



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Regular Session

July 9, 2024

7:00 PM

Item

Page

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Presentations/Awards and Recognitions**
5. **Public Hearings**
6. **Discussion of Public Hearing Items**
7. **Citizens' Forum**
8. **Consent Agenda**
 - Minutes of Town Council Regular Meeting June 11, 2024
9. **Unfinished Business**
10. **New Business**
11. **Council Member Reports**
 - Mayor
 - Vice Mayor
 - Ward 1
 - Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works

Department Update

Public Utilities

Department Update

Police Department

Department Update

Community Development

Department Update

Construction Update

Set Public Hearing - Special Use Permit - Home Occupation

Administration and Finance

Finance Report

American Rescue Plan Act of 2021

Town Manager

Blight Abatement

"Wheeler Lane"

13. Committee Updates

Budget and Finance

Community Development

Discussion - Proposed repeal and readoption of Berryville Code Section 13-35 and 13-36 to establish rules for the use of and conduct in Rose Hill Park and to authorize the town manager to establish rules for use of or restrict access to town-owned property

Discussion - Proposed repeal of Berryville Code Section 13-37 Damage or defacement of recreational facilities and adopt new Chapter 13 Article II Graffiti

Personnel, Appointments, and Policy

Proposed reappointment of Michael E. Bell to the Planning Commission

Proposed reappointment of William M. Gilpin to the Planning Commission

Proposed reappointment of Dana S. Libby to the Planning Commission

Proposed reappointment of Robin McFillen to the Architectural Review Board

Proposed reappointment of Jon Burge to the Architectural Review Board

Proposed reappointment of Harry Lee Arnold, Jr. as a board member and proposed reappointment of Christy Dunkle as an alternate board member of the Northern Shenandoah Valley Regional Commission

Public Safety

Streets and Utilities

14. Closed Session

The Council of the Town of Berryville will enter closed session in accordance with § 2.2-3711.A.1 of the Code of Virginia to discuss the performance of an employee of the Town Council.

15. Adjourn

BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting Minutes
June 11, 2024

A meeting of the Berryville Town Council was held on Tuesday, June 11, 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; William Steinmetz, Diane Harrison, Grant Mazzarino, Ryan Tibbens

Absent: no one

Staff present: Keith Dalton, Town Manager; Neal White, Chief of Police; Cindy Poulin, Director of Finance/Treasurer; Jean Petti, Deputy Town Manager; 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

No items were discussed.

5. Public Hearings

Special Use Permit – Home Occupation

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

Ms. Dunkle read the public hearing notice. Mayor Arnold asked Council members if they had any questions of staff. Council member Mazzarino asked if Ms. Fowlds would have additional employees. She said she would not. Mayor Arnold opened the public hearing.

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

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

Ms. Dunkle read the public hearing notice. Mayor Arnold asked Council members if they had any questions of staff. There were no questions. Mayor Arnold opened the public hearing.

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

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

Ms. Dunkle read the public hearing notice. Mayor Arnold asked Council members if they had any questions of staff. There were no questions. Mayor Arnold opened the public hearing.

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

6. Discussion of public hearings

Special Use Permit

Mayor Arnold asked if there were any additional discussions on the matter. Council member Steinmetz said the Planning Commission recommended that the matter be approved with the conditions identified in the motion and that they had very little public feedback on the request.

Council member Steinmetz made the motion to approve Special Use Permit 02-24 in order to operate a hair salon as a home occupation at 108 Isaac Court with the following conditions:

- 1. Hours of operation Monday through Friday from 7:00 a.m. until 5:00 p.m.;**
- 2. A maximum of two (2) square feet of signage in the form of a nameplate per Section 315.5(a) of the Berryville Zoning Ordinance; and**

3. At least one off-street parking space is available for clients.

The motion passed by voice vote.

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

Mayor Arnold asked for any discussion from Council members on the matter. There were none.

Council member Tibbens made the motion to adopt the attached ordinance to repeal and readopt Section 322 Erosion and Sediment Control, of the Town of Berryville Zoning Ordinance in order to update laws and regulations of the Commonwealth of Virginia Department of Environmental Quality.

The motion passed by voice vote.

Proposed Text Amendments establishing street width and streetlight standards

Mayor Arnold asked if there was any additional discussion on the matter. There was none.

Council member Harrison made the motion to adopt the attached ordinance for text amendments establishing requirements for street rights-of-way and street lighting standards in the Berryville Zoning Ordinance.

The motion passed by voice vote.

Council member Harrison made the motion to adopt the attached ordinance for text amendments establishing requirements for street rights-of-way and street lighting standards in the Subdivision Zoning Ordinance.

The motion passed by voice vote.

Council member Harrison made the motion to adopt text amendments establishing requirements for street rights-of-way and street lighting standards in the Construction Standards and Specifications Manual.

The motion passed by voice vote.

7. Citizens' Forum

Mayor Arnold recognized Carl Maples, Town resident. Mr. Maples requested that the Town remove a hazardous tree in the right-of-way of Wheeler Lane. He distributed a document (attached) concerning dedication of Wheeler Lane and the location of the hazardous tree. He said that he did not wish to speak and requested that Town staff take a look at the hazardous tree.

8. Consent Agenda

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

**Council member Steinmetz made the motion to approve the consent agenda as presented.
The motion passed by voice vote.**

9. Unfinished Business

Update of proposed reserve specifics

Mayor Arnold asked Council members if they had any questions for staff. Vice Mayor Gibson discussed the adoption of the proposed reserve specifics and conformation that the reserve document was in agreement with the general ledger and in sync with the Bank of Clarke account. Ms. Poulin said it will be. Mr. Dalton drew Council members' attention to the document and discussed the use of reserve funds in the FY 25 budget.

Vice Mayor Gibson made the motion to adopt the attached reserve specifics, an approved copy of which shall be incorporated into and made a part of the official minutes of this meeting.

The motion passed by voice vote.

10. New Business

There was no new business.

11. Council Member Reports

Mayor Arnold said that former Council member Bugs McWilliams complimented the Public Works Department on the maintenance of the Town leading up to the Memorial Day holiday.

Mayor Arnold said that the Juneteenth event will be held at the Fairgrounds on June 15, 2024.

Council member Tibbens thanked Public Works staff for picking up yard debris in a timely manner.

There were no other reports.

12. Staff Reports

Nothing was added to the written reports for Public Works, Utility, and Community Development departments.

Police Department

Chief White and Mr. Dalton discussed the recent railroad track blockage on East Main Street which lasted approximately five hours and was similar to previous events. There was a discussion about contacting Norfolk Southern representatives to meet and discuss the matter.

Chief White discussed track blockages in 2019 and 2021, stating that Town Council had addressed them previously. He said the duration of the blockages were approximately 1 hour and 2.5 hours. Council member Mazzarino asked if the Town had ever received a response. Chief White said that Norfolk Southern's community liaison responded that they were here to help, however there was no other response. Council member Mazzarino recommended that federal elected officials should be copied on the Town's correspondence because there is only so much a town can do.

Council member Steinmetz asked if other localities had been dealing with similar issues. Chief White said Warren County has had blockages. Council member Harrison added that similar issues are happening nationally. Mr. Dalton suggested that the siding north of Town needs to be lengthened. Chief White said that the length of trains will continue to get longer. Council member Tibbens said that he is fine with escalating the request to meet with Norfolk Southern officials as it is necessary for convenience and public safety.

It was determined that federal representatives should be copied on the correspondence to Norfolk Southern. Chief White added that crossing railroad tracks when the arms are down is prohibited and should not be attempted.

Deputy Town Manager

Ms. Petti discussed the proposed sign package designed by VDOT in order to identify the truck route through the Town after discussions at the Streets and Utilities Committee meetings. She said the additional signage will identify the location of industrial areas. Mr. Dalton said the existing GPS routing signs would remain in place. He asked whether Town Council was okay with the plan and they agreed to the proposed sign placement.

Town Manager

Mr. Dalton said he would address blight at the next meeting.

13. Committee Updates

Budget and Finance

No report, no meeting was set.

Community Development

Council member Tibbens referenced the proposed Town Code language for portable storage container regulations included in the packet. He said that committee members discussed the timeframe for placement and have adjusted the draft text to reflect Vice Mayor Gibson's previous concern about the 60-day limit. He added that the regulation is focused on residential properties. There was a discussion about the extension of timeframes permitted.

There was a discussion about contacting residents who have portable storage containers on their property. Mr. Dalton said that Ms. Dunkle will send notice to those who have the containers on their property and give them 45 days to conform to the regulation.

Personnel, Appointments, and Policy

Mr. Dalton requested input on the committee members' availability in July. He said that Ms. Petti has changes to the personnel policy that she would like to discuss. Vice Mayor Gibson requested a plan for filling staff positions for those who are retiring. It was determined that the committee would hold a meeting in September.

Public Safety

Council member Mazzarino asked staff to update Council members on correspondence with the railroad. No meeting was set.

Streets and Utilities

There was a discussion of meeting dates and times. It was determined that the Streets and Utilities and Community Development committees will be advertised as a joint committee meeting. A meeting was set for Tuesday, July 9, 2024 at 5:30 p.m. for a joint committee meeting.

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 7:48 p.m.

Erecka L. Gibson, Vice Mayor

Keith Dalton, Town Manager

Report of the Department of Public Works

July 1,2024

General Information

Stuart Perry has completed the first phase of this year's milling, paving, and line striping work.

The next phase of paving operations will begin the week of July 15th. This will involve milling and paving the following streets, Lincoln Avenue, Liberty Street, McGurie Circle, and Jack Enders Blvd.

The stone shoulder restorations on this phase and phase one will be done on July 22 and 23. All line striping should be completed by the 26th of July.

Water

Public Works personnel will soon begin work on water main installation in Crow Street. This project is scheduled to start the week July 15, and I anticipate it taking about four weeks to complete.

Sewer

We experienced no pump station failures or sewer related problems this past month.

Public Utilities Department Report
09 July 2024

Item Title: Department Update

Prepared By: Jean Petti

Water Treatment Plant Activity The Virginia Department of Environmental Quality (DEQ) issued a Drought Warning Advisory in late June. Berryville's utilities staff remains confident in the ability to meet the water needs of our community.

In response to the continued HAA5 exceedance, a chemist has been retained to develop an optimized treatment protocol and train operators in monitoring raw water conditions. Findings and recommendations were initially expected in June, but are now expected by the end of July. Virginia Department of Health has been conducting onsite visits and inspections. 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), our VADEQ Permit renewal application was submitted in a timely fashion. We anticipate no changes to the permit conditions or impediments to the renewal.

REC replaced two electrical poles at the wastewater plant as part of routine maintenance. Backup generators performed well and no interruption to treatment activities was required.

Department General Activity Public Utilities welcomes an operator trainee, Joshua Wynkoop.



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: 07/02/2024
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 07/09/2024

Monthly Activity Report

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

Public Safety Committee

The Public Safety Committee did not meet in June 2024.

Staffing

The newly funded sworn law enforcement office position for the department is currently being advertised. The next basic law enforcement officer certification academy will start in January 2025.



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W. Neal White – Chief of Police

Police and Security Report

Month/Year: June	Year To Date 2024	June 2024	May 2024
<u>Complaints Answered</u>			
911 Hang Up:	12	2	3
Alarms:	33	5	4
Animal Complaint:	58	10	9
Assault:	8	1	2
Assist County:	81	22	21
Assist EMS and Fire:	67	10	17
Auto Larceny:	1	1	0
Burglary:	12	0	0
Civil Complaints:	55	3	13
Disturbance:	23	2	2
Domestic Disturbance:	16	4	4
Driving Under the Influence	6	2	0
Drunk In Public:	1	0	0
Fraud:	21	2	4
Larceny:	23	3	3
Harassment/Intimidation:	16	3	3
Homicide:	0	0	0
Identity Theft	2	1	1
Juvenile Related:	15	4	4
Mental Health Crisis:	27	3	5
Narcotics Related:	1	0	0
Noise	12	1	2
Public Service:	20	3	5
Sexual Assault:	0	0	0
Robbery:	2	0	0
Shoplifting:	0	0	0
Suspicious Activity:	90	16	8
Trespassing:	5	0	2
Vandalism:	17	2	2
Welfare Check:	50	11	8
Miscellaneous Complaints:	372	67	77
Total Complaints Answered:	1046	178	199



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	June	May
	2024	2024	2024
<u>Traffic</u>			
Accidents Investigated:	18	3	3
Assist Motorist:	0	0	0
Child Safety Seat Install:	3	2	0
Funeral Escort:	16	2	2
Hit & Run:	3	0	1
Parking Tickets:	11	1	1
Traffic Warnings:	327	71	51
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	5	1	2
Expired Inspection:	7	0	2
Expired Registration:	3	0	3
Fail to Obey Highway Sign:	40	4	12
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	2
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	11	0	7
No Seat Belt:	0	0	0
Reckless Driving:	4	0	0
Speeding:	50	7	8
Miscellaneous Summons:	14	1	5
Total Traffic Summons Issued:	136	13	41
<u>Found Open at Businesses in Town</u>			
Doors:	3	1	1
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	June	May
	2024	2024	2024
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	3	0	0
Assault and Battery on Police Officer:	3	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	4	0	1
Disorderly Conduct:	0	0	0
Driving Under the Influence:	6	2	0
Drunk In Public:	3	1	0
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	4	2	2
Fraud:	3	1	1
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	2	0	2
Larceny:	9	0	5
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	1	0	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	0	0
Miscellaneous Criminal Arrests:	10	1	3
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	50	7	14



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	June	May
	2024	2024	2024
<u>Response to Resistance</u>			
Total Community Interface	1577	272	309
Total Enforcement Contacts	519	94	110
Physical Custody	22	5	4
Reported Force Involved	3	1	0
Administrative Review - Justified	3	1	0
Administrative Review - Not Justified	0	0	0
Complaint of Injury - Arrestee	0	0	0
Medical Treatment for Injury - Arrestee	0	0	0
Complaint of Injury - Officer	0	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	3	1	0
Takedown	0	0	0
Strikes (Hands / Knees)	0	0	0
Chemical Sprays (O.C.)	0	0	0
Impact Weapon (Baton)	0	0	0
Mechanical Non-Lethal	0	0	0
Firearm	0	0	0
<u>Arrestee Demographics</u>			
White Male	12	3	3
Black Male	6	1	0
Other Male	0	0	0
White Female	9	1	1
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission did not hold a meeting in June. Their next meeting is scheduled for Tuesday, July 23, 2024 at 7:00 p.m.

Berryville Area Development Authority

The BADA did not hold a meeting in June. Their next meeting is scheduled for Wednesday, July 24, 2024 at 1:00 p.m.

Architectural Review Board

The ARB did not hold a July meeting. Their next meeting is scheduled for Wednesday, August 7, 2024 at 12:30 p.m.

Tree Board

The Tree Board met on June 26, 2024 and are planning activities including a hands-on invasive species workshop and participation in the Christmas Tree Lighting. Their next meeting will be held on Wednesday, September 4, 2024 at 6:00 p.m.

Board of Zoning Appeals

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

Town Council Agenda Item Report Summary

July 9, 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 for consideration

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 for consideration

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 testing is ongoing to determine repairs to spalling sidewalks and driveways

Item Title

Set Public Hearing – Special Use Permit – Home Occupation

Prepared By

Christy Dunkle

Matthew and Deborah Renzi, Owners, are requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court, identified as Tax Map Parcel number 14A7-((2))-64, zoned DR-4 Detached Residential. SUP 03-24

Background/History/General Information

Mr. Renzi would like to offer private and small group fitness sessions not exceeding 12 participants at his home located on Breckinridge Court.

Adjacent Zoning

The adjacent property is zoned DR-4 Detached Residential.

Parking

The property has four off-street parking spaces and a two-car garage. Mr. Renzi has been given permission from Martin's for his clients to park in their parking lot.

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.

Hours of Operation

Mr. Renzi is requesting hours for single-client sessions from 9:00 a.m. to 12:00 p.m. on Mondays, Wednesdays, and Fridays during the summer and from 6:00 p.m. until 8:00 p.m. on Mondays and Wednesdays during the school year.

The applicant is also requesting group sessions (not to exceed 12 participants) on Tuesday and Thursday evenings from 6:30 p.m. until 8:00 p.m. throughout the year.

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

N/A

Schedule/Deadlines

Staff will request that the Planning Commission set a public hearing for their August meeting in order to have recommendations for Council at the September meeting.

Other Considerations

N/A

Recommendation

Set a public hearing for the September 10, 2024 meeting.

Sample Motion

I move that the Council of the Town of Berryville set a public hearing for Tuesday, September 10, 2024 for a special use permit in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court.

Attachments:

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

To whom it may concern,

We hope this message finds you well. We are writing to request permission to use the garage space at 308 Breckinridge Ct as a Thai boxing gym. Our goal is to foster community and empower members through Thai boxing practice.

We intend to use the space primarily for private lessons and small group sessions not exceeding twelve people, which will operate with limited hours to minimize disruption. We are committed to maintaining the space, adhering to safety and noise regulations, and obtaining necessary insurance coverage.

Our hours of operation include single-client sessions from 9am-12pm on Mondays, Wednesdays, and Fridays during the summer, single client sessions from 6pm-8pm on Mondays and Wednesdays that will occur throughout the year, and group sessions that will not exceed 12 clients on Tuesdays and Thursdays at 6:30pm-8pm that will occur throughout the year. When the school year resumes, the morning, single-client sessions on Mondays, Wednesdays, and Fridays will cease. This process will repeat indefinitely until further notice.

To ensure the comfort of our clients, the insulated garage doors will be opened and the industrial fans will be turned on. For cases of extreme heat, a portable air conditioning unit will be brought in, and the garage doors will be closed. During the colder seasons, the garage doors will be closed and the two space heaters that have been installed will be utilized. Clients will have access to the main floor bathroom and mud room for needed use. Water will be made available to all clients through the in-home plumbing system.

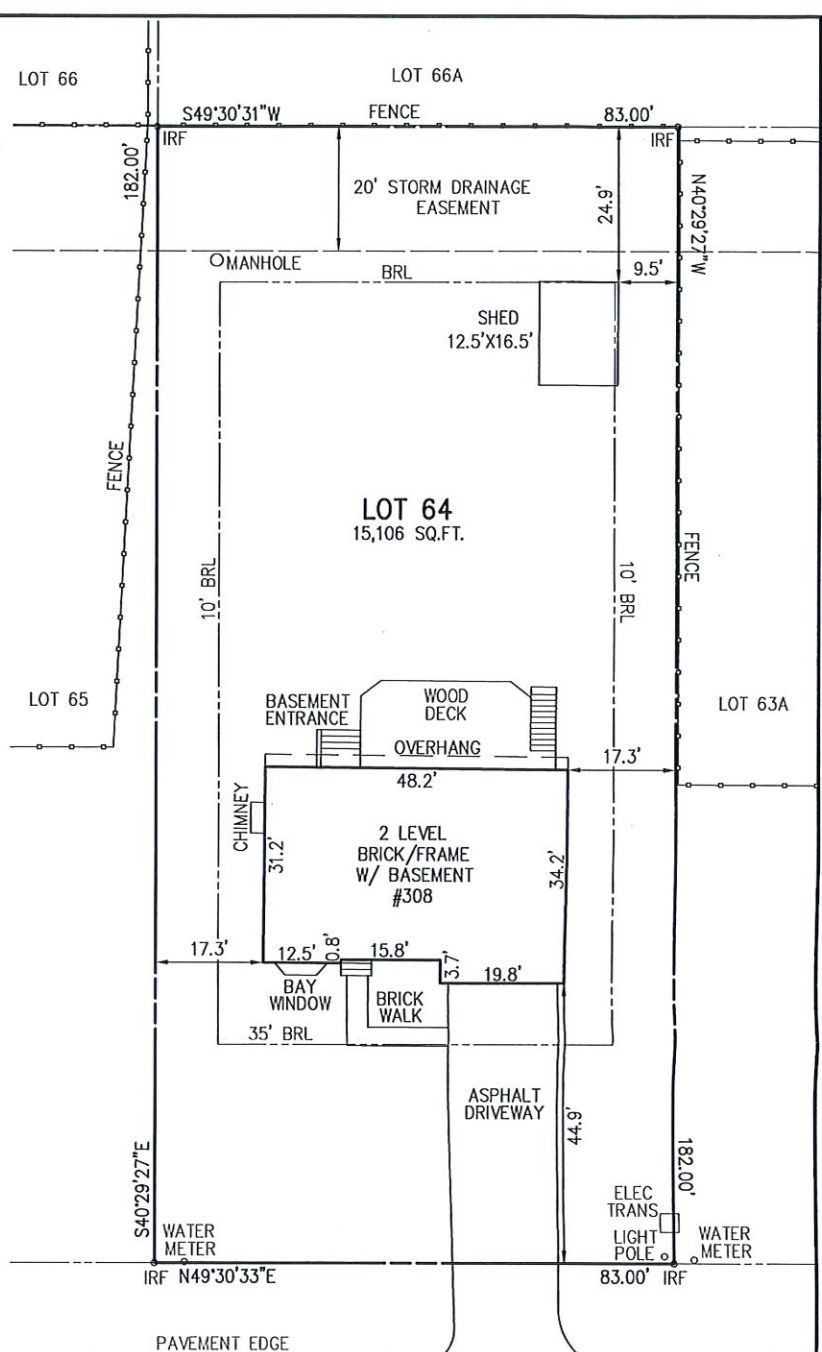
We have made arrangements with the Martin's management located at 409 North McNeil Rd to use the street-facing parking slots as additional parking, provided that we do not use the EVO charging spots, designated parking spots for Martin's customers, or the handicapped parking spots.

Sincerely,

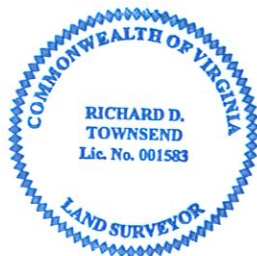
Matthew and Deborah Renzi

NOTES:

1. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
2. ACCORDING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FLOOD INSURANCE RATE MAP, THE HOUSE SHOWN HEREON APPEARS TO BE IN ZONE: "X"
3. NO TITLE REPORT FURNISHED, PLAT SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.
4. METES AND BOUNDS AND MERIDIAN SHOWN WERE TAKEN FROM DEEDS OF RECORD.
5. IRF = IRON ROD FOUND.
BRL = BUILDING RESTRICTION LINE



BRECKINRIDGE COURT
(50' R/W)



HOUSE LOCATION SURVEY
LOT 64 - PHASE 1A2

BATTLEFIELD ESTATES

TOWN OF BERRYVILLE
CLARKE COUNTY, VIRGINIA

NTS

SCALE: 1"=20' DATE: 07-28-2022

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.

[Signature]

CERTIFIED LAND SURVEYOR



SCHOOLS & TOWNSEND, P.C.

ENGINEERS · SURVEYORS

9252 MOSBY STREET · MANASSAS, VIRGINIA 20110
703-368-8001 · WWW.SCHOOLSANDTOWNSEND.COM

PARCEL IDENTIFICATION #: 14A7-2-64

OWNER OF RECORD: CURTIS (D.B. 631 PG. 581)

CASE NAME: POTOMAC TITLE

DRFT. BY: EW

WO#: 4-22-637

FB. 749 PG. 37

CHKD. BY: AC

(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.

- (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 principal 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)

Cash Balance Report

Period Ending 6/30/2024

Town of Berryville

7/2/2024 2:42 PM

Page 1/1

	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-\$278,465.50
2	Bank of Clarke NOW Acct#- 1138502	\$9,416,833.59
3	Bank of Clarke Payroll Acct#- 1139510	\$40,165.07
4	Bank of Clarke CIP Acct#- 1138405	\$15,620,381.77
5	Bank of Clarke SW Acct#- 1138413	\$481,121.87
6	Bank of Clarke PDAF Acct#- 1138421	\$27,380.05
7	Bank of Clarke DSR Acct#- 1138456	\$112,381.83
9	Bank of Clarke RAU Acct#- 1138472	\$949.49
10	Bank of Clarke VRA Reserve Acct#- 6041647	\$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	\$90,684.90
12	Bank of Clarke Performance Bonds Acct#- 1910841	\$11,309.10
13	TRUIST Acct#- 5137523525	\$568,592.57
14	Bank of Clarke PD Contributions Acct#- 5759859	\$6,121.66
Total Cash Balance:		\$26,567,456.40

Check Listing

Date From: 6/1/2024 Date To: 6/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
07/01/2024 02:03 PM

Page: 1 of 3

Check Number	Bank	Vendor	Date	Amount
9006	1	A SIGN PLACE	06/06/2024	<u>\$785.90</u>
9007	1	ANDY CHRISTIAN ROOFING LLC	06/06/2024	<u>\$800.00</u>
9008	1	Broy & Son Pump Service, Inc	06/06/2024	<u>\$4,140.00</u>
9009	1	EAHEART INDUSTRIAL SERVICES, INC	06/06/2024	<u>\$229.05</u>
9010	1	FedEx	06/06/2024	<u>\$22.50</u>
9011	1	HERCULES FENCE OF MARYLAND LLC	06/06/2024	<u>\$672.90</u>
9012	1	INBODEN ENVIRONMENTAL SVCS	06/06/2024	<u>\$46,480.05</u>
9013	1	Jean Petti	06/06/2024	<u>\$50.00</u>
9014	1	Keith Dalton	06/06/2024	<u>\$50.00</u>
9015	1	Lewin Asphalt, Inc	06/06/2024	<u>\$261.58</u>
9016	1	Minnesota Life Insurance Co.	06/06/2024	<u>\$254.94</u>
9017	1	RIDDLEBERGER BROTHERS	06/06/2024	<u>\$1,590.00</u>
9018	1	Southern Software, Inc.	06/06/2024	<u>\$1,125.00</u>
9019	1	The Power Connection, Inc.	06/06/2024	<u>\$1,129.55</u>
9020	1	The Winchester Star	06/06/2024	<u>\$4,903.90</u>
9021	1	THOMSON REUTERS	06/06/2024	<u>\$109.20</u>
9022	1	Valley Automation	06/06/2024	<u>\$756.30</u>
9023	1	ANDERSON LAWN CARE, INC.	06/18/2024	<u>\$11,083.91</u>
9024	1	AT&T	06/18/2024	<u>\$539.39</u>
9025	1	BLAKE MICHAEL STEVEN 12100	06/18/2024	<u>\$604.50</u>
9026	1	Broy & Son Pump Service, Inc	06/18/2024	<u>\$784.00</u>
9027	1	BUTLER KENNETH J & PENELOPE H 302	06/18/2024	<u>\$514.50</u>
9028	1	COMBS WASTEWATER MANAGEMENT LLC	06/18/2024	<u>\$75.00</u>
9029	1	CORE & MAIN LP	06/18/2024	<u>\$102,696.93</u>
9030	1	DSS ENTERPRISES, LC	06/18/2024	<u>\$297.75</u>
9031	1	ECONO SIGNS, LLC	06/18/2024	<u>\$2,199.42</u>
9032	1	FELICIA AUDREY PARKINSON	06/18/2024	<u>\$122.21</u>
9033	1	Fire Protection Company, LLC	06/18/2024	<u>\$320.00</u>
9034	1	Griffith Energy Services, Inc.	06/18/2024	<u>\$869.86</u>
9035	1	H2O Pipe Cleaning LLC	06/18/2024	<u>\$2,500.00</u>
9036	1	Hall, Monahan, Engle, Mahan & Mitchell	06/18/2024	<u>\$497.50</u>
9037	1	HERCULES FENCE OF MARYLAND LLC	06/18/2024	<u>\$8,960.00</u>

Check Listing

Date From: 6/1/2024 Date To: 6/30/2024

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

Town of Berryville
07/01/2024 02:03 PM

Page: 2 of 3

Check Number	Bank	Vendor	Date	Amount
9038	1	LANGUAGE LINE SERVICES INC	06/18/2024	<u>\$29.95</u>
9039	1	Michelle M. Jones	06/18/2024	<u>\$2,100.00</u>
9040	1	MIRANDA DODSON	06/18/2024	<u>\$45.00</u>
9041	1	MST YASMIN ARA	06/18/2024	<u>\$182.63</u>
9042	1	NORFOLK SOUTHERN CORPORATION	06/18/2024	<u>\$1,342.27</u>
9043	1	PEACOCK STAR SERVICES	06/18/2024	<u>\$3,041.00</u>
9044	1	PENNONI ASSOCIATES INC	06/18/2024	<u>\$96,188.38</u>
9045	1	Ridgeway Auto Body	06/18/2024	<u>\$4,455.91</u>
9046	1	Stuart M. Perry, Inc	06/18/2024	<u>\$77.68</u>
9047	1	SUKHVINDER KAVR	06/18/2024	<u>\$112.40</u>
9048	1	The Hall Company	06/18/2024	<u>\$1,607.60</u>
9049	1	THOMAS W LYNN JR	06/18/2024	<u>\$208.05</u>
9050	1	Treasurer of Clarke County	06/18/2024	<u>\$5,000.00</u>
9051	1	Treasurer of Frederick County	06/18/2024	<u>\$7,308.82</u>
9052	1	UNIVAR SOLUTIONS LLC	06/18/2024	<u>\$1,563.00</u>
9053	1	Valley Automation	06/18/2024	<u>\$1,764.70</u>
9054	1	VALLEY REGIONAL ENTERPRISES, INC.	06/18/2024	<u>\$250.00</u>
9055	1	VIRASEC IT Support Services, Inc.	06/18/2024	<u>\$2,999.35</u>
9056	1	VUPS	06/18/2024	<u>\$74.75</u>
9057	1	Broy & Son Pump Service, Inc	06/27/2024	<u>\$651.31</u>
9058	1	DSS ENTERPRISES, LC	06/27/2024	<u>\$297.75</u>
9059	1	Frederick county sanitation authority	06/27/2024	<u>\$585.90</u>
9060	1	Griffith Energy Services, Inc.	06/27/2024	<u>\$257.09</u>
9061	1	INBODEN ENVIRONMENTAL SVCS	06/27/2024	<u>\$5,550.90</u>
9062	1	RITZO JR. ALBERT RALPH 9904	06/27/2024	<u>\$35.46</u>
9063	1	Sunbelt Rentals	06/27/2024	<u>\$729.87</u>
9064	1	THE POLICE AND SHERIFFS PRESS	06/27/2024	<u>\$17.60</u>
9065	1	UBEO MIDCO LLC	06/27/2024	<u>\$30.00</u>
9066	1	UNIVAR SOLUTIONS LLC	06/27/2024	<u>\$1,563.00</u>
9067	1	VIRASEC IT Support Services, Inc.	06/27/2024	<u>\$572.00</u>
9068	1	HI-VAC CORPORATION	06/28/2024	<u>\$104,412.00</u>
9069	1	S & K Enterprises	06/28/2024	<u>\$2,150.00</u>

Check Listing

Date From: 6/1/2024 Date To: 6/30/2024

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

Town of Berryville
07/01/2024 02:03 PM

Page: 3 of 3

Check Number	Bank	Vendor	Date	Amount
9070	1	Stuart M. Perry, Inc	06/28/2024	\$3,500.00
65	Checks Totaling -			\$444,130.21

Totals By Fund

	Checks	Voids	Total
100	\$89,963.95		\$89,963.95
501	\$208,830.67		\$208,830.67
502	\$145,335.59		\$145,335.59
Totals:	\$444,130.21		\$444,130.21



Purchasing Card

BERRYVILLE TOWN OF
June 01, 2024 - June 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 06/30/24 Payment Due Date 07/23/24 Days in Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$79,061.24	Previous Balance \$95,380.28 Payments -\$95,380.28 Credits -\$955.65 Cash \$0.00 Purchases \$80,016.89 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 \$79,061.24

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 07/23/24.

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				

9538028 7906124 7906124 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
June 01, 2024 - June 30, 2024

Total Payment Due \$79,061.24
Payment Due Date 07/23/24

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:	
	<u>Within the U.S.</u>	<u>Outside the U.S.</u>
	1.888.449.2273	1.509.353.6656 (collect calls accepted)

.....

Thank you for your business.

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

Cardholder Activity Summary

Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
Credit Limit				
BOOR, RICK				
15,000	0.00	0.00	5,017.53	5,017.53
BOOTH, KEVIN				
1,000	44.09	0.00	143.00	98.91
BUSSERT, ERNIE				
47,425	0.00	0.00	18,786.46	18,786.46
COLE, HEIDI				
50,000	0.00	0.00	32,699.89	32,699.89
DALTON, KEITH				
50,000	0.00	0.00	9,525.92	9,525.92
DUNKLE, CHRISTY				
500	0.00	0.00	94.55	94.55
ELLIOTT, RALPH				
5,000	0.00	0.00	16.54	16.54
GREEN, CONNOR				
500	0.00	0.00	17.84	17.84
JOHNSON, KAREN				
1,000	0.00	0.00	334.52	334.52
LINK, BRIAN				
5,000	13.50	0.00	32.16	18.66
MCCORMICK, HARRY				
500	0.00	0.00	30.34	30.34
PEARSON, MORGAN				
1,000	0.00	0.00	952.00	952.00
PETTI, JEAN				
50,000	898.06	0.00	8,982.02	8,083.96
POULIN, CYNTHIA				
5,000	0.00	0.00	1,973.26	1,973.26
SHARP, BRIAN				
500	0.00	0.00	33.70	33.70
SHEETZ, CULLEN				
500	0.00	0.00	64.98	64.98
STOVER, KEITH				
5,000	0.00	0.00	613.29	613.29
WEATHERHOLT, EUGENE W				
500	0.00	0.00	20.16	20.16
WHITE, NEAL				
15,000	0.00	0.00	678.73	678.73

Transactions

Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF						Total Activity
Account Number: X						-\$95,380.28
06/25	06/25	AUTO PAYMENT DEDUCTION		0071		95,380.28

BERRYVILLE TOWN OF
 June 01, 2024 - June 30, 2024
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Transactions							
Posting	Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit	
BOOR, RICK							Total Activity
Account Number: [REDACTED]							5,017.53
06/14	06/13	GRIFFITH ENERGY SERVIC 888-474-3391 MD	24941684165200757200548	4900	4,414.69		
06/17	06/14	VALLEY ICE LLC 540-4774447 VA	24013394166003127015697	5199	393.11		
06/28	06/27	JORDAN SPRINGS MARKET STEPHENSON VA	24755424179281798138004	5812	209.73		
BOOTH, KEVIN							Total Activity
Account Number: [REDACTED]							98.91
06/07	06/06	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974159001425335977	5251	78.35		
06/10	06/07	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974160001644553787	5251	63.68		
06/12	06/11	BERRYVILLE TRUE VALUE BERRYVILLE VA	74801974164002720190016	5251			44.09
06/24	06/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974174007566504132	5251	0.97		
BUSSERT, ERNIE							Total Activity
Account Number: [REDACTED]							18,786.46
06/12	06/11	COYNE CHEMICAL CROYDON PA	24137464163300799598850	5169	1,993.20		
06/13	06/12	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974165003072239900	5251	42.09		
06/21	06/20	COYNE CHEMICAL CROYDON PA	24137464172300797139938	5169	16,148.00		
06/24	06/22	USABlueBook Atlanta GA	24793384174001564354055	5085	603.17		
COLE, HEIDI							Total Activity
Account Number: [REDACTED]							32,699.89
06/03	05/31	RAPPAHANNOCK ELECTRIC EBILL.MYREC.CVA	24231684152747002330631	4900	4,938.59		
06/04	06/03	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664155083733737708	4900	5,768.24		
06/04	06/03	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664155083714705864	4900	10,000.00		
06/04	06/03	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664155083718376050	4900	10,000.00		
06/06	06/05	COMCAST 800-COMCAST MD	24692164157101047558402	4899	160.58		
06/25	06/25	COMCAST 800-COMCAST MD	24692164177107891303577	4899	126.07		
06/26	06/25	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692164177107981239608	4814	1,055.48		
06/26	06/25	VERIZON BILL PAYMENT 800-VERIZON FL	24692164177107984378916	4814	436.80		
06/26	06/25	VERIZON BILL PAYMENT 800-VERIZON FL	24692164177107984378924	4814	214.13		
DALTON, KEITH							Total Activity
Account Number: [REDACTED]							9,525.92
06/04	06/03	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664155083720623333	4900	9,513.55		
06/26	06/25	DOLLAR-GENERAL #0394 BERRYVILLE VA	24445004178600162717142	5331	12.37		
DUNKLE, CHRISTY							Total Activity
Account Number: [REDACTED]							94.55
06/03	05/31	USPS PO 5107560300 BERRYVILLE VA	24137464153001665129547	9402	6.33		
06/03	05/31	USPS PO 5107560300 BERRYVILLE VA	24137464153001665129471	9402	24.00		
06/10	06/07	USPS PO 5107560300 BERRYVILLE VA	24137464160001743070904	9402	9.50		
06/19	06/18	VISTAPRINT 866-207-4955 MA	24492154170715075306750	2741	54.72		
ELLIOTT, RALPH							Total Activity
Account Number: [REDACTED]							16.54
06/03	05/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974153091400000668	5251	16.54		
GREEN, CONNOR							Total Activity
Account Number: [REDACTED]							17.84
06/06	06/05	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974158091400000150	5251	16.21		
06/12	06/11	USPS PO 5107560300 BERRYVILLE VA	24137464164001572293946	9402	1.63		
JOHNSON, KAREN							Total Activity
Account Number: [REDACTED]							334.52
06/03	06/02	Amazon web services aws.amazon.coVA	24692164154109065748238	7399	0.71		
06/05	06/04	USPS PO 5107560300 BERRYVILLE VA	24137464157001608905397	9402	35.90		
06/10	06/07	STAPLS7633903028000001 877-8267755 NJ	24164074159105441335943	5111	52.77		
06/10	06/09	STAPLS7906672191000001 877-8267755 NJ	24164074161105441211355	5111	176.06		
06/21	06/20	STAPLS7634852029000001 877-8267755 NJ	24164074172105441291925	5111	69.08		
LINK, BRIAN							Total Activity
Account Number: [REDACTED]							18.66
06/03	05/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	74801974153091400000036	5251			13.50
06/07	06/06	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974159001425335878	5251	12.00		
06/21	06/20	GIANT MARTINS #6558 BERRYVILLE VA	24692164172104179539464	5411	20.16		
MCCORMICK, HARRY							Total Activity
Account Number: [REDACTED]							30.34
06/27	06/26	GIANT MARTINS #6558 BERRYVILLE VA	24692164178109123236566	5411	30.34		
PEARSON, MORGAN							Total Activity
Account Number: [REDACTED]							952.00
06/10	06/07	USPS PO 5107560300 BERRYVILLE VA	24137464160001743107227	9402	952.00		
PETTI, JEAN							Total Activity
Account Number: [REDACTED]							8,083.96
06/06	05/29	COYNE CHEMICAL CROYDON PA	24137464150300790863415	5169	2,516.78		
06/06	05/29	COYNE CHEMICAL CROYDON PA	24137464150300790863332	5169	1,145.60		

BERRYVILLE TOWN OF
June 01, 2024 - June 30, 2024
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Transactions						
Posting Date	Transaction Date	Description	Reference Number	MCC	Charge	Credit
06/06	05/21	CLAIM ADJ/ IN *JOINER LAB	24692164142101931382891	8734		25.00
06/07	06/06	DOLLAR-GENERAL #0394 BERRYVILLE VA	24445004159600169335453	5331	4.21	
06/12	06/11	Indeed 93219320 800-4625842 TX	24793384163001503136020	7311	307.32	
06/13	06/12	AMZN Mktp US*1L8QS94R3 Amzn.com/billWA	24692164164107250581586	5942	16.24	
06/17	06/14	BERRYVILLE AUTO PARTS 540-9551292 VA	24327434166800000257923	5533	97.71	
06/18	06/17	DGS DCLS WATER TEST KITS 804-7860447 VA	24755424170731700307716	8734	1,826.40	
06/20	06/19	AMAZON MKTPL*8D3216ZC3 Amzn.com/billWA	24692164171103299096653	5942	9.99	
06/20	06/19	COYNE CHEMICAL 215-785-3000 PA	24137464171300860095596	5169	494.00	
06/24	06/10	ENVIRO SELECTS ENVIROSELECTSWA	24492164169000014171041	5261		873.06
06/26	06/25	COYNE CHEMICAL CROYDON PA	24137464177300773648311	5169	2,516.78	
06/28	06/27	GIANT MARTINS #6558 BERRYVILLE VA	24692164179100101562304	5411	46.99	
POULIN, CYNTHIA						Total Activity
Account Number: [REDACTED]						1,973.26
06/06	06/05	VA DMV ONLINE BILLING PAY804-4977100 VA	24755424158731582105234	9399	1,350.00	
06/24	06/23	MSFT * E0100SLT3K 800-6427676 WA	24204294175000100960055	5045	264.00	
06/24	06/23	MSFT * E0100SLTN8 800-6427676 WA	24204294175000500438082	5045	12.50	
06/24	06/22	MSFT * E0100SM3P9 MSBILL.INFO WA	24430994174008061284797	5045	6.00	
06/28	06/27	MARTINS 6102 CHARLES TOWN WV	24692164179109898199568	5411	255.95	
06/28	06/27	MARTINS 6102 CHARLES TOWN WV	24692164179109898199576	5411	84.81	
SHARP, BRIAN						Total Activity
Account Number: [REDACTED]						33.70
06/28	06/27	DOLLAR-GENERAL #0394 BERRYVILLE VA	24445004180600165078514	5331	33.70	
SHEETZ, CULLEN						Total Activity
Account Number: [REDACTED]						64.98
06/07	06/06	FISHER AUTO PARTS 009 BERRYVILLE VA	24431064159200824800015	5533	44.82	
06/26	06/25	GIANT MARTINS #6558 BERRYVILLE VA	24692164177108398628599	5411	20.16	
STOVER, KEITH						Total Activity
Account Number: [REDACTED]						613.29
06/03	05/31	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412904152027014236271	5599	88.80	
06/03	05/31	JNO. S SOLENBERGER AND C WINCHESTER VA	24138294153400002198506	5251	6.98	
06/07	06/06	BERRYVILLE AUTO PARTS BERRYVILLE VA	24327434158753901091174	5533	18.88	
06/14	06/13	LOWES #02724* Winchester VA	24692164165108270990475	5200	246.72	
06/14	06/13	CONSTRUCTION MATERIALS G WINCHESTER VA	24210734166001397051457	1711	130.98	
06/14	06/13	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974166003437366421	5251	24.92	
06/26	06/25	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974178011174151001	5251	89.15	
06/27	06/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974179012310217929	5251	6.86	
WEATHERHOLT, EUGENE W						Total Activity
Account Number: [REDACTED]						20.16
06/10	06/07	GIANT MARTINS #6558 BERRYVILLE VA	24692164159103051670378	5411	20.16	
WHITE, NEAL						Total Activity
Account Number: [REDACTED]						678.73
06/11	06/10	THOMSON WEST* TCD 800-328-4880 MN	24692164162105715505507	8999	123.71	
06/13	06/12	Ridgeway Autobody Berryville VA	24193044165005586634474	7531	129.88	
06/14	06/13	BERRYVILLE AUTO PARTS 540-9551292 VA	24327434165794101083190	5533	415.14	
06/14	06/13	VA DMV BERRYVILLE LICENSE BERRYVILLE VA	24755424166151661010421	9399	10.00	

Resolved Disputed Transactions

Posting Date	Transaction Date	Description	Account Number	Resolution Identifier	Reference Number	Amount
05/22	05/21	IN *JOINER LABS, LLC 540-3477212 VA US	6353	C	24692164142101931382891	25.00

Resolution Identifier: C = Resolved In favor of Client M = Resolved In favor of Merchant

Finance Charge Calculation

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

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

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

BERRYVILLE TOWN OF
[REDACTED]
June 01, 2024 - June 30, 2024
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JULY 9, 2024
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The June 2024 expenditure report is attached.

Attachments

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

Jun-24

Water and sewer bill accounts

Estimated cost of these actions:

- Payment of delinquent accounts
 - Water and sewer account credits
 - Total
 Fund balance from first payment

Signage

Estimated cost of these actions

- Signage
 - Total

Fund balance from first payment
 Fund balance from second payment

Improvements in Central Business District

Estimated cost of these actions

- Facades, signs, accessibility

Total

Fund balance from first payment
 Fund balance from second payment

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
\$ 4,069.34	\$ -	\$ 4,069.34	\$ -	100%	\$ 4,069.34
\$ 169,100.00	\$ -	\$ 171,191.48	\$ -	101%	\$ 169,100.00
	\$ -	\$ 175,260.82			\$ 175,260.82
					\$ -
\$ 140,000.00	\$ -	\$ 41,750.00	\$ 98,250.00	30%	\$ 140,000.00
		\$ 41,750.00			\$ 140,000.00
					\$ 32,665.34
					\$ 65,584.66
\$ 196,185.08	\$ -	\$ 125,000.00	\$ -	100%	\$ 196,185.08
	\$ -	\$ 71,185.08			\$ 196,185.08
	\$ -	\$ 196,185.08			
					\$ -
					\$ -

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						\$	-

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

	<u>BUDGETED</u>	<u>USED THIS MONTH</u>	<u>TOTAL USED</u>	<u>BALANCE</u>	<u>PERCENT USED</u>
<u>Premium Pay</u>					
Estimated cost of these actions					
- Provide premium pay	\$ 172,000.00	\$	\$ 174,323.86	\$ -	101%
- Total			\$ 174,323.86	\$	\$ 172,000.00
Fund balance from first payment				\$	-
 <u>Complete necessary water and sewer infrastructure projects</u>					
<u>Capital Projects</u>					
Estimated cost of these actions					
- Cost of the projects	\$ 3,485,953.17	\$ 3,102.50	\$ 1,435,229.91	\$ -	85.00%
Total			\$ 1,546,365.26	\$ 504,358.00	\$ 3,485,953.17
Fund balance from first payment			\$ 2,981,595.17	\$	-
Fund balance from second payment				\$	\$ 504,358.00

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	\$ -	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	\$ 41,750.00	\$ 98,250.00	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	\$ 30,027.87	\$ 513,257.63	0%
	Administrative /Legal Fees	\$ 60,000.00	\$ 45,055.39	\$ 15,592.60	75% Admin
	Total Encumbered	\$ 4,534,986.00	\$ 3,907,885.77	\$ 627,100.23	
	Total ARPA	\$ 4,534,986.00			
*	Project For (2) two years				

Project Status Report

Date: 7/09/2024

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: 7/09/2024

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: \$41,750.00
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: 7/09/2024

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: \$30,027.87
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:

Spot Blight Abatement

July 9, 2024

Staff will be working to schedule work required to:

- Finalize cleanup of 114 Josephine Street.
- Disconnect the sewer lateral at 114 Josephine Street.
- Disconnect the sewer lateral at 225 Josephine Street.

Staff expects the work in question to be completed by August 15, 2024.

June 11, 2024

No report

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.

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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

Overview

The controversy concerning the ownership of a sliver of land known to some as "Wheeler Lane," which has been smoldering since at least 2014, has reached another phase. The citizens involved in this matter (Carl and Patrica Maples and Norma Slattery) have settled their suit and now want the Town to maintain the strip of land in question and the driveway installed therein.

The Town has previously determined that it does not own "Wheeler Lane." The Town also determined that it would not take action (requested by Maples) to vacate "Wheeler Lane." It is important to add that Slattery opposed vacation of "Wheeler Lane" because she claimed ownership of the property in question. Slattery also demanded a refund for taxes that she had paid on the land in question if the Town vacated "Wheeler Lane."

On June 25, 2021, the Town sent a letter to Mr. Maples (copy to Slattery) in which the Town restated its position regarding ownership of the land in question (the Town has no ownership interest) and stated that the matter was closed.

After the case styled Carl Maples, et al. v. Norma Slattery (CL18004818) was concluded (by agreement between the parties), Mr. Maples and Ms. Slattery wrote a letter (dated June 11, 2024) to the Council in which they claimed that the Town owned the property in question and was therefore responsible for its maintenance. The letter also highlighted a concern about a tree that both Mr. Maples and Ms. Slattery consider to be hazardous.

Developments subsequent to the last Town Council meeting

At the town manager's request, the Town's attorney reviewed the letter dated June 11, 2024 and responded on the Town's behalf.

Attachments

- Agree Final Order (Carl Maples, et al. v. Norma Slattery (CL18004818))
- Letter from Maples and Slattery to the Town Council dated June 11, 2024
- Letter from Robert T. Mitchell to Maples and Slattery dated June 26, 2024

VIRGINIA:

IN THE CIRCUIT COURT OF CLARKE COUNTY

CARL MAPLES, et al.

Plaintiffs

CL18004818

v.

NORMA SLATTERY

Defendant

Agreed Final Order

This matter came before the Court upon the representation of the Plaintiffs and the Defendant ("the Parties"), by counsel, that their disputes have been resolved as follows:

Regarding Count III, it appearing to the Court that the parties are agreed, IT IS ADJUDGED and ORDERED that:

1. The 30 x 240-foot property dedicated as "Wheeler Lane" in 1947 (DB 35 p. 393-395) is owned by the Town of Berryville as a street with a public right of passage.
2. Neither party will ask the Town to vacate Wheeler Lane and both parties will actively oppose any effort by the Town to unilaterally vacate Wheeler Lane.
3. Wheeler Lane will continue to provide an egress and ingress to the Defendant's parcel shown on the Clarke County Tax Maps as 14A4-(A)-27 no matter what any future designation of Wheeler Lane may be.
4. The Parties will jointly demand the Town of Berryville, as the title holder of Wheeler Lane, maintain the street to the same standards of other streets owned by the Town.

5. The Parties will jointly demand that the Town erect signage at the corner of Wheeler Lane and Swan Avenue identifying Wheeler Lane as a Town owned street and hold the Town responsible for doing so at its own expense.
6. ~~The Parties will jointly demand that the Town place Wheeler Lane on the~~ official map of Berryville and hold the Town responsible for doing so at its own expense.
7. The Parties will jointly demand that the Town Administration change the street addresses of their properties back to their original designations of; 1 Wheeler Lane and 2 Wheeler Lane.
8. If the Town refuses to maintain Wheeler Lane, and cannot be compelled to maintain or make necessary repairs to the street or right-of-way, including, but not limited to; paving and pavement repair, removal of dead or hazardous trees or fallen trees blocking the right-of way, snow plowing, and other tasks normally performed by the Town, Parties shall equally share the cost of maintaining the street pavement and right of way concerning the items in the immediately preceding sentence. Notwithstanding the foregoing, while Ms. Slattery or the Special Needs Trust to be created for the benefit of her son holds the title to parcel 14A4-(A)-27, she and the Trust is exempt from the requirements outlined in this paragraph for a period of 10 years from the entry of this Order, except for "acts of God" incidences such as fallen trees.

AND IT IS FUTHER ADJUDGED and ORDERED that, except as provided above, Count III is hereby dismissed with prejudice.

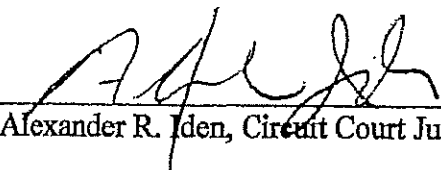
Let the Clerk spread a copy of this entered Order in the land records upon payment of the requisite fee. It should be indexed as to both Grantor and Grantee in the following names:

Carl and Patricia Maples Living Trust

Norma Slattery

And there nothing further to be done herein, this case is ORDERED stricken from the active docket and filed among the ended causes.

ENTERED this 20th day of May 2024:


Alexander R. Iden, Circuit Court Judge

We ask for this:



John W. Farrell (VSB 23670)

MCCANDLISH & LILLARD PC

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Fairfax, Virginia 22030

Telephone: (703) 934-1182

Fax: (703) 273-4592

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Counsel for Norma Slattery

Fax: (703) 273-4592

ifarrell@mccandlishlawyers.com

Counsel for Carl H. E. Maples and Patricia K. Maples

Amy K. Slaughter

Amy K. Slaughter [VSB #72014]

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(540) 667-1312 fax

slaughter@harrison-johnston.com

Counsel for Norma Slattery

Clarke Court, SCT

This instrument of writing was produced to me on
the 20 day of May 2024 at
11:20 AM and with certificate of
acknowledgment thereto attached was admitted
to record.

Teste: April Whitson Clerk

June 11, 2024

Town of Berryville - Town Council
Government Center
101 Chalmers Court
Berryville, VA 22611

Delivered by hand to Council Members during Session on June 11, 2024

Ref: Notification of tree hazard in the right of way of Wheeler Lane

The Town of Berryville is aware that the 26th Circuit Court of Virginia has ruled that the Town of Berryville holds fee simple title to the 30 X 240-foot street dedicated in 1947 as Wheeler Lane. The ruling that the Town of Berryville held the title to Wheeler Lane occurred on June 29, 2019, and at that point in time all the parties to the legal proceedings agreed with the finding of the Court. The **Agreed Final Order** (Book 722 p 228), occurring on May 20, 2024, closes out all remaining issues in the case.

Earlier, upon notifying the Town of a hazardous (gum) tree in the Wheeler Lane right of way on June 22, 2021, The Town Manager, in his letter of June 25, 2021, took exception to the ruling of the Court. Regardless, the Town of Berryville holds the title to Wheeler Lane and, as such, is responsible for its maintenance.

Attached are pictures of an 80-foot white pine at the corner of Swan Avenue and Wheeler Lane and within the 30 X 240-foot right of way. This tree has been observed recently to have become infested with pine beetles and a long, exposed cavity in the trunk is visible. The tree is leaning towards the high-power electrical lines that service the Johnson-Williams Middle School. The height of the tree makes it highly likely that it will reach the powerlines should it fall in the direction in which it is leaning, and block access to residential parcels -26 and -27.

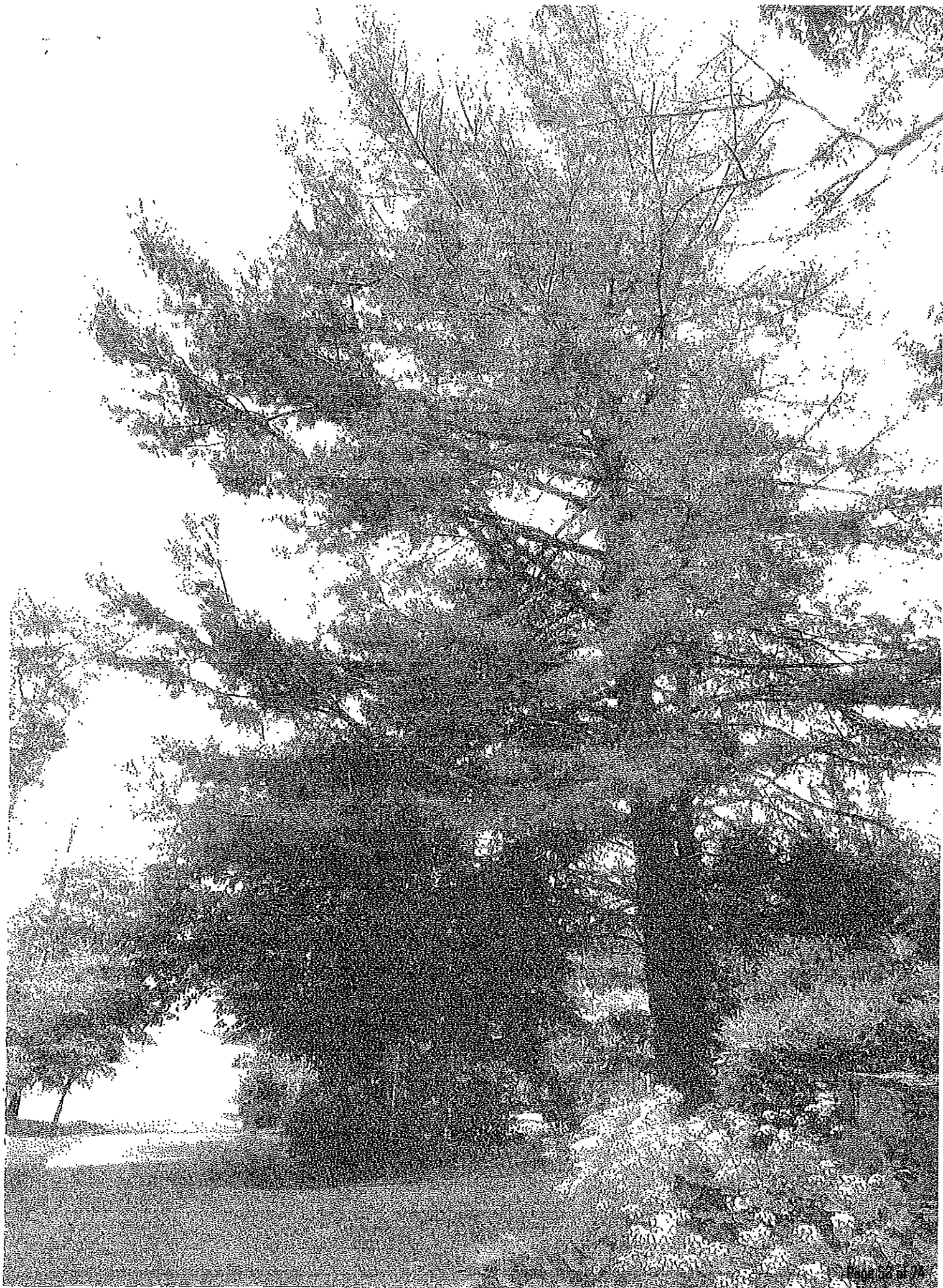
Damages caused by the Town's failure to maintain the Wheeler Lane right of way, that the Town holds title to, will be considered neglect.

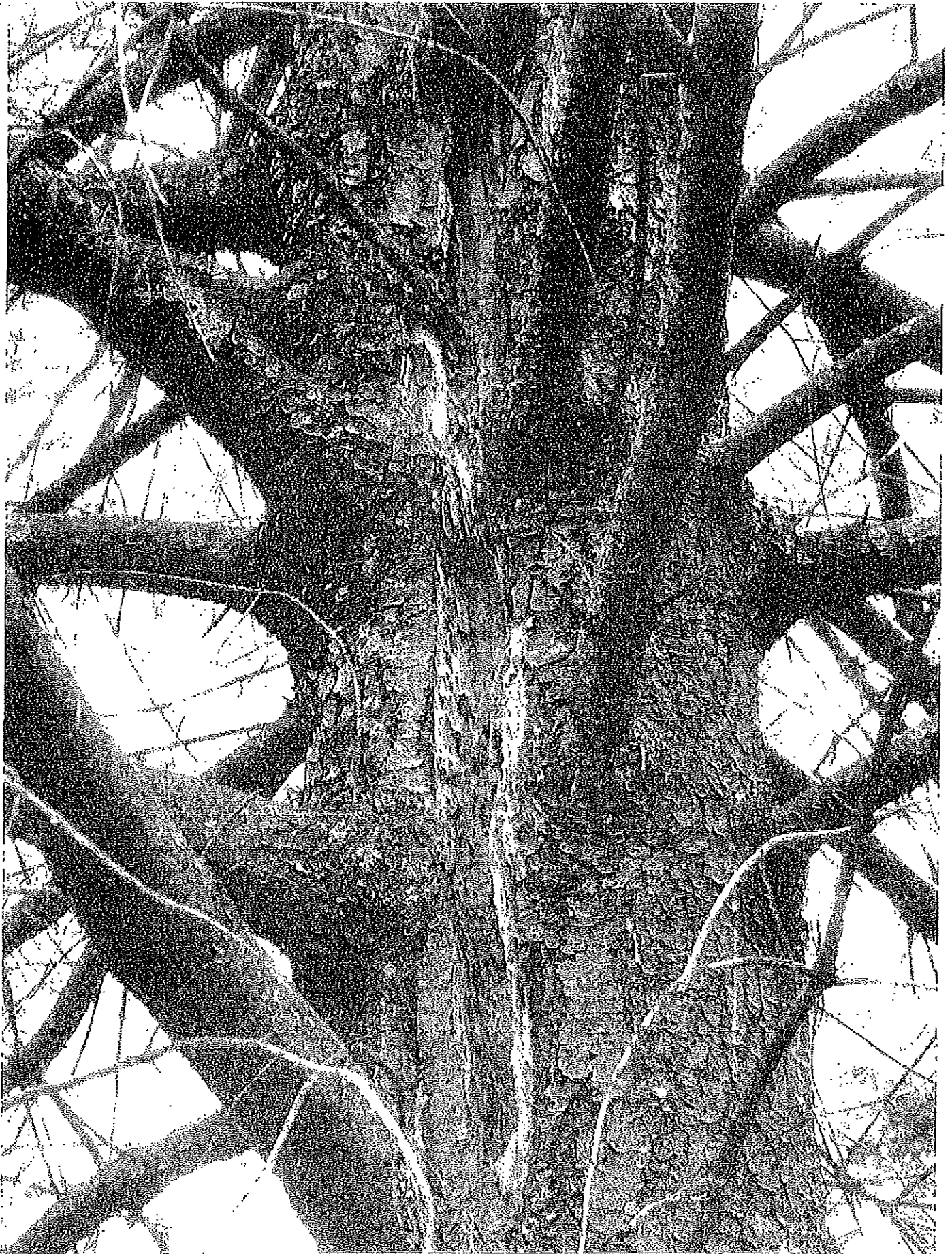


Carl Maples



Norma Slattery





HALL, MONAHAN, ENGLE, MAHAN & MITCHELL

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WILBUR C. HALL (1892-1972)
THOMAS V. MONAHAN (1924-1999)
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PLEASE REPLY TO:

P. O. BOX 848
WINCHESTER, VIRGINIA 22604-0848

June 26, 2024

Carl Maples
207 Swan Avenue
Berryville, VA 22611

Norma Slattery
211 Swan Avenue
Berryville, VA 22611

Re: Wheeler Lane

Dear Mr. Maples and Ms. Slattery:

This is in response to your letter to the Town of Berryville Town Council dated June 11, 2024. You base your contention that the Court made the determination in the Order dated July 29, 2019¹ in Case No. CL18-4818 that the Town held title to Wheeler Lane, "and at that point in time all the parties to the legal proceedings agreed with the finding of the Court". However, (1) the Town of Berryville was not a party to that case, (2) the only parties to the case were Carl Maples and Patricia Maples (Maples) (plaintiffs) and Norma Slattery (defendant), (3) in the suit filed the Maples contended that they owned Wheeler Lane, and (4) that order was a ruling on demurrers in the case.

A subsequent Order in Case No. 18-4818 was entered on August 17, 2020. That Order sustained Slattery's Demurrer filed as to Maples' amended complaint, stating that:

"the Court finds that the Amended Complaint fails to state a claim upon which relief may be granted; and the Court adopts and incorporates all the reasons set forth in the Defendant's papers filed in support of the Demurrer, and additionally, all the arguments made on the record by

¹ Your letter erroneously referred to the subject order as dated June 29, 2019. It was July 29, 2019.

HALL, MONAHAN, ENGLE, MAHAN & MITCHELL

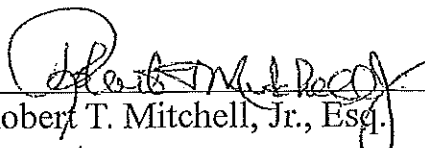
Carl Maples
Norma Slattery
June 26, 2024
Page 2

Defendant's counsel, in particular, but not limited to, the reasoning related to the lack of the Court's authority to adjudicate the fee simple interest of the Town of Berryville to Wheeler Lane in its absence . . ."]

The Agreed Final Order in Case No. CL18-4818 was an order recognizing that the parties (Maples and Slattery) had reached an agreement between themselves. As previously noted, the Town of Berryville was not a party to the case. The Court stated earlier in the case that the Court lacked authority to adjudicate the fee simple interest in the Town of Berryville to Wheeler Lane in the absence of the Town in the case.

It should also be noted that in the "dedication" by Paul L. and Alma Bruce Wheeler of Wheeler Lane to the Town in July, 1947 (Deed Book 35 at Page 393), the Wheelers stated "it being their intention, purpose and desire to create a public easement or public right of passage over so much of said land as is designated as "Wheeler Lane". Subsequently, by deed dated August 13, 2004, Anne M. Wheeler, devisee under the Last Will and Testament of Paul L. Wheeler, conveyed 1.7777 acres to Norma Slattery (Deed Book 413 at Page 168), which 1.7777 acres included the Wheeler Lane property as a part of the Slattery property.

The Town has taken the position from the beginning, and maintains that position, that "Wheeler Lane" is not a public street for which the Town has responsibilities for paving, maintenance, etc.


Robert T. Mitchell, Jr., Esq.
Town Attorney

RTM/ks
CC: Keith R. Dalton, Town Manager

Town Council Regular Meeting 9 July 2024

Item Title: Rules for Rose Hill Park and Municipal Lots

Prepared By: Jean Petti

Background:

Community Development Committee has reviewed and revised proposed rules for use of and conduct in Rose Hill Park (including the basketball courts) and municipal parking lots. The attached Sec 13.35 and Sec. 13-36 are recommended for adoption by Town Council.

Attachments:

Sec 13.35- Regulation of Use and Conduct in Rose Hill Park

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

AN ORDINANCE
Amending the Berryville Code Sections 13-35 – Regulation of use and
conduct on town basketball court and 13-36 - Regulation of use and
conduct in Rose Hill Park

BE IT ORDAINED, by the Council of Town of Berryville, that it hereby approves the following amendment of Berryville Code Sections 13-35 – Regulation of use and conduct on town basketball court and 13-36 - Regulation of use and conduct in Rose Hill Park:

~~Sec. 13-35. - Regulation of use and conduct on town basketball court.~~

It shall be unlawful for any person or persons to violate the following regulations, which shall be posted, pertaining to the use and the behavioral conduct of any such person or persons upon the town basketball courts:

- ~~(a) No bicycles, skateboards or skating permitted on the court.~~
- ~~(b) No trespassing between the hours of 6:00 p.m. to 7:00 a.m. from September 1 to June 1, or between the hours 9:00 p.m. to 7:00 a.m. from June 1 to September 1, except by special permission from the town.~~
- ~~(c) No alcoholic beverages or glass containers.~~
- ~~(d) No loud and abusive or obscene language.~~
- ~~(e) No hanging on basketball rims.~~
- ~~(f) No bare feet.~~
- ~~(g) Except by special, advance permission for organized, group-sponsored activities,
 - ~~(1) Use shall be limited to half-court if other groups or individuals are waiting to play.~~
 - ~~(2) No individuals or group shall monopolize the court for a period of more than one (1) hour if other groups or individuals are waiting to play.~~~~
- ~~(h) The Town of Berryville is not responsible for injuries.~~
- ~~(i) The police department is authorized to eject and revoke future use of the court by any person violating these rules or in any other manner behaving in a disorderly fashion.~~

Regulation of Use and Conduct in Rose Hill Park

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

- (a) Park is open from dawn until dusk unless hours are extended by the town council or town manager. Use of or presence in park when closed will be considered trespassing.**
- (b) Consumption of alcoholic beverages is prohibited, unless approved by the Virginia Alcoholic Control Authority and the town manager as a part of a special event. Consumption of other intoxicants, including but not limited to marijuana and products derived therefrom, is prohibited.**
- (c) Glass containers are prohibited.**
- (d) Fires may not be built, except in grills designed for food preparation or for**

- special ceremonies as authorized by the town manager.
- (e) Camping is prohibited.
 - (f) Relic hunting or use of metal detectors or similar devices, except by authorized town employees or contractors, is prohibited.
 - (g) Littering is prohibited.
 - (h) Hunting, trapping, feeding, or releasing wildlife, except by authorized town employees or contractors, is prohibited.
 - (i) Discharge of firearms except by law enforcement personnel while in performance of their official duties, or by authorized town employees or contractors, is prohibited. Nothing in this section prohibits the firing of military salutes as a part of an event approved by the town council or town manager.
 - (j) Use of bow and arrow, slingshots, or other similar devices, except by authorized town employees or contractors, is prohibited.
 - (k) Motorized vehicles, except those driven by authorized law enforcement personnel, emergency services personnel, town employees, contractors, or persons staffing approved events, are prohibited. At no time may any motorized vehicle drive across the park's paved paths or picnic table pads.
 - (l) The town manager shall cause these rules to be posted in the park.
 - (m) The police department and the town manager are authorized to eject any person violating the rules enumerated above. The town manager is authorized to revoke future use of the park by persons who violate the rules enumerated above.

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

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

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

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

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

- ~~(a) No trespassing from dusk until dawn. Hours may be extended by the town council or town manager as the need arises.~~
- ~~(b) No alcoholic beverages or glass containers.~~
- ~~(c) No bare feet.~~
- ~~(d) Playground equipment is intended for use only by children twelve (12) years old or younger.~~
- ~~(e) Do not use equipment when it is wet.~~
- ~~(f) No, pushing, shoving or other dangerous play.~~
- ~~(g) Do not use equipment improperly.~~

- ~~(h) — No camping.~~
- ~~(i) — No building of fires except in park grills designed for food preparation, or for the purposes of special ceremonies with permission from the town manager.~~
- ~~(j) — No relic hunting or use of metal detectors or similar devices.~~
- ~~(k) — No littering.~~
- ~~(l) — Waste from domestic animals must be immediately collected and disposed of properly.~~
- ~~(m) — No skateboarding.~~
- ~~(n) — No hunting or discharge of firearms, fireworks, explosives, bow and arrows, slingshots, or similar weapons and devices. This section does not preclude the firing of military salutes as a part of an event authorized by the town.~~
- ~~(o) — No vehicles are permitted in the park unless authorized by the town manager or designee. Driving over or parking on walkways or picnic table pads is prohibited.~~
- ~~(p) — The Town of Berryville is not responsible for injuries. This area to be used with adult supervision only.~~

Town manager authorized to establish rules for use of and restrict access to town-owned property.

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

Any person violating **rules established in accordance with** any provision of this section shall be guilty of a Class 4 misdemeanor.

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

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

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: July 9, 2024

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: July 9, 2024

**Town Council Regular Meeting
9 July 2024**

Item Title: Damage or defacement of recreational facilities

Prepared By: Jean Petti

Background/History General Information

Following review and revision to Town code re park rules, it was recommended that Sec. 13-37 also be reviewed and expanded beyond “recreational facilities” as cited in current ordinance. This corresponds with enabling legislation contained within § 15.2-1812.2 Code of Virginia.

Attachments

Proposed ordinance

AN ORDINANCE
Repealing Berryville Code Section 13-37. Damage or defacement of recreational facilities and adopting new Chapter 13 Article II. Graffiti

BE IT ORDAINED, by the Council of Town of Berryville, that it hereby approves the following amendment of Chapter 13 of the Berryville Code:

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

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

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

Sec. 13-37. RESERVED

ARTICLE II. GRAFFITI

Sec. 13-40. Definition of "graffiti."

"Graffiti" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, figure or design of any type on any public or private building or other real estate or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person, firm, or corporation.

Sec. 13-41. Graffiti prohibited; criminal penalty.

- (a) It shall be unlawful for any person to deface or damage by application of graffiti any public buildings, facilities or other property, or any private buildings, facilities or other property if the damage to the private property is less than one thousand dollars (\$1,000.00).**
- (b) Any person convicted of a violation of subsection (a) shall be guilty of a Class 1 misdemeanor. Upon a finding of guilt in a case tried before the court without a jury where the violation constitutes a first offense, the court, without entering a judgment of guilt, upon motion of defendant, may defer further proceedings and place defendant on probation pending completion of a plan of community service work. If defendant completes the community service work as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Such discharge and dismissal procedure under this section shall be without adjudication of guilt and operates as a conviction only for the purposes of applying this article in subsequent proceedings. If the defendant fails or refuses to complete community service as ordered by the court, the court may make final disposition of the case as otherwise provided. Any fine imposed**

pursuant to conviction of a minor for violations of this section shall be assessed against the minor and such minor's parents or legal guardian.

- (c) Community service work prescribed by the court under subsection (b) shall include, to the extent feasible, the repair, restoration, or replacement of any damage or defacement to property within the city, and may include clean-up, beautification, landscaping or other appropriate community service within the city.
- (d) Community service work prescribed by the court under subsection (b) shall be performed under the supervision of the town manager or his/her designee, who shall report on such work to the court imposing the community service work requirement at such times and in such manner as the court may direct.
- (e) At or before the time of sentencing under this section, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant, as well as the recommendations of the town manager or his/her designee concerning the plan.
- (f) No person convicted of a violation of this article shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both, as is more particularly set forth in Code of Virginia, § 19.2-305.1.

Sec. 13-42. Parental liability for cost of graffiti removal.

In the event graffiti is applied to any public property by a minor who is living with either or both parents or a legal guardian, the town may institute an action and recover from the parents of the minor, or either of them, or from the legal guardian the costs for damages suffered by reason of the willful destruction of, or damage to, public property by the minor. The action by the town shall be subject to any limitation on the amount of recovery set forth in § 8.01-43 of the Code of Virginia or other applicable state law. Any recovery action brought by an owner for damages to private property by reason of graffiti shall be subject to the limitation set forth in § 8.01-44 of the Code of Virginia.

Sec. 13-43. Graffiti declared a nuisance.

The existence of graffiti within the town limits in violation of this article is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article.

Sec. 13-44. Removal of graffiti.

- (a) The town manager or a designated representative of the town manager is authorized to undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure by the application of graffiti.
- (b) The town manager or a designated representative is also authorized to undertake or contract for the removal or repair of the defacement by graffiti of any private building, wall, fence or other structure visible from any public right-of-way in accordance with the following procedures:
 - (1) Prior to such removal of graffiti from private property, the town manager or a designated representative shall issue to the property owner, by regular mail sent to the last address listed for the owner in county property assessment records, a notice which states: the street address and legal description of the property; that the property has been determined by the town to constitute a graffiti nuisance; that the owner must take corrective action to abate the nuisance created by such graffiti within fifteen (15) days of the date of the notice; and that if the graffiti is not removed within the fifteen-day period, the town will begin removal procedures, the cost of which shall be charged to the property owner. The notice shall further advise the owner of the right to challenge the town's determination and proposed action by requesting a meeting with a designated town official identified in the notice within fifteen (15) days of the date of the notice. The town shall initiate no corrective actions while a request for such a meeting or the outcome of such a meeting is pending. The determination of the designated town official following the requested meeting shall be final.
 - (2) If no corrective action is taken by the property owner within the fifteen-day period provided above and there is no request to challenge the town's determination within that period, the town manager or a designee of the town manager shall send by regular mail an additional notice to the property owner. The second notice shall conform to the requirements of the first notice as set forth in subsection (b)(1) above and shall also state the date on which the town will commence corrective action to remove the graffiti on the property, which date shall be no earlier than fifteen (15) days from the date of mailing the second notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the town. Where the property owner fails to abate the nuisance within fifteen (15) days after issuance of the second notice, the town manager or a designated representative of the town manager is authorized to undertake removal efforts forthwith.
 - (3) Before entering upon private property for the purpose of graffiti removal, the town shall attempt to obtain the consent of the property owner, occupant or other responsible party.
- (c) Where a structure defaced by graffiti is owned by a public entity other than the town, the removal of the graffiti by the town is authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

Sec. 13-45. Emergency removal of graffiti.

If the town manager or his designee determines that any graffiti is an immediate danger to public health, safety or welfare and is unable to provide notice by personal service after at least two (2) attempts to do so, then forty-eight (48) hours after the later of (1) mailing notice to the property owner or other responsible party and (2) posting notice in a conspicuous place on the property, the town may remove or cause the graffiti to be removed at its expense.

Sec. 13-46. Assessment of costs against property for removal of graffiti.

- (a) If the town undertakes corrective action to remove graffiti from private property after complying with the notice provisions of subsection 13-44(b), the total cost for such removal and related repairs shall be chargeable to and paid by the property owner, and may be collected as a special assessment against the respective lot or parcel of land to which it relates in the manner in which town taxes and levies are collected.
- (b) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as such liens.

VOTE:

Recorded Vote:

Ayes:

Nays:

Abstain:

Absent During Meeting:

SIGNED _____
Harry Lee Arnold, Jr., Mayor

Date: July 9, 2024

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Date: July 9, 2024

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Berryville Planning Commission Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

Mike Bell was appointed to the Planning Commission in January of 2022.

Findings/Current Activity

Mr. Bell is a resident of Ward 1 and works for the Clarke County Sheriff's Department.

Financial Considerations

N/A

Schedule/Deadlines

The Planning Commission meets the fourth Tuesday of each month.

Other Considerations

N/A

Recommendation

Reappoint Mr. Bell to the Berryville Planning Commission for a four-year term.

Sample Motions

I move that the Council of the Town of Berryville reappoint Michael E. Bell, Jr. to the Berryville Planning Commission for a four-year term which expires on June 30, 2028.

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Berryville Planning Commission Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

William M. Gilpin was appointed to fill the unexpired term of Ryan Tibbens at the February 15, 2024 Town Council meeting.

Findings/Current Activity

Mr. Gilpin is a resident of Ward 3. He will be taking the Certified Planning Commissioner Program through the Land Use Education Program at Virginia Commonwealth University in September.

Financial Considerations

N/A

Schedule/Deadlines

The Planning Commission meets the fourth Tuesday of each month.

Other Considerations

N/A

Recommendation

Reappoint Mr. Gilpin to the Berryville Planning Commission for a four-year term.

Sample Motions

I move that the Council of the Town of Berryville reappoint William M. Gilpin to a four-year term on the Berryville Planning Commission which expires on September 30, 2028.

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Berryville Planning Commission Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

Dana S. Libby was appointed to fill the unexpired term of Krish Mathur at the February 15, 2024 Town Council meeting.

Findings/Current Activity

Mr. Libby is a resident of Ward 2. He will be taking the Certified Planning Commissioner Program through the Land Use Education Program at Virginia Commonwealth University in September.

Financial Considerations

N/A

Schedule/Deadlines

The Planning Commission meets the fourth Tuesday of each month.

Other Considerations

N/A

Recommendation

Reappoint Mr. Libby to the Berryville Planning Commission for a four-year term.

Sample Motions

I move that the Council of the Town of Berryville reappoint Dana S. Libby to the Berryville Planning Commission for a four-year term which expires on June 30, 2028.

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Berryville Architectural Review Board Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

Robin McFillen's first term began on April 1, 2013. She was reappointed to two additional terms.

Findings/Current Activity

Ms. McFillen is a resident of Ward 3. She is currently vice chair of the Architectural Review Board.

Financial Considerations

N/A

Schedule/Deadlines

The Architectural Review Board meets the first Wednesday of each month.

Other Considerations

N/A

Recommendation

Reappoint Ms. McFillen to a four-year term on the Architectural Review Board.

Sample Motions

I move that the Council of the Town of Berryville reappoint Robin McFillen to a four-year term on the Berryville Architectural Review Board for a four-year term which expires on June 30, 2028.

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Berryville Architectural Review Board Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

Jon Burge's first term began on October 13, 2020.

Findings/Current Activity

Mr. Burge is a resident of Ward 3. He is an architect and owner of Jon Burge Architects, LLC. He has operated his business for 16 years, having 26 years in the profession.

Financial Considerations

N/A

Schedule/Deadlines

The Architectural Review Board meets the first Wednesday of each month.

Other Considerations

N/A

Recommendation

Reappoint Mr. Burge to a four-year term on the Architectural Review Board.

Sample Motions

I move that the Council of the Town of Berryville reappoint Jon Burge to the Berryville Architectural Review Board for a four-year term beginning ending on September 30, 2028.

Town Council Agenda Item Report Summary

July 9, 2024

Item Title

Northern Shenandoah Valley Regional Commission Reappointment

Prepared By

Christy Dunkle

Background/History/General Information

Mayor Jay Arnold and Christy Dunkle have been representing the Town of Berryville on the Northern Shenandoah Valley Regional Commission as a member and alternate, respectively.

Findings/Current Activity

Both appointments expired on June 30, 2024.

Financial Considerations

N/A

Schedule/Deadlines

The NSVRC meets on the third Thursday of the month.

Other Considerations

N/A

Recommendation

Reappoint Mayor Arnold and Ms. Dunkle as the member and alternate, respectively.

Sample Motions

I move that the Council of the Town of Berryville reappoint Harry Lee Arnold, Jr. to a one-year term as a board member and Christy Dunkle to a six-month term as alternate to the Northern Shenandoah Valley Regional Commission.

Town of Berryville
Town Council

MOTION TO ENTER CLOSED SESSION

DATE: July 9, 2024

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville enter a closed session in accordance with §2.2-3711-A-1 of the Code of Virginia, to discuss the performance of an employee of the Town Council.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Erecka L. Gibson, Vice Mayor

TOWN COUNCIL
MOTION
CLOSED SESSION RESOLUTION

DATE: July 9, 2024

MOTION BY:

SECOND BY:

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

Resolution

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

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

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Erecka Gibson, Vice Mayor