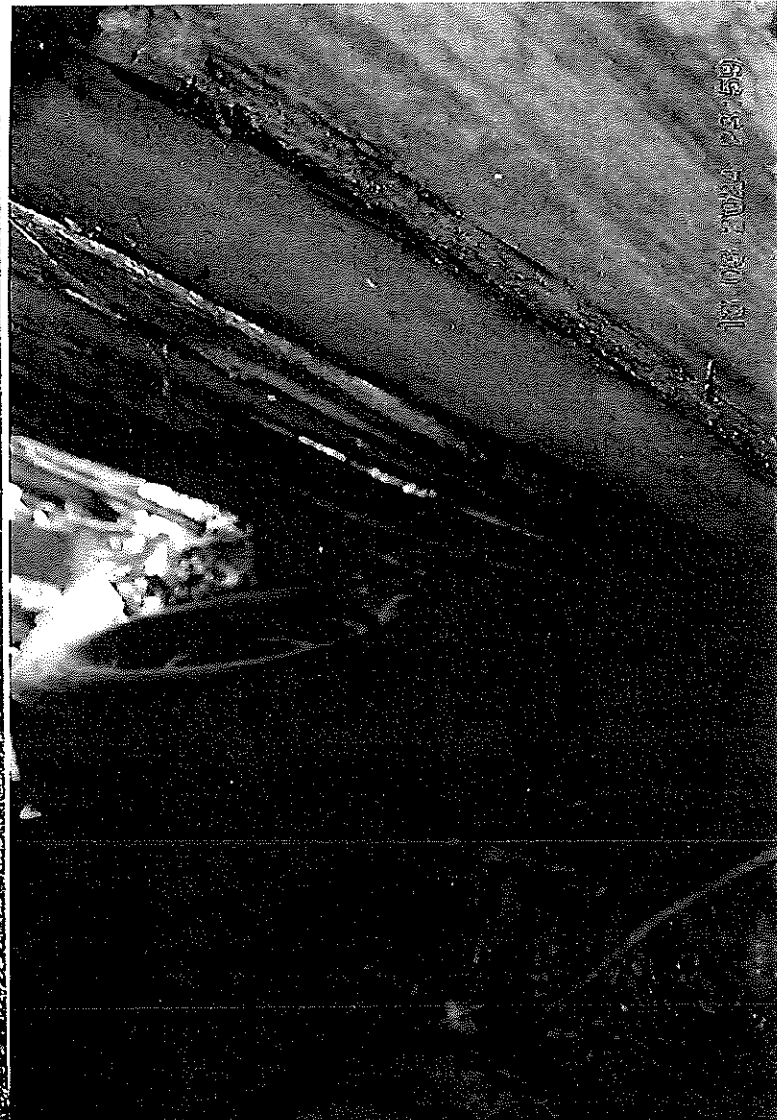
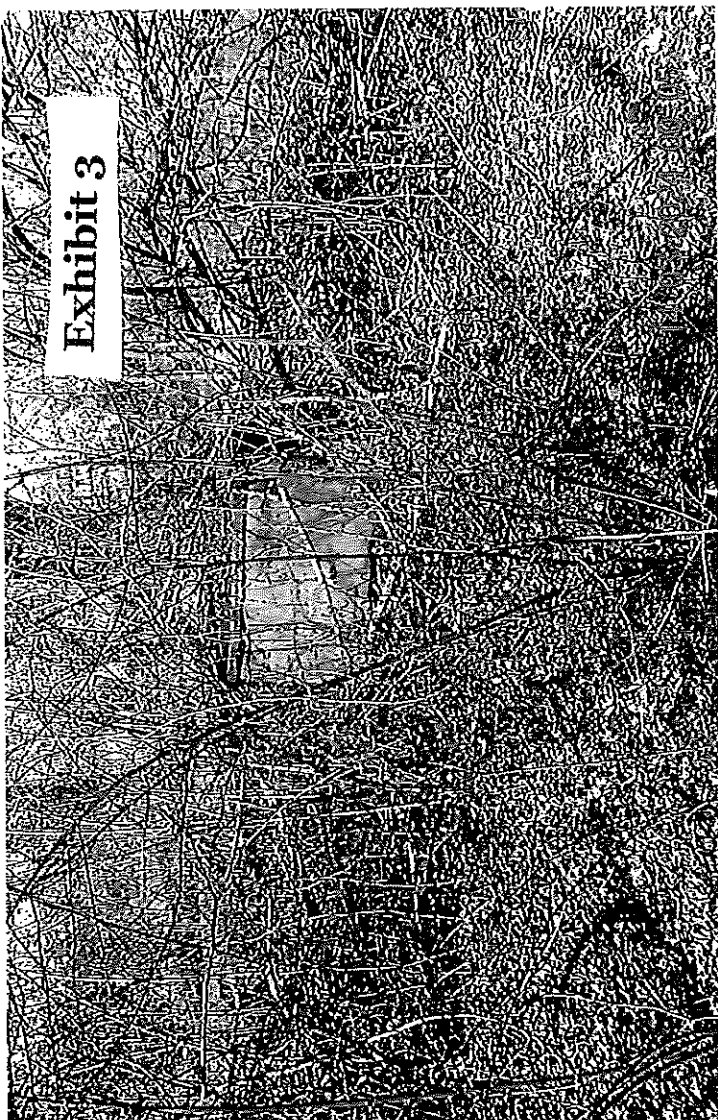
Take care,

Keith

French

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

Exhibit 3



Winchester • Frederick County • Clarke County

LOCAL

citydesk@winchesterstar.com

The
Winchester Star

Friday
February 16, 2024



Josephine Street site owners given deadline to address blight

By MICKEY POWELL
The Winchester Star

BERRYVILLE — Town Council is giving two men one last chance to finish sprucing up properties deemed blighted in a historic district.

Tuesday night, the council ordered the owners of 225 and 114 Josephine St. to fully comply with spot blight abatement

plans for their properties by April 9. The plans were adopted in July 2022.

If they don't comply, the town will have the remaining work finished for them. Liens on the properties will be filed to recover the cost, Town Manager Keith Dalton said.

The properties are within the Josephine City Historic District, a historically African Ameri-

can neighborhood established by freed slaves in the late 19th century. The neighborhood is listed on both the Virginia Landmarks Register and the National Register of Historic Places.

Josephine Street, a cul-de-sac, is the only path for vehicles through the neighborhood.

Documents provided to the council identify

Thomas Brown of Berryville as the owner of 225 Josephine and William Woodruff of Herndon as the owner of 114 Josephine.

On Jan. 29, letters were sent to the men by certified mail, informing them that their property issues were being referred to the council.

See **Blight**, Page A5

Blight

From **Page A4**

Dalton said "a considerable amount of debris" remains at 225 following the demolition of a house there.

A sewer lateral must be capped at 114, according to Dalton. A lateral is the pipe channeling wastewater from a building to the town's sanitary sewer main.

Speaking to the council, Woodruff mentioned that he demolished the house on the property. He asked why the lateral needs to be capped.

Dalton replied that if a sewer line isn't abandoned properly, backups into the

town's system could occur.

Vermin could get inside the system, too, he said.

Three of the four properties for which spot blight abatement plans were adopted are on Josephine Street. The other is on First Street.

Councilman Ryan Tibbens asked how much it will cost to cap the lateral. Dalton estimated about \$1,000.

"If you need to," Dalton added, "you can hand dig it (with a shovel) and cap it" without acquiring special equipment.

Except at Brown's and Woodruff's properties, all of the tasks outlined in the plans have been com-

pleted, said Dalton.

In another matter, Dalton told the council that the roof atop a residence at 127 Cameron St. has been either open to the elements, or covered by a tarp, since a tree fell onto it months ago.

Clarke County General District Court recently executed an order — as part of a suit filed by the Battletown Homeowners Association — for the owner to fix the roof by May 7, Dalton said.

Because the court has gotten involved, the town won't, he said.

— Contact Mickey Powell at
mpowell@winchesterstar.com

VIRGINIA:

IN THE CIRCUIT COURT FOR CLARKE COUNTY

THOMAS H. BROWN,

Plaintiff,

v.

KEITH R. DALTON, et al.,

Defendants.

Case No. 24-126

Received and Filed
APR 22 2024
Clarke Circuit Court

DEMURRER

COME NOW Defendants, Keith R. Dalton and Harry Lee Arnold, by counsel, and file their Demurrer to the Complaint filed herein and, in support, state as follows:

I. INTRODUCTION¹

Plaintiff, Thomas H. Brown ("Brown"), owns real property located at 225 Josephine Street, Berryville, Virginia ("the Property"). Compl. ¶ 1. The Property is not occupied. *Id.* However, the Property has downed structures on it. Compl. ¶ 5.

On September 26, 2022, Brown entered into an agreement with the Town of Berryville ("the Town") to perform blight abatement on the Property. Compl. ¶ 6; Ex. 1 to Compl., p. 6 ("the Abatement Agreement"). The Abatement Agreement required Brown to: (a) obtain permits for an accessory structure to be constructed on the site and a demolition permit for the house by December 1, 2022; (b) construct an accessory building by June 1, 2023; and (c) complete all work on the site,

¹ As they must, Defendants accept the allegations in the Complaint as true for purposes of this Demurrer. Thus, the Introduction is drawn from the Complaint and the attachments appended thereto.

including demolition of the house and site clean up by December 15, 2023. *Id.* Thus, Brown was provided almost fifteen (15) months to perform the agreed upon blight abatement.

On October 5, 2023, Keith R. Dalton ("Dalton"), the Town Manager of Berryville, Virginia, sent Brown a letter regarding Brown's failure to comply with the Abatement Agreement.

Ex. 1 to Compl. Dalton wrote:

On September 26, 2022, you agreed to a schedule for compliance with the approved spot blight abatement plan. You have failed to meet the June 1, 2023 deadline to which you agreed on September 26, 2022. The December 15, 2023 deadline is now only seventy-one days away and no work has been completed on the property.

Id.

Dalton continued by advising Brown that failure to complete the work identified in the Abatement Agreement by the agreed upon deadline of December 15, 2023 would lead the Town to undertake the work itself, after which a lien would be placed on the Property for the cost incurred by the Town. *Id.*

On January 29, 2024, after the deadline for completing the agreed upon blight abatement, Dalton, on behalf of the Town, sent a letter to Brown stating:

On October 5, 2023, you were provided a final notice in which you were informed that the property in question must be brought into compliance with the approved spot blight abatement plan by December 15, 2023.

The required work has not been completed.

Ex. 1 to Compl., p. 7.

Brown was advised that the matter was going to be forwarded to Town Council on February 13, 2024 for purposes of requesting approval to have contractors perform blight abatement on the Property. *Id.* Brown was reminded that the cost would be recouped by placing a lien on the Property. *Id.*

On March 12, 2024, Dalton, on behalf of the Town, again wrote to Brown. Ex. 1 to Compl., p. 9. Dalton advised that Town Council had extended the date for Brown's compliance with the Abatement Agreement until May 1, 2024. *Id.* Brown was advised that failure to meet this extended deadline would result in abatement by the Town, with a lien for the cost placed on the Property. *Id.*

Rather than bringing the Property into compliance with the Abatement Agreement, even after the Town extended the deadline to May 1, 2024, Brown filed this suit. He does not contend that he has complied with the Abatement Agreement, which he entered into, but rather maintains that the Town set "unreasonable impossible 'definite deadline' first in April, then May 1, 2024 'for compliance with measures agreed upon previously.'" Compl. ¶ 9. Brown surmises that what the Town is really engaged in is an "apparent plan 'to take without just compensation' by force ... titled land that has been owned for more than one hundred years by the family of [Brown's] deceased wife...." Compl., p.1.

Based on the above, Brown asks this court to "stay further actions by Defendants." Compl., p. 4. Defendants submit that the Complaint fails to state an actionable claim, and their Demurrer should be sustained and this action dismissed with prejudice.

II. LAW AND ARGUMENT

A. Standard of Review

A demurrer accepts as true all facts properly pled, as well as reasonable inferences from those facts. *Abi-Najm v. Concord Condo., LLC*, 280 Va. 350, 356-57, 699 S.E.2d 483, 486-87 (2010). The purpose of a demurrer is to determine whether the pleading and any proper attachments state a cause of action upon which relief can be given. *Id.*

B. Brown has not stated a viable cause of action

Virginia Code section 36-49.1:1 provides, in relevant part:

- A. ... any locality, shall have the power to ... repair any blighted property, as defined in § 36-3, ..., by purchase or through the exercise of the power of eminent domain ..., and, further, shall have the power to hold, clear, repair, manage or dispose of such property for purposes consistent with this chapter. In addition, the ... locality shall have the power to recover the costs of any repair... of such property from the owner or owners of record, determined in accordance with subsection B of § 36-27. This power shall be exercised only in accordance with the procedures set forth in this section.

- G. ... If the owner does not abate or remove the nuisance and the locality abates or removes the nuisance at its expense, the costs of the removal or abatement of the nuisance shall be a lien on the property and such lien shall bear interest at the legal rate of interest established in § 6.2-301, beginning on the date the removal or abatement is completed through the date on which the lien is paid.

Virginia Code section 36-3 defines blighted property as:

... any area that endangers the public health, safety or welfare; or any area that is detrimental to the public health, safety, or welfare because ... residential structures or improvements are dilapidated, or deteriorated or because such structures or improvements violate minimum health and safety standards....

Consistent with the enabling provision of Virginia Code section 36-49.1:1, the Town enacted Town Code section 5-5, which provides for spot blight abatement. On July 21, 2022, in accordance with the enacted Code section, the Town Council approved a Blight Abatement Plan for the Property. Ex. 1 to Compl., p. 3. Thereafter, Brown signed off on that Plan when he signed the Abatement Agreement on September 26, 2022. Ex. 1 to Compl., p. 6. Notwithstanding that the Town has the legal authority to and did in fact approve a Blight Abatement Plan as it pertains to the Property, and notwithstanding that Brown entered into a legally sanctioned Abatement Agreement, which he has failed to abide by, Brown asks this court to “stay further actions of Defendants.” He provides no legal basis upon which the court could do so.

Page 4 of 7

First, it is the locality – here the Town – under Virginia and Town Code, which has the authority to engage in blight abatement and which has done so as it pertains to the Property. Although the Defendants (the Town Manager and Mayor) have signed off on documents related to the Blight Abatement Plan and Abatement Agreement, they have clearly done so in their representative capacity on behalf of the Town. There is no legally viable claim stated by Brown in the Complaint against the two individuals named as Defendants. The actions about which Brown complains are those of **the Town**, and the Town is not a party to this lawsuit. That is the first impediment to this suit proceeding forward. On this basis alone, the court should sustain the Demurrer and dismiss this case with prejudice.

Second, even if it was possible (which it is not) for the court to enjoin the Town from acting when it is not a party to this case, there is no legal authority which would permit the court to do so. The Complaint, as amplified by the exhibits appended thereto, makes clear that:

- Brown owns the Property;
- It is blighted, both as defined by Virginia Code section 36-3 (given the existence of downed structures and debris) and acknowledged by Brown when entering into the Abatement Agreement;
- Brown was given a lengthy deadline to perform the agreed upon blight abatement on the Property; and
- Brown failed to do so.

Given these acknowledged facts, the Town is legally authorized to take action pursuant to Virginia Code section 36-49.1:1 and Town Code section 5-5. That action includes exactly what the Town has expressed it intends to do: clean up the Property and place a lien thereupon for the cost of clean-up. While Brown surmises the Town may intend to do more, such as attempt to foreclose on the Property, that contention is not supported by fact but by speculation. However, even if that was the Town's intent – which it is not - Virginia Code section 36-49.1:1 and Town

Code section 5-5 would allow the Town to acquire the Property by eminent domain. So, the fact that Brown believes that this is the Town's intent still states no legally viable basis upon which this court could enjoin Defendants – or the Town – from taking action to abate the blight on the Property and lien it for the associated cost.

Finally, to the extent that Brown suggests, at paragraph 10 of the Complaint, that there is an adjoining dilapidated lot in worse shape than his that has not received the “same town dictorial treatment imposed on [him,]” which is a “sure demonstration plaintiff has been wrongly singled out for Defendants’ arbitrary onslaught,” Compl. ¶ 10, this also provides no basis for the court to grant Brown’s request that the court stay Defendants from acting. Again, the named Defendants are not the “actor,” in the first instance. Thus, they are not the proper parties against whom action may or can be taken.

Further, if Brown’s reference to the other property is an allegation of selective enforcement, he has failed to state a claim (even against the Town, which is not a party to the lawsuit). A fundamental element of such a claim is clear and intentional discrimination. *Sylvia Dec. Corp. v. Calvert Cnty.*, 48 F.3d 810, *825 (4th Cir. 1995). Here, there is no allegation of such. Rather, Brown simply points out that he believes a property adjacent to the Property is in worse condition than his and enforcement action has not been taken as to that property. Brown doesn’t even suggest that the Town (or Defendants) was aware of the conditions on the other property, such that it could have engaged in clear and intentional discrimination.² Thus, even reading the Complaint liberally

² There are a myriad of other reasons why a selective enforcement claim has not been stated, but for purposes of this Demurrer, the fact that the Town is not named as a party and there are no allegations of clear and intentional discrimination make it clear that such a claim cannot proceed, if Brown intended to raise this claim.

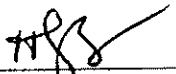
to include a claim of selective enforcement, the Complaint fails to state any viable or actionable claim.

III. CONCLUSION

WHEREFORE, considering the foregoing, Defendants, Keith R. Dalton and Harry Lee Arnold, by counsel, respectfully request that the Town sustain their Demurrer and dismiss this case with prejudice, with an award of costs.

**KEITH R. DALTON and
HARRY LEE ARNOLD
By Counsel**

McGAVIN, BOYCE, BARDOT,
THORSEN & KATZ, P.C.
9990 Fairfax Boulevard, Suite 400
Fairfax, Virginia 22030
(703) 385-1000 Telephone
(703) 385-1555 Facsimile
hbardot@mbbtklaw.com

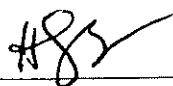


Heather K. Bardot, Esquire
Virginia State Bar #37269
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading was sent by first-class mail, postage prepaid, on this 18th day of April, 2024 to:

Thomas H. Brown
121 Josephine Street
Berryville, Virginia 22611
Plaintiff *pro se*



Heather K. Bardot
Page 7 of 7

VIRGINIA:

IN THE CIRCUIT COURT OF CLARKE COUNTY

Berryville, Virginia

THOMAS H. BROWN,
121 Josephine Street,
Berryville, Virginia 22611
Plaintiff,

v.

KEITH R. DALTON,
In his capacity as Town Manager
101 Chalmers Court, Suite A,
Berryville, Virginia 22611

HARRY LEE ARNOLD
In his capacity as Mayor of Berryville
315 S. Buckmarsh Street,
Berryville, Virginia 22611
Defendants.

CASE NO. 24-126

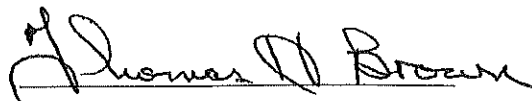
Received and Filed
APR 30 2024
Clarke Circuit Court

**PLAINTIFF'S OBJECTION TO DEFENDANTS'
FILING OF DEMURRER ON 22nd DAY OF APRIL 2024, AND REQUEST
WHEREWITH FOR COURT'S ORDER OF SUMMARY JUDGMENT IN
BEHALF OF PLAINTIFF**

COMES NOW PLAINTIFF Thomas H. Brown, whose Complaint filed April 4, 2024 required Grounds of Defense to be ordered from defendants on May 20, 2024. However, on April 22, 2024, Defendants' Counsel Heather K. Bardot filed Demurrer indicating its pre-emption of requested Defendants' Grounds of Defense, without plaintiff's agreement. Plaintiff hereby objects, wherewith requests the Court's dismissal of Demurrer along with Court's Order of Summary Judgment in behalf of Plaintiff.

CERTIFICATE OF SERVICE

I certify that on the 30th day of April, 2024, a true copy of the foregoing Certificate of Service was filed with the Clerk of the Circuit Court of Clarke County, and to be served accordingly upon Defendants Keith R. Dalton and Harry Lee Arnold by the Sheriff of Clarke County.



THOMAS H. BROWN, Plaintiff, pro se

SERVE

Item Title

Discussion – Portable Storage Container regulations

Prepared By

Christy Dunkle

Background/History/General Information

The Community Development Committee has discussed the regulations of portable storage containers within the Town of Berryville. It was determined that the regulation should be included in the Town Code.

Findings/Current Activity

Below is the draft regulation for discussion at the meeting:

Berryville Town Code

Section 5-6. – PORTABLE STORAGE CONTAINERS

- (a) A portable storage container is defined as a purpose-built, enclosed box-like container that is designed for temporary storage of household goods and equipment.
- (b) Notwithstanding any contrary provisions of the Town Code, portable storage containers located outside of a fully enclosed building or structure shall be permitted in all zoning districts, subject to the following restrictions:
 - i. A zoning permit is required for any portable storage container placed on property in the Town of Berryville.
 - ii. A maximum of two (2) portable storage containers may be allowed on a lot for a period no longer than fifteen (15) days in any consecutive 12-month period. A maximum of one (1) portable storage container may be allowed on a lot for a period no longer than sixty (60) days in any consecutive 12-month period.
 - iii. Where there is a change in ownership of the lot, the date upon which title to the lot is conveyed shall begin a new 12-month period.
 - iv. The portable storage container must be at least five (5) from the property line or on the driveway of the lot.
 - v. One (1) portable storage container may be placed in a parking place on the street when space is not available on site for a maximum of seven (7) days.
 - vi. A portable storage container may not exceed the following dimensions:
 - twenty (20) feet in length,
 - ten (10) feet in width, and
 - eight (8) feet in height.

- vii. All portable storage containers shall be maintained in a condition free from rust, peeling paint, and other forms of deterioration.
- viii. Portable storage containers which are to be sited permanently must meet all zoning, historic district, and building requirements for accessory structures.
- (c) A first violation of this section shall constitute a Class 4 misdemeanor. A second or subsequent violation by the same person shall constitute a Class 3 misdemeanor. Each day of violation shall constitute a separate offense.

Schedule/Deadlines

N/A

Other Considerations

A draft permit application is included with this staff report.

Recommendation

Discuss at the meeting.

Sample Motion

N/A

Attachments:

- Draft permit application

DRAFT
050824



Portable Storage Container Permit

Permit Number _____ Date _____

Contact Information

Applicant Name _____ Cell/Home Phone _____

Address _____ Town _____ State/Zip _____

E-mail _____

Property Owner Name _____ Cell/Home Phone _____

(if not applicant) Address _____ Town _____ State/Zip _____

E-mail _____

of portable storage containers _____

By initialing below, I hereby agree to place, locate, and maintain a portable storage container on the above-referenced property in full compliance with the regulations set forth below, pursuant to Section 5-6 of the Code of the Town of Berryville:

_____ The placement of any portable storage container on a lot shall be permitted only upon issuance of this permit;

_____ A portable storage container shall not be permitted on any lot that does not contain a principal structure;

_____ A maximum of one (1) storage container may not exceed 60 days **or** maximum of two (2) portable storage containers may not exceed 15 days in any 12-month period;

_____ One (1) portable storage container may be placed in a legal parking place on the street when space is not available on site for a maximum of seven (7) days;

_____ A placard indicating the date of delivery shall be affixed to the portable storage container by the owner and clearly visible from the public right-of-way;

_____ Portable storage containers must be at least five (5) feet from any property line or on the driveway of the lot;

_____ Dimensions of the portable storage container may not exceed twenty (20) feet in length, eight (8) feet in width, or ten (10) feet in height;

_____ All portable storage containers shall be maintained in a condition free from rust, peeling paint, and other forms of deterioration.

Please attach a plat of the property identifying the location of the portable storage container.

By my signature, I acknowledge that I have read and understand Section 5-6 of the Code of the Town of Berryville and agree to abide by the same.

Applicant Signature _____ Date _____

Zoning Administrator Signature _____ Date _____