



Berryville Town Council

MEETING AGENDA

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

December 10, 2024

7:00 PM

Item	Page
1. Call to Order	
2. Pledge of Allegiance	
3. Approval of Agenda	
4. Presentations/Awards and Recognitions	
Recognition of Director of Community Development Christy Dunkle for 24 Years of Service with the Town of Berryville	
Recognition of Patrol Officer Jaclyn Saldana for being named the 2024 Horseshoe Curve Benevolent Association's Law Enforcement Officer of the Year	
5. Public Hearings	
Special Use Permit- Home Occupation. Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24	pgs 3-15
6. Discussion of Public Hearing Items	
Special Use Permit- Home Occupation. Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24	pgs 3-15
7. Citizens' Forum	

8. Consent Agenda

Approval of Minutes: pgs 16-22
Town Council Meeting November 12, 2024

9. Unfinished Business

Discussion – Proposed Five-year Water and Sewer Rate and Fee Plan pgs 23-28

10. New Business

11. Council Member Reports

Mayor

Vice Mayor

Ward 1

Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works pg 29

Public Utilities pg 30

Police Department pgs 31-35

Community Development pg 36

Administration and Finance pgs 37-53

Town Manager

Order of Consent for Public Water System Identification No. VA2043125 Town
of Berryville pgs 54-70

13. Committee Updates

Budget and Finance

Community Development

Personnel, Appointments, and Policy

Reappointment to the Berryville Area Development Authority

Public Safety

Streets and Utilities

14. Closed Session

15. Adjourn

Item Title

Public Hearing – Special Use Permit – Home Occupation

Prepared By

Christy Dunkle

Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

Background/History/General Information

Mr. McCarty would like to move his tattoo business from the current West Main Street location to his home located at 8 West Fairfax Street. He is proposing one client at a time.

Adjacent Zoning

The adjacent property is zoned DR-4 Detached Residential.

Parking

The property has four off-street parking spaces, two of which are identified for the property applicants.

Signage

A nameplate of 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

Proposed hours of operation are 10:00 a.m. until 6:00 p.m. Monday through Friday.

General Information

Tattoo parlors are regulated by the Virginia Department of Professional and Occupational Regulation (DPOR). Additional information can be found at this link: https://www.dpor.virginia.gov/sites/default/files/boards/BarberCosmo/REG-A425REGS_Tattooing.pdf

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

Public hearing notices were published in the Winchester Star on Tuesday, November 26 and Tuesday, December 3, 2024. Adjacent property notices were mailed on Tuesday, November 26. No comments were received in the Planning Office.

The Planning Commission held a public hearing on the matter on November 26, 2024 and recommended approving the request.

Schedule/Deadlines

N/A

Other Considerations

N/A

Recommendation

Approve as presented.

Sample Motion

I move that the Council of the Town of Berryville recommend that Town Council approve the request with the following conditions:

- **Hours of operation are from 10:00 a.m. until 6:00 p.m. Monday through Friday;**
- **Signage is limited to a nameplate not to exceed two (2) square feet per Section 315.5(a) of the Berryville Zoning Ordinance; and**
- **All business activities take place within the house.**

Attachments:

- Public hearing notice published in the Winchester Star on Tuesday, November 26 and Tuesday, December 3, 2024
- Special Use Permit application
- Special Use Permit narrative
- Aerial photo of the site
- Section 315 Home Occupations, Home Offices
- Section 503 Special Use Permit of the Berryville Zoning Ordinance

BERRYVILLE TOWN COUNCIL PUBLIC HEARING NOTICE

The Berryville Town Council will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on **Tuesday, December 10, 2024**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

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

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

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

SPECIAL USE PERMIT APPLICATION

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

To be completed by Applicant:

Date: October 8, 2024

Applicant's Name: Jason T. M^cCarty

Applicant's Address: 8 West FAIRFAX STREET Berryville, VA 22611

Use Applied For: Home Occupation

At the following address: 8 West Fairfax Street Berryville, VA 22611

Special Conditions: Business has parking for clients, Business is separate from family dwelling, Business has private entrance, Business is appointment only

Property Owner's Name: Sharon Painter

Property Owner's Address: 116 West Main Street Berryville, VA 22611

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

Signature: [Signature] Date: 10/8/24

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

Signature: [Signature] Date: 10/8/2024

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: Home Occupation Zone: DR-4

Street Address: 8 W FAIRFAXS Tax Map #: 14A2((3))8

Special Use Permit Fee: \$300 Paid: 10.9.24

Site Plan Fee: \$150 Paid: 10.9.24

Signature of Zoning Administrator: [Signature] Date: 10.11.26

October 8, 2024

Christy Dunkle, Community Development Director
Town of Berryville Planning & Zoning
101 Chalmers Court
Berryville, VA 22611

Dear Ms. Dunkle:

I am writing to make application for a Special Use Permit, in order to operate a Home Occupation, as defined in Section 503 of the Berryville Zoning Ordinance.

As introduction, my name is Jason McCarty and I am a life-long resident in the Town of Berryville. I have operated a successful business in Berryville for 30 years (1994-2024). Formally, the business operated at 8 Chalmers Court, renting from Dr. Clark Fortney with my father (1994-2014), and then renting a partial building from the Mayor Jay Arnold located at 119 W Main Street (2014-2024). At either location, I've been able to maintain a staff of 5-6 people and to manage all business-related financial and operating costs.

Within the past several months, I have experienced the loss of three key Artists – one married and moved away from this area; one is retiring; and one recently moved to Southern Virginia to pursue their career in the Richmond area. These losses effect my ability to self-maintain a rented facility on the scale I have been accustomed to.

My intent in applying for the Special Use Permit is to create a private Studio business in my home located at 8 W Fairfax Street, Berryville, VA. My work is custom photo realism and requires focus and attention. I am considered one of the best photo realistic artists on the East Coast. Within the 30 years I've worked, I have won over 200 1st, 2nd or 3rd place trophies in competitions across the East and West Coasts. As well, my business has brought many clients to the area who have patroned other Berryville businesses such as our restaurants and shopping boutiques. Over the course of the past five years I reduced my competitions to just East Coast Events, primarily due to

economical fluctuations and family commitments, as well as my own professional commitments.

The one good thing Covid did for professional artists such as myself was to allow us to work privately, by appointment, and to remain so, once the Covid restrictions were lifted. Custom work only allows one appointment per day. I enjoy not having the distractions of walk in traffic from off the street. The business would operate by scheduled appointments Monday through Friday. I am accustomed to operating under normal office hours, 10 am to 6 pm, and would like to continue these hours of operation. There would be no unexpected late or unscheduled visitors to my property or neighborhood. I am a family-oriented person with a wife and son in high school and sports, so our evenings and weekends are busy with typical household chores and sporting or family-focused events.

The size and layout of my home at 8 W Fairfax Street easily allows for the installment of a private Studio, without disrupting or disturbing the home internally or externally. And, without disturbing our neighborhood. My family is well known to our neighbors and we have received encouraging support from them in pursuing this endeavor. I have three off street parking spaces, one of which would be used for one client at a time.

I am hopeful to demonstrate to the Planning Commission and Town Council plans for creating a successful home-based business.

Sincerely,

Jason McCarty

8 W Main St., Berryville, VA 22611 (540) 664-6969 jbodyart@gmail.com



- Public
- Parcels
- Parcels With Orthos
- Clarke County Bounda
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties



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



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(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.

Section 315 – Home Occupations, Home Offices

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

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

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

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

315.5 HOME OCCUPATIONS (12/92)

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

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

Section 315 – Home Occupations, Home Offices

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

315.6 HOME OFFICE

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

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

SECTION 316 – PROVISIONS FOR CUL-DE-SAC LOTS

316 PROVISIONS FOR CUL-DE-SAC LOTS

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

SECTION 317 – KARST FEATURES (07/04)

- 317.1** Prior to the issuance of a Zoning Permit for 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)

SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

- (a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.
- (b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.
- (c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.
- (d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within one (1) year of the date of approval, or such Special Use Permit shall expire without notice.
- (e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

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

503.3 APPLICATION REQUIREMENTS

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

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

503.4 APPLICATION PROCEDURE

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

4. Compliance with the adopted master plan.
 5. Environmental compatibility.
 6. Community sentiment.
- (e) Applicant to be notified by Zoning Administrator of Town Council action.

SECTION 504 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

- 504.1** The Town Council shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- 504.2** The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Governing Body by resolutions. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Consent Agenda for December 10, 2024

Item Title: Consent Agenda

Prepared By: Brandel Kelsey

Findings/Current Activity

The consent agenda comprises one item to be considered for approval:

Minutes of the November 12, 2024 Town Council regular meeting

Schedule/Deadlines

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

Attachments

1. Minute of Town Council Regular Meeting November 12, 2024

Recommendation

Approval.

Sample Motion

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

**MINUTES
BERRYVILLE TOWN COUNCIL
Regular Meeting
November 12, 2024**

A meeting of the Berryville Town Council was held on Tuesday, November 12, 2024 at 6:30 p.m. at the Berryville-Clarke County Government Center in Berryville.

Town Council

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

Absent: No one

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Christy Dunkle, Community Development Director; Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

1. Call to Order

Mayor Arnold called the meeting to order at 6:30 p.m.

2. Closed Session

Motion for closed session at 6:33 p.m.

Mrs. Harrison moved that the Council of the Town of Berryville enter a closed session in accordance with the Code of Virginia §2-2-3711.7 in order to consult with legal counsel and receive a briefing from Town Staff pertaining to a consent order proposed by the Virginia Department of Health.

The motion passed by voice vote.

Mayor Arnold announced that the Council was back in open session at 7:15 p.m.

Mayor Arnold requested that a member of Council make a motion to adopt a resolution certifying the closed session.

Vice Mayor Gibson moved that the Council of the Town of Berryville adopt the following resolution certifying it has convened a closed meeting on November 12, 2024 pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act.

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.

Town Clerk, Brandel Kelsey, conducted a roll call vote on the motion.

**Mr. Steinmetz- Aye
Mrs. Harrison- Aye
Mr. Mazzarino- Aye
Mr. Tibbens- Aye
Ms. Gibson- Aye
Mr. Arnold- Aye**

3. Pledge of Allegiance

Mayor Arnold invited all those assembled to stand for the Pledge of Allegiance.

4. Approval of Agenda

Vice Mayor Gibson made the motion to approve the agenda as presented.

The motion passed by voice vote.

5. Presentations, Awards, and Recognitions

Mayor Arnold recognized Doug Shaffer, Berryville Representative to Clarke County Board of Supervisors.

Mayor Arnold recognized Christina Kraybill, Berryville Main Street President. Mrs. Kraybill reviewed activities sponsored by Berryville Main Street and future endeavors planned by the organization.

6. Public Hearing

Proposed franchise agreement between the Town of Berryville, Virginia, a political subdivision of the Commonwealth of Virginia and Shenandoah Cable Television, LLC to construct, operate, and maintain a cable system in the Town of Berryville.

Mayor Arnold asked if the Council has any questions, then after questions are addressed, Mayor Arnold will open the public hearing.

Mayor Arnold recognized the Town Manager and asked him to summarize the proposed agreement.

Mr. Dalton stated that the proposed agreement is in the packet. He advised that Bud Zirkle, Glo Fiber Regulating and Industry Affairs Adviser, is in attendance to answer any questions. Mr. Zirkle thanked the Town Council for entertaining this franchise agreement and stated the services from Shentel and Glo Fiber will be of great benefit to the Community.

Vice Mayor Gibson asked if the "Courtesy Cable" would also be extended to businesses that move to a new location or if another location is added for a business. Mr. Dalton stated that would be a matter of negotiation and could be worked into the contract.

Mr. Mazzarino asked Mr. Zirkle what the timing was for putting a franchise agreement in place and for the actual construction. Mr. Zirkle said that they will work with the power company to get the project "make ready" before construction can begin, which takes 6-12 months. He added that the construction takes 6-9 months, stating that the process should take 18-24 months.

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

7. Discussion of Public Hearing Item

Proposed franchise agreement between the Town of Berryville, Virginia, a political subdivision of the Commonwealth of Virginia and Shenandoah Cable Television, LLC to construct, operate, and maintain a cable system in the Town of Berryville.

Mayor Arnold asked for questions or comments from Council. There were none.

Mr. Tibbens moved that the Council of the Town of Berryville approve the attached franchise agreement between the Town and Shenandoah Cable Television, LLC to construct, operate, and maintain a cable system in the Town of Berryville. The Mayor and Town Manager be authorized to make non-substantive changes to the attached agreement as needed and the mayor be authorized to execute the agreement on behalf of the Town.

The motion passed by voice vote.

8. Citizens' Forum

Mayor Arnold recognized Hunter Dickenson town resident.

Ms. Dickenson, said that she had heard that a sidewalk is in the works along East of the railroad tracks. She said that she walks into town quite often and is concerned about her safety. Ms. Dunkle stated there is a grant for this project and preliminary engineering is set to start in August 2025. Ms. Dunkle invited Ms. Dickenson to come into the Town Planning Office to discuss the project.

9. Consent Agenda

Mayor Arnold asked if there were any questions or concerns about items on the consent agenda, there were none.

Mr. Tibbens moved to adopt the consent agenda as presented.

The motion passed by voice vote.

10. Unfinished Business

No items

11. New Business

Proposed Order by Consent for Public Water System Identification No. VA2043125 Town of Berryville

Mayor Arnold recognized the Town Manager and asked that he provide an overview of the proposed order.

Mr. Dalton said the Town of Berryville received a proposed consent order from the Virginia Department of Health. He said that the Town has received six notices of alleged violations since June 2023 for a chlorine byproduct known as HAA5 in the water. Mr. Dalton agrees with the VDH that the Town should enter into an action plan to ascertain the root. The high HAA5 level and abate the cause. He added that the Town will repeat steps it has taken over the two years, but it will be necessary to remedy the problem.

Mr. Tibbens asked if the VDH would help us after we go through these steps again in order to find a resolution. Mr. Dalton said that VDH has indicated they will continue to advise and support Town Staff.

Mr. Mazzarino asked if actions to-date were the result of VDH directive? Or engineers? Or Town staff? Mr. Dalton responded that VDH has been working with the Town's engineers and staff to try to figure out how to lower HAA5 levels. He added that if VDH knew how to fix the problem, they would have told us.

Mr. Steinmetz complimented staff and VDH on their efforts.

There being no further discussion, Mr. Mazzarino moved that the Council of the Town of Berryville approve the attached State Board of Health Order by Consent Issued to the Town of Berryville for the Town of Berryville Water Works PWSID No. 2043125 and further moved that the mayor and town manager be authorized to make non-substantive changes to the attached order as needed and the mayor be authorized to execute the agreement on behalf of the Town.

The motion passed by voice vote.

12. Council Member Reports

Mayor Arnold spoke about the Veterans Day Event and congratulated Will Watson on his Veteran of the Year award.

Mr. Steinmetz thanked the community for their support in the recent election.

Mr. Mazzarino said that the concrete issues in Phase V of the Hermitage subdivision are being addressed by the developer.

13. Staff Reports

Mayor Arnold asked Council members if they have any questions regarding reports that have been provided by the Town Manager, Deputy Town Manager, and department heads.

Ms. Dunkle requested that the Council set a public hearing for a special use permit for their December 10 meeting.

Mr. Steinmetz moved that the Council of the Town of Berryville set a public hearing for Tuesday, December 10, 2024 for a special use permit to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street.

The motion passed by voice vote.

14. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council.

Budget and Finance Committee

Vice Mayor Gibson stated that the budget calendar for approval of the FY26 is provided in the packet, adding that all dates are in the calendar.

Community Development Committee

Mr. Tibbens discussed the plans related to parks and Livery Stable. No action has yet been recommended by the Committee.

Personnel, Appointments, and Policy

Appointment to Planning Commission:

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Tim Sinclair to a term on the Planning Commission with such term to commence immediately and expire on 12/31/2028.

The motion passed by voice vote.

Appointment to Tree Board:

Vice Mayor Gibson moved that the Council of the Town of Berryville appoint Sharon Wolf to a term on the Tree Board with such term to commence immediately and expire on 12/31/2027.

The motion passed by voice vote.

Public Safety:

Nothing to report.

Streets and Utilities:

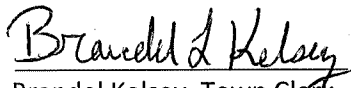
Ms. Harrison noted that the new signs identifying the industrial area have been installed.

15. Adjourn

The Council adjourned at 7:55 p.m. on a motion by Vice Mayor Gibson.

The motion passed by voice vote.

Erecka L. Gibson, Vice Mayor



Brandel Kelsey, Town Clerk

Proposed five-year water/sewer rate plan

December 10, 2024 Report

The Council held two work sessions to review several five-year water/sewer rate plans. The Council provided staff with guidance that was used to produce a proposed rate plan. The minutes of the October 7, 2024 and November 4, 2024 work sessions are attached for reference.

According to the Town's engineer, the proposed five-year rate plan will, if rates are adopted as planned, provide the income required to fund the water and sewer funds for the next five years. These rates are based on the engineer's estimates of factors including, loan rates (water treatment plant), programed improvements, and inflation. It is also important to note that the rate schedule in question assumes that the Town will have no availability fee income for FY26, FY27, FY28, FY29, and FY30.

The Council is asked to adopt a plan at this meeting. The rates and fees included for FY26 will be used by the town manager when he develops the FY26 draft budget.

Water and sewer rates and fees will be reviewed/approved by the Council each year along with review/approval of tax rates.

Attachments

- Minutes of the October 7, 2024 Town Council Work Session
- Minutes of the November 4, 2024 Town Council Work Session
- Proposed five-year rate plan (Dated December 10, 2024)

Recommended action

Adopt the proposed five-year rate plan.

Sample motion

I move that the Council of the Town of Berryville adopt the attached water and sewer rate/fee plan.

October 7, 2024 Report

History

Upon receipt of the 2019 Utility Rate Study, the Town Council adopted a five-year rate adjustment plan to ensure that enterprise fund revenues were sufficient to operate, maintain, and upgrade the Town's water treatment, water distribution, water storage, wastewater treatment, and wastewater collection systems. In accordance with that plan, the Council enacted new water and sewer rates and fees in November 2019, November 2020, November 2021, November 2022, and November 2023.

During FY25 budget discussions, the Council determined that it would not enact new rates in November 2024 because a comprehensive multi-year rate plan had not been adopted for FY24 and beyond (this effort was delayed because the estimated cost of the water treatment plant upgrade required refinement) and it desired to adjust the rate adjustment schedule to better match the annual budget cycle/fiscal year. The Council directed Town staff to work with the Town's engineer to develop a five-year water/sewer rate plan for review. The Council intends to next adjust rates and fees on July 1, 2025.

Subject of work session

The Director of Finance worked with Pennoni to develop the attached rate adjustment options. The Finance Director will present these options and will explain how well the options meet revenue needs.

It is important to note that financing for the water treatment plant upgrade will require the adoption of rates and fees that fully fund the needs of the water fund, including debt service.

Town Council Work Session Minutes
3:00PM October 7, 2024
101 Chalmers Ct, Berryville, VA 22611
Main Meeting Room

In attendance: Jay Arnold, Mayor; Erecka Gibson, Vice Mayor; William Steinmetz, Ward 1 Representative; Diane Harrison, Ward 2 Representative, Grant Mazzarino, Ward 3 Representative; Ryan Tibbens, Ward 4 Representative; Keith Dalton, Town Manager; Cynthia Poulin, Treasurer; Jean Petti, Deputy Town Manager; Thomas Frederick of Pennoni remote participant via telephone.

1. Mayor Arnold called the meeting to order at 3:00pm. The meeting failed to begin audio recording until 3:13pm
2. Mayor Arnold led the Pledge of Allegiance
3. Mr. Tibbens made a motion to approve the agenda and it passed by a unanimous voice vote.
4. There was no old business
5. Mayor Arnold recognized Berryville's Treasurer, Mrs. Poulin, who summarized the history of rates and fees and the four rate/fee structure options as presented in agenda packet. She drew attention to option #4 as the option that most closely aligns forecasts of revenues and expenses. She invited questions from the councilmembers.

Ms. Gibson asked Mr. Dalton whether availability fees were anticipated. Mr. Dalton responded that there have been some inquiries from developers regarding property in Town, but these were very preliminary discussions.

Council discussed whether it would be appropriate to include availability fees in the forecast of revenues and several members of council stressed the importance of minimizing rate/fee increases while making sure that expenses don't outstrip revenues.

Mr. Frederick interposed that the PER Financing Plan for the water treatment plant upgrade includes a 10% contingency, one year debt service reserve, and four months' cash on hand.

Continued deliberations included comments that a rate increase may be preferable to a fee increase, as it allows ratepayers some control over their bill. Ms. Harrison also suggested that, as the anticipated cost increases were largely on the water side, the sewer rate could be increased at a slower pace.

Mr. Dalton recapped two points- 1) the proposed increase is required to meet lender requirements, and 2) the rate plan, when set, will need to maintain some flexibility to meet changing needs/forecasts.

He then proposed a second work session for November 4, 2024 at 3:30pm. At that meeting, staff will present revised options to include a 2.4% increase in sewer fees and little to no availability fee revenue. Staff will also compile some comparison figures for rates and fees (including availability fees) from neighboring entities and be prepared to weigh in on whether the current administrative fees accurately reflect the fixed costs of service.

6. The meeting was adjourned at 4:11pm by unanimous consent on a motion by Ms. Gibson

Town Council Work Session Minutes
3:30PM November 4, 2024
101 Chalmers Ct, Berryville, VA 22611
Main Meeting Room

In attendance: Jay Arnold, Mayor; Erecka Gibson, Vice Mayor; William Steinmetz, Ward 1 Representative; Diane Harrison, Ward 2 Representative, Grant Mazzarino, Ward 3 Representative; Ryan Tibbens, Ward 4 Representative; Keith Dalton, Town Manager; Cynthia Poulin, Treasurer; Jean Petti, Deputy Town Manager.

1. Mayor Arnold called the meeting to order at 3:30pm.
2. Mayor Arnold led the Pledge of Allegiance
3. Approval of Agenda

Mr. Dalton noted that the Work Session minutes from October 7, 2024 are included for reference, not adoption. Ms. Harrison requested to amend the agenda to add a discussion of billing cycles and bill text. Ms. Gibson made a motion to approve the agenda as amended and it passed by a unanimous voice vote.

4. Unfinished Business

Mayor Arnold recognized Berryville's Treasurer, Mrs. Poulin, who summarized the rate/fee structure options as presented in agenda packet. She invited questions/discussion from the council members.

Ms. Gibson opened discussion by noting the duality of encouraging water conservation while relying on water/sewer revenue to support utility maintenance and the water plant upgrade. Ms. Harrison noted that the 2019 Rate Study generalized that most of Berryville's ratepayers were conservative in their consumption.

A brief discussion of the benefits and drawbacks of a tiered rate system ensued. Council determined to not pursue this option at this time, but requested staff explore the expense of administration of tiered billing.

Mr. Mazzarino and Mr. Steinmetz asked staff if recent drought events have impacted revenue, costs, and forecasts. Mr. Dalton responded that weather poses challenges to operations, but has not substantially altered usage. He added that brief interludes of increased or steeply reduced usage occur, but historically have not persisted.

Mr. Tibbens recapped the number of 'heavy users', and this prompted a review of protocols for addressing leaks and the several complaints received from gardeners and pool owners about water usage impacting sewer invoices, even if the water does not pass into the sewer collection system.

Mr. Dalton emphasized that the five-year schedule of rate increases is a roadmap, but that Council would need to vote on each increase, allowing for adjustments. However, the schedule of projected increases is an essential element of financial planning for the water treatment plant upgrade. He also noted that the projected minimal sewer increases may need to be revisited at intervals.

Council next examined the impact of administrative fee increases versus rate increases. Mr. Mazzarino expressed a desire to protect those on fixed incomes, particularly seniors, from high fixed costs (i.e. administrative fees), but not to the detriment of families, whose usage rates would likely trend high. Ms. Gibson indicated support for water rate increases rather than administrative fee adjustments, as the projected revenue need is largely driven by the water plant upgrade.

Town Council Work Session Minutes
3:30PM November 4, 2024
101 Chalmers Ct, Berryville, VA 22611
Main Meeting Room

Mr. Dalton asked if Council would be ready to act on the proposed five-year plan at the December 10, 2024 council meeting. The Council responded in the affirmative.

5. New Business

Ms. Harrison opened the New Business portion of the meeting with a request that rates be listed on utility invoices. Mrs. Poulin noted that there may be information that needs to be moved/removed in order to make the change, but it will be instituted.

Ms. Harrison also requested a consistent day for meter reads, citing variability in metering cycles as responsible for inconsistencies in perceived usage. Mrs. Poulin responded that meter reads are usually on the 20th or 21st day of each month to allow for the sixty-ish "re-reads" that are requested following high, low, or zero usage alerts. Mr. Dalton interposed that a fixed due date for invoicing drives some of the variation in meter-reading, especially as staff generally does not read meters on weekends or holidays. He requested Mrs. Poulin forecast the meter read dates for two years and identify any months that may result in a particularly short or long meter reading cycle.

6. The meeting was adjourned at 4:55pm by unanimous consent on a motion by Mr. Mazzarino.

5 YEAR RATE AND FEE PLAN 12.10.2024

Water

Based on 20-year Amortization of WTP Loan

	Consumption					Total Revenue	Revenue	Increase	Increase
	Total	\$per kgal	Total Revenue	Admin Fees	and Admin Fees	needed per	Finance Plan	per kgal	per year
FY24-25	104,352,071	\$ 8.15	\$ 850,469.38	\$ 555,850.18	\$ 1,406,319.56	N/A	\$ -		
FY25-26	105,200,000	\$ 10.30	\$ 1,083,560.00	\$ 555,850.18	\$ 1,639,410.18	\$ 1,639,100.00	\$ 2.15	\$ 25.80	
FY26-27	106,400,000	\$ 11.62	\$ 1,236,368.00	\$ 555,850.18	\$ 1,792,218.18	\$ 1,792,900.00	\$ 1.32	\$ 15.84	
FY27-28	107,200,000	\$ 13.11	\$ 1,405,392.00	\$ 555,850.18	\$ 1,961,242.18	\$ 1,961,400.00	\$ 1.49	\$ 17.88	
FY28-29	108,004,000	\$ 14.72	\$ 1,589,818.88	\$ 555,850.18	\$ 2,145,669.06	\$ 2,145,700.00	\$ 1.61	\$ 19.32	
FY29-30	108,815,000	\$ 16.47	\$ 1,792,183.05	\$ 555,850.18	\$ 2,348,033.23	\$ 2,347,500.00	\$ 1.75	\$ 21.00	

Sewer

Based on 3% Annual Increase

	Consumption					Total Revenue	Revenue	Increase	Increase
	Total	\$per kgal	Total Revenue	Admin Fees	and Admin Fees	needed	per kgal	per year	
FY24-25	104,352,071	\$ 17.27	\$ 1,802,160.27	\$ 280,627.20	\$ 2,082,787.47	N/A	\$ -		
FY25-26	105,200,000	\$ 17.78	\$ 1,870,456.00	\$ 280,627.20	\$ 2,151,083.20	\$ 2,023,357.00	\$ 0.51	\$ 6.12	
FY26-27	106,400,000	\$ 18.31	\$ 1,948,184.00	\$ 280,627.20	\$ 2,228,811.20	\$ 2,084,058.00	\$ 0.53	\$ 6.36	
FY27-28	107,200,000	\$ 18.85	\$ 2,020,720.00	\$ 280,627.20	\$ 2,301,347.20	\$ 2,146,579.00	\$ 0.54	\$ 6.48	
FY28-29	108,004,000	\$ 19.41	\$ 2,096,357.64	\$ 280,627.20	\$ 2,376,984.84	\$ 2,210,977.00	\$ 0.56	\$ 6.72	
FY29-30	108,815,000	\$ 19.99	\$ 2,175,211.85	\$ 280,627.20	\$ 2,455,839.05	\$ 2,277,306.00	\$ 0.58	\$ 6.96	

Total bill including water and sewer per 1,000 gallons

	Rate	Admin Fee	Total Bill
FY24-25	\$ 25.42	\$ 36.53	\$ 61.95
FY25-26	\$ 28.08	\$ 36.53	\$ 64.61
FY26-27	\$ 29.93	\$ 36.53	\$ 66.46
FY27-28	\$ 31.96	\$ 36.53	\$ 68.49
FY28-29	\$ 34.13	\$ 36.53	\$ 70.66
FY29-30	\$ 36.46	\$ 36.53	\$ 72.99

Report of the Department of Public Works

December 4, 2024

General Information

Public Works installed the winter snow flakes on the poles and decorated the Christmas Tree in Rose Hill Park. We have also finished decorating the light poles and the gazebo in the park in preparation for the annual Christmas Tree lighting scheduled for Friday December 6, 2024.

Department personnel will complete scheduled leaf collection during the week of December 1. As weather and staffing permits, leaf collection will occur as needed until December 20.

Water

We experienced no water breaks or maintenance issues this past month. Public Works personnel have been busy inspecting and upgrading our repair supplies to insure we will be ready for any water breaks or emergencies that may occur during the winter months.

Sewer

One of the two pumps at the Berryville Glen sewer pump station was replaced.

**Public Utilities Department Report
10 December 2024**

Item Title: Department Update

Prepared By: Jean Petti

Water Treatment Plant Activity

Compliance results for Haloacetic Acids (HAA5s) in fourth quarter of 2024 are pending. All water quality results are available at <https://vadwv.gecsws.com/>

Efforts to resolve any “unknown” lines in our Lead Service Line Inventory continue. Residents may request an inspection of their line by calling the Town office or by emailing deputytownmanager@berryvilleva.gov.

Town staff is preparing for implementation of the Corrective Action Plan as required by Consent Order. Virginia Department of Health, Pennoni Engineering, and Inboden Environmental Services (IES) continue to support operations staff in addressing the HAA5 exceedance.

Wastewater Treatment Plant Activity

IES is providing a second full-time operator at the wastewater plant. This will enable IES to also accommodate any off-hours service calls and reduce the workload for Berryville’s remaining staff.

Department General Activity

The Chief Plant Operator is on leave and one of the certified operators has resigned. Water production is adequate to meet community needs, but the department continues to seek qualified applicants for existing vacancies.

Many thanks to members of the Public Works Department, who provide regular maintenance assistance to the Public Utilities Department.



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: 12/04/2024
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 12/10/2024

Monthly Activity Report

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

Public Safety Committee

The Public Safety Committee did not meet in November 2024.

Holiday Toy Drive

The holiday toy drive is in full swing and several bins of toys have already been collected and distributed to Clarke County Social Services. The department will continue to collect toys through December 20th.

Officer Recognition

Officer Jaclyn Saldana was recognized by the Horseshoe Curve Benevolent Association as the Law Enforcement Officer of the Year representing the Berryville Police Department. Over the past year, Officer Saldana has been a top performer in the department and places a tremendous focus on the enforcement of motor vehicle laws including detection of impaired drivers.



BERRYVILLE POLICE DEPARTMENT

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W. Neal White – Chief of Police

Police and Security Report

Month/Year: November 2024	Year To Date 2024	November 2024	October 2024
<u>Complaints Answered</u>			
911 Hang Up:	20	3	1
Alarms:	61	5	5
Animal Complaint:	132	10	15
Assault:	13	2	0
Assist County:	147	15	9
Assist EMS and Fire:	97	9	6
Auto Larceny:	2	0	1
Burglary:	12	0	0
Civil Complaints:	91	4	12
Disturbance:	45	5	7
Domestic Disturbance:	34	8	4
Driving Under the Influence	16	1	3
Drunk In Public:	5	0	2
Fraud:	36	5	1
Larceny:	42	2	8
Harassment/Intimidation:	35	8	2
Homicide:	0	0	0
Identity Theft	7	0	1
Juvenile Related:	24	1	1
Mental Health Crisis:	58	3	12
Narcotics Related:	4	0	0
Noise	31	7	5
Public Service:	44	0	3
Sexual Assault:	2	0	0
Robbery:	2	0	0
Shoplifting:	0	0	0
Suspicious Activity:	158	16	10
Trespassing:	16	2	2
Vandalism:	37	15	1
Welfare Check:	110	14	15
Miscellaneous Complaints:	553	19	27
Total Complaints Answered:	1834	154	153



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	November	October
	2024	2024	2024
<u>Traffic</u>			
Accidents Investigated:	53	3	9
Assist Motorist:	24	4	7
Child Safety Seat Install:	4	1	0
Funeral Escort:	29	2	0
Hit & Run:	8	1	0
Parking Tickets:	16	1	2
Traffic Warnings:	566	26	75
<u>Traffic Summons Issued</u>			
Defective Equipment:	1	0	1
Driving Suspended:	11	0	2
Expired Inspection:	10	0	0
Expired Registration:	11	0	1
Fail to Obey Highway Sign:	115	7	15
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	2	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	16	0	2
No Seat Belt:	0	0	0
Reckless Driving:	8	0	1
Speeding:	102	7	15
Miscellaneous Summons:	22	0	3
Total Traffic Summons Issued:	297	14	40
<u>Found Open at Businesses in Town</u>			
Doors:	13	2	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	November	October
	2024	2024	2024
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	5	0	0
Assault and Battery on Police Officer:	3	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	8	0	2
Disorderly Conduct:	0	0	0
Driving Under the Influence:	11	1	1
Drunk In Public:	10	2	1
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	5	1	0
Fraud:	5	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	2	0	0
Larceny:	14	2	3
Possess Alcohol Underage:	1	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:	5	1	3
Vandalism:	2	1	0
Weapons Violation:	1	0	0
Miscellaneous Criminal Arrests:	22	1	0
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	100	10	12



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	November	October
	2024	2024	2024
<u>Response to Resistance</u>			
Total Community Interface	2854	208	290
Total Enforcement Contacts	944	46	121
Physical Custody	42	5	6
Reported Force Involved	4	1	0
Administrative Review - Justified	4	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	0	0
Takedown	1	1	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	28	3	5
Black Male	9	1	1
Other Male	0	0	0
White Female	15	1	0
Black Female	0	0	0
Other Female	0	0	0

Town Council Agenda Item Report Summary

December 10, 2024

Item Title

Community Development Update

Prepared By

Christy Dunkle

Planning Commission

The Planning Commission held a meeting on November 26, 2024. They held the following public hearing:

Public Hearing – Special Use Permit – Home Occupation

Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

They recommended that Town Council approve the request as presented.

Their next meeting is scheduled for Tuesday, January 28, 2025 at 7:00 p.m.

Berryville Area Development Authority

The BADA held a meeting on Wednesday, November 20, 2024. They discussed the Berryville Area Plan update and staff introduced a subdivision proposed for South Church Street. Their next meeting is scheduled for Wednesday, January 22, 2025 at 1:00 p.m.

Architectural Review Board

The ARB met on November 6, 2024 and discussed the following item:

Sign Review

Jerry L. Johnson, Owner, is requesting a Certificate of Appropriateness to install a wall sign at the property located at 26 East Main Street, identified as Tax Map Parcel number 14A2-((A))-72, zoned C General Commercial. *Approved as presented.*

Their next meeting is scheduled for Wednesday, December 3, 2024 at 12:30 p.m.

Tree Board

The Tree Board has not met since the last Council meeting.

Board of Zoning Appeals

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

Administration and Finance Report December 10, 2024

Item Title:

Report of the Administration and Finance Department

Prepared By:

Cynthia Poulin, Treasurer

Attachments

1. Cash Balance(s) Report
2. ARPA Update

Recommendation

Presented for Council review

Cash Balance Report

Period Ending 11/30/2024

Town of Berryville
12/5/2024 10:45 AM

Page 1/1

	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-\$66,293.77
2	Bank of Clarke NOW Acct#- 1138502	\$8,972,824.15
3	Bank of Clarke Payroll Acct#- 1138510	\$40,183.53
4	Bank of Clarke CIP Acct#- 1138405	\$15,735,302.18
5	Bank of Clarke SW Acct#- 1138413	\$484,661.55
6	Bank of Clarke PDAF Acct#- 1138421	\$25,464.85
7	Bank of Clarke DSR Acct#- 1138456	\$112,617.55
9	Bank of Clarke RAU Acct#- 1138472	\$949.97
10	Bank of Clarke VRA Reserve Acct#- 6041647	\$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	\$90,340.53
12	Bank of Clarke Performance Bonds Acct#- 1910841	\$11,314.79
13	TRUIST Acct#- 5137523525	\$568,616.35
14	Bank of Clarke PD Contributions Acct#- 5759859	\$6,144.76

Total Cash Balance:	\$26,452,126.44
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Check Listing

Date From: 11/1/2024 Date To: 11/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
12/03/2024 09:40 AM

Page: 1 of 3

Check Number	Bank	Vendor	Date	Amount
9327	1	ANDERSON LAWN CARE, INC.	11/06/2024	\$354.50
9328	1	BERRYVILLE AUTO PARTS	VOIDED 11/06/2024	\$66.67
9329	1	Broy & Son Pump Service, Inc	11/06/2024	\$2,000.00
9330	1	CORE & MAIN LP	11/06/2024	\$3,417.26
9331	1	Jean Petti	11/06/2024	\$50.00
9332	1	Keith Dalton	11/06/2024	\$50.00
9333	1	PEACOCK STAR SERVICES	11/06/2024	\$3,041.00
9334	1	Treasurer of Virginia	11/06/2024	\$1,074.43
9335	1	VUPS	11/06/2024	\$94.30
9336	1	WISECARVER STEPHEN 1126	11/06/2024	\$423.80
9337	1	ANDERSON LAWN CARE, INC.	11/13/2024	\$965.00
9338	1	AT&T	11/13/2024	\$544.66
9339	1	BATTLETOWN ENVIRONMENTAL CONSULTING	11/13/2024	\$500.00
9340	1	CIVICPLUS	11/13/2024	\$6,048.12
9341	1	COMBS WASTEWATER MANAGEMENT LLC	11/13/2024	\$75.00
9342	1	Denali Water Solutions LLC	11/13/2024	\$19,159.40
9343	1	H2O Pipe Cleaning LLC	11/13/2024	\$6,565.00
9344	1	Michelle M. Jones	11/13/2024	\$1,880.00
9345	1	Municipal Safety Sales	11/13/2024	\$4,183.21
9346	1	PENNONI ASSOCIATES INC	11/13/2024	\$10,785.80
9347	1	Shade Equipment Company	11/13/2024	\$4,944.48
9348	1	TENCARVA	11/13/2024	\$8,422.67
9349	1	The Hall Company	11/13/2024	\$3,316.93
9350	1	The Power Connection, Inc.	11/13/2024	\$621.16
9351	1	ALLEN, SUSAN B 1773	11/20/2024	\$25.00
9352	1	AUGUSTA ACTUATION LLC	11/20/2024	\$3,770.00
9353	1	BEACH, JR RONALD JOHN 11612	11/20/2024	\$50.00
9354	1	BENCOSKY, DARREN KEITH 11615	11/20/2024	\$25.00
9355	1	BROY, ROY LEE 3496	11/20/2024	\$25.00
9356	1	CHANDLER, ETHAN JARED 11643	11/20/2024	\$25.00
9357	1	CHARNLEY, INGE M & JR ROBERT B 3741	11/20/2024	\$25.00
9358	1	COMBS, RONALD R 3140	11/20/2024	\$25.00

Check Listing

Date From: 11/1/2024 Date To: 11/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
12/03/2024 09:40 AM

Page: 2 of 3

Check Number	Bank	Vendor	Date	Amount
9359	1	COMPHER, PHYLLIS MAE 7262	11/20/2024	\$25.00
9360	1	Exact Stormwater Management LLC	11/20/2024	\$7,000.00
9361	1	GALATI, KRISTIE ANN-MARIE 9741	11/20/2024	\$25.00
9362	1	HUSTED, CAREY RENEE & KENT PRESTON 11589	11/20/2024	\$25.00
9363	1	INBODEN ENVIRONMENTAL SVCS	11/20/2024	\$2,600.00
9364	1	J. J. KELLER & ASSOCIATES INC	11/20/2024	\$292.94
9365	1	John H. Enders Fire Company	11/20/2024	\$23,441.00
9366	1	Joiner Micro Laboratories, Inc.	11/20/2024	\$165.00
9367	1	KIRKBRIDE, DEBRA LYNNE 10851	11/20/2024	\$25.00
9368	1	KYLE, ANDREA L 12860	11/20/2024	\$25.00
9369	1	LANGUAGE LINE SERVICES INC	11/20/2024	\$42.13
9370	1	LO, MONACO MARY KATHLEEN 11746	11/20/2024	\$25.00
9371	1	Minnesota Life Insurance Co.	11/20/2024	\$297.91
9372	1	NORRIS, THOMAS NEIL 6490	11/20/2024	\$25.00
9373	1	RITCHEY, DOUGLAS A 1992	11/20/2024	\$25.00
9374	1	ROSS, GRACE HARRIS 7981	11/20/2024	\$35.56
9375	1	SCHROEDER, TIMOTHY MATTHEW 13000	11/20/2024	\$25.00
9376	1	SEWARD, MELISSA S & MICHAEL E 13007	11/20/2024	\$82.31
9377	1	SHAFFER, III WESLEY B 3346	11/20/2024	\$25.00
9378	1	SHEPPARD, JUSTIN RUSSELL 9923	11/20/2024	\$58.32
9379	1	SHORT, KRIS MARIE 11491	11/20/2024	\$25.00
9380	1	Southern Software, Inc.	11/20/2024	\$1,575.00
9381	1	SPROUL, GABRIELLA ANNE 11866	11/20/2024	\$25.00
9382	1	STEWART TERRY W 3495	11/20/2024	\$25.00
9383	1	TENCARVA	11/20/2024	\$3,070.70
9384	1	The Hall Company	11/20/2024	\$3,163.19
9385	1	The Winchester Star	11/20/2024	\$976.56
9386	1	THOMSON REUTERS	11/20/2024	\$109.20
9387	1	Treasurer of Frederick County	11/20/2024	\$7,388.40
9388	1	TROXELL, DAVID DAYTON & REBEKAH H 11934	11/20/2024	\$25.00
9389	1	VIRASEC IT Support Services, Inc.	11/20/2024	\$3,724.17

Check Listing

Date From: 11/1/2024 Date To: 11/30/2024
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
12/03/2024 09:40 AM

Page: 3 of 3

Check Number	Bank	Vendor	Date	Amount
9390	1	WALLACE, TERRY ANN 6491	11/20/2024	\$69.82
9391	1	ZENON ENVIRONMENTAL CORPORATION	11/20/2024	\$667.14
9392	1	ZIMMERMAN, DEBRA L 3584	11/20/2024	\$25.00
9393	1	BUNKER, JONATHAN GERARD 12653	11/27/2024	\$25.00
9394	1	Commercial Press Inc	11/27/2024	\$380.25
9395	1	DEAVERS, TROY TODD 9695	11/27/2024	\$25.00
9396	1	Dennis Inspection, Inc.	11/27/2024	\$2,200.00
9397	1	EDWARDS, ASHLEY LUCILLE 10747	11/27/2024	\$25.00
9398	1	HUDSON, LAURIE HOUCK 2752	11/27/2024	\$50.00
9399	1	HUNTSMAN, AUBREY MAE 11565	11/27/2024	\$89.68
9400	1	INBODEN ENVIRONMENTAL SVCS	11/27/2024	\$14,124.60
9401	1	KIRKPATRICK, HELEN PAULINE 8737	11/27/2024	\$25.00
9402	1	LOWELL, AMY ELIZABETH & GARRETT ASHTON 4027	11/27/2024	\$25.00
9403	1	MCCAULEY, STEPHEN DUDLEY & MARY WALSH 2513	11/27/2024	\$25.00
9404	1	MELISSA ANN SAVILLE	11/27/2024	\$163.05
9405	1	Red Bud Supply	11/27/2024	\$85.14
9406	1	SCHROEDER, DEBORAH ANN & TIMOTHY LEE 6021	11/27/2024	\$25.00
9407	1	Shade Equipment Company	11/27/2024	\$11,872.24
9408	1	SHEETS, PAMELA ANN 7433	11/27/2024	\$25.00
82	Checks Totaling -			\$166,852.70

Totals By Fund

	Checks	Voids	Total
100	\$67,719.57		\$67,719.57
501	\$63,296.31		\$63,296.31
502	\$35,836.82	\$66.67	\$35,770.15
Totals:	\$166,852.70	\$66.67	\$166,786.03



Purchasing Card

BERRYVILLE TOWN OF
November 01, 2024 - November 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 11/30/24 Payment Due Date 12/24/24 Days in Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$71,321.50	Previous Balance \$93,574.33 Payments -\$93,574.33 Credits \$0.00 Cash \$0.00 Purchases \$71,321.50 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 \$71,321.50

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 12/24/24.

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

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

9357433 7132150 7132150 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
November 01, 2024 - November 30, 2024

Total Payment Due \$71,321.50
Payment Due Date 12/24/24

Enter payment amount

\$

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

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

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

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

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

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

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

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

Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK XXXXXX XXXX 7237				
15,000	0.00	0.00	1,375.44	1,375.44
BOOTH, KEVIN XXXXXX XXXX 4854				
1,000	0.00	0.00	137.69	137.69
DALTON, KEITH XXXXXX XXXX 2238				
50,000	0.00	0.00	95.00	95.00
DUNKLE, CHRISTY XXXXXX XXXX 8506				
1,500	0.00	0.00	67.25	67.25
ELLIOTT, RALPH XXXXXX XXXX 9361				
50,000	0.00	0.00	1,341.92	1,341.92
GRIFFITH, RICHARD A XXXXXX XXXX 8442				
1,500	0.00	0.00	7.34	7.34
HERNANDEZ, HERBERT XXXXXX XXXX 8692				
1,500	0.00	0.00	288.38	288.38
JOHNSON, KAREN XXXXXX XXXX 8893				
1,000	0.00	0.00	151.41	151.41
LINK, BRIAN XXXXXX XXXX 8738				
50,000	0.00	0.00	20.16	20.16
MCCORMICK, HARRY XXXXXX XXXX 8879				
1,500	0.00	0.00	168.98	168.98
MILBURN, AUSTIN XXXXXX XXXX 8743				
1,500	0.00	0.00	33.30	33.30
PETTI, JEAN XXXXXX XXXX 4219				
50,000	0.00	0.00	18,736.77	18,736.77
POULIN, CYNTHIA XXXXXX XXXX 8642				
50,000	0.00	0.00	1,246.49	1,246.49
SHEETZ, CULLEN XXXXXX XXXX 8740				
1,500	0.00	0.00	415.64	415.64
STOVER, KEITH XXXXXX XXXX 8848				
50,000	0.00	0.00	2,212.67	2,212.67
TYLER, LAURA A XXXXXX XXXX 8819				
50,000	0.00	0.00	43,753.95	43,753.95
WHITE, NEAL XXXXXX XXXX 8325				
15,000	0.00	0.00	1,269.11	1,269.11

Transactions

Posting Transaction Date Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF					Total Activity
Account Number: XXXX XXXX XXXX 7237					-\$93,574.33
11/25 11/25	AUTO PAYMENT DEDUCTION		0071		93,574.33
BOOR, RICK					Total Activity
Account Number: XXXX XXXX XXXX 1275					1,375.44
11/11 11/08	VWV*PEST MGMT SRVS. 703-723-2899 VA	24445004313300632583028	7342	74.00	
11/19 11/18	CLARKE COUNTY AUTOMOTIVE BERRYVILLE VA	24247604323200224273795	7538	1,301.44	
BOOTH, KEVIN					Total Activity
Account Number: XXXX XXXX XXXX 4854					137.69

BERRYVILLE TOWN OF

November 01, 2024 - November 30, 2024

Page 4 of 6

Transactions

Posting Transaction

Date	Date	Description	Reference Number	MCC	Charge	Credit
11/05	11/04	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974310141195944214	5251	33.61	
11/07	11/06	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974312143225021326	5251	44.08	
11/19	11/18	FISHER AUTO PARTS 009 BERRYVILLE VA	24431064324095600049567	5533	60.00	
DALTON, KEITH					Total Activity	
Account Number: XXXX-XXXX-XXXX-2233					95.00	
11/01	10/31	CROWN TROPHY WINCHESTER WINCHESTER VA	24435654305033939277069	8999	95.00	
DUNKLE, CHRISTY					Total Activity	
Account Number: XXXX-XXXX-XXXX-6808					67.25	
11/08	11/07	VISTAPRINT 866-207-4955 MA	24036294312714800105567	2741	32.62	
11/13	11/12	USPS PO 5107560300 BERRYVILLE VA	24137464318001485398779	9402	5.86	
11/14	11/13	USPS PO 5107560300 BERRYVILLE VA	24137464319001516783725	9402	17.22	
11/25	11/22	USPS PO 5107560300 BERRYVILLE VA	24137464328001616762008	9402	11.55	
ELLIOTT, RALPH					Total Activity	
Account Number: XXXX-XXXX-XXXX-9331					1,341.92	
11/06	11/05	ALTMED MEDICAL CTR- FR FRONT ROYAL VA	24493984310043383028275	8011	85.00	
11/06	11/05	SHENANDOAH SAND LLC 540-6671660 VA	24013394310001017026316	5099	1,190.25	
11/13	11/12	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431054318065113018754	5533	66.67	
GRIFFITH, RICHARD A					Total Activity	
Account Number: XXXX-XXXX-XXXX-9331					7.34	
11/27	11/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974332163838140301	5251	7.34	
HERNANDEZ, HERBERT					Total Activity	
Account Number: XXXX-XXXX-XXXX-9692					288.38	
11/11	11/08	CANDLEWOOD STS RICHMOND 9192648381 VA	24943004314089558015554	3559	288.38	
Arrival: 11/06/24						
JOHNSON, KAREN					Total Activity	
Account Number: XXXX-XXXX-XXXX-9839					151.41	
11/04	11/02	Amazon web services aws.amazon.coWA	24692164307101823701571	7399	0.73	
11/04	11/02	STAPLES 00345561 877-8267755 NJ	24164074308105441245985	5111	84.21	
11/04	11/03	STAPLES 00345561 877-8267755 NJ	24164074308105441154336	5111	66.47	
LINK, BRIAN					Total Activity	
Account Number: XXXX-XXXX-XXXX-9738					20.16	
11/15	11/14	GIANT MARTINS #6558 BERRYVILLE VA	24692164319102253890039	5411	20.16	
MCCORMICK, HARRY					Total Activity	
Account Number: XXXX-XXXX-XXXX-9878					168.98	
11/14	11/13	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974319150411050798	5251	9.30	
11/20	11/18	PY *BLUE COLLAR MERCANTILWINCHESTER VA	24445004324500555501777	5651	138.54	
11/20	11/19	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974325156598015605	5251	21.14	
MILBURN, AUSTIN					Total Activity	
Account Number: XXXX-XXXX-XXXX-9743					33.30	
11/27	11/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974332163838139725	5251	14.69	
11/27	11/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974332163838140236	5251	18.61	
PETTI, JEAN					Total Activity	
Account Number: XXXX-XXXX-XXXX-4818					18,736.77	
11/04	11/01	COYNE CHEMICAL 215-785-3000 PA	24435654306034168065877	5169	6,307.08	
11/04	11/02	Indeed Jobs 800-4625842 TX	24793384307000212327091	7311	141.77	
11/07	11/06	SECRETARY OF THE COMMONWE804-2253759 VA	24755424312133129145455	9399	45.00	
11/12	11/11	COYNE CHEMICAL 215-785-3000 PA	24435654316036642072104	5169	2,801.10	
11/13	11/12	IN *JOINER LABS, LLC 540-3477212 VA	24692164317100708150175	8734	25.00	
11/13	11/12	USPS PO 5107560300 BERRYVILLE VA	24137464318001485540826	9402	1,460.00	
11/15	11/14	AMZN Mktp US*8S9OV2ZN3 Amzn.com/billWA	24692164319102115378686	5942	19.49	
11/15	11/15	USABlueBook Atlanta GA	24793384320000090172059	5085	62.13	
11/15	11/15	USABlueBook Atlanta GA	24793384320000090341050	5085	71.83	
11/20	11/20	USABlueBook Atlanta GA	24793384325000677289057	5085	181.06	
11/20	11/19	COYNE CHEMICAL 215-785-3000 PA	24435654324038689043774	5169	533.30	
11/21	11/19	A SIGN PLACE/PERSONALIZE WINCHESTER VA	24223694325030035872940	5099	15.50	
11/21	11/20	GRAINGER 800-4724643 IL	24755424326733263949952	5085	719.85	
11/22	11/21	AMZN Mktp US*4P4VR2F53 Amzn.com/billWA	24692164326108286494138	5942	22.99	
11/22	11/22	USABlueBook Atlanta GA	24793384327000578533056	5085	123.24	
11/25	11/24	USABlueBook Atlanta GA	24793384329000183926057	5085	1,383.41	
11/25	11/24	AMAZON MKTPL*4X9NW1DE3 Amzn.com/billWA	24692164329101299667623	5942	9.99	
11/26	11/25	AMZN Mktp US*DM8TN8UG3 Amzn.com/billWA	24692164331102328188090	5942	30.04	
11/26	11/25	COYNE CHEMICAL 215-785-3000 PA	24435654330040182068698	5169	2,132.00	
11/26	11/25	COYNE CHEMICAL 215-785-3000 PA	24435654330040182068706	5169	2,507.10	
11/26	11/25	AMAZON MKTPL*IG6DN2B33 Amzn.com/billWA	24692164331102407355842	5942	9.99	
11/27	11/26	Amazon.com*DS5BC3813 Amzn.com/billWA	24692164331102716460259	5942	60.57	
11/27	11/26	AMZN Mktp US*Z30A79JF0 Amzn.com/billWA	24692164331102964540158	5942	10.99	
11/29	11/28	SHUTTERFLY, INC. 650-610-5200 CA	24036294333744063773731	7395	63.34	

BERRYVILLE TOWN OF
November 01, 2024 - November 30, 2024
Page 5 of 6

Transactions

Posting Transaction

Date	Date	Description	Reference Number	MCC	Charge	Credit
POULIN, CYNTHIA						Total Activity
Account Number: XXXX XXXX XXXX 5642						1,246.49
11/04	11/01	VA DMV ONLINE BILLING PAY804-4977100 VA	24755424307733075431762	9399	875.00	
11/13	11/12	IN *TRUESHRED 888-7508783 VA	24692164317100708280758	7399	62.00	
11/20	11/19	PADDLE.NET* GREETISLND PADDLE.COM NY	24011344324000068702511	5817	26.99	
11/25	11/23	MSFT * E0100UESZH 800-6427676 WA	24204294328001200140057	5045	6.00	
11/25	11/23	MSFT * E0100UESZI 800-6427676 WA	24204294328001000158051	5045	12.50	
11/25	11/22	MSFT * E0100UEUV8 msbill.info WA	24906414327214750589302	5045	264.00	
SHEETZ, CULLEN						Total Activity
Account Number: XXXX XXXX XXXX 5749						415.64
11/08	11/06	ANDERSON'S NURSERY BERRYVILLE VA	24061064312016017985921	5261	168.00	
11/11	11/08	CLARKE COUNTY AUTOMOTIVE BERRYVILLE VA	24247604313200211391164	7538	147.43	
11/20	11/19	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974325156598015563	5251	90.14	
11/27	11/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974332163838139956	5251	4.20	
11/27	11/26	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974332163838140160	5251	5.87	
STOVER, KEITH						Total Activity
Account Number: XXXX XXXX XXXX 5849						2,212.67
11/01	10/31	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974306137102151683	5251	60.73	
11/04	11/01	LOWES #02724* Winchester VA	24692164306100955517491	5200	449.80	
11/04	11/01	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412904306027014266810	5599	545.10	
11/04	11/01	JNO. S SOLENBERGER AND C WINCHESTER VA	24138294307047643063733	5251	205.99	
11/06	11/04	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431054310061548005761	5533	33.85	
11/07	11/06	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974312143225021474	5251	35.22	
11/08	11/07	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801974313144271093614	5251	42.58	
11/13	11/12	LOWES #02724* Winchester VA	24692164317100511946330	5200	194.86	
11/13	11/12	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412904317027013508086	5599	363.90	
11/14	11/12	THE HOME DEPOT #4618 WINCHESTER VA	24943014318010201178362	5200	146.68	
11/15	11/14	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431054320066070020995	5533	100.00	
11/19	11/18	LOWES #02724* Winchester VA	24692164323106028783050	5200	33.96	
TYLER, LAURA A						Total Activity
Account Number: XXXX XXXX XXXX 0216						43,753.95
11/04	11/02	COMCAST 800-COMCAST MD	24692164307101534893121	4899	126.07	
11/04	11/03	RAPPAHANNOCK ELECTRIC EBILL.MYREC.CVA	24231684308747007233536	4900	5,121.56	
11/14	11/13	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941664318065459076456	4900	5,588.64	
11/18	11/15	REPUBLIC SERVICES TRASH HTTP://WWW.PHAZ	24941664320066427137590	4900	20,000.00	
11/21	11/20	REPUBLIC SERVICES TRASH HTTP://WWW.PHAZ	24941664325068714095379	4900	10,976.79	
11/22	11/21	VERIZON BILL PAYMENT 800-VERIZON FL	24692164326108059872817	4814	257.55	
11/22	11/21	VERIZON BILL PAYMENT 800-VERIZON FL	24692164326108059872825	4814	461.97	
11/25	11/22	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692164327109092134461	4814	1,060.22	
11/25	11/23	COMCAST 800-COMCAST MD	24692164328109891063472	4899	161.15	
WHITE, NEAL						Total Activity
Account Number: XXXX XXXX XXXX 1028						1,269.11
11/04	10/31	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431054306059840112703	5533	139.68	
11/07	11/06	THOMSON WEST*TCD 800-328-4880 MN	24692164311105353331422	8999	123.71	
11/11	11/08	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431054314063361020972	5533	583.17	
11/11	11/08	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431054314063430176086	5533	61.00	
11/13	11/12	GALLS 859-266-7227 KY	24435654317036886044875	5137	69.51	
11/19	11/18	FESTIVAL CLEANERS BERRYVILLE VA	24022444323900010200033	7216	30.00	
11/20	11/18	THE HOTEL ROANOKE & CO 540-9855900 VA	24239004324900014265909	5812	22.16	
11/25	11/23	ADOBE *ADOBE 408-536-6000 CA	24036294328716292787861	5734	239.88	

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

~~XXXXXXXXXXXX7232~~

November 01, 2024 - November 30, 2024

Page 6 of 6

December 10, 2024
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The November 2024 expenditure report is attached.

Attachments

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

Signage

Estimated cost of these actions					
- Signage	\$ 140,000.00	\$ -	\$ 43,280.00	\$ 96,720.00	31% \$ 140,000.00
- Total			\$ 43,280.00		\$ 140,000.00
Fund balance from first payment					\$ 31,135.34
Fund balance from second payment					\$ 65,584.66

Complete necessary water and sewer infrastructure projectsCapital Projects

Estimated cost of these actions					
- Cost of the projects	\$ 3,495,500.79	\$ -	\$ 1,435,229.91	\$ -	85.00% \$ 3,485,953.17
Total			\$ 1,551,645.75	\$ 508,625.13	\$ 3,485,953.17
Fund balance from first payment			\$ 2,986,875.66		\$ -
Fund balance from second payment					\$ 508,625.13

Pay for administrative costs

Estimated cost of these actions					
- Administrative costs per FY (5-5)	\$ 60,000.00	\$ -	\$ 44,407.40	\$ 15,592.60	74% \$ 60,000.00
- Total			\$ 44,407.40		\$ 60,000.00
Fund balance from first payment					\$ 15,592.60

NOTES:INFRASTRUCTURE COSTS:

Frazier Assoc.(Wayfinding)			1st Tranche	\$ 2,267,493.00
Core & Main	\$ -		Used to date	\$ 2,220,765.06
VA RIGGERS	\$ -		Balance	\$ 46,727.94
Pete McLean	\$ -		2nd Tranche	\$ 2,267,493.00
Norfolk Southern	\$ -		Used to date	\$ 1,693,283.21
Marsh & Legge Casey Tree	\$ -		Balance	\$ 574,209.79
Pennoni (Water Projects Bel Voi & Battletown)	\$ -			
Webster Nursery(Concrete walls)	\$ -			
Total	\$ -			

ARPA MASTER LIST

11.30.2024

	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%
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	\$ 43,280.00	\$ 96,720.00	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	\$ 34,660.37	\$ 508,625.13	0%
	Administrative /Legal Fees	\$ 60,000.00	\$ 45,055.39	\$ 15,592.60	75% Admin
	Total Encumbered	\$ 4,534,986.00	\$ 3,914,048.27	\$ 620,937.73	
	Total ARPA	\$ 4,534,986.00			
*	Project For (2) two years				

Project Status Report

16

Date: 12/10/2024

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: 12/10/2024

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: \$43,280.00
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: 12/10/2024

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: \$34,660.37
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:

Proposed Order by Consent Public Water System Identification No. VA2043125 Town of Berryville

December 10, 2024 Report

On November 12, 2024, the Town Council agreed to the proposed consent order and authorized the mayor to execute the agreement on behalf of the Town. The order was executed and forwarded to the Department of Health on November 13, 2024. A copy of that order is attached to this report.

Staff expects to receive a fully executed order from the State Health Commissioner within the next seven days.

Staff has initiated work on the Corrective Action Plan.

November 12, 2024 Report

History

The Town of Berryville's water treatment plant was completed in 1984. The treatment plant, three water storage facilities, pumping station, and distribution system serve over 1,900 connections and over 4,500 customers.

Since June 2023, the Virginia Department of Health (VDH) has issued six Notices of Alleged Violation (NOAV) because distribution system testing revealed that haloacetic (HAA5) levels exceeded permissible concentrations. Because the Town has been unable to lower HAA5 to permissible concentrations, VDH has proposed an Order by Consent (CO) that outlines the course of corrective action that the Town will take in the near-term.

During the past 17 months the Town has worked closely with VDH to return the Town's drinking water to full compliance with federal and state standards, but the steps that have been taken have yet to bear fruit.

The following text, which is pulled from a recent Town press release, provides a summary of the HAA5 violations, the actions the Town has taken to rectify these problems, and the elements of the proposed CO:

October 24, 2024: *The Town of Berryville, Virginia has received a Proposed Consent Order from the Virginia State Board of Health for the town's Waterworks regarding Haloacetic Acid (HAA5), a chlorine disinfection byproduct (DBP). During the disinfection process, chlorine also reacts with naturally occurring organic matter that may be present in drinking water. DBPs can form during this chemical reaction. HAA5 includes monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid. The*

exceedance has been noted during routine quarterly water testing since the second quarter of 2023.

According to the Virginia Department of Health (VDH), people who drink water containing haloacetic acids (HAA5s) in excess of the maximum contaminant level (MCL) over many years may have an increased risk of getting cancer. In developing the standards, the EPA assumes that the average adult drinks 2 liters of water each day throughout a 70-year life span. If the water consumed over this 70-year span consistently contains DBPs, the cumulative effect is a potential increase in cancer incidence. There are no known acute effects of shorter-term exposure to DBPs.

The proposed consent order notes the efforts of Town operators to reduce HAA5 levels, including:

Expanded testing for HAA5 and other water quality indicators have been instituted. The frequency and scope of testing has varied as each function or system of the water treatment and distribution system has been/is being evaluated, but HAA5 sampling has continued at regular intervals, averaging twice monthly.

Distribution line flushing continues as directed by consulting engineers. Half of the identified flushing sites are flushed each month on a rotating basis, so all sites are flushed in a 60-day period. Autoflushers were installed strategically and operate during frost-free months.

All three water storage tanks that serve the Town were cleaned and inspected during the first quarter of 2024. No repairs or recoating were recommended by the vendor to tanks or mixers. Cycling of water between towers has been increased by the optimization of pressure relief valves and booster pumps to avoid stagnation.

Storage levels were adjusted incrementally with testing to evaluate impact on disinfection byproducts. None of these products or practices were determined to be contributing factors to the exceedance. Chlorine feed rate continues to reflect the lowest level that maintains system residual levels.

In January 2024, the water treatment plant clearwell was cleaned and inspected. No fault was found in the structure or coating of this tank where primary chlorination occurs.

The surface wash system was repaired and the coagulant mixing and settling portion of the water treatment plant filter trains was cleaned in March 2024.

A chemist was retained to examine practices within the water treatment plant. All treatment protocols were reviewed, including chlorine feed and residual rates, potassium permanganate, alum, and carbon. Jar testing suggested a change in

coagulant from alum to DelPAC could reduce organics and coagulate more effectively at a wider variety of pH in the raw water. The change was made under the supervision of Virginia Department of Health and DelPAC was the coagulant from February to August of 2024. However, no significant improvement was noted, and the coagulant was changed back to alum.

In August 2024, the settling tubes in one sedimentation basin at the treatment plant were lifted and deep cleaned. In September, the other settling tubes in the second sedimentation basin were lifted and deep cleaned. This isolation of each feature(s) of the treatment process for evaluation is the current focus of efforts to combat organics, though all best practices in treatment and distribution (as identified to-date) continue.

The Proposed Consent Order received by the Town is accompanied by a \$2,734.00 fine and requires the Town to accept the Consent Order or respond with alternative requests before November 17, 2024.

Once finalized, the Proposed Consent Order would require a Corrective Action Plan be submitted to VDH, consisting of:

- 1) A timeline for submission of a preliminary engineering report (PER), developed by a Professional Engineer with expertise in disinfection byproduct control, which evaluates operations and proposes improvements, including:
 - a. Optimized dosing of all treatment chemicals
 - b. Best practices for frequency and duration of filter backwash and filter-to-waste (essential parts of routine filter cleaning and the discard of water following said cleaning)
 - c. Reduction of water age in storage and distribution
 - d. Identification of any additional options
- 2) Assessment of the age and condition of the tube settlers and filter media
- 3) A timeline for submission of revisions to the PER for the planned Plant Upgrade currently underway by the Town.

The Town of Berryville recognizes that it is unacceptable to provide anything less than fully-compliant water to the community we serve. The Town remains committed, corporately and individually, to determining the cause of the exceedance, returning to compliance, and continuing to evaluate and improve. Please direct questions to Deputy Town Manager Jean Petti at 540-955-1099 or deputytownmanager@berryvilleva.gov.

Recent Activity

Town staff and legal counsel met with officials from VDH to discuss the proposed CO. As a result of those discussions, VDH is currently refining the CO's language. Town staff

hopes that a revised proposed CO will be received by midday on November 12. If the draft arrives by that time, then it will be placed before the Council for consideration at the November 12, 2024 meeting. If the draft is delayed, then the matter would be placed before the Town Council on December 10, 2024.

Recommended Actions

- Review the proposed CO
- Approve the order
- Permit the mayor, town manager, and legal counsel to make non-substantiative changes to the CO
- Authorize the mayor to sign the CO on behalf of the Town

Attachment

- Proposed Order by Consent (first draft)

Sample Motion

I move that the Council of the Town of Berryville approve the attached State Board of Health Order by Consent Issued to the Town of Berryville for the Town of Berryville Water Works PWSID No. 2043125. I further move that the mayor and town manager are authorized to make non-substantive changes to the attached order as needed and the mayor is hereby authorized to execute the agreement on behalf of the Town.



COMMONWEALTH of VIRGINIA

Karen Shelton, MD
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

STATE BOARD OF HEALTH ORDER BY CONSENT ISSUED TO THE Town of Berryville FOR THE Town of Berryville Waterworks PWSID No. 2043125

This is a Consent Order issued under authority granted by Va. Code § 32.1-26 between the State Board of Health and the Town of Berryville for the Town of Berryville Waterworks for the purpose of resolving certain violations of the Public Water Supplies Law and the applicable regulations.

Section A. Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned below:

1. "Board" means the State Board of Health, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code § 32.1-5.
2. "CFO" means the ODW Culpeper Field Office, located in Culpeper, Virginia.
3. "Commissioner" means the State Health Commissioner, who supervises and manages the Department, as described in Va. Code §§ 32.1-16 and 17.
4. "Community waterworks" means a waterworks that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
5. "DBPs" means disinfection byproducts.
6. "Department" or "VDH" means the Department of Health, an agency of the Commonwealth of Virginia, as described in Va. Code § 32.1-16.
7. "HAA5" means the sum of the concentrations of the haloacetic acids, expressed in parts per billion (ppb) and rounded to two significant figures. "HAA5" includes monochloroacetic acid,

dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid, which are DBPs.

8. "Human consumption" means drinking, food preparation, dishwashing, bathing, showering, handwashing, teeth brushing, and maintaining oral hygiene, as defined in Va. Code § 32.1-167 and 12VAC5-590-10 of the Regulations.
9. "LRAA" means locational running annual average, which is the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.
10. "Notice of Alleged Violation" or "NOAV" means a type of notice of alleged violation issued under 12VAC5-590-110 of the Regulations.
11. "ODW" means the VDH Office of Drinking Water.
12. "Order" means this document, also known as a "Consent Order" or "Order by Consent," which the Board is authorized to issue to require any person to comply with the provisions of any law administered by it, the Commissioner or the Department, or any regulations promulgated by the Board, or to comply with any case decision, as defined in Va. Code § 2.2-4001, of the Board or Commissioner.
13. "Permit" means Waterworks Operation Permit No. 2043125.
14. "PMCL" means Primary Maximum Contaminant Level.
15. "ppb" means parts per billion.
16. "Public Water Supplies Law" or "PWSL" means Article 2, Chapter 6 of Title 32.1 of the Va. Code.
17. "Pure water" means water fit for human consumption that is (i) sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts and (ii) adequate in quantity and quality for the minimum health requirements of the persons served.
18. "PWSID" means Public Water System Identification.
19. "Regulations" means the Waterworks Regulations, 12VAC5-590-10, *et seq.*
20. "Va. Code" means the Code of Virginia (1950), as amended.
21. "VAC" means the Virginia Administrative Code.

22. “Waterworks” means a system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year. Waterworks includes all structures, equipment, and appurtenances used in storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Section B. Findings of Fact and Conclusions of Law

1. The Town of Berryville owns and operates the Town of Berryville waterworks, located in Clarke County, Virginia. The Town of Berryville waterworks is a community waterworks that serves piped water for human consumption to approximately 1,964 service connections and approximately 4,574 year-round residents.
2. The Town of Berryville waterworks consists of a raw water intake on the Shenandoah River and a pump station with a packaged conventional water treatment plant. Treatment consists of coagulation, flocculation, limited sedimentation via tube settlers, and gravity filtration. Pre-treatment chemical additions include potassium permanganate, powdered activated carbon, aluminum sulfate, and a polymer-based coagulant aid as needed. Sodium hypochlorite and fluoride are added after filtration. The Town of Berryville waterworks is equipped for the addition of soda ash, but this is not currently practiced. Water flows from the clearwell to the distribution system and is then stored in three finished water storage tanks with the assistance of booster pumps, pressure valves, and associated equipment. The water flows from the storage tanks into a distribution system.
3. On July 16, 2012, ODW issued to the Town of Berryville the Permit to operate the Town of Berryville waterworks in compliance with the PWSL and Regulations.
4. The Town of Berryville reported to VDH laboratory results for HAA5 with compliance Locational Running Annual Averages (LRAAs) as follows:

Contaminant	Compliance Period Ending Quarter	LRAA (ppb)	Sampling Points DS009 - 320 Dunlop Blvd. DS024 - 409 McNeil Street	PMCL (ppb)
HAA5	September 2024	67	DS009 and DS024	60
HAA5	June 2024	69	DS009 and DS024	60
HAA5	March 2024	70	DS009 and DS024	60
HAA5	December 2023	66	DS009 and DS024	60
HAA5	September 2023	67	DS009 and DS024	60
HAA5	June 2023	66	DS009 and DS024	60

5. On June 8, 2023, VDH issued an NOAV to the Town of Berryville for exceeding the PMCL for HAA5 based on the calculated LRAA for the period of the second quarter of 2023 at the sample locations at DS009 and DS024.

6. On October 12, 2023, VDH issued an NOAV to the Town of Berryville for exceeding the PMCL for HAA5 based on the calculated LRAA for the period of the third quarter of 2023 at the sample location at DS009 and DS024.
7. On January 19, 2024, VDH issued an NOAV to the Town of Berryville for exceeding the PMCL for HAA5 based on the calculated LRAA for the period of the fourth quarter of 2023 at the sample location at DS009 and DS024.
8. On March 28, 2024, VDH issued an NOAV to the Town of Berryville for exceeding the PMCL for HAA5 based on the calculated LRAA for the period of the first quarter of 2024 at the sample location at DS009 and DS024.
9. In a Warning Letter dated May 7, 2024, ODW notified the Town of Berryville that the Town of Berryville waterworks had been identified as a "Serious Violator." The letter noted the corrective actions that the Town of Berryville had taken to date to attempt to resolve the HAA5 PMCL exceedances. The letter discussed the enforcement priority for the above-mentioned violations, and that if the violations were not resolved during that calendar quarter, VDH may take formal enforcement action.
10. On June 21, 2024, VDH issued an NOAV to the Town of Berryville for exceeding the PMCL for HAA5 based on the calculated LRAA for the period of the second quarter of 2024 at the sample location at DS009 and DS024.
11. On September 13, 2024, VDH issued an NOAV to the Town of Berryville for exceeding the PMCL for HAA5 based on the calculated LRAA for the period of the third quarter of 2024 at the sample location at DS009 and DS024.
12. On October 2, 2024, VDH sent a letter of correction to the Town of Berryville, noting that the above-listed NOAVs cited a regulation that had been repealed and replaced in pertinent part with 12VAC5-590-384.B.1.a. The substantive requirements of the repealed regulation and the current regulation do not materially differ.
13. The Regulations, at 12VAC5-590-384.B.1.a (Residual disinfectant, DBPs, and DBPPs compliance.), state in part, "The owner of a waterworks required to monitor quarterly shall calculate the LRAAs for...HAA5 using monitoring results collected under 12VAC5-590-374 F and determine that each LRAA does not exceed the PMCL in order to comply with the PMCLs listed in Table 340.6."
14. The Regulations, at 12VAC5-590-340 (Compliance standards.), Table 340.6 (Disinfection Byproducts), state that the PMCL for HAA5 is 0.060 mg/L, which is equivalent to 60 ppb.
15. Since 2020, the Town of Berryville has attempted to identify the cause of the high HAA5 levels, but the cause has not yet been identified. In consultation with engineers and manufacturers, the Town of Berryville has attempted to address the high HAA5 levels through various actions,

including without limitation the following: (1) regularly scheduled distribution system flushing; (2) installation of three new automatic distribution flushing devices, bringing the total number of such devices to five; (3) replacement of the mixer at the northwest elevated tank in 2022; (4) professional cleaning and inspection of the northwest and southeast elevated storage tanks in 2022, and the clear well, ground reservoir, and both elevated storage tanks in 2024; (5) reduction of chlorine feed rates while maintaining the required minimum distribution system chlorine residual levels; (6) review of water storage level strategies; (7) modification of water treatment processes, including use of a new coagulant with the purpose of reducing DBPs – though the Town of Berryville later stopped using the new coagulant when it did not improve HAA5 levels; (8) cleaning filter settling tubes in August 2024; (9) repair of surface wash system on treatment train 2 in 2024; (10) engaging the services of an engineering firm to consult on chlorine by-product surveillance testing and reduction strategies, with surveillance testing beginning in July 2023; and (11) engaging the services of an engineering firm in April 2024 to review coagulants, optimize coagulant feed rates, and train operators on treatment adjustment procedures.

16. Pursuant to Va. Code § 32.1-26, the Board may issue orders requiring compliance with any law or regulation administered by the Board.
17. Based on a review of ODW records, the Board concludes that the Town of Berryville has violated 12VAC5-590-384.B.1.a and Table 340.6 at 12VAC5-590-340 of the Regulations, as described in paragraphs B.4 through B.14, above.

Section C. Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 32.1-26 and 32.1-27, the Board orders the Town of Berryville, and the Town of Berryville agrees, to:

1. Perform the actions described in Appendix A of this Order.
2. Pay a civil charge of **\$2,734.00** within 30 days of the effective date of this Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and shall be delivered to:

Virginia Department of Health
Office of Drinking Water
109 Governor Street, 6th Floor
Richmond, Virginia 23219

The Town of Berryville shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Water Supply Assistance Grant Fund. If VDH must refer collection of monies due under this Order to the Department of Law, the Town of Berryville shall be liable for attorneys' fees of 30% of the amount outstanding.

Consent Order
Town of Berryville
Page 5 of 12

Section D. Administrative Provisions

1. This Order addresses and resolves only those violations specifically identified in Section B of this Order. This Order shall not preclude VDH from taking any action authorized by law, including but not limited to taking any action authorized by law regarding additional, subsequent, or subsequently discovered violations or taking subsequent action to enforce this Order.
2. This Order does not suspend, minimize, or otherwise alter the Town of Berryville's obligation to comply with federal, state, and local laws and regulations. The Board waives no lawful means of enforcing the laws it administers, the regulations it has adopted, or this Order.
3. The Town of Berryville agrees that it has received fair and due process under the Administrative Process Act (Va. Code § 2.2-4000, *et seq.*) and waives its right to further hearings or challenges, whether civil or administrative, regarding the terms, conditions, or issuance of this Order and specifically waives its rights to a hearing under Va. Code §§ 2.2-4019 or 2.2-4020 as a predicate for issuance of this Order. The Town of Berryville consents to the issuance of this Order freely, voluntarily, and after an opportunity to consult counsel of its choice.
4. Any plans, reports, schedules, or specifications submitted by the Town of Berryville and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
5. To the fullest extent allowed by law, this Order is binding on the Town of Berryville, its agents and legal representatives, heirs, devisees, executors, administrators, and successors in interest, jointly and severally as applicable.
6. The Board may modify, rewrite, or amend this Order with the consent of the Town of Berryville. Additionally, the Board may modify, rewrite, or amend this Order on the Board's own motion pursuant to the Administrative Process Act, Va. Code §§ 2.2-4000, *et seq.*, after the Town of Berryville has received notice and an opportunity to be heard. Any request by the Town of Berryville for modification of this Order shall be submitted to VDH in writing to be considered for approval by the Board or its designee.
7. This Order shall not preclude the Board, the Commissioner, or the Department from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce this Order.
8. Failure by the Town of Berryville to comply with any terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or Department as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

9. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
10. The Town of Berryville shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The Town of Berryville shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Town of Berryville shall notify the Department in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
 - a. The reasons for the delay or noncompliance;
 - b. The projected duration of any such delay or noncompliance;
 - c. The measures taken and to be taken by the Town of Berryville to prevent or minimize such delay or noncompliance; and
 - d. The timetable by which the Town of Berryville will implement such measures and the date full compliance will be achieved.

Failure by the Town of Berryville to notify the Department verbally within 24 hours and in writing within three business days of learning of any condition above, which the Town of Berryville intends to assert will result in the impossibility of compliance, shall constitute a waiver by the Town of Berryville of any claim to inability to comply with a requirement of this Order.

11. This Order shall become effective on the 15th day after a copy of it is mailed to the Town of Berryville by certified mail. Va. Code § 32.1-26.
12. This Order shall continue in effect until:
 - a. The Commissioner or the Commissioner's designee terminates the Order after the Town of Berryville has completed all of the requirements of this Order;
 - b. The Commissioner or the Commissioner's designee terminates the Order after finding that the circumstances that led to the Order's issuance no longer exist, and that the Order is no longer needed to enforce the PWSL and Regulations to protect the public health;
 - c. The Town of Berryville petitions the Commissioner or the Commissioner's designee to terminate the Order after the Town of Berryville has completed all of the requirements of the Order and the Commissioner or the Commissioner's designee approves the termination of the Order; or
 - d. The Commissioner or the Commissioner's designee, or the Board, in their sole discretion, terminates the Order upon 30 days written notice to the Town of Berryville. Termination of the Order pursuant to this authority without the Town of Berryville having satisfied all terms

of the Order may result in VDH pursuing further enforcement related to the violations identified in the Order.

13. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Town of Berryville from its obligation to comply with any statute, regulation, permit condition, other order, certificate, standard, or requirement otherwise applicable.
14. The undersigned representative of the Town of Berryville certifies that they are a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the Town of Berryville to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the Town of Berryville.
15. By its signature below, the Town of Berryville voluntarily agrees to the issuance of this Order.

It is SO ORDERED this day, _____.

STATE BOARD OF HEALTH
Commonwealth of Virginia

Karen Shelton, MD
State Health Commissioner

Owner Signature and Notary

The Town of Berryville voluntarily agrees to the issuance of this Order.

Harry Lee Arnold Jr.
Name

November 13, 2024
Date

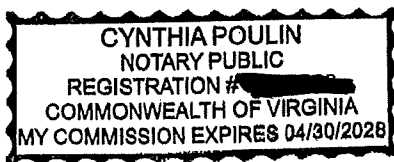
Mayor
Title
[Redacted Signature]
Signature

Notary Public:

Commonwealth of Virginia

City/County of Clarke

The foregoing document was signed and acknowledged before me this 13th day of
November, 2024, by Harry Lee Arnold Jr who
is Mayor of the Town of Berryville, signing on behalf of the entity.



[Redacted Signature]
Notary Public
[Redacted Signature]
Registration No.

My commission expires: 04/30/2028
Notary seal:

Appendix A

Corrective Action Plan and Schedule for Compliance

The Town of Berryville shall:

- a. Within 50 days of the effective date of this Order, submit to CFO a Corrective Action Plan (CAP) and Schedule for Compliance (Schedule) for review and approval. The Town of Berryville is encouraged to consult with CFO in drafting the CAP and Schedule prior to submitting it to CFO for review and approval. The CAP and Schedule shall set forth actions that the Town of Berryville has taken or plans to take, and a schedule within which to take them, to comply consistently with the PWSL and the Regulations.

The Town of Berryville's CAP and Schedule must include the following:

- i. Timeline for submission to CFO of a preliminary engineering report (PER), signed and sealed by a Professional Engineer with expertise in disinfection byproduct control, which evaluates current operational practices and proposes specific steps for improving these practices to reduce the potential for DBP formation, for review and approval by ODW (the Operational Practices PER). The Operational Practices PER should address the following:
 1. Optimized dosing for all treatment chemicals (pre-oxidant, carbon, coagulant, coagulant aid, chlorine) to reduce disinfection byproduct formation.
 2. Frequency and duration of filter backwash and filter-to-waste.
 3. Distribution system storage and targeted flushing protocols to reduce water age.
 4. An evaluation of options for additional treatment that may help to reduce DBP formation at the water treatment plant and/or in the distribution system.
- ii. Assessment of the age and physical condition of the tube settlers and the filter media, and potential benefits of full or partial replacement of either or both components. The Town of Berryville may have the assessment performed in-house or with consultation of outside consultants and manufacturers.
- iii. Timeline for submission to CFO of a Revised Plant Upgrades PER that revises the Town of Berryville's PER for treatment plant upgrades, dated November 2023. ODW provided comments on the treatment plant upgrades PER in May 2024 and required a significant revision to the preliminary plans, as ODW had determined that membrane filtration without pre-treatment consisting of coagulation, flocculation, and sedimentation would not be acceptable.

The Town of Berryville's CAP and Schedule must take into consideration financing needed to implement the CAP. The Town of Berryville must use reasonable and diligent efforts, taking into consideration costs and other reasonable factors, to obtain financing to implement the ODW-approved CAP and Schedule that is intended to resolve the violations identified in this Order.

The Town of Berryville recognizes that it may need to seek approval from ODW to amend the ODW-approved CAP and Schedule, despite the Town of Berryville's exercise of reasonable and diligent effort, due to potential delays in obtaining financing.

- b. Upon ODW's approval of the CAP and Schedule, the Town of Berryville can begin implementing the CAP in accordance with the Schedule. The approved CAP and Schedule shall become a part of, and enforceable under, the terms of this Order. If the Town of Berryville does not present a CAP and Schedule with terms that are acceptable to ODW such that ODW cannot approve it, and the Town of Berryville and ODW are unable to reach agreement on the terms of a mutually agreeable CAP and Schedule, the Board or Commissioner may terminate this Order subject to Section D.12.d of this Order, which may result in further enforcement action against the Town of Berryville as stated therein.
- c. After initial approval of the CAP and Schedule by ODW, submit any proposed modifications to the CAP and Schedule to CFO for review, discussion and consideration for approval prior to the Town of Berryville taking any action. The Town of Berryville shall submit any proposed modification of the CAP and Schedule to CFO at least 30 days prior to expiration of a deadline that the Town of Berryville seeks to modify.
- d. Within 30 days of the Town of Berryville's submission to CFO of the Operational Practices PER, the Town of Berryville must submit to CFO for review and approval an amended CAP and Schedule that includes actions that the Town of Berryville will take to implement the Operational Practices PER's recommendations. If the Town of Berryville does not present an amended CAP and Schedule with terms that are acceptable to ODW such that ODW cannot approve it, and the Town of Berryville and ODW are unable to reach agreement on the terms of a mutually agreeable amended CAP and Schedule, the Board or Commissioner may terminate this Order subject to Section D.12.d of this Order, which may result in further enforcement action against the Town of Berryville as stated therein.
- e. Within 30 days of the Town of Berryville's submission to CFO of the Revised Plant Upgrades PER, the Town of Berryville must submit to CFO for review and approval an amended CAP and Schedule that includes actions that the Town of Berryville will take to implement the Revised Plant Upgrades PER's recommendations. Following ODW's approval of the CAP and Schedule, the ODW-approved CAP and Schedule may be amended with approval of ODW, including amendments to address scheduling delays due to the inability of the Town of Berryville to obtain timely financing, as discussed in section a. of Appendix A of this Order. If the Town of Berryville does not present an amended CAP and Schedule with terms that are acceptable to ODW such that ODW cannot approve it, and the Town of Berryville and ODW are unable to reach agreement on the terms of a mutually agreeable amended CAP and Schedule, the Board or Commissioner may terminate this Order subject to Section D.12.d of this Order, which may result in further enforcement action against the Town of Berryville as stated therein.

- f. Continue quarterly monitoring for disinfection byproducts in accordance with the approved Monitoring Plan. Distribute all required public notifications in accordance with specified timeframes.
- g. Submit to CFO quarterly progress reports regarding the CAP and Schedule requirements. The Town of Berryville shall send quarterly submissions to CFO by the 10th day of the month following the end of the reported quarter.
- h. Upon completion of the CAP, submit to CFO a final report verifying that the CAP has been completed in accordance with the terms of this Order.
- i. Mail, email, fax, and/or personal delivery all submittals and reports required by this Order to:

VDH - Office of Drinking Water - Culpeper Field Office
c/o Compliance Specialist
400 S. Main Street, 2nd Floor
Culpeper, Virginia 22701
Office phone number: (540) 829-7340
Email address: ODWFieldOffice6@vdh.virginia.gov
Fax number: (540) 829-7337

(If the Town of Berryville does not send the original documents, it must file the original documents appropriately so if asked to produce the documents they are easy to access.)