



Berryville Town Council

MEETING AGENDA

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

April 8, 2025

7:00 PM

Item

Page

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Presentations/Awards and Recognitions**
5. **Public Hearings**

Proposed Tax Levies for Tax Year 2025

Proposed Schedule of Water and Sewer fees and changes

6. **Discussion of Public Hearing Items**
7. **Citizens' Forum**
8. **Consent Agenda**

Town Council Minutes March 2025

Community Development and Streets & Utilities Minutes March 2025

9. **Unfinished Business**
10. **New Business**
11. **Council Member Reports**

Mayor

Vice Mayor

Ward 1

Ward 2

Ward 3

Ward 4

12. Staff Reports

Public Works

Public Utilities

Police Department

Community Development

Administration and Finance

Town Manager

Proposed Schedule of Water and Sewer fees and changes

13. Committee Updates

Budget and Finance

Community Development

Grass and Weed Ordinance Revision March 2025

Personnel, Appointments, and Policy

Public Safety

Streets and Utilities

14. Closed Session

15. Adjourn

Report- Proposed Tax Levies for Tax Year 2025

April 8, 2025

Item Title:

Special Meeting for Corrected Public Hearing on 2025 Tax Rates

Prepared By:

Jean Petti, Deputy Town Manager

Current Information

The Public Hearing notice that was published for the tax rates was incorrect. The Real Estate rate was published as \$0.0139 and should be \$0.139. The correct rate will need to be published and a new Public Hearing set.

Per Virginia Code §58.1-3321

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of any public hearing held pursuant to this section shall be given at least seven days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business.

Recommendation

Move to set a public hearing on a date not the same as the annual budget hearing to hear public comment on the corrected proposed Tax rates for Tax year 2025.

**BERRYVILLE TOWN COUNCIL
CORRECTED 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, _____**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Corrected Proposed Tax Rates for 2025

Listed below are the proposed tax rates for the tax year beginning January 1, 2025, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

- A. \$.139 per \$100 assessed valuation on real estate, including real estate of public service corporations;
- B. \$1.25 per \$100 assessed valuation on tangible personal property except machinery and tools;
- C. \$1.30 per \$100 assessed valuation on tangible machinery and tools.

The proposed real estate tax rate reflects a decrease in the real estate rate that was adopted for the year 2024. This rate decrease was necessitated by the newly applied property values from a reassessment. After the proposed decreased rate is applied, the Town realizes less than an 1% increase in revenue from this source.

The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2024. It is proposed that for tax year 2025 the personal property tax relief discount be set at 49%. The proposed relief discount is increased from the discount adopted for the year 2024.

The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2024.

Copies of materials related to this matter may be examined at the Town of Berryville Business Office, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia during regular business hours and on the Town's website www.berryvilleva.gov. Additional information may also be obtained by calling the Town Business Office at 540/955-1099.

Any person desiring to be heard regarding the above matter should appear at the appointed time and place. Written copies of statements at public hearings are requested, but not required.

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

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

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Please publish in the Winchester Star on Tuesday, April 15, 2025

Please call Cindy with questions at 540-955-1099

BERRYVILLE TOWN COUNCIL

MOTION TO SET PUBLIC HEARING FOR APRIL __, 2025 ON
CORRECTED PROPOSED 2025 TAX RATES

Date: April 8, 2025

Motion By:

Second By:

I move that the Council of the Town of Berryville set a public hearing for its April __, 2025 meeting to hear public comment on the corrected proposed Tax rates for Tax year 2025.

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Erecka L. Gibson, Vice Mayor

TOWN COUNCIL
MOTION FOR APPROVAL: RESOLUTION TO PROVIDE FOR THE
IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL
PROPERTY TAX RELIEF ACT OF 1998 FOR THE TAX YEAR 2025

Date: April __, 2025

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Resolution providing for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998 for the tax year 2025.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Erecka L. Gibson, Vice Mayor

Town of Berryville

Resolution

**To Provide for the Implementation of the 2004-2005
Changes to the Personal Property Tax Relief Act of 1998
For the Tax Year 2025**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 505) and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly, being the 2005 revisions to the 2004-2006 Appropriations Act (“the 2005 Appropriations Act”); and

WHEREAS, the legislative enactments require the Town to take affirmative steps to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the Town of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to local personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Berryville in accordance with the requirements set forth in Va. Code § 58.1-3524(C) (2) and § 58.1-3912(E), as amended by Chapter 1 of the 2005 Acts of Assembly (2004 Special Session 1) and as set forth in Item 503 of the 2005 Appropriations Act, that any qualifying vehicle having situs within the Town during the tax year which begins on January 1, 2025, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at less than \$1,000 will be eligible of 100 percentage of tax relief set by the Town Council during its annual budget deliberations.
2. Personal use vehicles valued between \$1,001 and \$20,000 will be eligible for 49 percentage of tax relief set by the Town Council during its annual budget deliberations.
3. Personal use vehicles valued at \$20,001 or more will be eligible for 49 percentage of tax relief on the first \$20,000 of assessed value set by the Town Council during its annual budget deliberations.
4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for personal property tax relief under PPTRA.

PASSED THIS ____ DAY OF APRIL 2025.

Harry L. Arnold, Jr., Mayor

ATTEST:

Erecka L. Gibson, Vice Mayor

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2025

Date: April __, 2025

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2025 there is hereby levied:

(1) A tax of \$.139 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;

(2) A tax rate of \$1.25 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;

(3) A tax rate of \$1.30 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____ Date: April __, 2025
Harry Lee Arnold, Jr., Mayor

ATTEST: _____ Date: April __, 2025
Erecka L. Gibson, Vice Mayor

TOWN COUNCIL
MOTION FOR APPROVAL: ORDINANCE SETTING TAX LEVIES FOR TAX
YEAR 2025

Date: April __, 2025

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached Ordinance setting the tax levies for tax year 2025 per the Code of the Town of Berryville, Chapter 16- Taxation, Article I – In General, Section 16-1 Annual Tax Assessments; valuation of property.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Erecka L. Gibson, Vice Mayor

2025-2026 PERSONAL PROPERTY TAX RATE ANALYSIS

Tax Year # VEH	Rate	Assmt	Tax Levy	PPTRA	%	Tax Amount	%	PPTRA FUNDS	ESCROW
2023	3615 \$ 1.25	\$ 90,406,462.00 6%INC	\$ 847,784.47 86.69%	\$ 210,367.89	25%	\$ 637,416.58	75%	\$209,916.73	(\$451.16) \$0.00
2024	3776 \$ 1.25	\$ 98,780,679.16 9%INC	\$ 870,063.53	\$ 185,998.75	21%	\$ 684,064.78	79%	\$209,916.73	\$0.00 \$24,841.02
2025	3776 \$ 1.25	\$108,658,747.07 10%INC EST	\$ 874,746.92	\$ 215,126.47	25%	\$ 659,620.45	75%	\$209,916.73	(\$4,140.17) \$20,700.85
2025	3776 \$ 1.26	\$108,658,747.07 10%INC EST	\$ 883,494.38	\$ 215,126.47	24%	\$ 668,367.91	76%	\$209,916.73	(\$4,140.17) \$20,700.85

FY25 Real Estate with the numbers provided by Commissioner of Revenue

Keeping rate the same and a 1cent increase						
	Land Value	Improvements	Exemptions			
2025 RE AS	286,290,000	739,143,200	(46,957,100)	-26,068	978,450,032	RATE \$0.20
						\$1,956,900.06
				Estimated uncollectible @ 1.12%		<u>-\$21,917.28</u>
						<u>\$1,934,982.78</u>
	Land Value	Improvements	Exemptions			
2025 RE AS	286,290,000	739,143,200	(46,957,100)	-26,068	978,450,032	RATE \$0.21
						\$2,054,745.07
				Estimated uncollectible @ 1.12%		<u>-\$23,013.14</u>
						<u>\$2,031,731.92</u>
Changing rate to remain revenue neutral and a 1cent increase						
	Land Value	Improvements	Exemptions			
2025 RE AS	286,290,000	739,143,200	(46,957,100)	-26,068	978,450,032	RATE \$0.139
						\$1,360,045.54
				Estimated uncollectible @ 1.12%		<u>-\$15,232.51</u>
						<u>\$1,344,813.03</u>
	Land Value	Improvements	Exemptions			
2025 RE AS	286,290,000	739,143,200	(46,957,100)	-26,068	978,450,032	RATE \$0.149
						\$1,457,890.55
				Estimated uncollectible @ 1.12%		<u>-\$16,328.37</u>
						<u>\$1,441,562.17</u>

Tax Year	Real Estate	Personal Property	Machinery & Tools
2025	0.139 ↘	1.25	1.3
2024	0.2	1.25	1.3
2023	0.2	1.25	1.3
2022	0.2	1.25	\$ 1.300
2021	0.2 ↑	1.25	\$ 1.300
2020	0.17741 ↘	1.25	\$ 1.300
2019	0.2 ↑ \$	1.25	\$ 1.300
2018	0.19 \$	1.25	\$ 1.300
2017	0.19 \$	1.25	\$ 1.300
* 2016	0.19 ↑ \$	1.25	\$ 1.300
2015	\$ 0.186 ↑ \$	1.25	\$ 1.300
2014	\$ 0.136 ↑ \$	1.05	\$ 1.300
2013	\$ 0.116 \$	1.00	\$ 1.182
2012	\$ 0.116 \$	1.00	\$ 1.168
2011	\$ 0.116 \$	1.00	\$ 1.00
* 2010	\$ 0.116 ↑ \$	1.00	\$ 1.00
2009	\$ 0.0989 \$	1.00	\$ 1.00
2008	\$ 0.0989 \$	1.00	\$ 1.00
2007	\$ 0.0989 \$	1.00	\$ 1.00
* 2006	\$ 0.0989 ↘ \$	1.00	\$ 1.00
2005	\$ 0.20 \$	1.00	\$ 0.91
2004	\$ 0.20 \$	1.00	\$ 0.85
2003	\$ 0.20 \$	1.00	\$ 0.88
* 2002	\$ 0.20 ↘ \$	1.00	\$ 0.90
2001	\$ 0.23 \$	1.00	\$ 0.90
2000	\$ 0.23 \$	1.00	\$ 0.90
1999	\$ 0.23 \$	1.00	\$ 0.90
* 1998	\$ 0.23 ↘ \$	1.00	\$ 0.93
1997	\$ 0.24 \$	1.00	\$ 0.93
1996	\$ 0.24 \$	1.00	\$ 0.93
1995	\$ 0.24 \$	1.00	\$ 0.93
* 1994	\$ 0.24 \$	1.00	\$ 1.00
1993	\$ 0.24 \$	1.00	\$ 1.00
1992	\$ 0.24 \$	1.00	\$ 1.00
1991	\$ 0.24 \$	1.00	\$ 1.00
* 1990	\$ 0.24 ↘ \$	1.00	\$ 1.00
1989	\$ 0.37 \$	1.00	\$ 1.00
1988	\$ 0.37 \$	1.00	\$ 1.00
1987	\$ 0.37 \$	1.00	\$ 1.00
* 1986	\$ 0.37 \$	1.00	\$ 1.00
1985	\$ 0.37 \$	1.00	\$ 1.00
1984	\$ 0.37 \$	1.00	\$ 1.00
1983	\$ 0.37 \$	1.00	\$ 1.00
* 1982	\$ 0.37 ↘ \$	1.00	\$ 1.00
1981	\$ 0.40 \$	1.00	\$ 1.00
1980	\$ 0.40 \$	1.00	\$ 1.00

Legend
 * Reassessment
 ↑ Tax Increase

Proposed Amendment to the Schedule of Water and Sewer Fees and Charges

History

The Town maintains a general fund and two enterprise funds (water and sewer). The water and the sewer enterprise funds operate in a manner that is very similar to a private business. These funds must meet capital and operating expenses with the revenues available from user fees (monthly customer bills), availability fees (charged for new or enlarged system connections), borrowing, or grants.

In 2019 an engineering firm completed a utility rate study that identified water and sewer system needs over the next two decades and provided the Town Council with a schedule of recommended fee and rate increases that should be considered over the subsequent five-year period to provide sufficient income to meet system needs (including replacement of wastewater treatment plant membranes and construction of a water treatment plant).

The Council increased water and sewer fees in 2019, 2020, 2021, 2022, and 2023.

The Town Council developed and approved (December 10, 2024) a new five-year water and sewer rate adjustment plan and determined that rate adjustments would be addressed during the course of annual budget development and would become effective near the end of a fiscal year (as opposed to November). Accordingly, there was no adjustment to rates in 2024.

Proposed changes

Highlights of the proposed schedule adjustments include:

Water:

- User Fees
 - o Intown – an increase from \$8.15 per 1,000 gallons of usage to \$10.30 per 1,000 gallons of usage.
 - o Out of Town – an increase from \$10.18 per 1,000 gallons of usage to \$12.87 per 1,000 gallons of usage.
- Availability Fees - A 6% increase (increase was determined by CIP).
- An increase in required deposits to account for the increase in the user fees.
- Other: Inspection fees, hydrant flow test fees, and sewer camera inspection fees are proposed to increase.

Sewer:

- User Fees
 - o Intown – an increase from \$17.27 per 1,000 gallons of usage to \$17.78 per 1,000 gallons of usage.
 - o Out of Town – an increase from \$21.58 per 1,000 gallons of usage to \$22.22 per 1,000 gallons of usage.
- Availability Fees - A 6% increase (increase was determined by CIP).
- An increase in required deposits to account for the increase in the user fees.
- Other: Inspection fees, hydrant flow test fees, and sewer camera inspection fees are proposed to increase.

Requested Action

Staff requests that the Council review the amended Town of Berryville Schedule of Water and Sewer Fees and Charges and direct staff to make any changes needed. It is expected that the amended schedule would be adopted on May 13, 2025 and become effective on June 21, 2025.

Attachments

- Public Hearing Notice
- Draft Schedule of Water and Sewer Fees and Charges
- Five-year water and sewer rate adjustment plan
- Utility Rate Study Town of Berryville July 2019

TOWN OF BERRYVILLE

SCHEDULE OF WATER AND SEWER FEES AND CHARGES

~~Effective November 21, 2023.~~

Proposed to be effective June 21, 2025

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: ~~\$8.15~~ **\$10.30** per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: ~~\$10.18~~ **\$12.87** per 1,000 gallons of usage. Minimum charge \$6.25 per month for usage under 1,000 gallons during billing period.

B. SEWER

1. Within corporate limits or the limits of an approved annexation area: ~~\$17.27~~ **\$17.78** per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: ~~\$21.58~~ **\$22.22** per 1,000 gallons of usage. Minimum charge \$18.75 per month for usage under 1,000 gallons during billing period.

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water \$24.35

Sewer \$12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: ~~\$285~~ **\$300**

Residential: multi-family with master meter: ~~\$230~~ **\$245** per unit

Business/Commercial excluding restaurants and laundries: ~~\$285~~ **\$300**

Restaurant: ~~\$880~~ **\$895***

Laundry: ~~\$4,605~~ **\$4,620***

Institutional: ~~\$1,625~~ **\$1,640***

Industrial: ~~\$5,645~~ **\$5,660***

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

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

III. AVAILABILITY FEES

A. WATER

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

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

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 17,200	\$ 21,500	Meter Fee
3/4	1.5	\$ 27,100	\$ 32,249	Meter Fee
1	2.5	\$ 42,999	\$ 53,749	Meter Fee
1.5	4.375	\$ 75,248	\$ 94,062	Meter Fee
2	8	\$ 137,596	\$ 172,000	Meter Fee
3	16	\$ 275,193	\$ 344,000	Meter Fee
4	25	\$ 429,894	\$ 537,500	Meter Fee
6	50	\$ 859,978	\$ 1,074,999	Meter Fee

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

Notes:

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

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

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

B. SEWER

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

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

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 18,468	\$ 23,085
3/4	1.5	\$ 27,702	\$ 34,628
1	2.5	\$ 46,170	\$ 57,714
1.5	4.375	\$ 80,800	\$ 97,820
2	8	\$ 147,747	\$ 184,686
3	16	\$ 295,494	\$ 369,372
4	25	\$ 461,710	\$ 577,144
6	50	\$ 923,419	\$ 1,154,287

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

IV. LATERAL OR CONNECTION FEES

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

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.

- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or another applicable agency.

V. INSPECTIONS

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

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: ~~\$325~~ **\$350**

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: ~~\$175~~ **\$200**

Laterals 50 Feet in Length or Greater: ~~\$175~~ **\$200** plus \$3.00 per linear foot

B. Inspections

Town staff: ~~\$70~~ **\$75** per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

~~\$70~~ **\$75** per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

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

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

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

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

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

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

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

IX. UNAUTHORIZED USE OF SERVICE

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

Approved by Town Council ~~September 12, 2023~~

5 YEAR RATE AND FEE PLAN 12.10.2024

Water Based on 20-year Amortization of WTP Loan

	Consumption		Total Revenue	Admin Fees	Total Revenue and Admin Fees	Revenue needed per Finance Plan	Increase per kgal	Increase per year
	Total	\$per kgal						
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	Admin Fees	Total Revenue and Admin Fees	Revenue needed	Increase per kgal	Increase per year
	Total	\$per kgal						
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	

**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, April 8, 2025**, in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Proposed Tax Rates for 2025

Listed below are the proposed tax rates for the tax year beginning January **1**, 2025, on all real property, including real property and tangible personal property of public service corporations, and on all other tangible personal property, including machinery and tools.

- A. \$.0139 per \$100 assessed valuation on real estate, including real estate of public service corporations;
- B. \$1.25 per \$100 assessed valuation on tangible personal property except machinery and tools;
- C. \$1.30 per \$100 assessed valuation on tangible machinery and tools.

The proposed real estate tax rate reflects a decrease in the real estate rate that was adopted for the year 2024. This rate decrease was necessitated by the newly applied property values from a reassessment. After the proposed decreased rate is applied, the Town realizes less than an 1% increase in revenue from this source.

The proposed personal property tax rate reflects no increase in the personal property rate that was adopted for the year 2024. It is proposed that for tax year 2025 the personal property tax relief discount be set at 49%. The proposed relief discount is increased from the discount adopted for the year 2024.

The proposed machinery and tools tax rate reflects no increase in the machinery and tools rate that was adopted for the year 2024.

Proposed Schedule of Water and Sewer Fees and Charges

Listed below are the proposed water and sewer fees for the fiscal year 2026 beginning July 1, 2025. The Water User Fees within corporate limits or the limits within approved annexation area will increase from \$8.15 to \$10.30 per 1,000 gallons of usage. Others will increase from \$10.18 to \$12.87 per 1,000 gallons of usage. The Sewer User Fees within corporate limits or the limits within approved annexation area will increase from \$17.27 to \$17.78 per 1,000 gallons of usage. Others will increase from \$21.58 to \$22.22 per 1,000 gallons of usage. Water and Sewer availability fees increase by 6 percent.

Copies of materials related to this matter may be examined at the Town of Berryville Business Office, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia during regular business hours and on the Town's website www.berryvilleva.gov. Additional information may also be obtained by calling the Town Business Office at 540/955-1099.

Any person desiring to be heard regarding the above matter should appear at the appointed time and place. Written copies of statements at public hearings are requested, but not required.

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

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

+++++

Please publish in the Winchester Star on Tuesday, March 25 and April 1, 2025

Please call Cindy with questions at 540-955-1099

Utility Rate Study
Town of Berryville, Virginia
Utility Rate Study
Pennoni Associates, Inc., Winchester VA
July 2019



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1. Introduction

The Town of Berryville operates a water system to supply, treat, and distribute water for human consumption and 5*other uses and operates a wastewater system to collect and treat sewage. Town billing data for the period September 2017 through August 2018 would conclude there were an average 1,515 homes served water and 208 other water accounts during that period. Most of these same accounts are served both water and wastewater, but the Town reports that as of September 2018 there were 45 water-only accounts, including 20 residential, six commercial, and three industrial accounts inside the Town limits, with the remaining 16 water-only accounts being outside the Town limits including 12 residential, two commercial, and two institutional accounts. In order to continue to operate this system adequately and provide the level of service expected by these customers, the water and wastewater systems will need to maintain adequate financing.

In order to maintain adequate funding for daily operations, maintenance and renewal of assets, and meet the increasingly stringent regulatory requirements, the Town is undertaking an important study to forecast future service demands, perform an initial evaluation of its water and wastewater assets, review its financial condition, and provide options for water and wastewater rate setting to provide sufficient capital to maintain its assets and meet customer and regulatory requirements. This report summarizes the findings of this study.

According to the American Water Works Association of Denver, Colorado in a Manual of Practice for Developing Rates for Small Systems, several underlying principles are suggested:

- A. That water utilities provide sufficient revenue for annual operations and maintenance expenses, capital costs and debt service, and working capital and reserves. *This study addresses all these issues.*
- B. Water utilities should account for its funds separate from other governmental entity operations. *The Town has achieved this principle through establishing and maintaining a Water Fund and a Sewer Fund separate from the General Fund.*
- C. That water systems adopt a uniform system of accounts for accounting and management controls. *The Town has developed such a system.*
- D. Financial reporting should meet requirements of legislative, judicial, or regulatory bodies. *This requirement is audited annually by the Town through a Certified Public Accountant.*
- E. Water rate schedules should be designed to distribute the cost of water service equitably among each function and class of service. *This study and report follow this principle; where segregation of data for this purpose is not available, assumptions are used based on industry norms.*
- F. Water utilities should maintain asset records with sufficient information to monitor and manage the physical condition of infrastructure and should support planned and preventive maintenance programs and budgets adequate to maintain and rehabilitate/renew assets at levels of service consistent with good utility practice. *This study initiates a structure to provide asset listing and condition based upon basic data to include age, size, material specifications, and engineering judgment reflecting known maintenance history and past design work. The rate structure proposed by this study incorporates judgment on the future need to replace existing assets and is a starting point in identifying large financial impact where more detailed analyses beyond this study may be appropriate to continue to optimize costs of asset performance and reliability.*

Background on Water System

The Town supplies its water through an intake facility on the Shenandoah River which receives and screens river water and then pumps the untreated ("raw") water to the Berryville Water Treatment Facility. The Treatment Facility treats the water to excel beyond federal and state drinking water standards through a Neptune Microfloc package system built in 1984 that includes conventional filtration to remove particles, after which the water is disinfected and pumped through a high service pumping station to the Town's transmission and distribution system. The water supply, treatment, and pumping system is permitted by the Virginia Department of Health for a capacity of 864,000 gallons per day, and the water intake and pumping and water treatment facility can achieve that capacity. The high service pump station is limited to 754,000 gallons per day as a result of internal constraints, thereby this limitation becomes the "choking" point on how much treated water can be delivered into the distribution system.

From a review of Town water production records between 2013 and 2018, the monthly average daily water pumped into the distribution system varied from 261,000 gallons per day in April 2018 to 394,000 gallons per day in April 2014. For the period between September 2017 through August 2018, the annual average daily volume of water pumped to the distribution system was 325,000 gallons per day. During that same one-year period, billed consumption averaged 282,000 gallons per day. From this data one would conclude that 13.2% of the treated water pumped to the distribution system is not metered and billed, referred to in the industry as the non-revenue water rate. All water distribution systems have a component of non-revenue water which can be contributed from numerous sources, including water use from a fire hydrant, leaks from water system assets including water main breaks, water theft, and under-registration of water consumed by meters not accurately calibrated. The water industry sets a standard of striving for non-revenue water below 10%, and above 15% is a "flag" for the need of significant improvement. The Town of Berryville falls in an adequate range but can still strive to improve water accountability. A key place to start is accurate meter registration. It is noted the Town plans to replace the water meters in its system in 2022 and the performance of this action is favorably recommended in this study.

There are also expected water "losses" between the quantity of water filtered or purified and the quantity of water pumped into the distribution system. The largest uses in this category include essential backwashing of the water filters and clean "make-up" water for diluting chemicals, as well as other water used in the treatment process. Plant production records between September 2017 and August 2018 suggest that an average 10.5% of water treated is used within the treatment process, therefore, to pump 325,000 gallons per day into the distribution system, a total of 363,000 gallons per day is treated and filtered.

Based on operational records reported monthly to the Virginia Department of Health and the data distributed by the Town through its annual consumer confidence reports, its treated water is currently meeting all quality drinking water standards of federal and state regulations.

The water transmission and distribution systems consist of an interconnected network of water mains, most within public street rights-of-way, within two pressure zones, and include two elevated water tanks, one ground storage tank, and a booster pump station. The two pressure zones are identified as the 758 Zone and the 808 Zone, where 758 and 808 represent the static head elevations of the two zones in reference to mean sea level. Most of the water distribution system and service connections are on the 758 Zone, with the 808 Zone serving the northwest corner of the system near Route 7 West where the Town's natural ground elevations are highest. One elevated tank and one ground storage tank are located in the 758 Zone, and a second elevated tank serves to maintain water pressure in the 808 Zone as water demand in that zone fluctuates. All treated water at the water plant is pumped into the 758 Zone, a separately located booster pump station transfers water from the 758 Zone to the 808 Zone.

More detailed information on the water system assets is provided under the Evaluation of Assets chapter of this report.

Background on Wastewater System

The Town collects wastewater through a system of underground pipes sloped to allow flow by gravity to the wastewater treatment plant, supplemented by four wastewater pump stations that pump or lift sewage from isolated low points through a “force main” back into the gravity system.

The Berryville Wastewater Treatment Plant is a 700,000 gallons per day (monthly average) state-of-the art facility constructed in 2010 that consists of 4-Stage Bardenpho Bioreactor Basins and a Membrane Bioreactor for advanced nutrient removal to meet stringent nutrient discharge limits for Chesapeake Bay watersheds. The facility also includes a flow equalization tank of 0.7 million gallons to hold incoming peak sewer flows and allow the Bioreactors to operate optimally at a steady rate. Berryville is consistently meeting its stringent effluent limits and is a member of the Virginia Nutrient Credit Exchange Association whereby nutrient removal in excess of the facility’s allocation can be sold on an exchange for a modest amount of revenue. Most importantly, this membership also allows the Town to purchase credits at the member rates should circumstances ever be necessary for the Town to maintain regulatory compliance.

Metered sales records from the Town between September 2017 and August 2018 indicate that an average 279,000 gallons of wastewater per day was registered for billing purposes.

2. Water and Wastewater Demand Projections

This chapter of the report summarizes the review of historical water and wastewater system demand, including treatment plant metering and reporting data, customer billing data, and reported growth trends. A long-term growth projection is provided in 5-, 10-, 15- and 20-year intervals based upon information provided by the Town of Berryville's Planning and Zoning Department. This chapter also discusses capacities of water and wastewater system components and the abilities of these capacities to meet growth needs.

This study reviewed development information from the Town's Department of Planning and Zoning, including recent development activity and forecasted ultimate growth in water and wastewater use through build-out of undeveloped land by zoning sub areas. Table 2-1 summarizes recent development activity, and Table 2-2 summarizes growth in demand by potential long-term build-out. Potential quantities in additional water demand from build-out in gallons per day are taken directly from the Town's Planning and Zoning projections and suggest the very long-term potential that the Town's metered water consumption could increase from the present 283,000 gallons per day annual average to up to as high as 816,000 gallons per day. This data also suggests that although current consumption from outside Town limits is a very small percentage, a significant amount of future growth to water and wastewater demand could come from property presently outside of the Town's corporate limits. The Town has a defined Annexation Area and may intend to annex much of this property at some future date, but to the extent future service increases beyond the Town limits, ratemaking may need to consider more closely the equity of charges to outside vs. inside customers.

Table 2-1

Recent Commercial Activity

Source: Town of Berryville Department of Planning and Zoning, October 15, 2018

			Data from Capacity of Waterworks: 12 VAC 5-590-690	
Date of Approval	Planning Area	Development	VDH Criteria	Capacity Added (gpd)
January 25, 2017	Sub Area 7	McDonald's (assumes 60 seats)	Restaurant - 50 gpd/seat	3,000
August 9, 2017	Sub Area 6	67-bed assisted care	Nursing Home - 200 gpd/bed	13,400
October 24, 2018	Sub Area 6A	120 age-income restricted apartments	Residential - 100 per unit	12,000
Total Capacity Added (gpd):				28,400

Note: Capacity is how VDH looks at what excess capacity the water system needs to assure service to a specific new project at the time of application. It may be conservative and therefore not reflective of long-term consumption and revenue.

Table 2-2

Future Activity - Long-Term Build-Out

Source: Town of Berryville Department of Planning and Zoning, October 15, 2018

	Total Build-Out Flow Added (gpd)	Build-Out Flow Added by User Class				Town Limits	Comments
		Residential Flow (gpd)	Commercial Flow (gpd)	Institutional Flow (gpd)	Industrial Flow (gpd)		
Sub Areas 1 and 2	189,700	170,730		18,970		Outside	Zoned to allow Institutional but forecasted likely mostly residential. Assume 90% Institutional; 10% Residential
Sub Area 6A	24,000	14,400		9,600		Inside	Mostly residential; includes 120 income restricted apartments; limited small commercial
Sub Areas 6 and 7	182,800		182,800			Inside	Business Commercial, includes grocery store and bank
Sub Area 12B	7,500		7,500			Outside	Business Park
Sub Area 19A	11,000		11,000			Inside	Business Park
Sub Area 27A	24,850	24,850				Partial	Residential - Hermitage V
Sub Area 9	47,600	47,600				Inside	Residential - Includes 22,050 gpd for Fellowship Square; also includes Shenandoah Crossing
Sub Areas 13, 14, 15	45,300	45,300				Outside	Identified by Town as likely Residential

Totals

Inside Town Limits	277,800	74,400	193,800	9,600	-
Outside Town Limits	255,000	228,500	7,500	19,000	-
Totals	532,800	302,900	201,300	28,600	-

Historical growth trends and qualified population projections should be strongly considered in forecasting future growth in water and wastewater demands over a 20 to 30-year horizon. The best sources of information in Virginia on population trends and growth projections are the U. S. Census Bureau, Virginia Employment Commission and The Weldon Cooper Center at the University of Virginia. Table 2-3 summarizes historical population trends for both the Town of Berryville and Clarke County, from census information reported by *World Population Review*. Also shown is Weldon Cooper Center for Clarke County (The Weldon Cooper Center does not report data for Towns < 5,000 population). The data reflects “up and down” patterns of growth typical for actual historical data over the past 57 years, with higher growth in the 1980s and the 2000s. Recent growth averaged over several years fall into a range of 0.28% to 1.25% per year.

Table 2-3
Berryville and Clarke County Population

Source 1: World Population Review: Reporting Claims Using U S Census Data and Census Estimates

Source 2: University of Virginia Weldon Cooper Center, Demographics Research Group (2017), Virginia Population Projections. Retrieved from https://demographics_coopercenter.org/virginia-population-projection

Year				Average Annual Growth		
	Town Population	County Population		Town	County	
	Source 1	Source 1	Source 2		Source 1	Source 2
1960			7,942			
1970			8,102			0.20%
1980			9,965			2.09%
1990	3,097	12,101	12,101			1.96%
2000	2,963	Not Provided	12,652	-0.44%		0.45%
2010	4,179	14,011	14,034	3.50%		1.04%
2011	4,222	14,187	14,211	1.03%	1.26%	1.26%
2012	4,237	14,242	14,276	0.36%	0.39%	0.46%
2013	4,246	14,250	14,148	0.21%	0.06%	-0.90%
2014	4,264	14,320	14,323	0.42%	0.49%	1.24%
2015	4,266	14,255	14,206	0.05%	-0.45%	-0.82%
2016	4,286	14,322	14,240	0.47%	0.47%	0.24%
2017	4,338	14,508	14,312	1.21%	1.30%	0.51%
Total 1990 to 2017				1.25%	0.67%	0.62%
Total 2000 to 2017				2.27%	Not Available	0.73%
Total 2010 to 2017				0.54%	0.50%	0.28%

Table 2-4 provides future population growth projections published by the Virginia Employment Commission and The Weldon Cooper Center for Clarke County (projections on Town of Berryville were not found within the data published by these agencies). The computation of average annual growth rates over periods of 20 to 30 years from these projections are highly consistent, varying between 0.42% per year to 0.47% per year. The Town of Berryville Planning and Zoning Department reports that in recent years growth within the Town's utility service area has been observed to be "slightly" higher than Clarke County. For the purpose of this rate study, it will be assumed that the growth of demand for water and wastewater within the Town's systems will be forecasted as 0.50% per year.

Table 2-4

Forecasted Growth Rate - Clarke County

Source 1: Town of Berryville Planning and Zoning, October 15, 2018,

Quoted from Clarke County Community Profile at Virginia Employment Commission

Source 2: University of Virginia Weldon Cooper Center, Demographics

Research Group (2017), Virginia Population Projections. Retrieved from

https://demographics_coopercenter.org/virginia-population-projection

	Population		Annual Average Growth Rate	
	Source 1	Source 2	Source 1	Source 2
2010	14,034	14,034		
2015		14,206		0.24%
2020	14,337		0.21%	
2025		14,801		0.41%
2030	15,266		0.63%	
2035		15,615		0.54%
2040	15,965		0.45%	
2045		16,315		0.44%

Average Rate 2010 - 2030	0.42%	
Average Rate 2010 - 2040	0.43%	
Average Rate 2015 - 2035		0.47%
Average Rate 2015 - 2045		0.46%

Table 2-5 uses this 0.50% per year average demand to forecast water and sewer metered customer consumption demands over the next 20 years. Current demand is segregated by customer class and represented as inside or outside the Town's limits based on customer billing data provided by the Town. Forecast growth is assigned to customer class and inside or outside Town limits based on a straight-line projection from current class of use toward build-out using the current classification of land use for future development provided by the Town's Planning and Zoning Department. As noted previously in this report, a greater amount of the future growth is projected on land that is presently outside Town limits.

Table 2-5
Forecasted Future Average Day Billed Consumption for Town of Berryville

Customer Class	Current Annual Average Daily Billed		Forecasted Annual Average Daily Billed Consumption (MGD)							
			2025		2030		2035		2040	
	Inside Town Limits	Outside Town Limits	Inside Town Limits	Currently Outside Town Limits	Inside Town Limits	Currently Outside Town Limits	Inside Town Limits	Currently Outside Town Limits	Inside Town Limits	Currently Outside Town Limits
Water Service										
SF Residential	0.169	0.002	0.170	0.005	0.171	0.008	0.172	0.011	0.173	0.014
MF Residential	0.015	0.000	0.015	0.000	0.015	0.001	0.016	0.001	0.016	0.002
Commercial	0.022	0.000	0.025	0.000	0.028	0.000	0.032	0.000	0.035	0.000
Institutional	0.031	0.013	0.031	0.013	0.031	0.014	0.031	0.014	0.032	0.014
Industrial	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000
Totals	0.267	0.015	0.271	0.018	0.276	0.023	0.281	0.026	0.285	0.030
	0.282		0.289		0.299		0.307		0.316	
Wastewater Service										
SF Residential	0.167	0.000	0.168	0.003	0.169	0.006	0.170	0.009	0.171	0.012
MF Residential	0.015	0.000	0.015	0.000	0.015	0.001	0.016	0.001	0.016	0.002
Commercial	0.021	0.000	0.024	0.000	0.027	0.000	0.031	0.000	0.034	0.000
Institutional	0.032	0.014	0.032	0.014	0.032	0.015	0.032	0.015	0.033	0.015
Industrial	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000	0.030	0.000
Totals	0.265	0.014	0.269	0.017	0.273	0.022	0.279	0.025	0.284	0.029
	0.279		0.286		0.295		0.304		0.313	

An important part of capital planning is an understanding if the capacity of the utility system can meet projected future demands. The projected 2040 average day customer metered consumption of 315,000 gallons per day for water and 313,000 gallons per day for wastewater are both well within the current capacities for the treatment facilities (864,000 gallons per day water treatment and 700,000 gallons per day wastewater treatment) and further provide adequate excess capacity to meet expected peak demands. The Town is presently updating its analysis of the full capacity of the water distribution system through a calibrated computer model and it is recommended the Town consider a similar updated analysis of its sewer collection system.

3. Evaluation of Assets

Water and wastewater utilities are capital intensive. Expensive underground pipelines, pumping stations, storage tanks, river intake facilities, and treatment facilities require significant funding for construction, operation and maintenance, and for adequate repair, renewal or replacement as facilities age. Without proper assets and asset care, the utility will fail to continuously provide a reliable level of service. Community citizens expect this high level of service to be maintained 24 hours per day, 7 days per week, and every day of the calendar year. Operation and maintenance should be planned, executed and documented, and a condition of the assets should be regularly assessed.

The Town of Berryville is to be commended for initiating an asset management program through this study to provide an initial assessment of the condition of the assets of the water and wastewater systems. The scope of this work includes relying upon a review of existing available information provided by the Town together with some engineering judgment from Pennoni's Senior Engineer who has performed previous inspection and design work for the Town. The scope of this study did not include a visual inspection of the assets or a detailed assessment. The review did include review of the Town's fixed asset data and available information regarding initial construction, material, age, and reported significant improvements made after initial construction. Data on underground water distribution and sewer collection system assets were obtained from the Town's water and wastewater data within the Clarke County GIS database. Expected service life was estimated from engineering judgment using experience within the water and wastewater industry based on basic types of material or design, understanding of the quality of manufacture at time of installation, maintenance history available, and any other known related factors. This study then provides a budget that assumes the full replacement of the asset once the estimated remaining life is complete. This evaluation is considered a useful guide to preparing an initial financial estimate to maintain the reliability of aging assets, but beyond this study it is recommended that a more detailed condition assessment be considered, particularly as assets approach the time of expected replacement, to confirm the appropriate actions that are optimal in the actual expenditure of funds. Sometimes full replacement is the optimal solution, whereas other times some significant repair or partial replacement that extends the life of the asset can be more cost-effective over the long-term. The optimal solution comes through later detailed assessment.

Water System

The assets of the Berryville water system generally function adequately to meet the system demand and level of service with limited interruptions. Small local interruptions are sometimes necessary to isolate small areas of the system for repair of water main breaks, but large-scale interruptions are minimal. Like many water systems across the United States, some of the water system assets are aging at or near the expected service life. Table 3-1 provides a 20-Year replacement schedule for water system assets estimated to reach the end of life within the next 20 years in their present condition. The assets in this table have significant above-ground structures, referred to as vertical assets. Table 3-2 provides a separate 20-Year replacement schedule for underground water main pipe and appurtenances referred to as horizontal assets. The combination of vertical and horizontal assets provides the complete fixed assets of the water system.

Tables 3-1 and 3-2 are summarized from an Excel spreadsheet with the summary listing only those assets expected to reach end of life within the next 20 years, based on available information. The larger spreadsheet provides a listing of all water system vertical and horizontal assets, along with estimated remaining service life, date of replacement, and estimated cost of replacement in 2019=\$. The spreadsheet is being provided separately in electronic form to the Town of Berryville, providing a way that these spreadsheets become a living document to be amended as further conditions are assessed and adjustment to the schedules are made.

Table 3-1
Vertical Assets of the Berryville Water System - 20-Year Replacement
Schedule

	Type of Asset	Estimated Replacement Year	Budgeted Replacement Cost (2019=\$)
Shenandoah River Intake	Equipment	2026	\$ 520,000
	Land	2026	\$ 50,000
Raw Water Pumping Station	Equipment	2026	\$ 340,000
Berryville Water Treatment Plant	Building	2026	\$ 2,500,000
	Equipment	2026	\$ 13,000,000
Finished Water Pumping Station	Equipment	2019	\$ 260,000
Booster Pump Station to Zone 808	Building	2032	\$ 250,000
	Equipment	2032	\$ 715,000
			\$ 17,635,000

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Table 3-2**Horizontal Assets of the Berryville Water System - 20-Year Replacement Schedule**

	Diameter (in)	Total Length (linear feet) or Quantity (Ea)	Budgeted Replacement Year	Budgeted Replacement Cost (2019=\$)	Comments
Cast Iron Water Main	2	350	2024	\$ 30,000	To be replaced with 6"/8" DI
	4	1500	2024	\$ 204,750	To be replaced with 12" DI
		4000	2028	\$ 338,000	To be replaced with 6"/8" DI
		5000	2028	\$ 422,500	To be replaced with 6"/8" DI
		4000	2035	\$ 338,000	To be replaced with 6"/8" DI
	6	3000	2026	\$ 253,500	To be replaced with 6"/8" DI
		3000	2028	\$ 253,500	To be replaced with 6"/8" DI
		3000	2025	\$ 253,500	To be replaced with 6"/8" DI
		1500	2035	\$ 135,200	To be replaced with 6"/8" DI
	8	1000	2026	\$ 84,500	
		2000	2028	\$ 169,000	
		5000	2030	\$ 422,500	
		3000	2035	\$ 253,500	
PVC Water Main	10	20100	2040	\$ 1,829,100	Finished water transmission main. May have to be replaced earlier.
Transite Water Main	4	1500	2022	\$ 126,750	To be replaced with 8" DI
	4	1500	2024	\$ 126,750	To be replaced with 8" DI.
Galvanized Steel Water Main	1	500	2024	\$ 76,050	To be replaced with 6" DI
	2	1500	2024	\$ 126,750	To be replaced with 6" DI
Water Meters: Option 1		1700	2022	\$ 600,000	With installation, retain current function
Water Meters: Option 2		1700	2022	\$ 1,200,000	With installation, software and training to operate smart meter system
Total with Meter Option 1				\$ 6,043,850	
Total with Meter Option 2				\$ 6,643,850	

Notes:

1. Water main appurtenances such as gate valve and other fittings are included with main replacement. Service connections and meter boxes
2. The Town of Berryville presently provides \$400,000 in its Capital Improvement Program to replace all water meters in 2022 with meters using similar reading technology. The water industry today also offers "smart" meters which transmit data continuously and electronically, eliminating the need for personnel for most meter reading, providing data for trending of peak use and prompt leak detection, and allowing for advanced customer service when combined with a web-based customer portal. A "smart" system for a community the size of the Town of Berryville would cost about \$1.2 million plus \$20,000 per year in licensing costs.

The most significant asset in Tables 3-1 and 3-2 shown for replacement in the next 20 years is the Water Treatment Plant, at a cost of \$15,500,000, scheduled for 2026. Also included are replacement of aging cast iron, galvanized iron, and Transite water mains. These projects will require considerable funding and could have a significant effect on the Town's water rates. Possible strategies for funding will be further discussed below and in the next chapter of this report. Total replacement cost for end life assets within 20 years is estimated to be \$23.5 million, or an average of \$1.18 million per year. This compares to a capital improvement investment by the Town in its FY 2018-19 budget of \$500,845, of which \$300,000 was funded by reserves.

Another significant asset obtaining much attention in the discussions of this study are the water meters, which the Town has scheduled in its CIP for replacement in 2022 at a budget of \$400,000. In today's market the specifications for water meters can vary significantly depending upon whether a utility desires to know customer consumption only once per billing cycle or obtain data on weekly, daily, and even hourly patterns through "smart" meters that are digital and can transmit data electronically from the meter to a database server. "Smart" meters allow better understanding of usage

patterns for faster leak detection, better customer service, and better water system planning, and though they cost more initially they can lead to cost savings in the longer run.

Through a “budget” level review of water meter options it was concluded that \$400,000 is sufficient to cover the capital cost of replacing all water meters in the Town’s system with meters performing an equal function to the present, however, \$600,000 would be a more appropriate budget if the Town intends to also contract the cost of installation. Option 1 in Table 3-2 summarizes this option.

Option 2 describes a “smart” meter option. In order to provide the capability for all new meters to transmit meter reading by an electronic signal, an additional \$350,000 to \$400,000 is recommended to be budgeted depending on whether the transmission is a fixed polling system that can read all meters nearly continuously, or transmission is to a mobile vehicle with local polling capability. With the further addition of software and personnel training and licensing to provide customer service and analytical capability, it would be suggested that a total budget of up to \$1,200,000 be considered.

Wastewater System

Similar to the water system assets, all the wastewater system assets have been identified on an Excel spreadsheet, that includes an estimated service life and replacement costs in 2019=\$. Table 3-3 summarizes vertical assets and Table 3-4 summarizes horizontal assets expected to reach end of life within 20 years. The Berryville Wastewater Treatment Plant is less than 10 years old and generally expected to be in very good condition, but the advanced filtering membranes are expected to be replaced every 10 years, at a pre-purchased cost of \$1,120,000 (2019=\$), and some plant process equipment will reach end of life within the next 20 years. Several horizontal assets, including aging concrete gravity sewer pipe, aging cast iron force main, and up to 275 older manholes are shown for replacement within 20 years. Total replacement cost for end life assets within 20 years is estimated to be \$11.3 million, or an average of near \$565,000 per year. This compares to a capital improvement investment by the Town in its FY 2018-19 budget of \$300,225, of which \$15,000 was funded by reserves.

Table 3-3
Vertical Assets of the Berryville Wastewater System - 20-Year Replacement
Schedule

	Type of Asset	Estimated Replacement Year	Budgeted Replacement Cost (2019=\$)
Lift Station 1	Building	2021	\$ 75,000
	Equipment		\$ 130,000
Lift Station 2	Building	2022	\$ 75,000
	Equipment		\$ 130,000
Lift Station 3	Equipment	2030	\$ 260,000
Lift Station 4	Equipment	2030	\$ 260,000
Lift Station 5	Equipment	2030	\$ 130,000
Lift Station 6	Equipment	2030	\$ 325,000
Berryville Wastewater Treatment Plant	Membranes	2023	\$ 1,120,000
	Equipment	2029	\$ 150,000
	Membranes	2033	\$ 1,120,000
	Equipment	2034	\$ 1,950,000
			\$ 5,725,000

Table 3-4

Horizontal Assets of the Berryville Wastewater System - 20-Year Replacement Schedule

	Diameter (in)	Total Length (linear feet) or Quantity (each)	Budgeted Replacement Year	Budgeted Replacement Cost (2019=\$)	Comments
PVC Sewer Gravity Main	6	1000	2025	\$ 124,000	To be replaced with 8" PVC
Concrete Gravity Sewer Main	4	500	2026	\$ 62,000	To be replaced with 8" PVC
	8	15000	2026	\$ 1,853,000	To be replaced with 8" PVC
		4000	2026	\$ 494,000	To be replaced with 8" PVC
		3000	2026	\$ 371,000	To be replaced with 8" PVC
		1000	2026	\$ 124,000	To be replaced with 8" PVC
Concrete Gravity Sewer Main (Lined)	4	1000	2035	\$ 124,000	To be replaced with 8" PVC
	8	3000	2026	\$ 371,000	To be replaced with 8" PVC
		2000	2026	\$ 124,000	To be replaced with 8" PVC
		2000	2026	\$ 247,000	To be replaced with 8" PVC
		1000	2035	\$ 247,000	To be replaced with 8" PVC
Sanitary Sewer Manholes		225	2026	\$ 900,000	
		50	2035	\$ 200,000	
Cast Iron Sanitary Sewer Force Main	8	2500	2035	\$ 334,000	
				\$ 5,575,000	

4. Revenue Requirements and Future Rates

A very important component of utility rate setting is to understand the operating and capital renewal goals of the Town for its utility systems, and perform the following: (1) analyze existing budget and audit data to thoroughly understand existing costs; (2) develop revenues and costs under existing rates for a test year or normalized year valued as typical and average for the Town without anomalies such as weather that may skew costs or revenues during unusual periods; then (3) use the test year to predict future financial performance under the existing rates and establish the amount of the need for additional revenue. A further part of developing utility rates is public acceptance, which in part can be understood by comparing the Town's existing rates to nearby communities similar in characteristics to the Town. This chapter of the report begins with a comparison of rates with other communities, addresses water availability fees, then presents the results of the financial review and quantifies the need for additional revenue to meet the Town's objectives. These objectives include implementing a prudent replacement program for assets at the end of service life as addressed in Chapter 3.

Comparison of Rates with Other Communities

Utility rates must generate sufficient financial capital to maintain water and sewer system assets to a reliable level of performance that meets community expectations. To the extent consistent with this goal, the rates themselves should attempt to be acceptable to the community and should be fair and reasonable. An important part of rate consideration is to make comparisons with the utility rates and rate structure of other nearby communities that demographically and geographically similar to the Town of Berryville. For comparison purposes, the following eight communities were selected for this study — In Virginia: Frederick County Sanitation Authority (Frederick Water); Town of Front Royal; Town of Luray; Town of Purcellville; Town of Round Hill; and City of Winchester. In West Virginia: Charles Town Utility Board and City of Martinsburg.

Similar to the current Town of Berryville rates, each of the eight communities has a minimum charge for a customer account per billing cycle with a consumption allowance, and a volumetric charge for consumption above the minimum allowance. The Town of Round Hill has a flat volumetric charge that remains the same for each additional 1,000 gallons of consumption, like Berryville, but the other seven communities have tiered volumetric rates where the rate per 1,000 gallons changes as consumption moves from one block to the next block. Four of the tiered rates are declining, and three are inclining. Four of the eight communities charge higher rates to customers outside of the corporate limits of the city or town providing the service.

All eight communities, like Berryville, require a system development charge (sometimes called "availability fee", "capital cost fee", or "facility fee") for new connections to the system, to help defray the costs of providing the higher system capacity required for the new service. Seven of the eight communities determine the fee for the new connection based upon the capacity of the water meter needed for the service, like Berryville. Charles Town uses a schedule listing types of facilities (e.g., restaurant, office building, etc.) and size of the development to determine the fee. System Development Charges (Town of Berryville calls "Availability Fee") are often based on water meter size and AWWA declares this an acceptable method. Some would argue that a schedule of facilities is more accurate, but implementing that approach comes with higher administrative costs and is rarely used by smaller communities.

Since fee structures are designed differently, the best means to compare the cost of water and sewer service between multiple communities is by selecting specific values of monthly metered consumption and comparing the cost in each community for that particular volume of use. Table 4-1, and Figures 4-1 and 4-2 compare the Town of Berryville to each of the eight communities for monthly water and sewer charges for a metered consumption of 3,000 gallons per month, 10,000 gallons per month, and 20,000 gallons per month.

Table 4-1

**Comparison of Water and Sewer Charges for Selected Monthly Consumption
Based on Rate Schedules Published on Internet as of February 2019**

	3,000 Gallons Per Month			10,000 Gallons Per Month			20,000 Gallons Per Month		
	Water	Sewer	Total	Water	Sewer	Total	Water	Sewer	Total
Town of Berryville VA	\$ 25.20	\$ 51.00	\$ 76.20	\$ 84.00	\$ 170.00	\$ 254.00	\$ 168.00	\$ 340.00	\$ 508.00
Charles Town Utility Board WV	30.99	38.26	69.25	103.30	99.79	203.09	191.20	187.69	378.89
Frederick Water VA	30.41	51.64	82.05	60.65	87.83	148.48	103.85	139.53	243.38
Town of Front Royal VA	29.76	48.51	78.27	89.33	145.88	235.21	174.43	284.98	459.41
Town of Luray VA	35.67	47.24	82.91	72.07	96.03	168.10	125.07	167.13	292.20
City of Martinsburg WV	23.32	30.13	53.45	73.16	94.46	167.62	144.36	186.36	330.72
Town of Purcellville VA	34.41	61.47	95.88	90.50	169.90	260.40	204.40	324.80	529.20
Town of Round Hill VA	24.90	28.83	53.73	83.00	96.10	179.10	166.00	192.20	358.20
City of Winchester VA	45.58	34.89	80.47	90.24	116.30	206.54	154.04	232.60	386.64

Figure 4-1: Comparison of Water Charges/Month (\$)

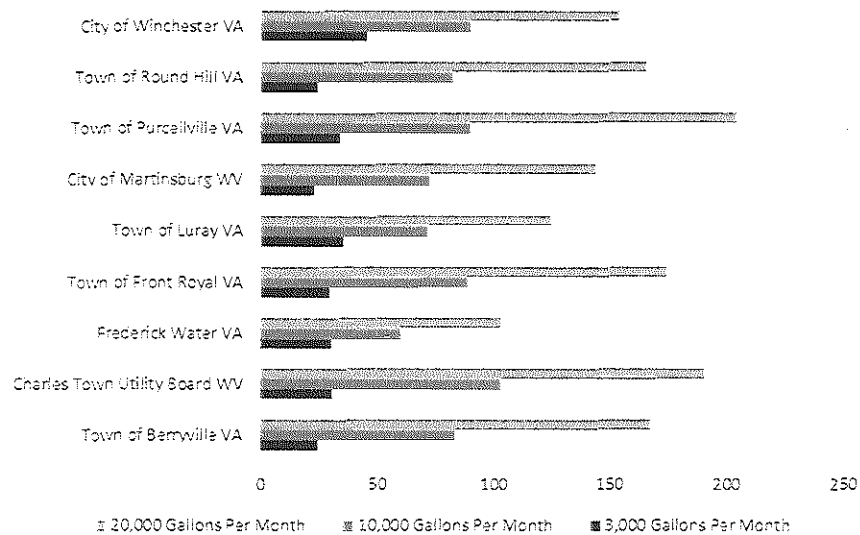
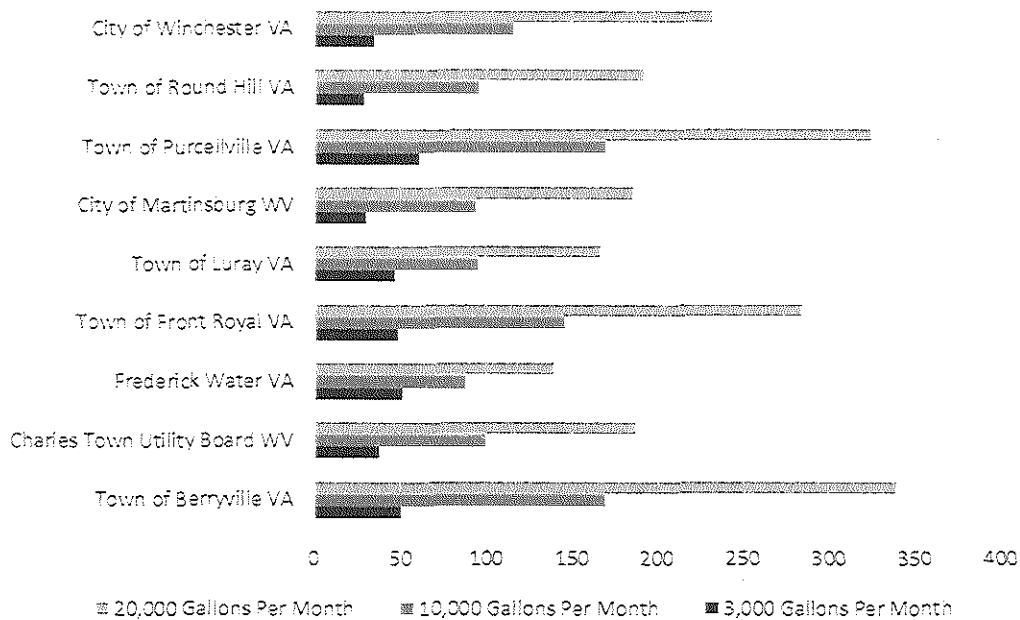


Figure 4-2: Comparison of Sewer Charges/Month (\$)



At a consumption of 3,000 gallons per month, which is slightly above the median residential water bill, the Town of Berryville has the third lowest water rates and the third highest sewer rates of the nine communities shown in Table 4-1. The total water and sewer bill at 3,000 gallons per month use is fourth of nine from the lowest, or near the median. At a consumption of 10,000 gallons per month, Berryville's water rates are the fourth highest of nine, and the sewer rates are the highest, with the total bill the second highest. At 20,000 gallons per month, Berryville remains near the median for water service and highest for sewer service, and second highest overall. This comparison would suggest that the Town of Berryville has very competitive rates at 3,000 gallons per month consumption but becomes less competitive based on the higher sewer charges for customers whose use approaches or exceeds 10,000 gallons per month.

Table 4-2 shows the distribution of water consumption by number of accounts within each major customer class for the Town of Berryville, from billing data averaged over a one-year period between September 2017 and August 2018. Customer classes shown include Residential both within and outside the Town limits, Commercial both within and outside the Town limits, and Industrial. Within this table Multi-Family and Institutional customers are shown as a part of the Commercial class. Within the one-year period as defined above, all Industrial customers were inside the Town limits. Most of the Town customers are Inside residential. Looking more closely at the Residential – Inside Town class, 60% of these customers use 3,000 gallons per month or less, and 90% use 6,000 customers or less. So, while the data suggests the Town's rates become less competitive at consumption of 10,000 gallons per month and higher, these higher rates affect only a small number of the highest consumers of water and sewer service.

Table 4-2**Town of Berryville - Distribution of Water Consumption by Account for Typical Month**

Source: Town of Berryville Utility Billing System - Averaged from Meter Reading and Billing Data from September 2017 through September 2018

Metered Consumption (1000 gallons)	Residential - Inside Town Limits		Residential - Outside Town Limits		Commercial ¹ - Inside Town Limits		Commercial - Outside Town Limits		Industrial ²	
	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to	No. of Accounts	Percent of Accounts Consuming Less Than or Equal to
-	92	6.1%	1	7.7%	39	21.4%	2	11.8%	3	25.0%
1	209	20.0%	3	30.8%	38	42.3%	0	11.8%	2	41.7%
2	312	40.7%	3	53.8%	19	52.7%	1	17.6%	1	50.0%
3	296	60.4%	2	69.2%	13	59.9%	1	23.5%	1	58.3%
4	223	75.2%	2	84.6%	9	64.8%	1	29.4%	0	58.3%
5	147	84.9%	1	92.3%	7	68.7%	1	35.3%	0	58.3%
6	89	90.8%	0	92.3%	6	72.0%	1	41.2%	1	66.7%
7	53	94.4%	0	92.3%	6	75.3%	1	47.1%	0	66.7%
8	34	96.6%	0	92.3%	3	76.9%	1	52.9%	0	66.7%
9	20	97.9%	0	92.3%	4	79.1%	1	58.8%	0	66.7%
10	12	98.7%	0	92.3%	3	80.8%	1	64.7%	0	66.7%
11 - 20	16	99.8%	1	100.0%	16	89.6%	2	76.5%	1	75.0%
21 - 50	2	99.9%	0	100.0%	10	95.1%	2	88.2%	1	83.3%
51 - 100	1	100.0%	0	100.0%	5	97.8%	1	94.1%	0	83.3%
Greater Than 100	0	100.0%	0	100.0%	4	100.0%	1	100.0%	2	100.0%

Notes:

¹For purposes of this table, accounts in billing system identified as Multi-Family and Institutional are grouped with Commercial.

²There were no industrial accounts in the billing system identified as Outside Town Limits

With respect to Availability Fees, the Town of Berryville is at the median by comparison with the other eight communities for the water utility (for an equivalent residential unit four communities charge higher fees and four charge lower fees) but is the highest of all nine communities with respect to wastewater fees. Table 4-3 depicts this comparison.

Table 4-3**Comparison of System Development Charges¹ (Availability Fee) for New Service Connection
Equivalent to One Residential Unit (5/8-inch Water Meter)**

	Water	Sewer	Total
Town of Berryville VA	\$ 5,250.00	\$ 22,750.00	\$ 28,000.00
Charles Town Utility Board WV	2,576.00	1,127.00	3,703.00
Frederick Water VA	14,115.00	2,461.00	16,576.00
Town of Front Royal VA	4,340.00	9,750.00	14,090.00
Town of Luray VA	3,320.00	5,940.00	9,260.00
City of Martinsburg WV	1,301.00	2,260.00	3,561.00
Town of Purcellville VA	25,754.00	21,600.00	47,354.00
Town of Round Hill VA	8,197.23	12,676.23	20,873.46
City of Winchester VA	5,300.00	7,200.00	12,500.00

¹Separate Fees for cost of service lateral and meter/meter box not included

When considering the future need to raise additional revenue, the Town should also consider what actions other communities are likely to take. One of the eight communities surveyed, the City of Winchester, has published its proposed rates through FY 2022-23. Winchester proposed annual increases over the next four years compounding to a total of 34%, or an average of 7.5% per year. Studies published nationally by organizations such as the American Water Works Association suggest that water and sewer rates are increasing an average of about 4% per year nationally, in response to new regulations, growth, and aging infrastructure.

Water System Availability Fees

The Town's Availability Fees, referenced generically by the American Water Works Associations (AWWA) as System Development Charges, represent the costs of providing the additional systemwide capacity to serve new customers. The laws of the Commonwealth of Virginia permit these charges but require that the charges are "fair and reasonable". AWWA provides discussion in its manual of practice on Principles of Water Rates, Fees, and Charges that offer additional guidance toward what the industry considers fair and reasonable, but also defers water utilities specifically to its legal counsel regarding specific questions of legal interpretation. The proposal offered in this report regarding Availability Fees follows guidance in the AWWA manual but it is also strongly recommended that the Town review this proposal with the Town Attorney for an opinion on the appropriate application of the law to the specific and unique circumstances of the Town's water and wastewater systems before any action is taken regarding the proposal herein or any other proposal.

AWWA suggests there should be a rational nexus between Availability Fees and the reasonable expected added costs to a particular water system to provide expanded capacity for new service to its system. AWWA goes on to list several factors to consider in providing that a "proportionate share be borne by new development." Three methods are defined: a "buy-in" method, an incremental cost method, and a combined cost method. The "buy-in" method is the best and fairest approach for a community like Berryville that has sufficient capacity already provided by existing customers for capacity expansion over a reasonable period, the incremental method works best for a utility at or near existing capacity and facing the need for a capital program that would not be necessary except to expand capacity, and the combined method is best for communities where some functions of its system have extra capacity and other functions need capital improvements to expand.

From the review of assets summarized in the previous chapter, the Town of Berryville has available capacity in all major functional aspects to provide additional capacity to and beyond 2040. From Table 2-5, the future forecast for annual average daily billed water consumption for the Town in 2040 is 0.315 million gallons per day, or 315,000 gallons per day. The existing water system for the Town of Berryville has a river intake and water treatment capacity of 864,000 gallons per day and a raw water pumping station capacity of 786,000 gallons per day, and a treatment water pumping station capacity of 754,000 gallons per day. Though the capacity of pumping and treatment facilities must also consider non-revenue water uses, water plant uses, and peak daily capacity needs, as shown in Table 4-4, the existing system capacities remain sufficient to provide future needs. It is also understood that the water distribution system has excess capacity, which should be confirmed by updated calibration and analysis of water system modeling, to confirm the specific capacity available.

Table 4-4
Capacity of Water System Functions

Demand Factors:

<i>Assumed Losses in Raw Water Transmission</i>	2%
<i>Water Supplied and Treated but Not Pumped to Transmission (%)</i>	10.5%
<i>Water Supplied and Treated but Not Metered to Customer (%)</i>	13.3%
<i>Maximum Day to Average Day Ratio</i>	1.6
<i>Annual Growth Rate</i>	0.5%

	Capacity (MGD)	Demand Factor	Average Current Monthly Metered Consumption (MGD)	Capacity Used by Existing Customers (MGD)	Capacity Available for New Customers (MGD)	% of Capacity Available	Current Capacity Forecasted Available in Future Years Based Upon 0.5% Growth Per Year			
							2030	2040	2050	2060
Water Supply	0.786	2.04	0.282	0.576	0.210	26.7%	22.6%	18.6%	14.5%	10.1%
Water Treatment	0.864	2.00		0.565	0.299	34.6%	30.9%	27.4%	23.7%	19.8%
Water Transmission Pumping	0.754	1.81		0.511	0.243	32.2%	28.4%	24.7%	20.9%	16.9%

Given the Town of Berryville system has reasonable excess capacity and is not planning capital improvements for increasing its existing capacity except for upsizing on three minor projects replacing water distribution mains, the “buy-in” method is the proper method for looking at Availability Fees. This study constructs that method though the listing of assets summarized in chapter 3 of this report and valuing them based on the current replacement cost. AWWA accepts this method and refers to it as “Replacement Cost New”.

The value obtained from this method is then divided by the number of equivalent residential units (ERUs) in the system to determine a cost per ERU. The Town’s billing system separates customers into classes, and by evaluating the single-family residential class through billing data between September 2017 through August 2018, which was an average and typical year, average consumption per account was 113 gallons per day inside the Town limits and 123 gallons per day outside the Town limits. As stated previously, water system assets also need to account for peaking factors and unmetered water in developing system capacity to serve existing and new customers, and using measured or reasonable assumptions for these added factors, it is reasonable to conclude that the water and wastewater systems must provide a capacity of 230 gallons per day for each single-family residence, which is also a 5/8-inch meter connection as an equivalent residential unit. Based on current system capacity, we would conclude that the utility systems have 3,320 capacity units at a 5/8-inch meter size, and the estimated cost of providing system capacity per equivalent residential unit (a 5/8-inch meter) is approximately \$12,100 for the water system and \$13,100 for the wastewater system. The Town should consider its policy objectives, including comparative rates with other communities, and consult with legal advice, in considering if the Town desires to amend its current fees by the amount identified above.

This study also evaluated the water consumption of Multiple-Family residential units as compared to Single-Family residential units, based on data from the Town regarding the number of Multiple-Family units within each billed account. It was concluded from that evaluation that with respect to the Town of Berryville, consumption per residential unit for Multi-Family is about 80% of Single-Family. The Town's current Availability Fee Schedule uses 90%, and it is recommended that the schedule be adjusted to 80%.

In the event the Town wishes to adjust its Availability Fees by the adjustment calculated above, the current and proposed fees for the 5/8-inch meter are shown in Table 4-5. The fees for other meter sizes, like the Town's current Availability Fee structure, can be derived by applying the same multiplication factors as are used for the current fees.

Table 4-5

Existing and Proposed Availability Fees (Meter Charges and Administrative Fees Not Included)

Water Meter Size	Water		Sewer	
	Current Availability Fee	Proposed Availability Fee	Current Availability Fee	Proposed Availability Fee
Single Family Residential: 5/8-inch	\$ 5,250	\$ 12,100	\$ 22,750	\$ 13,100
Townhouse/Duplex: 5/8-inch	5,250	12,100	22,750	13,100
Multi-Family Per Unit	4,725	9,700	20,475	10,500
3/4-inch	7,825	18,000	34,125	20,000
1-inch	13,125	30,300	56,875	33,000
1-1/2-inch	22,970	52,900	99,535	57,000
2-inch	42,000	96,800	182,000	105,000
3-inch	84,000	193,600	364,000	210,000
4-inch	131,250	302,500	568,750	328,000
6-inch	262,500	605,000	1,137,500	655,000

Development of Multiple Year Flow of Funds and Determination of Revenue Requirements

The two core pieces of the scope of this rate study are developing the asset tables with condition assessment and a replacement schedule (summarized in Chapter 3) and the determination of future revenue requirements to maintain operations and implement the asset renewal. The first step in determining future revenue requirements is to determine the revenues and expenses under current rates and current consumption for a typical or average fiscal year, which AWWA refers as a "test year". From the test year, escalating factors are then used to account for future growth in consumption from new connections, expected changes over time in consumption patterns, inflation, salary increases, and other anticipating factors that will increase costs or revenues (at current rates).

In order to develop a test year, this study reviewed six adopted budgets provided by the Town for the Water Fund and Sewer Fund from FY 2014 through FY 2019 at the detailed line-item level, identifying trends as well as anomalies, in order to assess a reasonable test year value. Where expenses or revenues were showing a reasonable and progressive upward trend, more value was placed in the final year as indicative of a test year, but where a line-item showed a haphazard or declining trend, and there was no other explanation of the changes over time, six-year averages were identified for the test year.

The review also included operating and non-operating revenues and operating expenses by line-items reported in the audited financial statements for FY 2013 through FY 2017 (the audit for FY 2018 was not available), and trends from the audited statements were compared to the budgeted forecast for the same line-item or function. In some cases, the audited actual revenues and expenses closely tracked the budgeted amounts, but in many cases audited actual expenses were 10% to 20% below the budgeted amounts. This phenomenon is not unusual, as it is natural in the day-to-day world to manage operations with the overall budget serving as a “not-to-exceed” amount except under extraordinary circumstances. For purposes of developing a test year, audited trends were matched closely with budgeted trends, and the test year was adjusted accordingly, as it is desired that the test year be as true an indication of actual expenditures as is feasible as a base in forecasting future financial performance. Finally, expenses were placed into broader categories. The test year was developed on a cash basis, typical of rate studies performed for most local government agencies.

Table 4-6 shows the test year identified for both the water fund and the sewer (wastewater) fund, in 2019=\$.

Table 4-6
Town of Berryville - Test Year for Revenue and Expense Forecasting

	Water System	Wastewater System
<u>Operating Revenues</u>		
Water Service at Existing Rates	850,000	-
Wastewater Service at Existing Rates	-	1,660,000
Other Fees and Charges	33,000	2,000
<i>Total Operating Revenues</i>	<u>883,000</u>	<u>1,662,000</u>
<u>Operating Expenses</u>		
Wages and Fringe Benefits	(344,000)	(522,000)
Power	(58,000)	(135,000)
Chemicals	(40,000)	(90,000)
Repairs and Maintenance	(136,000)	(141,000)
Other Materials and Supplies	(37,000)	(22,000)
Other Purchases	(56,000)	(84,000)
<i>Total Operating Expenses</i>	<u>(671,000)</u>	<u>(994,000)</u>
<u>Non-Operating Revenues</u>		
Interest on Investments	6,000	9,000
Availability Fees (Existing Rates)	33,000	143,000
Grants and Other Funds	-	-
<i>Non-Operating Revenues</i>	<u>39,000</u>	<u>152,000</u>

With the test year in place, forecasts for revenues (at existing rates) and expenses for future years were developed using the following escalation factors:

- Growth in metered sales = 0.5% per year;
- Increases in salaries and benefits = 3% per year
- Increases in other expenses = 2% per year, except that expenses varying with meter sales (chemicals and electricity) reflect both the 2% per unit cost increase and the 0.5% volume increase = 2.5% per year
- When new debt is incurred it is assumed the terms of a new loan will be 30 years at an interest rate of 4% with uniform annual principle and interest payments

Table 4-7 shows a five-year forecast for the water system as a flow of funds using the test year as a base with the escalation factors above. For capital outlay or contributions, the existing Town of Berryville 2018-23 Capital Improvements Program (CIP) adopted by the Town Council in 2018 was used. As reflected by that CIP, an issuance of new debt with a principal of \$1.75 million is shown in fiscal year 2022.

Table 4-7

Water System Current Year Plus Five-Year Flow of Funds with Existing Capital Improvement Plan at Existing Rates

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
<u>Operating Revenues</u>						
Water Service at Existing Rates	850,000	854,000	858,000	862,000	866,000	870,000
Other Fees and Charges	33,000	33,000	33,000	33,000	33,000	33,000
<i>Total Operating Revenues</i>	<u>883,000</u>	<u>887,000</u>	<u>891,000</u>	<u>895,000</u>	<u>899,000</u>	<u>903,000</u>
<u>Operating Expenses</u>						
Wages and Fringe Benefits	(344,000)	(354,000)	(365,000)	(376,000)	(387,000)	(399,000)
Power	(58,000)	(59,000)	(60,000)	(62,000)	(64,000)	(66,000)
Chemicals	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)
Repairs and Maintenance	(136,000)	(139,000)	(142,000)	(145,000)	(148,000)	(151,000)
Other Materials and Supplies	(37,000)	(38,000)	(39,000)	(40,000)	(41,000)	(42,000)
Other Purchases	(56,000)	(57,000)	(58,000)	(59,000)	(60,000)	(61,000)
<i>Total Operating Expenses</i>	<u>(671,000)</u>	<u>(688,000)</u>	<u>(706,000)</u>	<u>(725,000)</u>	<u>(744,000)</u>	<u>(764,000)</u>
<i>Net Operating Revenue</i>	<u>212,000</u>	<u>199,000</u>	<u>185,000</u>	<u>170,000</u>	<u>155,000</u>	<u>139,000</u>
<u>Non-Operating Revenues</u>						
Interest on Investments	6,000	6,000	6,000	6,000	6,000	6,000
Availability Fees (Existing Rates)	33,000	37,000	37,000	37,000	37,000	37,000
Grants and Other Funds	-	-	-	-	-	-
<i>Non-Operating Revenues</i>	<u>39,000</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>	<u>43,000</u>
<i>Total Revenue Minus Operating Expenses (Net Revenue)</i>	<u>251,000</u>	<u>242,000</u>	<u>228,000</u>	<u>213,000</u>	<u>198,000</u>	<u>182,000</u>
<u>Debt Service</u>						
Payment on Outstanding Bonds	-	-	-	-	-	-
Payment on Proposed Bonds	-	-	-	(35,000)	(129,000)	(129,000)
<i>Total Debt Service</i>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(35,000)</u>	<u>(129,000)</u>	<u>(129,000)</u>
<i>Debt Service Coverage (Net Revenue/Total Debt Service)</i> <i>(Minimum 1.5 Recommended)</i>	NA	NA	NA	6.1	1.5	1.4
<i>Existing CIP Contribution to Capital Expense</i>	(501,000)	(215,000)	(200,000)	(1,750,000)	(120,000)	-
<i>Sale of Bonds</i>	-	-	-	1,750,000	-	-

The end of year balance shows a deficit for 2019 (expected and planned as set aside reserves were programmed for some capital expenses) and a small deficit for 2023, with small surpluses in the other years. Overall, through the end of fiscal year 2024, forecasted revenues fall \$15,000 short of meeting forecasted expenses, which is well below 1% of the total expenses for the period. Only one need is identified which would require further action. In 2024, two years following the forecasted sale of \$1.75 million in new debt, the debt service coverage, which is a ratio of net revenues to debt expenses, falls to 1.4, slightly below the 1.5 minimum recommended as a good financial practice. The coverage ratio could be corrected by an increase in water rates in 2024 by 2%, which would also correct the \$15,000 overall deficit for the 2019-2024 period.

Table 4-8 provided a similar analysis for the wastewater system. Payments on an existing VRA Loan for the new wastewater treatment plant are shown in this table, but no new debt was programmed into the adopted CIP through 2023. This forecast shows one year in deficit, but all other years in surplus, with an overall surplus for the period of \$42,000.

Table 4-8

Wastewater System Current Year Plus Five-Year Flow of Funds with Existing Capital Improvement Plan at Existing Rates

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
<u>Operating Revenues</u>						
Wastewater Service at Existing Rates	1,660,000	1,668,000	1,676,000	1,684,000	1,692,000	1,700,000
Other Fees and Charges	2,000	2,000	2,000	2,000	2,000	2,000
<i>Total Operating Revenues</i>	<u>1,662,000</u>	<u>1,670,000</u>	<u>1,678,000</u>	<u>1,686,000</u>	<u>1,694,000</u>	<u>1,702,000</u>
<u>Operating Expenses</u>						
Wages and Fringe Benefits	(522,000)	(538,000)	(554,000)	(571,000)	(588,000)	(606,000)
Power	(135,000)	(138,000)	(141,000)	(145,000)	(149,000)	(153,000)
Chemicals	(90,000)	(92,000)	(94,000)	(96,000)	(98,000)	(100,000)
Repairs and Maintenance	(141,000)	(144,000)	(147,000)	(150,000)	(153,000)	(156,000)
Other Materials and Supplies	(22,000)	(22,000)	(22,000)	(22,000)	(22,000)	(22,000)
Other Purchases	(84,000)	(86,000)	(88,000)	(90,000)	(92,000)	(94,000)
<i>Total Operating Expenses</i>	<u>(994,000)</u>	<u>(1,020,000)</u>	<u>(1,046,000)</u>	<u>(1,074,000)</u>	<u>(1,102,000)</u>	<u>(1,131,000)</u>
<i>Net Operating Revenue</i>	668,000	650,000	632,000	612,000	592,000	571,000
<u>Non-Operating Revenues</u>						
Interest on Investments	9,000	9,000	9,000	9,000	9,000	9,000
Availability Fees (Existing Rates)	143,000	159,000	159,000	159,000	159,000	159,000
Grants and Other Funds	-	-	-	-	-	-
<i>Non-Operating Revenues</i>	<u>152,000</u>	<u>168,000</u>	<u>168,000</u>	<u>168,000</u>	<u>168,000</u>	<u>168,000</u>
<i>Total Revenue Minus Operating Expenses (Net Revenue)</i>	820,000	818,000	800,000	780,000	760,000	739,000
<u>Debt Service</u>						
Payment on Outstanding Bonds	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)
Payment on Proposed Bonds	-	-	-	-	-	-
<i>Total Debt Service</i>	<u>(470,000)</u>	<u>(470,000)</u>	<u>(470,000)</u>	<u>(470,000)</u>	<u>(470,000)</u>	<u>(470,000)</u>
<i>Debt Service Coverage (Net Revenue/Total Debt Service)</i> <i>(Minimum 1.5 Recommended)</i>	1.7	1.7	1.7	1.7	1.6	1.6
<i>Existing CIP Contribution to Capital Expense</i>	(300,000)	(255,000)	(240,000)	(810,000)	(250,000)	-
<i>End of Year Balance (Surplus/Deficit)</i>	50,000	93,000	90,000	(500,000)	40,000	269,000

The overall financial performance in Tables 4-7 and 4-8 looks good, but the existing CIP behind this performance does not include the asset replacement program developed in Chapter 3 of this report. The pathway portrayed in these two tables would continue to postpone the renewal of aging assets, which would ultimately lead to a failure of assets, including critical assets that may result in significant consequences to public health, the environment, or interruptions in metered sales and financial performance. In short, though appealing in the short-term, the performance shown in Tables 4-7 and 4-8 is not sustainable in the long-term. The Town recognized this shortfall in requesting that an evaluation of assets be conducted as a part of this study.

Tables 4-9 and 4-10 produce a similar multi-year view of water system financial performance but is different from Table 4-7 in reflecting the asset capital replacement program from Chapter 3 as the Capital Improvement Program instead of the currently adopted one. An additional escalation factor was added: the asset replacement tables in Chapter 3 provide estimates for all projects in 2019=\$, these estimates are escalated in Tables 4-9 and 4-10 by 2% per year for every year

after 2019. Further, inasmuch as the asset replacement program shows a large expenditure in 2026 which would require the building of additional financial reserves in earlier years, Tables 4-9 and 4-10 are extended to forecast performance through 2027. A line is added to Operating Revenues to identify additional revenue to be derived by increasing water rates, and a line at the bottom of the Tables shows the increase as a percentage of the rates in place before each increase. The objective in these tables were to deliver the asset replacement program developed in Chapter 3 for all years through 2027, maintain uniform annual percentage increases of water rate revenue optimized to produce the lowest percentage increase that maintains positive reserves and maintains adequate debt coverage (ratio = 1.5 or greater). In order to achieve each of those objectives, an iterative process ensued to determine the optimal balance of capital reserves and bond funds to be used to meet the large capital expenditures forecasted in 2026. The 2026 expenditures include replacement of the water treatment plant, raw water pumping station, and the intake on the Shenandoah River.

To achieve the entire asset replacement program, significant uniform annual rate increases are required. Table 4-9 is based upon Option 1 for water meter replacements, budgeted at \$600,000 in FY 2022 using available water capital reserves, and Table 4-10 is based upon Option 2 for water meter replacements, upgrading to "Smart Meters" in FY 2022 at a budget of \$1,200,000 using debt financing. Table 4-9 concludes that annual water revenue increases of 9.6% are required through 2027, whereas in Table 4-10 annual water revenue increases of 10.1% are required.

Table 4-11 produces a forecast for the wastewater system using the asset replacement schedule, which also shows bond funding for a significant capital expenditure programmed for 2026. The 2026 wastewater expenditures are shown for replacement of end-of-life concrete sewer mains, cast iron force mains, and aging sanitary sewer manholes. The wastewater treatment plant is relatively new and does not require significant capital replacement, other than the anticipated replacement of tertiary membranes which have already been factored into the Town's maintenance and collection of financial reserves. The uniform annual rate increase for sewer is 2.4%.

Separate from this report, the Town of Berryville will receive the actual Excel spreadsheets that include the data in Tables 4-9 through 4-11, allowing the Town to make further assumptions and look at multiple "what-if" scenarios.

For a Town customer at the 60th percentile using 3,000 gallons per month, the current water and sewer bill would equal \$76.20 per month. If increases of 10.1% for water and 2.4% for wastewater were adopted for one year, assuming consumption remains unchanged, the total bill would increase to \$79.98, or an additional 5.0% overall. If the same percentage increases were adopted in a second year, the overall bill would increase to \$84.03, or 5.0%. In summary, the impact on the total bill would be about 5% per year.

Table 4-9

Water System Flow of Funds - Asset Replacement Plan Option 1 with Equal Annual Water Rate Increase

	2019	2020	2021	2022	2023	2024	2025	2026	2027
Operating Revenues									
Water Service at Existing Rates	850,000	854,000	858,000	862,000	866,000	870,000	874,000	878,000	882,000
Water Service from Increased Rates	-	82,000	173,000	274,000	385,000	508,000	644,000	794,000	960,000
Other Fees and Charges	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000
Total Operating Revenues	883,000	969,000	1,064,000	1,169,000	1,284,000	1,411,000	1,551,000	1,705,000	1,875,000
Operating Expenses									
Wages and Fringe Benefits	(344,000)	(354,000)	(365,000)	(376,000)	(387,000)	(399,000)	(411,000)	(423,000)	(436,000)
Power	(58,000)	(59,000)	(60,000)	(62,000)	(64,000)	(66,000)	(68,000)	(70,000)	(72,000)
Chemicals	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)	(46,000)	(47,000)	(48,000)
Repairs and Maintenance	(136,000)	(139,000)	(142,000)	(145,000)	(148,000)	(151,000)	(154,000)	(157,000)	(160,000)
Other Materials and Supplies	(37,000)	(38,000)	(39,000)	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)
Other Purchases	(56,000)	(57,000)	(58,000)	(59,000)	(60,000)	(61,000)	(62,000)	(63,000)	(64,000)
Total Operating Expenses	(671,000)	(688,000)	(706,000)	(725,000)	(744,000)	(764,000)	(784,000)	(804,000)	(825,000)
Net Operating Revenue	212,000	281,000	358,000	444,000	540,000	647,000	767,000	901,000	1,050,000
Non-Operating Revenues									
Interest on Investments	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Availability Fees (Proposed Rates)	33,000	84,700	84,700	84,700	84,700	84,700	84,700	84,700	84,700
Grants and Other Funds	-	-	-	-	-	-	-	-	-
Non-Operating Revenues	39,000	90,700	90,700	90,700	90,700	90,700	90,700	90,700	90,700
Total Revenue Minus Operating Expenses (Net Revenue)	251,000	371,700	448,700	534,700	630,700	737,700	857,700	991,700	1,140,700
Debt Service									
Payment on Outstanding Bonds	-	-	-	-	-	-	-	-	-
Payment on Proposed Bonds	-	-	-	-	-	-	-	(272,000)	(786,000)
Total Debt Service	-	-	-	-	-	-	-	(272,000)	(786,000)
Debt Service Coverage (Net Revenue/Total Debt Service):									
Minimum 1.5 Recommended	NA	NA	NA	NA	NA	NA	NA	3.6	1.5
Capital Contributions and Expenses									
Capital Expense Need (from Asset Tables)	(501,000)	-	(31,000)	(741,000)	(32,000)	(861,000)	(413,000)	(16,528,000)	-
"Pay-Go" Contribution to Capital Expense	501,000	-	31,000	741,000	32,000	861,000	413,000	2,928,000	-
Contribution of Bond Sale to Capital Expense	-	-	-	-	-	-	-	13,600,000	-
Contribution from Grants/ Other Outside Capital Revenue	-	-	-	-	-	-	-	-	-
Net Balance	-	-	-	-	-	-	-	-	-
Capital Reserve Balances									
Prior Year End Capital Reserves	1,987,141	1,737,141	2,108,841	2,526,541	2,320,241	2,918,941	2,795,641	3,240,341	1,032,041
"Pay-Go" Contribution to Capital Expense	(501,000)	-	(31,000)	(741,000)	(32,000)	(861,000)	(413,000)	(2,928,000)	-
Addition of Current Year Net Revenues Less Debt Service Payments	251,000	371,700	448,700	534,700	630,700	737,700	857,700	719,700	354,700
New Capital Reserve Balance	1,737,141	2,108,841	2,526,541	2,320,241	2,918,941	2,795,641	3,240,341	1,032,041	1,386,741
Capital Reserves Restricted by Debt Indenture	-	-	-	-	-	-	-	(944,000)	(944,000)
Capital Reserves Available	1,737,141	2,108,841	2,526,541	2,320,241	2,918,941	2,795,641	3,240,341	88,041	442,741
Percent Rate Increase/(Decrease)									
		9.6%	9.6%	9.6%	9.6%	9.6%	9.6%	9.6%	9.6%

Table 4-10

Water System Flow of Funds - Asset Replacement Plan Option 2 with Equal Annual Water Rate Increase

	2019	2020	2021	2022	2023	2024	2025	2026	2027
<u>Operating Revenues</u>									
Water Service at Existing Rates	850,000	854,000	858,000	862,000	866,000	870,000	874,000	878,000	882,000
Water Service from Increased Rates	-	86,000	182,000	289,000	408,000	540,000	686,000	848,000	1,028,000
Other Fees and Charges	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000	33,000
<i>Total Operating Revenues</i>	883,000	973,000	1,073,000	1,184,000	1,307,000	1,443,000	1,593,000	1,759,000	1,943,000
<u>Operating Expenses</u>									
Wages and Fringe Benefits	(344,000)	(354,000)	(365,000)	(376,000)	(387,000)	(399,000)	(411,000)	(423,000)	(436,000)
Power	(58,000)	(59,000)	(60,000)	(62,000)	(64,000)	(66,000)	(68,000)	(70,000)	(72,000)
Chemicals	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)	(46,000)	(47,000)	(48,000)
Repairs and Maintenance	(136,000)	(139,000)	(142,000)	(145,000)	(148,000)	(151,000)	(154,000)	(157,000)	(160,000)
Other Materials and Supplies	(37,000)	(38,000)	(39,000)	(40,000)	(41,000)	(42,000)	(43,000)	(44,000)	(45,000)
Other Purchases	(56,000)	(57,000)	(58,000)	(59,000)	(60,000)	(61,000)	(62,000)	(63,000)	(64,000)
<i>Total Operating Expenses</i>	(671,000)	(688,000)	(706,000)	(725,000)	(744,000)	(764,000)	(784,000)	(804,000)	(825,000)
<i>Net Operating Revenue</i>	212,000	285,000	367,000	459,000	563,000	679,000	809,000	955,000	1,118,000
<u>Non-Operating Revenues</u>									
Interest on Investments	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Availability Fees (Proposed Rates)	33,000	84,700	84,700	84,700	84,700	84,700	84,700	84,700	84,700
Grants and Other Funds	-	-	-	-	-	-	-	-	-
<i>Non-Operating Revenues</i>	39,000	90,700	90,700	90,700	90,700	90,700	90,700	90,700	90,700
<i>Total Revenue Minus Operating Expenses (Net Revenue)</i>	251,000	375,700	457,700	549,700	653,700	769,700	899,700	1,045,700	1,208,700
<u>Debt Service</u>									
Payment on Outstanding Bonds	-	-	-	-	-	-	-	-	-
Payment on Proposed Bonds	-	-	-	(24,000)	(69,000)	(69,000)	(69,000)	(192,604)	(827,000)
<i>Total Debt Service</i>	-	-	-	(24,000)	(69,000)	(69,000)	(69,000)	(192,604)	(827,000)
<i>Debt Service Coverage (Net Revenue/Total Debt Service):</i>									
<i>Minimum 1.5 Recommended</i>	NA	NA	NA	22.9	9.5	11.2	13.0	5.4	1.5
<u>Capital Contributions and Expenses</u>									
Capital Expense Need (from Asset Tables)	(501,000)	-	(31,000)	(1,484,000)	(32,000)	(861,000)	(413,000)	(16,528,000)	-
"Pay-Go" Contribution to Capital Expense	501,000	-	31,000	284,000	32,000	861,000	413,000	3,428,000	-
Contribution of Bond Sale to Capital Expense	-	-	-	1,200,000	-	-	-	13,100,000	-
Contribution from Grants/ Other Outside Capital Revenue	-	-	-	-	-	-	-	-	-
<i>Net Balance</i>	-	-	-	-	-	-	-	-	-
<u>Capital Reserve Balances</u>									
Prior Year End Capital Reserves	1,987,141	1,737,141	2,112,841	2,539,541	2,781,241	3,333,941	3,173,641	3,591,341	1,016,437
"Pay-Go" Contribution to Capital Expense	(501,000)	-	(31,000)	(284,000)	(32,000)	(861,000)	(413,000)	(3,428,000)	-
Addition of Current Year Net Revenues Less Debt Service Payments	251,000	375,700	457,700	525,700	584,700	700,700	830,700	853,096	381,700
<i>New Capital Reserve Balance</i>	1,737,141	2,112,841	2,539,541	2,781,241	3,333,941	3,173,641	3,591,341	1,016,437	1,398,137
Capital Reserves Restricted by Debt Indenture	-	-	-	(83,000)	(83,000)	(83,000)	(83,000)	(992,000)	(992,000)
<i>Capital Reserves Available</i>	1,737,141	2,112,841	2,539,541	2,698,241	3,250,941	3,090,641	3,508,341	24,437	406,137
<i>Percent Rate Increase/(Decrease)</i>		10.1%	10.1%	10.1%	10.1%	10.1%	10.1%	10.1%	10.1%

Table 4-11

Wastewater System Flow of Funds - Asset Replacement Plan with Equal Annual Water Rate Increase

	2019	2020	2021	2022	2023	2024	2025	2026	2027
<u>Operating Revenues</u>									
Wastewater Service at Existing Rates	1,660,000	1,668,000	1,676,000	1,684,000	1,692,000	1,700,000	1,709,000	1,718,000	1,727,000
Wastewater Service from Increased Rates	-	40,000	82,000	125,000	170,000	216,000	263,000	311,000	361,000
Other Fees and Charges	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
<i>Total Operating Revenues</i>	1,662,000	1,710,000	1,760,000	1,811,000	1,864,000	1,918,000	1,974,000	2,031,000	2,090,000
<u>Operating Expenses</u>									
Wages and Fringe Benefits	(522,000)	(538,000)	(554,000)	(571,000)	(588,000)	(606,000)	(624,000)	(643,000)	(662,000)
Power	(135,000)	(138,000)	(141,000)	(145,000)	(149,000)	(153,000)	(157,000)	(161,000)	(165,000)
Chemicals	(90,000)	(92,000)	(94,000)	(96,000)	(98,000)	(100,000)	(103,000)	(106,000)	(109,000)
Repairs and Maintenance	(141,000)	(144,000)	(147,000)	(150,000)	(153,000)	(156,000)	(159,000)	(162,000)	(165,000)
Other Materials and Supplies	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)	(23,000)
Other Purchases	(84,000)	(86,000)	(88,000)	(90,000)	(92,000)	(94,000)	(96,000)	(98,000)	(100,000)
<i>Total Operating Expenses</i>	(995,000)	(1,021,000)	(1,047,000)	(1,075,000)	(1,103,000)	(1,132,000)	(1,162,000)	(1,193,000)	(1,224,000)
<i>Net Operating Revenue</i>	667,000	689,000	713,000	736,000	761,000	786,000	812,000	838,000	866,000
<u>Non-Operating Revenues</u>									
Interest on Investments	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000	9,000
Availability Fees (Existing Rates)	143,000	92,000	92,000	92,000	92,000	92,000	92,000	92,000	92,000
Grants and Other Funds	-	-	-	-	-	-	-	-	-
<i>Non-Operating Revenues</i>	152,000	101,000	101,000	101,000	101,000	101,000	101,000	101,000	101,000
<i>Total Revenue Minus Operating Expenses (Net Revenue)</i>	819,000	790,000	814,000	837,000	862,000	887,000	913,000	939,000	967,000
<u>Debt Service</u>									
Payment on Outstanding Bonds	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)
Payment on Proposed Bonds	-	-	-	-	-	-	-	(66,000)	(191,000)
<i>Total Debt Service</i>	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(536,000)	(661,000)
<i>Debt Service Coverage (Net Revenue/Total Debt Service):</i>									
<i>Minimum 1.5 Recommended</i>	1.7	1.7	1.7	1.8	1.8	1.9	1.9	1.8	1.5
<u>Capital Contributions and Expenses</u>									
Capital Expense Need (from Asset Tables)	(200,000)	-	(284,000)	(274,000)	(1,436,000)	(360,000)	(699,000)	(5,923,000)	(35,000)
"Pay-Go" Contribution to Capital Expense	200,000	-	284,000	274,000	1,436,000	360,000	699,000	2,623,000	35,000
Contribution of Bond Sale to Capital Expense	-	-	-	-	-	-	-	3,300,000	-
Contribution from Grants/ Other Outside Capital Revenue	-	-	-	-	-	-	-	-	-
<i>Net Balance</i>	-	-	-	-	-	-	-	-	-
<u>Capital Reserve Balances</u>									
Prior Year End Capital Reserves	3,705,161	3,854,161	4,174,161	4,234,161	4,327,161	3,283,161	3,340,161	3,084,161	864,161
"Pay-Go" Contribution to Capital Expense	(200,000)	-	(284,000)	(274,000)	(1,436,000)	(360,000)	(699,000)	(2,623,000)	(35,000)
Addition of Current Year Net Revenues Less Debt Service									
Payments	349,000	320,000	344,000	367,000	392,000	417,000	443,000	403,000	306,000
<i>New Capital Reserve Balance</i>	3,854,161	4,174,161	4,234,161	4,327,161	3,283,161	3,340,161	3,084,161	864,161	1,135,161
Capital Reserves Restricted by Debt Indenture	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(470,000)	(699,000)	(699,000)
<i>Capital Reserves Available</i>	3,384,161	3,704,161	3,764,161	3,857,161	2,813,161	2,870,161	2,614,161	165,161	436,161
<i>Percent Rate Increase/(Decrease)</i>		2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%	2.4%

Review of Adequacy of Financial Reserves

The Town of Berryville provided a calculation of its financial reserves as of September 30, 2018 for purposes of this study and asked that they be evaluated for adequacy. The Town reported “liquid accounts” with \$665,425 from the Water Fund and \$2,726,742 for the Sewer Fund. The Town also reported it has a “CIP Account” with \$1,987,141 from the Water Fund and \$3,235,161 from the Sewer Fund. Some of the funds in the CIP Account were designated for a particular future project and other funds were represented as “Capital Reserve”, “Unencumbered”, or “VRA Reserve”. Future projects included Clearwell Expansion, Membrane Replacement, Water Line Improvements, Sewer Collection System Rehabilitation, SCADA, Equipment Repair Reserve, Water Plant Building Maintenance, and Utility Rate Study. Designating capital reserve funds to future projects can be a useful internal management tool to guide in assuring future needs are adequate but can be reviewed in the future and revised and are not binding on the Town. From the information reviewed in the analysis of financial reserves, the only funds binding on the Town from parties outside the Town were the VRA Reserve and Membrane Replacement. It is not necessary to evaluate the condition of financial reserves at the project level, and this review combined the funds into simpler categories of operating reserves (which represents the “liquid accounts”) and capital reserves (which represents the CIP Account).

Two conditions are recommended for consideration in maintaining operating reserves: a minimum operating reserve for short-term cash flow, and a “rate stabilization” reserve for unanticipated conditions. For operating cash flow, best practices suggest a minimum of “60-days cash” and preferably “90-days cash”. As 90 days represents approximately three months or one-fourth of a year, the minimum required for this reserve is derived by computing 25% of the projected annual expenditures. Rate stabilization can provide a cushion for events such as a significant emergency repair, an emergency declaration, a drought, or other similar unanticipated conditions that dramatically increase expenses and/or decrease revenues. The rate stabilization is calculated as 20% of operating revenues for the year. To identify the necessary minimum operating reserves, the cash flow reserve and the rate stabilization reserve are added.

The Town of Berryville presently conforms to best management practices and maintains adequate operating reserves and it is forecasted that by maintaining current levels, operating reserves will be adequate through 2027 based on the flow of funds predicted in Tables 4-10 and 4-11. Table 4-12 illustrates the adequacy of operating reserves both for the Water and Wastewater systems.

An analysis of the capital reserves is included as a part of Tables 4-10 and 4-11 and the use of such reserves are critical to the identification of additional revenue requirements. The Town’s current capital reserve levels are strong, and the Town should be commended for its excellent fiscal discipline in developing strong reserves and the tools to manage them appropriately for future capital expenses. In the Flow of Funds shown in Tables 4-10 and 4-11, reserves are used toward funding of major capital expenditures in the year 2026 together with acquiring a loan or bonds to optimize financial performance that yields the benefits of the asset program. The Town’s capital reserves in its Sewer Fund are especially useful to keep down the increases in rates required to meet revenue requirements. Table 4-10 shows a slow building of additional capital reserves in anticipation of the revenue required in 2026 to hold down the amount of funds borrowed and meet debt coverage requirements without large spikes in water rate increases.

Table 4-12**Analysis of Operating Reserves**

WATER	2019	2020	2021	2022	2023	2024	2025	2026	2027
<i><u>Minimum Recommended:</u></i>									
Minimum Operating Reserve by Policy (90 days cash)	(168,000)	(172,000)	(177,000)	(181,000)	(186,000)	(191,000)	(196,000)	(201,000)	(206,000)
Minimum Rate Stabilization Reserve (20% of Operating Revenues)	(177,000)	(195,000)	(215,000)	(237,000)	(261,000)	(289,000)	(319,000)	(352,000)	(389,000)
<i>Total as Minimum Required</i>	(345,000)	(367,000)	(392,000)	(418,000)	(447,000)	(480,000)	(515,000)	(553,000)	(595,000)
<i><u>Operating Reserves Available</u></i>									
Operating Cash Balance Beginning of Year	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000
Budgeted Use During Year	-	-	-	-	-	-	-	-	-
Operating Cash Balance End of Year	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000
<i>Operating Cash Reserve Surplus/(Deficit)</i>	320,000	298,000	273,000	247,000	218,000	185,000	150,000	112,000	70,000
WASTEWATER									
<i><u>Minimum Recommended:</u></i>									
Minimum Operating Reserve by Policy (90 days cash)	(249,000)	(255,000)	(262,000)	(269,000)	(276,000)	(283,000)	(291,000)	(298,000)	(306,000)
Minimum Rate Stabilization Reserve (20% of Operating Revenues)	(332,000)	(342,000)	(351,000)	(361,000)	(371,000)	(382,000)	(392,000)	(403,000)	(415,000)
<i>Total as Minimum Required</i>	(581,000)	(597,000)	(613,000)	(630,000)	(647,000)	(665,000)	(683,000)	(701,000)	(721,000)
<i><u>Operating Reserves Available</u></i>									
Operating Cash Balance Beginning of Year	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000
Budgeted Use During Year	-	-	-	-	-	-	-	-	-
Operating Cash Balance End of Year	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000	2,727,000
<i>Operating Cash Reserve Surplus/(Deficit)</i>	2,146,000	2,130,000	2,114,000	2,097,000	2,080,000	2,062,000	2,044,000	2,026,000	2,006,000

5. Future Rate Design Options and Recommendations for Meeting Additional Revenue Requirements

The Town of Berryville is taking an important step in total management and sustainability of the assets of its water and wastewater system through an analysis of the age and general condition of the assets, with a schedule for replacing assets at the expected end of their service life. Further, this report has developed a schedule for replacing those assets in which the service life will come due within the next 20 years and has provided a financial analysis through the year 2027 of the revenues that would be required to achieve the asset replacement scheduled within those years, including obtaining a loan in 2026.

This analysis should be viewed as a starting point for further discussion and may inform but not fully represent the final decisions made by the Town over the next 8 to 10 years. First, the analysis in this report assumes that the only source of revenue for this asset program will be local water and wastewater revenues from fee increases. Every effort should be made to find other potential sources of revenue, possibly in the form of grants or below-market interest rates on loans, even though the market for grant opportunities is very difficult. A few years ago, the Town was successful in obtaining an interest-free loan from the Virginia Resource Authority toward financing a new wastewater treatment plant and was also able to take advantage of grants from the Virginia Water Quality Improvement Fund.

Second, the asset evaluation described in this report should be a starting point for further steps toward sustainable asset management, with the ultimate goal of optimizing expenses for asset renewal and reliability. It is recommended that a next step be a more detailed asset evaluation of large projects scheduled for replacement within the next 10 years. These projects include the water treatment plant, raw water pumping station, and river intake facility for the water system, and the replacement of aging concrete and cast-iron pipe and aging manholes in the wastewater system. The goal of a detailed evaluation would be to identify if there are any strategies whereby assets could be modified or extended to increase their service life at less overall life-cycle cost than the replacement of the asset. For the water plant and the intake and pumping facilities, this would be accomplished through a detailed engineering study well beyond the scope of this study. Its conclusions could better inform the Town as to the optimal strategy for long-term asset performance. For the wastewater system, it is suggested that a sewer system evaluation survey using closed circuit cameras and physical manhole inspections be conducted in an engineering study to determine if alternative renewal strategies may be more cost-effective. Numerous “in-situ” strategies today provide lining systems without excavation and replacement that could provide extended service life.

For all discussions within this Chapter 5 regarding rate designs, it is assumed that Water Meter Option 2 is selected for the asset replacement schedule.

Even though additional engineering studies may refine the asset management program developed by this study, which may then refine the financial strategy, it is very clear that the Town of Berryville has aging water and wastewater assets that will require capital expenditures within the next 5 to 10 years and beyond, and these expenditures will require greater revenues than the Town is currently collecting. There are numerous directions in which the Town Council and management could choose to initiate the collection of revenues that will ultimately be required. This report suggests one strategy as implementing the changes in the Town’s water and wastewater rates identified by the analysis herein (increase overall operating revenue by 10.1% for water per year and 2.4% for wastewater per year) for a 5-year period while conducting the additional engineering studies recommended to refine the asset management program. It will require several months to perform these engineering studies, and once they are completed, to the extent the recommendations modify the revenue requirements, the water and wastewater rates can be revisited and modified as appropriate.

Rate Design Options

Several different forms or rate designs are accepted within the water industry and used to obtain sufficient revenue to meet future operating and capital needs. The specific design selected by any given community is a choice reflective of the community's strategic plan, vision and goals as much or more than any technical or management need for the water and wastewater utility. Different rate designs can produce the same amount of overall annual revenue, each satisfying the utility's need. The difference between rate designs is in the weight that different classes of customers carry in providing that revenue, based on the size, class, or volume of use by the customer.

Three different types of rate designs are the most commonly used and each is evaluated in this Chapter. The three designs include: (1) Flat Rates; (2) Declining Rates; and (3) Inclining Rates. The methodologies for calculating each of these types of rate design are well accepted and defined by AWWA. For each type of rate design a minimum charge can be overlaid; for purposes of comparing rate designs the discussion of minimum charge is postponed until a later part of this Chapter.

Flat Rates describes a condition where one rate is set per unit of consumption (the Town uses 1,000 gallons as a unit of consumption) and applies to each and every unit registered without respect to the size of the customer or the amount of water or wastewater service used. The Town presently uses this design. For example, the current Town water rate is \$8.40 per 1,000 gallons. A customer using 3,000 gallons or 3 units in a month pays \$8.40 for each unit, for a total of \$25.20 – the customer pays the same amount for each unit. Likewise, a customer using 100,000 gallons or 100 units still pays the same for each unit, including an added \$8.40 for the last 1,000 gallons consumed.

Declining Rates describe a condition where the unit cost of water declines with a greater number of units consumed within a billing cycle and is commonly provided in three to four blocks of consumption. An example would be that a customer pays \$10 each 1,000 gallons for the first 4,000 gallons, then pays \$9 per 1,000 gallons for the next 4,000 gallons, etc. Inclining Rates describe the opposite condition, where the unit cost of water increases for higher consumption within a billing cycle.

Each rate design has its own advantages as well as disadvantages, which may or may not be in harmony with the community goals, thereby a public policy choice. Advantages of Flat Rates include the ease of use and understanding, and a strong appearance of fairness in that each unit of consumption costs the same. Declining Rates have an advantage of reflecting the reality that customers using higher quantities of water through larger meters, including commercial, institutional and industrial accounts, more often than not use water at a more steady rate with lower peaks than smaller (residential) customers, and higher peaks require greater utility system capacity and higher costs to manage. Declining Rates also signal as public policy an encouragement for the growth and development of new business that can produce jobs in the community but require larger volumes of water. Inclining Rates, properly designed, speak to the sustainability of water and encouragement of conservation practice, and if they are successful in reducing consumption can be financially favorable to utilities nearing system capacity by postponing the need for system expansion. The caution with Inclining Rates is that they must apply only within a relatively homogeneous customer class. Comparing water use of one single-family residence to another single-family residence is fairly homogeneous, whereas comparing water use by a single-family residence to water consumed through one meter and account serving a 100-unit hotel can never be homogeneous.

To overcome this caution with Inclining Rates, this report suggests its use only within the residential class, applied as water and wastewater use per residential unit.

Flat Rate Design Option for the Town of Berryville Revenue Needs

All Rate Designs provided in this section of the report are targeted to achieve the forecasted annual revenue requirements shown in Table 4-10 (Water) and Table 4-11 (Wastewater) and provide funding for the schedule of asset replacements shown in Chapter 3. The Flat Rate Design is the simplest, once the total operating revenues required for a given year and the forecasted total consumption are both determined, the expected total consumption is simply divided into the total revenue needed. Table 4-10 and Table 4-11 provide both the revenue needed and consumption anticipated (as a percent of growth from the "test year"). The Flat Rate Design for a 5-Year period for the Town of Berryville is provided in Table 5-1.

Table 5-1

Flat Rate Design for Town of Berryville Water and Wastewater Rates

	Current	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
WATER						
Per 1,000 gallons of usage	\$ 8.40	\$ 9.26	\$ 10.20	\$ 11.24	\$ 12.39	\$ 13.65
SEWER						
Per 1,000 gallons of usage	\$ 17.00	\$ 17.39	\$ 17.79	\$ 18.20	\$ 18.62	\$ 19.05

Declining Rate Design Option for the Town of Berryville Revenue Needs

The design of the Declining Rate Option followed the guidelines and recommendations published in Manual of Practice M1 published by AWWA. The Base-Extra Capacity Method was chosen and a distribution of water consumption by customer class and account was provided through billing data by the Town of Berryville. Billing data from the 12-month period of September 2017 through August 2018 was chosen. Customer classes evaluated included Residential, Commercial, Institutional, and Industrial. When it was determined that Commercial and Institutional were similar, these two classes were combined into one. The Industrial class was retained separately though it was noted that this database is much smaller as the Town of Berryville has a limited number of Industrial accounts. As is typical of most utilities, the Town of Berryville did not have real-time data on maximum day and maximum hour peak uses for individual customer classes, accordingly these peak conditions were assumed from examples provided in the AWWA Manual as typical.

Table 5-2 provides the results of the Declining Rate Design. By comparison to the Flat Rates in Table 5-1, customers will pay more for the first 3,000 gallons of water under declining rates, but for larger customers the cost of water decreases as use increases. Most residential customers, which is a significant percentage of the Town's accounts, will pay more per month for water under Declining Rates than Flat Rates, and most Commercial, Institutional and Industrial customers will pay less.

Table 5-2**Declining Block Rate Design for Town of Berryville Water and Wastewater Rates**

	Current	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
WATER						
First 6,000 gallons of usage	\$ 8.40	\$ 10.24	\$ 11.28	\$ 12.44	\$ 13.70	\$ 15.10
Next 8,000 gallons of usage	\$ 8.40	\$ 8.54	\$ 9.41	\$ 10.37	\$ 11.43	\$ 12.59
Next 46,000 gallons of usage	\$ 8.40	\$ 7.53	\$ 8.30	\$ 9.14	\$ 10.08	\$ 11.11
Usage beyond 60,000 gallons	\$ 8.40	\$ 6.18	\$ 6.81	\$ 7.51	\$ 8.27	\$ 9.11
SEWER						
First 6,000 gallons of usage	\$ 17.00	\$ 18.20	\$ 18.62	\$ 19.05	\$ 19.48	\$ 19.93
Next 8,000 gallons of usage	\$ 17.00	\$ 15.70	\$ 16.06	\$ 16.43	\$ 16.81	\$ 17.20
Next 46,000 gallons of usage	\$ 17.00	\$ 15.10	\$ 15.45	\$ 15.80	\$ 16.17	\$ 16.54
Usage beyond 60,000 gallons	\$ 17.00	\$ 11.95	\$ 12.22	\$ 12.51	\$ 12.79	\$ 13.09

Note: Usage is as measured within a single billing cycle. Billing is monthly. All rates are cost per 1,000 gallons.

Inclining Rate Design Option for the Town of Berryville Revenue Needs

The design of the Inclining Rate Option followed the guidelines and recommendations published in Manual of Practice M1 published by AWWA. First and foremost, AWWA recommends this type design apply only to a homogeneous class of customers of similar size and required usage patterns. As a result, inclining rates are rarely used within the water industries for customer classes other than residential. A review of the Town's commercial, institutional, and industrial accounts confirms that these customers are of varying sizes and usage patterns (e.g., a commercial laundry will by nature of its business have a very different water use pattern compared to a retail store. For simplicity of administration of the rate design, Inclining Rates proposed to the Town of Berryville will apply only to residential customers, and other classes of customers will be charged Flat Rates.

Multiple-Family accounts may be billed as Residential Customers, provided the Rate Table is applied as per dwelling unit. This does require the Town to maintain within its billing records the number of dwelling units applied to a single account, and a billing system that is able to calculate an individual account rate table using the adopted rates applied to multiple dwelling units; some billing systems require program modification for this calculation to occur. As an example, assume an Inclining Rate Block is adopted as \$8.95 per 1,000 gallons for the first 3,000 gallons then \$9.86 per 1,000 gallons for the next 3,000 gallons used per dwelling unit. Then assume a meter is read and 5,000 gallons is consumed in a billing cycle. If that meter were attached to a single-family dwelling, \$8.95 would apply to the first 3,000 gallons and \$9.86 to the next 2,000 gallons. However, if that meter were attached to a triplex serving three separate dwellings, \$8.95 would apply to all 5,000 gallons as the first 3,000 gallons per unit is 3,000 x 3 equals the first 9,000 gallons on the meter.

Further, on occasion water piping within a Multiple-Family complex may be looped to serve multiple buildings and include fire protection, connected to the multiple system through two or more meters. If such situations exist within the Town, it may be necessary to combine multiple meters into a single account for billing purposes and define how billing is adjusted when there is water use for fire protection.

The principle behind Inclining Rates is that among users of similar size and usage patterns, a customer who chooses to use more water places a higher burden on the cost of peak capacity of the water and wastewater system than a customer who conserves and uses less water. AWWA methodology allows a degree of flexibility in how this peaking capacity is charged. For this study, only the depreciation cost of the replacement of the future assets is weighted based on water use, in increments of 3,000-gallon blocks, to establish the inclining rates.

There is a financial risk in converting from Flat Rates to Inclining Rates that is extremely difficult to measure as foresight. The risk is that residential customers presently using higher volumes of water (e.g., irrigation of lawns) may reduce consumption to avoid the charges in the higher blocks. This may be a desirable outcome from the standpoint of sustainability, but it can also mean lower actual operating revenues than forecasted. Some attempt to plan for this possibility has been built into the design of rates in this report, as it was assumed that residential customers now using greater than 6,000 gallons per month per dwelling will reduce consumption by 5% under the Inclining Rates. If Inclining Rates are adopted, this trend should be monitored, and rates adjusted if needed.

Table 5-3 provides the results of the Inclining Rate Table design.

Table 5-3

Inclining Block Rate Design for Town of Berryville Water and Wastewater Rates

Residential Customers Only - Usage is per dwelling unit within a single monthly billing cycle

	Current	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
WATER						
First 3,000 gallons of usage	\$ 8.40	\$ 8.95	\$ 9.86	\$ 10.87	\$ 11.98	\$ 13.20
Next 3,000 gallons of usage	\$ 8.40	\$ 9.75	\$ 10.74	\$ 11.84	\$ 13.05	\$ 14.38
Next 3,000 gallons of usage	\$ 8.40	\$ 11.35	\$ 12.51	\$ 13.78	\$ 15.19	\$ 16.74
Usage beyond 9,000 gallons	\$ 8.40	\$ 14.85	\$ 16.36	\$ 18.03	\$ 19.87	\$ 21.90

SEWER						
First 3,000 gallons of usage	\$ 17.00	\$ 17.15	\$ 17.54	\$ 17.95	\$ 18.36	\$ 18.78
Next 3,000 gallons of usage	\$ 17.00	\$ 18.10	\$ 18.52	\$ 18.94	\$ 19.38	\$ 19.82
Next 3,000 gallons of usage	\$ 17.00	\$ 19.40	\$ 19.85	\$ 20.30	\$ 20.77	\$ 21.25
Usage beyond 9,000 gallons	\$ 17.00	\$ 23.00	\$ 23.53	\$ 24.07	\$ 24.62	\$ 25.19

Commercial, Institutional and Industrial Customers

WATER						
Per 1,000 gallons of usage	\$ 8.40	\$ 9.26	\$ 10.20	\$ 11.24	\$ 12.39	\$ 13.65

SEWER						
Per 1,000 gallons of usage	\$ 17.00	\$ 17.39	\$ 17.79	\$ 18.20	\$ 18.62	\$ 19.05

Note: Multiple-Family accounts use Residential Customers table with rates calculated per dwelling unit

Discussion Regarding Rate Design Options

Three different rate designs have been provided above, each of which are designed to achieve the same revenue requirements. Each design serves a different purpose, and the purposes are embedded in community goals and public policy. In that sense there is no right or wrong answer as long as the objectives of each design are understood and the rate design that is adopted is in harmony with community goals. This discussion does not attempt to make a firm recommendation as to which option the Town Council should adopt but does make a few observations as suggestions toward the Council's deliberation.

- The Town's current Flat Rates are very competitive with nearby communities for accounts with 3,000 gallons per month or less water use, but its fees are higher than most nearby communities at higher levels of consumption. A shift to Inclining Rates will increase that effect with respect to residential customers. A shift to Declining Rates will reduce that effect.

- Inclining Rates work best for a water or wastewater system that is approaching its capacity and facing major capital costs to expand its infrastructure that can be delayed through conservation – if revenue declines as a result of Inclining Rates, it can be offset by a reduced short-term capital improvement program. This structure does not work as well for a utility with plenty of excess capacity in its infrastructure but facing a need for renewal of end of life assets. Revenue is needed for renewal without respect to reductions in consumption, thereby lower consumption requires higher rates in an attempt to retain the needed revenue, and customers who expect to pay less as a reward for conservation can be frustrated.
- The Town of Berryville average consumption per residential unit is 113 gallons per day. This quantity is lower than current averages in published statistics throughout North America, indicating that some reasonable level of conservation is already a part of the fabric in the community. Approximately 60% of single dwelling households in the Town use 3,000 gallons per month or less.
- Trends within the water industry today are moving in the direction of Flat Rates to Inclining Rates and away from Declining Rates. Most communities used Declining Rates in the 1960s through 1980s, but many moved away from this design in a greater promotion of sustainability and conservation. Interestingly, Declining Rates are still a part of a majority of the nearby communities surveyed as part of this study.
- Flat Rates are the simplest and easiest to administer. Greater complexity can make customer understandability and satisfaction more complex and can increase the risk of billing errors.

Through its review of data as a part of this study, Pennoni did not identify any compelling reasons to recommend that the Town of Berryville shift its rate design from the current Flat Rates to either the Declining or Inclining Rate structures. At the same time, each of the rate structures presented in this Chapter represent fair and reasonable approaches with acceptable and proven methods to obtain the revenue the Town requires to effectively maintain and replace its assets to maintain an acceptable level of service to the community. Most important is that the rate design selected be aligned with the strategic vision and goals of the community.

Review of Minimum Charge in the Current Rate Structure

Expenses for water and wastewater operations can be segregated into two-types: expenses that are variable with the quantity of water or wastewater conveyed and treated, and expenses that are fixed without respect to quantity of flow or treatment. General administrative costs are considered fixed costs as are some of the costs of operation and maintenance. For the most part, personnel costs in operation and maintenance are considered fixed costs. By example, an appropriately certified treatment plant operator is required by permitting to be on-site to operate most water treatment and wastewater treatment facilities when the facilities are in operation. Except for extraordinary circumstances, the number of personnel on-site do not vary with flow.

AWWA rate methodology endorses a strategy whereby water and wastewater utilities can establish a minimum charge per account in order to assure that all customers are contributing reasonably to the fixed costs of the utility regardless of metered consumption. Many utilities, including the Town of Berryville and the utilities represented in the comparative analysis performed in this study, include a minimum charge per bill as well as a charge per unit volume of water or wastewater service provided. This study included a review of the Town of Berryville's current minimum charges of \$5.00 per bill for water service and \$15.00 per bill for wastewater service.

To conduct this review, operating expenses for the “test year” were reviewed at a budget summary level to identify a percentage of expenses to be labeled as “fixed”. Fixed costs included all general administration expenses, all personnel wages and fringe benefits, and select operating costs that included 20% of electricity costs (representing demand and customer components of electric rates), permit, fees and laboratory testing costs, Miss Utility costs, and professional services costs. If only general administrative expenses are considered, a fixed cost would be \$3.00 per bill for water and \$3.00 per bill for wastewater service. If operating personnel and select operating costs are added, fixed costs could be as high as \$13.75 per bill for water service and \$30.25 per bill for wastewater service.

There are two widely accepted practices for applying fixed costs in utility bills. One method is to establish a specific fixed cost for every bill that is added to a variable cost based on consumption, with the bill being the sum of a fixed cost and a variable cost. The second method is to calculate all bills based on the variable cost (\$ per 1000 gallons), and then apply the unit of consumption times the variable cost as the bill except when this calculation is below the minimum amount, in which case the minimum applies. The Town presently uses the second method, with a minimum charge, and in the comparative analysis it was identified that other nearby communities’ trend toward the second method as well. When using the second method, the minimum bill is generally set higher than the fixed cost calculation, recognizing that within the minimum amount is an allowance for some consumption within the variable costs.

In reviewing the Town of Berryville’s accounts, this study recommends that the Town retain the current method of a minimum charge that includes an allowance for consumption, but further recommends that the minimum charge be increased from the current \$5.00 for water and \$15.00 for wastewater to an amount equivalent to the first 2,000 gallons of consumption. This increased allowance is a very reasonable and good fit when considering all administrative and operating fixed costs as defined above. For simplicity, the minimum charge equivalent to 2,000 gallons of consumption could apply to whichever rate design the Town selected.

If the Town were to prefer a fixed cost per bill separate from consumption allowance, this study would suggest that fixed amount be set at \$3.00 per bill for water and \$3.00 per bill for wastewater, considering only the general administrative costs. A fixed charge as high as \$13.75 per bill for water and \$30.25 for wastewater is not recommended, as it would result in an unintended significant increase in cost to customers using between 2,000 gallons and 4,000 gallons per month, which represents 51% of the customer base.

Rates for Customers Outside Town Limits

The Town of Berryville currently does not include a surcharge for customers who are outside of the Town’s corporate limits, but such practice is allowed both by AWWA’s defined practices and under laws of the Commonwealth of Virginia, and many municipalities in the Commonwealth of Virginia do adopt this surcharge. The legal test is that such surcharges be fair and reasonable. The Town has a very limited number of customers outside the Town’s limits, but review of the billing data on these limited accounts within the residential category does show about 10% higher consumption than per dwelling consumption for accounts within the Town. Furthermore, it is known within the industry that suburban residential areas have larger lots on average and higher peak water use as a ratio to average consumption compared to in-town lots and residences. Finally, AWWA suggest that a rate of return should be considered by the Town for outside Town customers, similar to how a private sector water utility may expect a return for its investors, as property owners outside the Town are not contributing to tax revenues and ultimately it is the Town and its residences who bear the burden for the risks and consequences of risk failure should they occur in operating an water and wastewater utility.

Considering all these factors, it would be reasonable for the Town to consider a 25% surcharge on all accounts outside the Town’s corporate limits as a part of monthly billing. This surcharge would apply to the rate calculated by whatever rate design the Town Council chooses and would apply to every class of customer.

The 25% surcharge could also apply to Availability Fees for a new service approved outside the Town's corporate limits, if there are no current plans to annex the property in the foreseeable future. Since Availability Fees are a one-time "buy-in" for a new customer proposed to be added to the system for the long-term, the Town should consider waiving the surcharge on the Availability Fee for new customers within the proposed Annexation Area, although surcharges would apply to monthly billing until the month when the property served effectively becomes a part of the Town limits.

"Crystal Balling" the Future of Water and Wastewater Regulations

The advance of federal and state regulations regarding drinking water and water discharge to streams and rivers has made a dramatic impact on the quality of both public health and the environment over the past 50 years, starting with the passage of the federal Clean Water Act and the Safe Drinking Water Act in the 1970s as well as the creation of the Environmental Protection Agency. At the same time, the emerging regulatory environment has often created a significant challenge to long-term financial planning for water and wastewater utilities. As advancement in public health and the environment has occurred, new issues were often discovered, and the public interest in quick results has produced new regulations, often requiring significant capital improvement, with a short timeline for implementation and compliance. A case-in-point is the development of wastewater regulations and impact on wastewater treatment facilities, with primary treatment in the 1960s growing to secondary treatment in the 1980s, advanced ammonia removal in the 1990s, and enhanced nitrogen and phosphorus removal in the 2000s to the present. Although developing a "crystal ball" for future regulations can be very tricky and speculative, it has become a part of today's rate studies.

There are no specific changes in capital improvement planning currently being recommended to the Town of Berryville based on anticipating future recommendations, but this section of the report does discuss some trends that the Town should keep in its vision. One is a trend toward requiring utilities to adopt and maintain asset management programs as a condition in federal and state revolving fund low-interest financing, and even some trends toward making asset management a regulatory requirement in permitting. The Evaluation of Assets in this report makes a strong effort in this direction, but today's discussion within the water industry is moving toward asset management as a continuing program integrating maintenance and performance in contrast to a study performed periodically. This report recommends efforts toward asset renewal and maintenance, which is aligned with this regulatory trend.

Another trend to watch is the development of new drinking water regulations that may result from EPA's Contaminant Candidate List and Regulatory determinations, an ongoing process of regulating new contaminants incorporated into the Safe Drinking Water Act. One current topic of significant conversation is perfluoroalkyl and polyfluoroalkyl substances, expected to be regulated at the federal level within the next two years. These substances are not known to be in the Town's water supply but is an area of awareness, as special removal technology is required. Other organic compounds and a class of "emerging contaminants" that include by-products of endocrines or personal care products are on the EPA's current Candidate List. EPA published its Candidate Lists at <https://www.epa.gov/ccl/basic-information-ccl-and-regulatory-determination>.

On the wastewater side, clean water regulations in Virginia have seen significant changes within the past 15 years, largely as a result of the public goal of "cleaning up" the Chesapeake Bay. Nitrogen and phosphorus allocations were established for most wastewater plants in Virginia in 2005, including the Town's facility, and significant capital expenditures have been required to address these regulations. EPA adopted a Total Maximum Daily Load (TMDL) standard for the Chesapeake Bay in 2010, and is under an ongoing review presently, but most expectations are that there will not be significant changes, if any, in wastewater plant allocations within the Potomac/Shenandoah river basin. The Town of Berryville constructed a new wastewater treatment plant about 2010 and is in compliance with the current nitrogen and phosphorus standards.

The Virginia Division of Environmental Quality (DEQ) has recently proposed new ammonia standards for wastewater treatment plants, but the Town's current advanced facility should meet the ammonia criteria. Other current DREQ initiatives have focused more on stormwater.

Similar to the Contaminant List for Drinking Water, the federal Clean Water Act requires a Tri-Annual Review for Clean Water in which states report to EPA on the health of the nation's rivers and invite public comment, and the Clean Water Act has provisions for developing TMDL's for rivers that are not meeting designated use standards. These processes bear watching to be abreast as early as possible if trends develop that may affect local capital needs.

BERRYVILLE TOWN COUNCIL

MOTION TO APPROVE THE SCHEDULE OF WATER AND SEWER FEES AND CHARGES

Date: April 8, 2025

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the attached Schedule of Water and Sewer Fees and Charges and that the new schedule become effective June 21,2025.

VOTE:

Aye:

Nay:

Abstain:

ATTEST:

Erecka Gibson, Vice Mayor

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

~~Effective November 21, 2023.~~

Proposed to be effective June 21,2025

I. USER FEES

A. WATER

1. Within corporate limits or the limits of an approved annexation area: ~~\$8.15~~ **\$10.30** per 1,000 gallons of usage. Minimum charge \$5.00 per month for usage under 1,000 gallons during billing period.
2. Other: ~~\$10.18~~ **\$12.87** per 1,000 gallons of usage. Minimum charge \$6.25 per month for usage under 1,000 gallons during billing period.

B. SEWER

1. Within corporate limits or the limits of an approved annexation area: ~~\$17.27~~ **\$17.78** per 1,000 gallons of usage. Minimum charge \$15.00 per month for usage under 1,000 gallons during billing period.
2. Other: ~~\$21.58~~ **\$22.22** per 1,000 gallons of usage. Minimum charge \$18.75 per month for usage under 1,000 gallons during billing period.

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water \$24.35

Sewer \$12.18

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: ~~\$285~~ **\$300**

Residential: multi-family with master meter: ~~\$230~~ **\$245** per unit

Business/Commercial excluding restaurants and laundries: ~~\$285~~ **\$300**

Restaurant: ~~\$880~~ **\$895***

Laundry: ~~\$4,605~~ **\$4,620***

Institutional: ~~\$1,625~~ **\$1,640***

Industrial: ~~\$5,645~~ **\$5,660***

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

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

III. AVAILABILITY FEES

A. WATER

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

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

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 17,200	\$ 21,500	Meter Fee
3/4	1.5	\$ 27,100	\$ 32,249	Meter Fee
1	2.5	\$ 42,999	\$ 53,749	Meter Fee
1.5	4.375	\$ 75,248	\$ 94,062	Meter Fee
2	8	\$ 137,596	\$ 172,000	Meter Fee
3	16	\$ 275,193	\$ 344,000	Meter Fee
4	25	\$ 429,894	\$ 537,500	Meter Fee
6	50	\$ 859,978	\$ 1,074,999	Meter Fee

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

Notes:

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

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

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

B. SEWER

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

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

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 18,468	\$ 23,085
3/4	1.5	\$ 27,702	\$ 34,628
1	2.5	\$ 46,170	\$ 57,714
1.5	4.375	\$ 80,800	\$ 97,820
2	8	\$ 147,747	\$ 184,686
3	16	\$ 295,494	\$ 369,372
4	25	\$ 461,710	\$ 577,144
6	50	\$ 923,419	\$ 1,154,287

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

IV. LATERAL OR CONNECTION FEES

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

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.

- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or another applicable agency.

V. INSPECTIONS

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

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: ~~\$325~~ **\$350**

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: ~~\$175~~ **\$200**

Laterals 50 Feet in Length or Greater: ~~\$175~~ **\$200** plus \$3.00 per linear foot

B. Inspections

Town staff: ~~\$70~~ **\$75** per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

~~\$70~~ **\$75** per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

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

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

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$125

All other meters: \$125 + cost

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

VIII. HYDRANT METERS

Nonrefundable account establishment fee: \$50

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

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

IX. UNAUTHORIZED USE OF SERVICE

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

Approved by Town Council September 12, 2023

MINUTES
BERRYVILLE TOWN COUNCIL
Regular Meeting
March 11, 2025
7:00 p.m.

A meeting of the Berryville Town Council was held on Tuesday, March 11, 2025 at 7:00 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: None

Staff

Present: Keith Dalton, Town Manager; Jean Petti, Deputy Town Manager; Brandel Kelsey, Town Clerk; Terry Russell, Community Development Director; Officer Kevin Bayliss

Press Mickey Powell, Winchester Star

1. Call to Order

Mayor Arnold called the meeting to order at 7:02 p.m.

2. Pledge of Allegiance

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

3. Approval of Agenda

Mr. Steinmetz moved to approve the agenda as amended.

The motion passed by voice vote.

4. Presentations, Awards, and Recognitions

Michelle Ridings, Clarke County Economic Development Director presented the Economic Development and Tourism Efforts in Berryville. She showed a power point presentation and highlighted important elements of the new website. Mayor Arnold thanked Ms. Riding for her presentation.

5. Public Hearings

none

6. Discussion of Public Hearing Items

none

7. Citizens' Forum

Mayor Arnold called on citizens who have signed up to speak during the forum.

Mrs. Diana Kincannon, Director of Development at the Main Street Chamber Orchestra talked about Main Street Chamber Orchestra presents Beethoven's Magnificent Symphony #9. The performance is on April 26, 2025 at 4:00 p.m. at Johnson Williams Middle School, 200 Swan Ave, Berryville, VA 22611.

Mr. Craig Mattice of Berryville spoke about the budget and transparency. Mr. Mattice is upset that the work session minutes are not more detailed, he does not think the budget is transparent enough. He also reminded the Council that he has requested that it donate \$1,000.00 to Meals on Wheels.

8. Consent Agenda

Mrs. Kelsey stated the Town Council Meeting Minutes from February and the Work Session Minutes from March have been amended.

Mr. Tibbens moved to approve the consent agenda as amended.

The motion passed by voice vote.

9. Unfinished Business

Water and Sewer Billing Adjustment Policy Review

Mr. Dalton explained the changes to the document.

Mrs. Harrison moved that the Council of the Town of Berryville adopt the **attached amended Water and Sewer Billing Adjustment Policy and that said amended policy become effective on March 12, 2025. The motion passed by voice vote.**

10. New Business

none

11. Council Member Reports

none

12. Staff Reports

Mayor Arnold recognized the department heads present at the meeting, to provide any additional information that they thought may be helpful to the Council.

Mr. Dalton explained levies, reduction and tax rate changes, see **attached**.

Mrs. Petti announced receipt of renewal of the Waste Water Treatment Plant Discharge Permit.

Mr. Dalton stated we have a new Director of Utilities, Frank Kelsey.

13. Committee Updates

Mayor Arnold recognized the chairs of each standing committee of the Town Council to introduce action items, provide updates, and impart additional information that they think may be helpful to the Council.

Budget and Finance Committee

Request to set Public Hearings on Proposed Tax Levies for Tax Year 2025 and the Proposed Schedule of Water and Sewer Charges for FY26 (effective June 21, 2025).

Ms. Gibson moved that the Council of the Town of Berryville set public hearings for the Council's regular meeting on April 8, 2025 to receive public comment on the proposed tax levies for Tax Year 2025 and the proposed schedule of water and sewer changes for FY26.

Motion passed by voice vote.

Community Development Committee & Streets and Utilities Committee

Discussion- VCA Grant Report 2025

Mr. Tibbens stated that he would not participate in the decision of this matter because his wife was an applicant.

Mrs. Harrison moved that the Council of the Town of Berryville approve funding in the amount of:

Barns of Rose Hill \$2,000

The Main Street Chamber Orchestra \$1,500

Tiny Toes Dance \$500

Northern Shenandoah Valley Quilt Show \$500

Mrs. Harrison further moved that VCA grant funds for this cycle be distributed in the same amounts.

Motion passed by voice vote, with one abstention by Mr. Tibbens due to conflict of interest

Personnel, Appointments, and Policy

Mayor Arnold pointed out they have an empty seat on the Planning Commission Committee and need to fill it soon, preferably by someone living in Ward 2.

Public Safety

none

15. Closed Session

The Council of the Town of Berryville entered closed session at 8:00 p.m. in accordance with §2.2-3711-A-29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Motion to move into closed session:

Ms. Gibson moved that the Council of the Town of Berryville enter closed session in accordance with §2.2-3711-A-29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Motion passed by voice vote.

The Council returned to open session at 8:39 p.m.

Certification Motion and Resolution

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

Resolution

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

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

Mrs. Harrison moved that the Council of the Town of Berryville cancel and withdraw the Wayfinding IFB that it approved for issuance on February 11, 2025. She further moved that the town manager is directed to amend the offering to clarify areas of concern and after the offering has been so amended, the manager is authorized to reissue the offering.

16. Adjourn

The Council adjourned at 8:41 p.m. on a motion by Vice Mayor Gibson.

Erecka L. Gibson, Vice Mayor

Brandel Kelsey, Town Clerk

TOWN OF BERRYVILLE

Water and Sewer Billing Adjustment Policy

Purpose

This policy applies to the adjustment of unusually high water and sewer bills resulting from water leaks or other circumstances resulting in abnormally high water usage. This policy enumerates the authority of the Town Manager, or designee, to grant adjustment of unusually high water and sewer bills upon request of the person or entity responsible for a water account. This policy also establishes standards for appeals to the Town Council.

Background

In accordance with Chapter 17 of the Berryville Code (available at the Town Business Office and the Town's website (www.berryvilleva.gov), where properties are connected to the Town of Berryville's water and sewer systems, the customer is responsible for: 1) the proper provision, monitoring, operation, maintenance, repair, and replacement of all water lines and components of the system from the customer's side of the water meter and 2) the proper provision, monitoring, operation, maintenance, repair, and replacement of all sewer lines and components of the system from where it intersects the Town's main.

Burden of Proof

The implicit burden of proof in the adjustment requests made pursuant to these policies rests with the customer, not the Town of Berryville. Failure to comply with the requirements of this policy may result in the denial of the adjustment request.

Procedure

All requests for bill adjustment must be made within 15 days of the billing date. Said requests must be submitted to the Town Business Office.

Requests must be made utilizing the Town of Berryville Water and Sewer Billing Adjustment Request Form (available at the Town Business Office and the Town's website (www.berryvilleva.gov)).

Customers requesting a bill adjustment must submit the following items before the request will be reviewed:

- ▬ a completed Town of Berryville Water and Sewer Billing Adjustment Request Form, and
- ▬ a written statement that includes the following information:

- date and approximate time the owner was made aware of the unusual usage,
- the date and approximate time the person making the repair was contacted about the leak or potential leak,
- the date and approximate time the person making the repair responded to the customer's property,
- the date and approximate time the repair was completed,
- a description of the repairs that were made to stop the leak (including a list of materials used to complete the repair),
- the name and contact information of the person (or firm) who repaired the leak, and
- a copy of the repair invoice (if applicable).

The Town Manager, or designee, will review the request and provide written notice of his/her decision. All such adjustment decisions shall be rendered within 30 days of receipt of a complete adjustment request.

Limitations on Adjustments

Only one bill adjustment may be made for the water portion of a bill on any account in any given twelve-month period. However, the Town Manager, at his or her discretion, may grant a second adjustment to the sewer portion of a subsequent bill on an account within a given twelve-month period, if the Manager determines that the adjustment request meets this policy's submission requirements and review criteria, and the owner took reasonable steps to prevent the second incident that led to unusually high usage.

Review Criteria

The Town Manager, or designee, will review adjustment requests in accordance with the following criteria:

- For leaks occurring in the service line between the water meter and the building the meter serves, the Town may approve adjustment to the sewer usage if it is found that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak. The Town may approve adjustment to the water usage if it finds that the leak was repaired in a timely fashion after discovery. Such adjustment may not exceed one-half of the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.

- For leaks or unintended usage from exterior hose connections, the Town may approve adjustment to the sewer usage if it finds that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.
- For abnormal water usage attributable to usage in or by faucets, pipes, water heaters, furnaces or other interior plumbing facilities within the building the water meter serves, the Town may adjust the sewer usage if it finds that the leaking water did not enter the sewer system. Such adjustment may not exceed the difference between the account's average usage over the past twelve months and the high usage resulting from the leak.
- The Town will not approve adjustments for abnormal water or sewer usage attributable to use by toilets.
- The Town will not approve adjustments for abnormal water usage attributable to filling of pools or watering of lawns or landscaping.
- The Town will not approve adjustments for abnormal water usage which has not or cannot be sufficiently explained.

When reviewing adjustment requests the Town will take into account, among other factors, whether any of the usage resulted from another party's negligence. Where negligence is found, the Town may determine that no adjustment is warranted.

Meter Testing

Customers may at any time request that their water meter be tested for accuracy. If a customer wants to have the water meter that serves their account to be tested, then they must contact the Town Business Office and request the test. At the time of the request, the customer must pay a meter testing fee as established by the Town Council. The fee in question will be refunded if it is found that the meter in question does not meet American Water Works Association standards for accuracy. Further, if it is found that the meter does not meet American Water Works Association standards for accuracy, then the Town will review the account for possible adjustment.

Adjustment determinations made because a meter has been found to be inaccurate (after testing) may be appealed to the Town Council if the customer believes that the adjustment is not sufficient.

The Town Council will review all adjustment appeals and will provide written notice of their decision to the customer.

Appeals to the Town Council

A customer seeking a water and sewer bill adjustment may request that their application be reviewed by the Town Council if:

- 1) they believe that the Town Manager erred in making a decision on their adjustment application (which may include failing to render a decision within 30 days of the Manager's receipt of a complete adjustment application), or
- 2) said adjustment request does not qualify for adjustment under this policy's criteria, but the applicant believes that the circumstances that led to the high usage were extraordinary and not generally shared by other water/sewer customers in the Town's system, and the circumstances that led to the high usage were unforeseen and out of the control of the applicant.

If the applicant is submitting an appeal in accordance with section 1 as listed above, then they shall submit a detailed letter to the Town Business Office in which the review errors are enumerated. Such appeal shall be filed with the Town Business Office not more than 10 days after the Town Manager's decision was communicated to the applicant or if the Town Manager has failed to make a decision in a timely manner, then the appeal shall be filed with the Town Business Office within 40 days of the submission of a complete adjustment request.

If the applicant is submitting an appeal in accordance with section 2 as listed above, then such appeal shall be filed with the Town Business Office not more than 10 days after the Town Manager's decision was communicated to the applicant.

All appeals will be forwarded to the Town Council at their next regular meeting. The Council shall render a decision on the appeal within 40 days of the first regular meeting at which the appeal was heard. The appellant will be informed in writing of the Council's determination on the appeal.

Customer Responsible for Payment during Review

While an adjustment request and/or appeal is being processed, the customer is responsible for:

- payment of the entire amount due or
- payment of fifty (50)% of the bill and entry into a payment plan for the remainder of the bill.

Such payment and/or entry into a payment plan must occur before the bill cut-off date. If the customer fails to make payment during the payment period as outlined above, then the customer is subject to all applicable collection activities and termination of service.

Any refunds due to a customer as a result of the adjustment process will be credited to the account unless a refund is requested. If a refund is requested, then the refund will be paid within 10 days of request.

Any remaining payment due on account after the adjustment request has been finalized must either be paid in full not more than 30 days from the bill adjustment decision or in accordance with the approved payment plan.

Effective Date: _____

TOWN OF BERRYVILLE
TOWN COUNCIL
AN ORDINANCE SETTING TAX LEVIES FOR TAX YEAR 2025

Date: April 8, 2025

Motion By:

Second By:

BE IT ORDAINED, by the Council of the Town of Berryville, Virginia, that for the tax year 2025 there is hereby levied:

(1) A tax of \$.139 per \$100 assessed valuation on all real estate located within the Town of Berryville, such levy being also applicable to the real estate and tangible personal property of public service corporations;

(2) A tax rate of \$1.25 per \$100 assessed valuation on all taxable, tangible personal property, except machinery and tools, located in the Town of Berryville;

(3) A tax rate of \$1.30 per \$100 assessed valuation on tangible machinery and tools located in the Town of Berryville.

All tax levies shall be due and payable pursuant to the Code of the Town of Berryville, Chapter 16, Article I, Section 16-3.

VOTE:

Aye:

Nay:

Absent:

SIGNED: _____ Date: April 8, 2025
Harry Lee Arnold, Jr., Mayor

ATTEST: _____ Date: April 8, 2025
Erecka L. Gibson, Vice Mayor

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT / STREETS AND UTILITIES COMMITTEE
MINUTES**

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

**Tuesday
March 25, 2025
3:30 p.m.**

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

Staff present: Jean Petti, Deputy Town Manager; Terry Russell, Community Development Director; Brandel Kelsey, Town Clerk; Neil White, Berryville Chief of Police

1. Call to Order

Ms. Harrison called the meeting to order at 3:31 p.m.

2. Approval of Agenda

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

3. Unfinished Business

Pollinator Yards Update

Chief White gave an update on the draft. The lawyer, Mrs. Jones, used the Waynesboro ordinance as a guide; it has been challenged before and held up in court. Chief White said one of the changes was the addition of growing season dates, he discussed that he doesn't think the dates are a good idea because the weather is so different year to year. Mrs. Harrison discussed the regulations for the utility strips. Chief White said that it is handled in a separate code. That code deals with encroachment onto the sidewalk. The Committee recommended forwarding the draft ordinance to Council.

Curb Painting Update

Mrs. Petti stated the curb painting happens one to two weeks prior to Memorial Day. Mrs. Harrison stated the curbs should be painted gray if they do not need to be yellow anymore. Mrs. Petti said that is what is done, sometimes the gray will wear off and the old yellow will show through; it just needs to be touched up. It was discussed that at Main and Chalmers to eliminate a space to just one for that homeowner due to sighting issues when leaving the business next door. This would also need the no parking sign moved further down. Further, the space at Duncan Memorial needs to have all the yellow paint covered with gray except immediately adjacent to the entrance and exit.

Josephine Street Traffic Issue

Mrs. Harrison said the tractor trailers are still going down Josephine Street, even though there are plenty of signs telling them not to. They are turning around on residents' property, ruining their grass. The signs are not working. Chief White stated that he has reached out to the map applications to remove that as a map option, but it isn't helping, he will reach out again. It was suggested that a simple No Trucks sign (Picture

of a truck with an / through it) be placed with the other signs at the end of Josephine due to possible language barriers.

Rose Hill Park Pedestrian Bridge Replacement

Mrs. Petti said the plan is 95% reviewed. Mr. Russell stated he has received four out of the five letters for the grant. The application for the grant should be turned in next week. Mr. Dalton has told the Town Clerk to deny all Special Event Permits to Rose Hill Park for July, August and September.

Livery Stable Rose Hill

Mrs. Petti said Damron met with Mr. Dalton and a report is expected soon.

Wayfinding Update

Mrs. Petti stated that she and Mr. Russell had been to each location for the signs. The interior sign locations need to change. Since there have been new VDOT signs put in place, they interfere with the planned locations. Mrs. Petti said there will be a meeting with VDOT.

Sidewalk Projects- Mosby Blvd and Fairfax St Update

Mr. Russell stated the easements for Mosby were certified yesterday. Mr. Russell said Fairfax is at the beginning stages of negotiations.

Crow St Update

Mrs. Petti spoke about Crow St still being on the plan for spring. Also, the sidewalk has been repaired after the issues with the sewer backup.

4. New Business

Street Parking for Residents

Mr. Russell stated there is no dedicated parking for residents that live above the local businesses. The previous times residents have made the complaint the requests for dedicated parking were denied. Mrs. Harrison suggested a survey be done to see how many residents would want a parking pass. Mrs. Harrison said the code should be checked to see if the renters would be a part of the business code. Mrs. Harrison asked if parking at Rixey Moore could be overnight. Mr. Tibbens is going to check the signs for parking around Town to see what spots could be available. Mrs. Harrison stated for a short term fix they can park south of the doctor's office on S. Church St; it is not metered. Mrs. Petti stated there are 144 metered parking spots that are free after 5:00 p.m. Mr. Tibbens told Mr. Russell to reach out to the resident that complained to let her know about the temporary spots for now. Mrs. Harrison said we need to help figure out resident parking for the long term in the next few months. She noted that downtown residency is important for a vibrant downtown as they eat at the restaurants and purchase from the stores. This also helps ensure long term rentals for the property owners. This item was continued to April's Committee meeting.

5. Other

7. Adjournment

The meeting adjourned by consensus at 5:10 p.m. on a motion by Mr. Tibbens.

Town Council Agenda Item Report Summary

April 8, 2025

Item Title

Resolution for Berryville Area Plan Update

Prepared By

Terry Russell

Background/History/General Information

The Berryville Area Development Authority is reviewing the Berryville Area Plan in order to bring it up to date and address the future development of areas within and adjacent to the Plan area.

Findings/Current Activity

On March 3, 2025 the Town Council held a work session to discuss the update and develop recommendations for consideration in the Plan revision process.

Schedule/Deadlines

Currently ongoing

Other Considerations

N/A

Recommendation

Adopt the attached resolution as presented.

Sample Motion

I move that the Council of the Town of Berryville adopt the attached resolution related to the update of the Berryville Area Plan, and forward the resolution to the Berryville Area Development Authority and the Clarke County Board of Supervisors.

Attachments

Proposed resolution



A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE

WHEREAS the Town of Berryville and Clarke County entered in an agreement defining the Town's future annexation rights in December, 1988; and

WHEREAS it was the desire of the Town and the County to provide for the regular and orderly urban growth of the Town consistent with the Town and the County Comprehensive Plans; and

WHEREAS based on a study completed by the Town Council it was determined that certain lands located in Clarke County adjacent to the Town were feasible to be annexed by the Town in the future, known as Areas A and B; and

WHEREAS Annexation Area A became part of the Town on January 1, 1989; and

WHEREAS the Berryville Area Development Authority (BADA) was created on March 27, 1990 to administer the Town's Subdivision Ordinance and the County's site plan development standards for all land use proposals in Area B; and

WHEREAS the Berryville Area Plan was adopted in 1992 by the Town of Berryville and Clarke County to serve as a joint land use plan for the Berryville Annexation Area and;

WHEREAS the Berryville Area Plan was last comprehensively amended and adopted by the Town of Berryville and Clarke County in 2016 to include three potential future growth areas and provide for residential density increases to capture dwelling units planned for, but not developed, in Area B, and;

WHEREAS the BADA has embarked on a comprehensive review of the Plan, and

WHEREAS the Berryville Area Plan was established to provide for appropriate development of land that has resulted in the growth of the population of the Town at an annual rate of approximately 1.5%, and;

WHEREAS there is a need to expand the tax base of the community, and a need to provide adequate vehicular transportation capacity and access to the industrial and research areas of the southeastern area of the Town, and;

WHEREAS the Southeastern Collector Road has been part of the plan for the southeastern quadrant of the since the inception of the Berryville Area Plan and;

Whereas the Southeastern Collector Study, completed in 2020, presented alternative concepts for the Southeastern Collector Road, and determined that such a connection is viable, and;

WHEREAS the Western Potential Future Growth Area, the South Potential Future Growth Area, and the Southeastern Potential Future Growth Area offer the most logical and best situated lands for future annexation Areas, and;

WHEREAS the Western and South Potential Future Growth Areas present the greatest opportunity for creation of new residential units, and;

WHEREAS the Southeastern Potential Future Growth Area offers the opportunity for income producing growth in the Town and the County, and;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville proposes that the Berryville Area Development Authority consider developing and recommending amendments to the Berryville Area Plan that provide for the expansion of the Berryville Area to: 1) include the Southeastern Potential Future Growth Area to provide for the logical expansion of the Clarke County Business Park and completion of the Southeastern Collector Road, 2) include portions of the Western and South Potential Future Growth Areas to provide for the development of new single-family detached housing at a density of four units per developable acre, and 3) that the areas enumerated above be included in the Berryville Area, and zoning designations appropriate to revised Berryville Area Plan requirements be placed on the areas in question no later than January 1, 2027.

By order of the Town Council this 8th day of April, 2025.

Harry Lee Arnold Jr., Mayor

Erecka L. Gibson, Vice Mayor

Berryville Area Plan Update

Background

On December 29, 1988 the Town of Berryville and Clarke County entered into an agreement defining the Town's annexation rights in the future. The Town and County desired to enter into the agreement to provide for the regular and orderly urban growth of the town consistent with the Town and the County Comprehensive Plans. The agreement provided that the Town would permanently renounce its right to become a city.

Based on a study completed by the Town Council it was determined that certain lands located in the County adjacent to the Town were feasible to be annexed by the Town in the future. These lands became known as Areas A and B. Annexation Area A became a part of the Town on January 1, 1989.

The Berryville Area Development Authority (BADA) was created on March 27, 1990 to administer the Town's Subdivision Ordinance and the County's site plan development standards for all land use proposals in Area B. The membership of the BADA is comprised of three members appointed by the Town and three by the County. The Town and County agreed to a jointly-managed future land use plan.

The Berryville Area Plan was adopted on April 12, 1992 by the Town Council and the Clarke County Board of Supervisors. The Plan was amended several times to include allowing "housing for older persons" in areas designated for Business/Office and Highway & Visitor Commercial Uses; to amend the transportation policies for the southwest and southeast collector roads; to amend Sub-Area 19C to change the land use designation from Low Density Residential to Light Industrial/Research; to amend Sub-Area 23 to change the land use designation from Business/Office to Light Industrial Research; among others.

The Berryville Area Plan was comprehensively amended in 2015 and adopted by the Berryville Town Council on May 10, 2016 and the Clarke County Board of Supervisors on May 17, 2016. The 2015 Berryville Area Plan notes that the Annexation Area Agreement must be amended by the Town and the County if new Annexation Areas are created or Sub-Areas are expanded beyond the limits of Annexation Area B. The BADA has been reviewing the Berryville Area Plan and discussing amendments that could be made in a comprehensive update of the Plan that is due.

Quadrants and their Collector Roads

The northwest quadrant has largely developed with single family dwellings along its collector road Mosby Boulevard. It is primarily developed in the DR-4 zoning district but is not constructed at the full density planned for the quadrant.

Likewise, the southwest quadrant is developed with single family dwellings at a lesser density than was planned for the sector. Hermitage Boulevard is its collector road.

Fairfax Street and First Street serve the northeast part of Town west of the railroad tracks. Shenandoah Crossing is the most recent large scale subdivision in this quadrant.

The southeastern collector has not yet been constructed. The Southeastern Collector Study was completed in 2020. It proposes alternative potential routes for the southeastern collector. It is discussed further below.

Potential Future Growth Areas

The Hermitage South Potential Future Growth Area is identified in the area southwest of town. The area adjacent to the north, Subareas 26 and 27A, have developed with single-family houses and the southwest collector road, Heritage Boulevard, has been constructed as part of this neighborhood. Residential development is the appropriate use for this future growth area due to the adjacent residential use. The number of units that could be developed in this area are as of yet undetermined.

The Western Potential Future Growth Area is located west of Rosemont, east of Cooley Elementary School and south of Clarke County High School. Its location near schools, recreational facilities and existing residential neighborhoods makes this area a good location for future residential development. The number of units that could be developed in this area are as of yet undetermined.

The Southern Potential Future Growth Area is located south of the Clarke County Business Park and is recommended for Light Industrial/Research uses. It extends southward to Smallwood Lane. There is no collector road in this area. Although Jack Enders Boulevard could be extended to Rt. 340, there is no railroad crossing that aligns with Jack Enders. New railroad crossings can be expensive, especially if grade separated, and the railroad has strict policies about new at grade crossings. An existing crossing of the railroad to access Rt. 340 is located on Smallwood Lane. This crossing would meet the needs of the southeast collector road and provide a logical road path through the potential light industrial future growth area. The lands west of the railroad track in the south potential growth area are isolated from the properties to the east and are adjacent residential development on Rt. 340 and South Church St. The future

land use of this area should be studied for possible alternative future land use options including residential.

Current Discussion

Subarea 23 (proposed Subarea 19) is planned for Light Industrial/ Research and is zoned Business Park (BP). It is vacant undeveloped land. Its location is physically cut off from the rest of the Clarke County Business Park by the railroad tracks. Going forward, Subarea 23 may be more suitable for development with residential uses due to its proximity to new and historic residential neighborhoods and its prominent gateway location at the southern entrance to the town on U.S. 340/Buckmarsh Street. Adjacent property is planned Medium-Low Density Residential (4 units/acre) and zoned Detached Residential-4 (DR-4). Potential residential zoning districts for Subarea 19 include DR-4 and Attached Residential (AR) that allows townhouse style development which could provide more dwelling units at a more moderate price than single family detached houses.

The Business Park provides opportunity for a broad range of light industrial, research, and business uses. There is approximately \$17,000,000.00 in assessed real estate value. The Town received \$116,400 in taxes from the Business Park in Tax Year 2024 (RE \$34,900, M&T \$21,700, PP \$59,800). Expansion of the Business Park south along the east side of the railroad tracks is logical and represents an opportunity to expand the tax base and employment in the Town. An expanded network of roads will be needed to serve the new business and light industrial development that would take place. The Southeastern Potential Growth Area is of primary importance in the planned growth of the Town and the current update of the Berryville Area Plan.

Southeastern Collector Study

The Southeastern Collector Study was commissioned by the Town and the County and produced in 2020. The Southeastern Collector is envisioned to encourage expansion of the Clarke County Business Park. The study was undertaken to determine how to best incorporate the existing roadway network, connect across the railroad, and finance the Collector. Four concepts for the Collector were developed.

Concept A would extend Jack Enders Boulevard over the railroad tracks. This concept would require a new crossing of the railroad. Crossing the tracks at Jack Enders Boulevard would not meet Norfolk Southern standards because it is too close to a turn in the tracks. Additionally, the railroad requires that at least two at grade crossings be eliminated for each new at grade crossing.

Concept B would extend Jack Enders Boulevard to Smallwood Lane and improve Smallwood Lane to U.S. 340. There is an existing crossing of the railroad tracks on Smallwood Lane that is suitable to upgrade.

Concept C would extend Jack Enders Boulevard to U.S. 340 and into the Southern Potential Growth Area. It is a combination of Concepts A and D.

Concept D would provide a new road into the Southern Potential Growth Area without a connection to Smallwood Lane.

New at grade crossings of the railroad are highly discouraged by Norfolk Southern Railway Co. and by Virginia State Statute. When considering new crossings or improvements to crossing Norfolk Southern requires an engineering study. This study could cost as much as \$25,000.00 would only answer questions of feasibility of whether to approve the concept.

Plan Update Process

The Berryville Area Plan proscribes that the BADA undertake an evaluation of the Plan on a five year schedule. The evaluation should be a thorough and deliberate review of the Plan, current demographics and take into account any recent changes that may have occurred in the community not contemplated or adequately addressed by the current Plan.

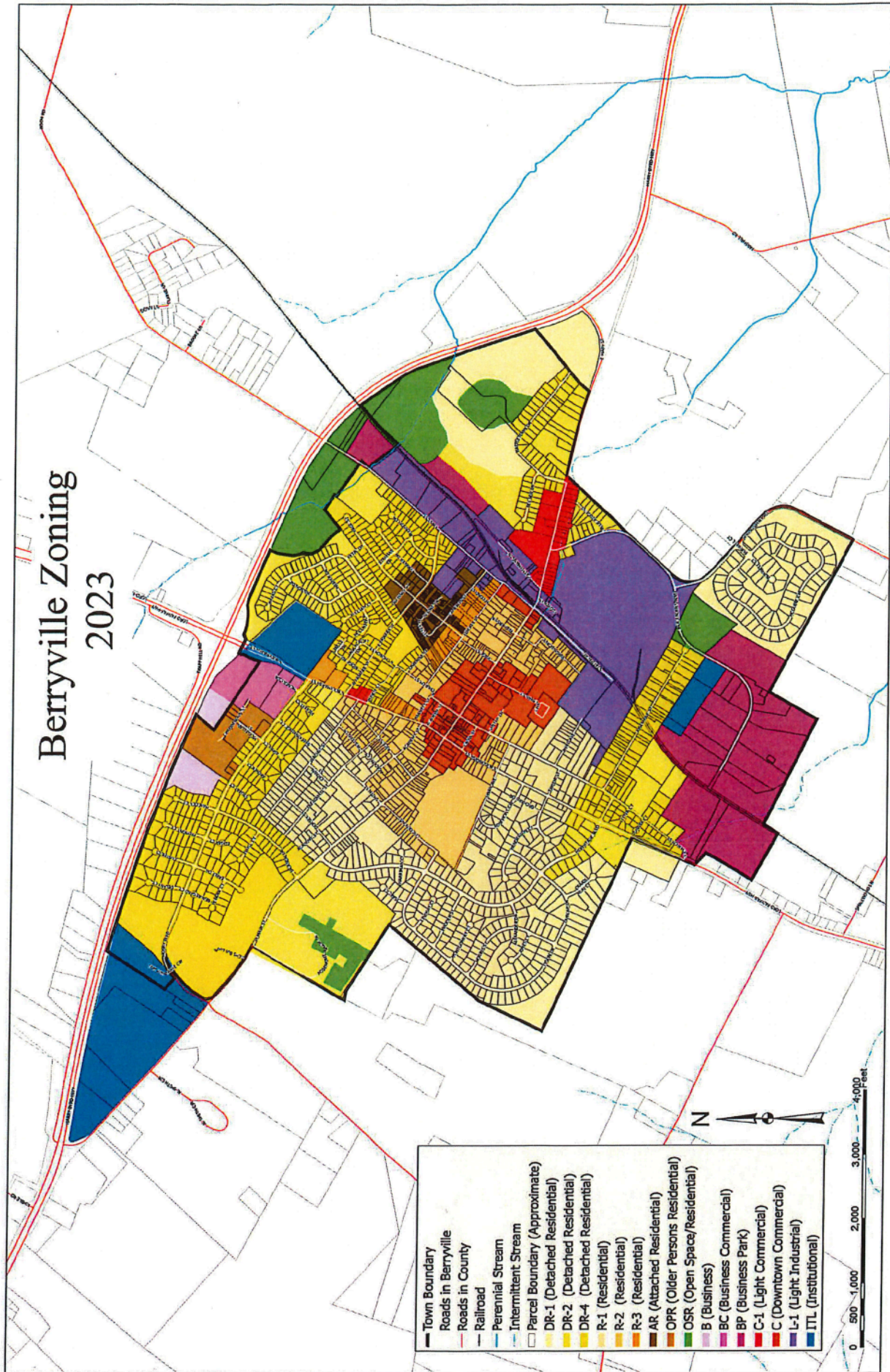
The BADA adopted a resolution on May 26, 2021 to begin the Plan update process. A work plan was developed (attached). Task 1A of the work plan, which included work sessions of the BADA with the staff, was completed at the end of 2024.

Conclusion

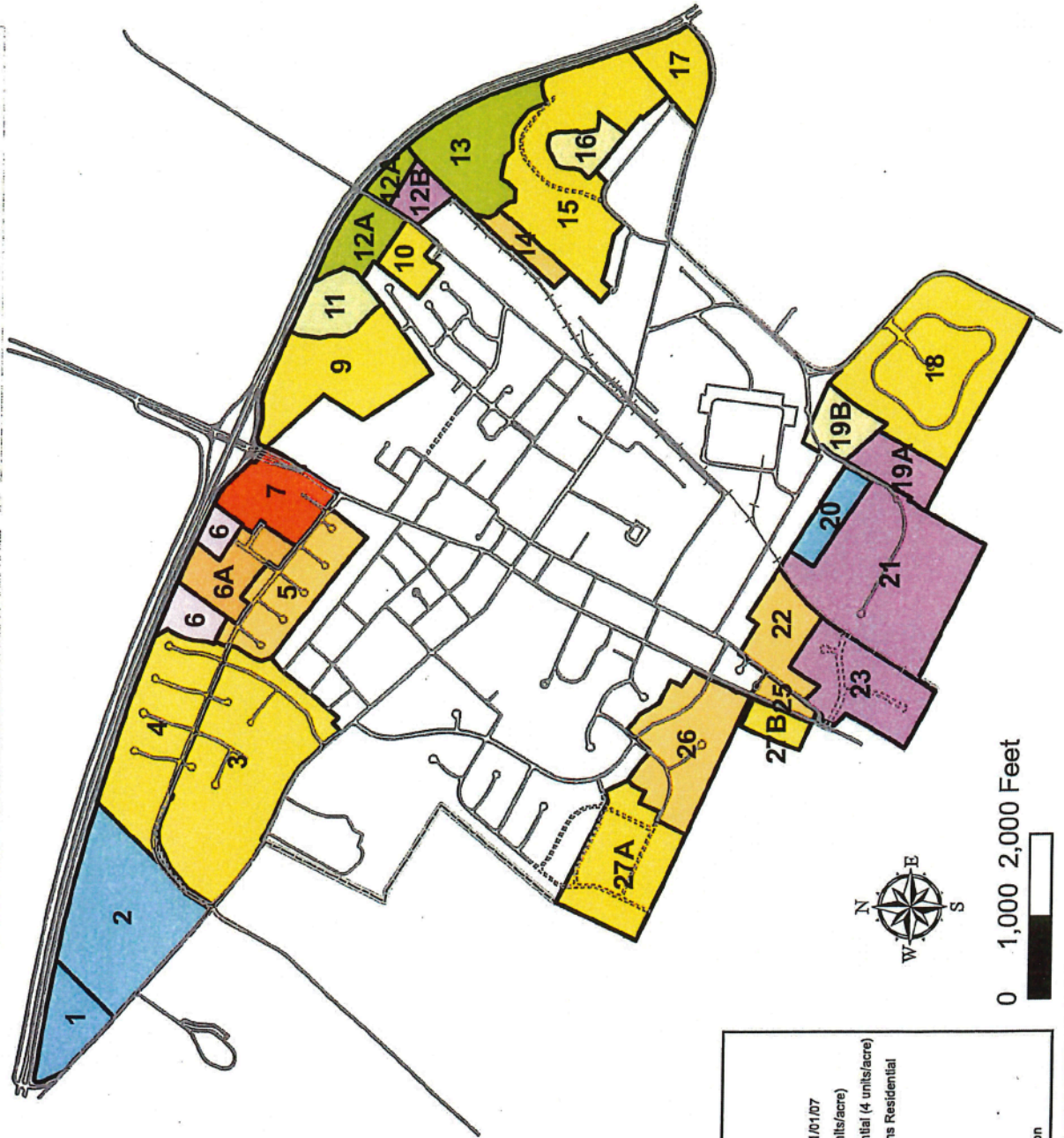
There is a need to expand the tax base of the Town. Expansion of the Business Park into the Southern Potential Growth Area can expand the tax base and provide new business and employment opportunities into the future. Building the Southern Collector Road through the area and across the railroad tracks at the existing at grade crossing on Smallwood Lane provides the most logical and cost effective way to provide a transportation corridor through the Business Park.

There is also a need to expand the housing stock of the Town. Housing goals have not been achieved through development in recent years because lower density than planned was pursued by developers. Development in the Western Potential Future Growth Area and in the Hermitage South Potential Future Growth Area can expand the housing stock in the long run. These areas should be studied to determine the mix of housing types and zoning densities appropriate to maximizing future residential development.

Berryville Zoning 2023



MAP 4 -- Berryville Area Plan Land Uses (2015)



- Existing Roads
- Proposed Roads
- Railroads
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Research
- Institutional/Public
- Environmental Conservation
- Historical/Cultural Preservation



0 1,000 2,000 Feet

Document Path: G:\arcgis\mapserver\BAP_update_2013\Map_4_BAP_land_uses_2015.mxd

MAP 6 -- Heritage South Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015

WESTWOOD FARM INC
303 acres



600 300 0 600 Feet

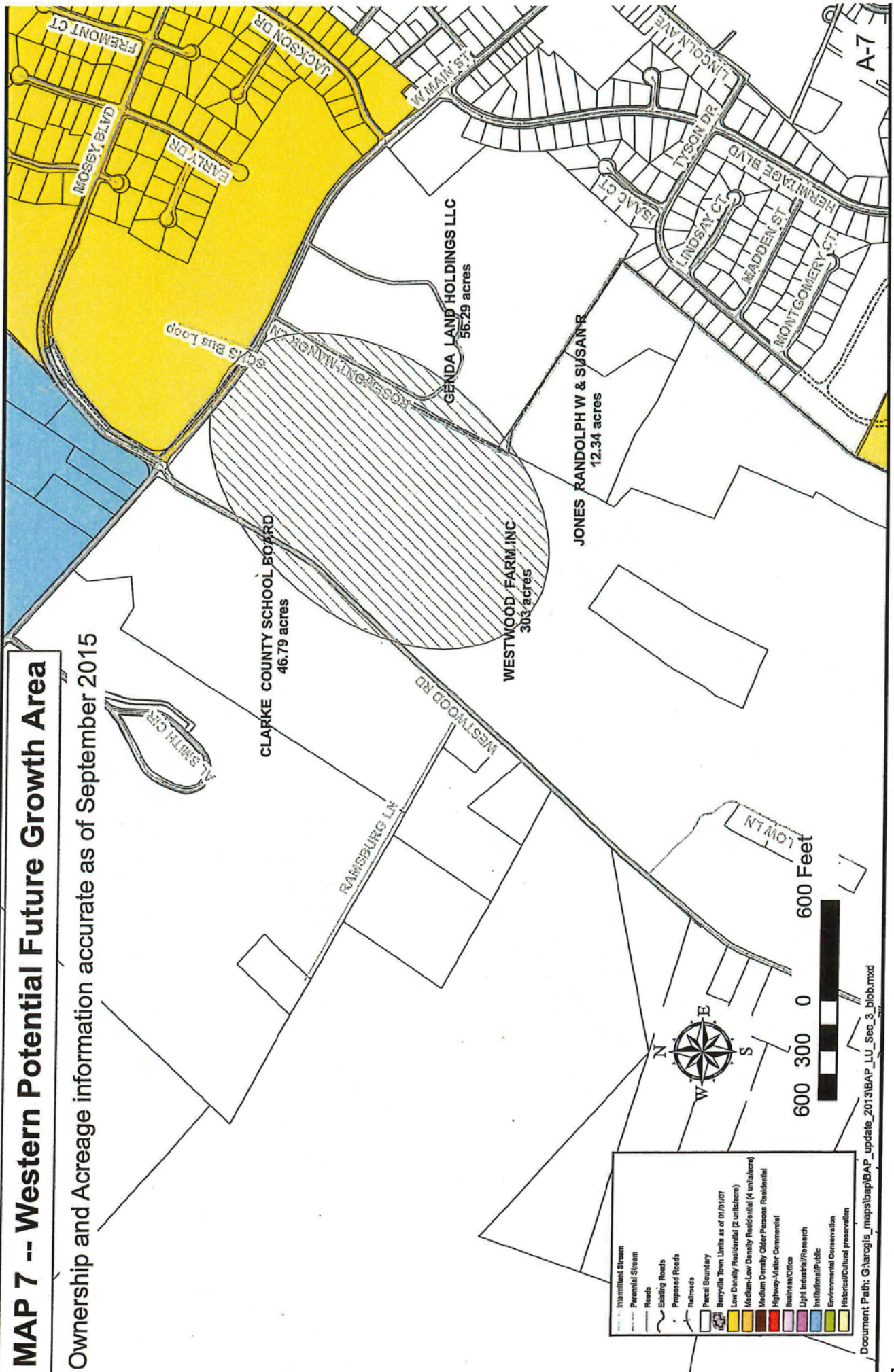


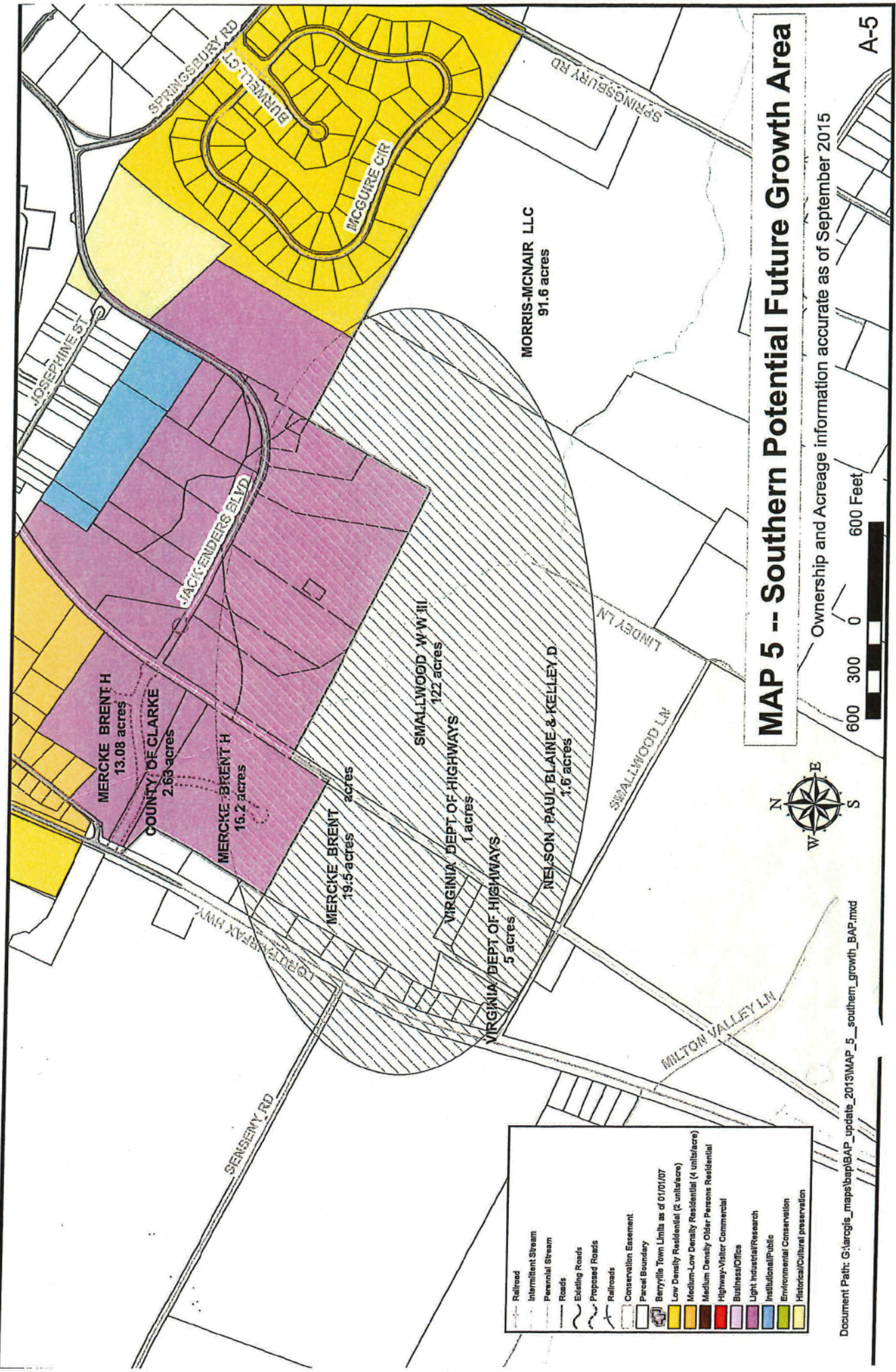
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A-6

MAP 7 -- Western Potential Future Growth Area

Ownership and Acreage information accurate as of September 2015





- Railroad
- Intermittent Stream
- Perennial Stream
- Roads
- Existing Roads
- Proposed Roads
- Railroads
- Conservation Easement
- Parcel Boundary
- Berryville Town Limits as of 01/01/07
- Low Density Residential (2 units/acre)
- Medium-Low Density Residential (4 units/acre)
- Medium Density Older Persons Residential
- Highway-Visitor Commercial
- Business/Office
- Light Industrial/Research
- Institutional/Public
- Environmental Conservation
- Historical/Cultural preservation

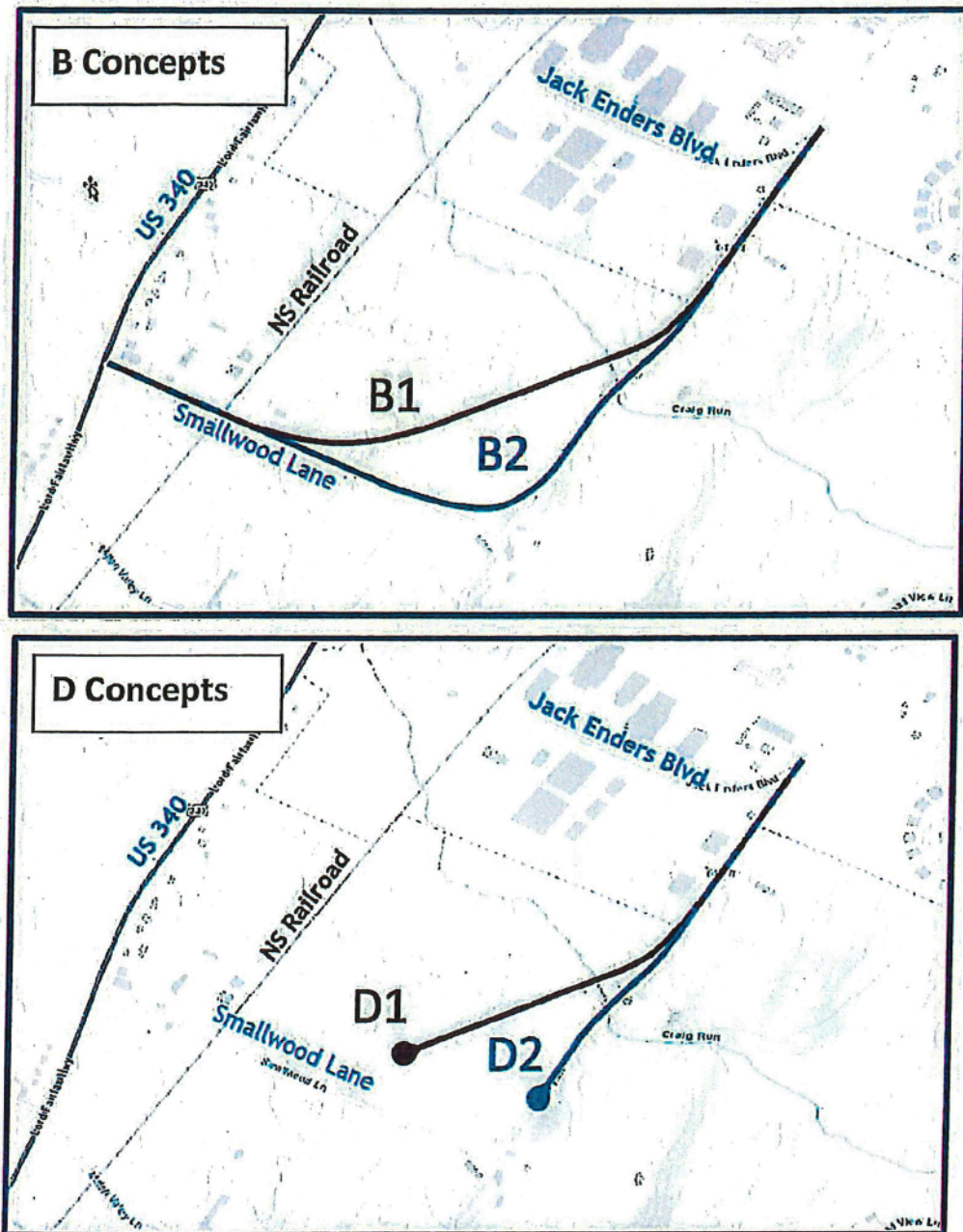


Figure 2.1: Concepts for Southeastern Collector



**RESOLUTION TO INITIATE REVIEW
OF THE 2015 BERRYVILLE AREA PLAN**

WHEREAS, the 2015 Berryville Area Plan was adopted by the Berryville Town Council on May 10, 2016 and by the Clarke County Board of Supervisors on May 17, 2016, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality's planning commission shall review the comprehensive plan "to determine whether it is advisable to amend the plan," and

WHEREAS, the Berryville Area Plan is an implementing component plan of the 2013 Clarke County Comprehensive Plan,

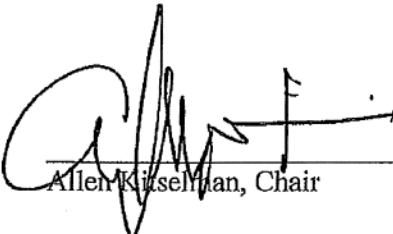
AND WHEREAS, May 2021 marks the five-year anniversary of the Plan's adoption.

NOW THEREFORE, BE IT RESOLVED that the Berryville Area Development Authority has determined that it is necessary to conduct a review of the 2015 Berryville Area Plan, and that the scope of this review shall include, but not be limited to, the following issues:

- The current Plan's goals and objectives and whether they remain relevant and current or need to be updated.
- Changes in population and demographic information as reported in the final release of 2020 Census data.
- The results of the Southeastern Collector Study (PrimeAE, April 2020).
- Cooperative economic development efforts between the Town and County.
- The build-out status of residential sub-areas (including Battlefield Estates, Hermitage Section 5, Berryville Glen, and Shenandoah Crossing) and whether these sub-areas can be removed from the Area Plan.
- The status of designated potential future growth areas.
- The impact of any updates to the County or Town Comprehensive Plans since the previous Berryville Area Plan update.
- The impact of new development projects, capital projects, or transportation improvements completed since the previous Plan update.
- Development of guidance for a future review and update of the Town-County Annexation Area Agreement.
- Any other subject not addressed or inadequately addressed by the current Plan.

BE IT FURTHER RESOLVED that the Authority intends to commence this review in 2022 following publication of all Census 2020 data and as the Authority's and Staff's workload permits.

Adopted this 26th day of May, 2021.



Allen Kirselman, Chair

WORK PLAN FOR BERRYVILLE AREA PLAN UPDATE

TASK 1A (BADA/Staff) – Evaluate policy issues and provide direction to Staff

Work Sessions

1. Review and update goals and objectives
2. Policy discussion – Southeastern collector road and transportation network
3. Policy discussion – residential density and housing types
 - Current densities and available dwelling units
 - Water and sewer capacity (Keith Dalton)
 - Affordable housing
4. Policy discussion – commercial and industrial development
5. Evaluate sub-area descriptions and designations
 - Removal of developed sub-areas from BAP
6. Evaluate Potential Future Growth Areas
 - Status of current areas
 - Whether to modify current or create new areas

TASK 1B (Staff) – Update demographics, statistical data, and outdated text

Work Sessions – None (staff work only)

TASK 2 (BADA/Staff) – Develop initial draft of revised Berryville Area Plan

Work Sessions

1. Review/discuss initial draft prepared by Staff; provide direction on additions, deletions, or other changes

TASK 3 (BADA/Staff) – Finalize draft and gain adoption by governing bodies

Meetings

1. Review/discuss final draft prepared by Staff; provide direction on additions, deletions, or other changes; schedule public hearing
2. Public hearing and formal action to recommend revised BAP to Town Council and Board of Supervisors

Report of the Department of Public Works

April 3, 2025

General Information

We started our annual street sweeping last week. All of the business district and metered parking areas are done. We will next clean Mosby Blvd. and all side streets and cul-de-sacs in Balford Estates. We then will start cleaning Hermitage Blvd. and all the streets within the Subdivision. When those areas are done, we will move our operations to Jack Enders Blvd., Berryville Glen, the town house area, and the Darbybrook Subdivision.

Water

We became aware the water laterals on Fremont Court were copper tubing installed inside a PVC sleeve. History has showed us this type of installation will result in future leaks. We excavated all the laterals and replaced them from the main to the meter with CTS Poly. The street has been patched and we will likely overlay the street before the end of the year.

We installed a new water service to the Post Office building and moved the meter from the basement to a new meter location in the front yard. We are currently in the process of relocating the Bank of Clarke water meter from the basement to outside the building, we plan on this project being completed by April 14, 2025.

The Bel Voi water improvement contract was awarded to Fuog Interbuild, we have already held a pre-construction meeting and work should be starting within the next couple weeks.

Sewer

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

Public Utilities Department Report

8 April 2025

Item Title: Department Update

Prepared By: Jean Petti and Frank Kelsey

Water Treatment Plant Activity

All water quality results are available at <https://vadwv.gecsws.com/>

Testing results from samples collected on February 20, 2025 show that our system exceeded the standard, or maximum contaminant level (MCL), for Haloacetic Acids, with results of 0.032 mg/L and 0.036 mg/L at monitoring locations on Dunlap Drive and McNeil Drive, respectively. The standard for Haloacetic Acids is a four-quarter running average of 0.060mg/L. The average levels of Haloacetic Acids over the four-quarter period ending with the first quarter of 2025 were 0.062 and 0.060 mg/L. Notices to consumers will be distributed with April's utility invoices.

The Consent Order went into effect on December 31, 2024. Town Staff has maintained regular communication with Virginia Department of Health (VDH) to review operations and water quality testing results. Our Corrective Action Plan (CAP) was accepted by Virginia Department of Health (VDH) on March 25, 2025. The first quarterly CAP update is due April 10, 2025. The submission of a revised Water Treatment Plant Upgrades Preliminary Engineering Report (PER) will be submitted to VDH before April 15, 2025.

Berryville has contracted with Inboden Environmental Services (IES) to prepare a PER for Disinfection Byproducts Production analysis. This evaluation is due February 2, 2026 with an interim report due September 30, 2025. An assessment of settling tubes condition is due to VDH by May 1, 2025. An assessment of the existing filter media is due to VDH by September 1, 2025.

The three (3) water storage tanks were inspected as part of routine ongoing maintenance. The report is pending.

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.

Wastewater Treatment Plant Activity

The citric acid pumps, which provide maintenance cleans to the filtration membranes, were cleaned and serviced.

Department General Activity

Frank Kelsey joined the department as Utilities Director on March 24, 2025. Mr. Kelsey has twenty-four years' experience in water and wastewater operation and management. He holds a Bachelor's Degree in Business Administration with a concentration in Project Management and double minor in Finance and Accounting. He is a licensed Class 1 Waterworks Operator in the state of Virginia, which is the highest accreditation available.

Many thanks to members of the Public Works Department, who installed the replacement settling tube units.



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611

(T) 540.955.3863 (F) 540.955.0207

policeadmin@berryvilleva.gov

W. Neal White – Chief of Police

Police and Security Report

Month/Year: March 2025	Year To Date 2025	March 2025	February 2025
<u>Complaints Answered</u>			
911 Hang Up:	4	2	0
Alarms:	12	6	4
Animal Complaint:	22	7	9
Assault:	7	2	3
Assist County:	26	10	7
Assist EMS and Fire:	35	10	12
Auto Larceny:	1	1	0
Burglary:	0	0	0
Civil Complaints:	22	10	4
Disturbance:	13	6	2
Domestic Disturbance:	5	2	2
Driving Under the Influence	5	2	0
Drunk In Public:	1	0	0
Fraud:	10	1	6
Larceny:	4	2	0
Harassment/Intimidation:	7	4	1
Homicide:	0	0	0
Identity Theft	1	0	0
Juvenile Related:	5	4	1
Mental Health Crisis:	10	0	4
Narcotics Related:	1	0	0
Noise	5	3	1
Public Service:	14	6	4
Sexual Assault:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	57	22	14
Trespassing:	5	2	3
Vandalism:	7	3	1
Welfare Check:	15	4	8
Miscellaneous Complaints:	178	58	61
Total Complaints Answered:	472	167	147



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	March	February
	2025	2025	2025
<u>Traffic</u>			
Accidents Investigated:	18	5	2
Assist Motorist:	0	0	0
Child Safety Seat Install:	2	2	0
Funeral Escort:	8	4	3
Hit & Run:	2	0	1
Parking Tickets:	40	39	0
Traffic Warnings:	106	24	39
<u>Traffic Summons Issued</u>			
Defective Equipment:	0	0	0
Driving Suspended:	0	0	0
Expired Inspection:	1	1	0
Expired Registration:	4	1	2
Fail to Obey Highway Sign:	15	2	7
Fail to Obey Traffic Signals:	0	0	0
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	0	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	2	0	1
No Seat Belt:	0	0	0
Reckless Driving:	0	0	0
Speeding:	16	3	9
Miscellaneous Summons:	5	1	3
Total Traffic Summons Issued:	43	8	22
<u>Found Open at Businesses in Town</u>			
Doors:	0	0	0
Windows:	0	0	0
Garage Doors:	0	0	0



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611

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policeadmin@berryvilleva.gov

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	March	February
	2025	2025	2025
<u>Criminal Papers Served</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	1	1	0
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	0	0	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	3	1	0
Drunk In Public:	1	0	0
Fail to Obey Police Officer:	0	0	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	0	0	0
Fraud:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	5	0	5
Larceny:	2	0	1
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	1	1	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	0	0	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	3	2	0
Juvenile Detention Order Totals:	2	2	0
Total Criminal Arrests:	18	7	6



BERRYVILLE POLICE DEPARTMENT

101 Chalmers Ct., Suite A, Berryville VA 22611

(T) 540.955.3863 (F) 540.955.0207

policeadmin@berryvilleva.gov

W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	March	February
	2025	2025	2025
<u>Response to Resistance</u>			
Total Community Interface	661	213	217
Total Enforcement Contacts	169	41	67
Physical Custody	8	2	2
Reported Force Involved	2	0	1
Administrative Review - Justified	2	0	1
Administrative Review - Not Justified	0	0	0
Complaint of Injury - Arrestee	0	0	0
Medical Treatment for Injury - Arrestee	0	0	0
Complaint of Injury - Officer	0	0	0
Medical Treatment for Injury - Officer	0	0	0
<u>Type of Force Involved</u>			
Compliance Hold / Open Hands	0	0	0
Takedown	2	0	1
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	7	4	0
Black Male	0	0	0
Other Male	0	0	0
White Female	3	0	2
Black Female	1	1	0
Other Female	0	0	0



BERRYVILLE POLICE DEPARTMENT

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

MEMO

DATE: 04/02/2025
TO: Town Council
FROM: Chief W. Neal White 
CC:
RE: Police Department Monthly Report – 04/08/2025

Monthly Activity Report

The activity report for the month of March 2025 is attached to this report.

Public Safety Committee

The Public Safety Committee did not meet in March 2025.

Staffing

The department continues to have one sworn law enforcement officer position vacancy.

Town Council Agenda Item Report Summary

April 8, 2025

Item Title

Community Development Update

Prepared By

Terry Russell

Planning Commission

The Planning Commission has not held a meeting since the last Council meeting. Its next meeting is scheduled for Tuesday, April 22, 2025.

Berryville Area Development Authority

The BADA held a meeting on Wednesday, March 26, 2025. The BADA received comments from citizens at its meeting on the Hillson Grove Subdivision on South Church Street. Staff has met with the developer and the developer's engineers and provided detailed comments. It is anticipated that the proposal will return to the BADA for its consideration in the near future.

Architectural Review Board

The ARB has not held a meeting since the last Council meeting. Its next meeting is scheduled for Wednesday, May 7, 2025.

Tree Board

The Tree Board met on April 2, 2025. The Board will have a booth providing information and free tree seedlings at the Farmers' Market on May 3, 2025. Its next meeting is scheduled for Wednesday, July 9, 2025.

Board of Zoning Appeals

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

Wayfinding

Staff developed context for proposed sign locations during site visits. Questions posed by potential vendors have been catalogued and a meeting with VDOT officials was held. A meeting with Frazier and Associates is planned and staff expects to have recommendations following this meeting.

Administration and Finance Report

April 8, 2025

Item Title:

Report of the Administration and Finance Department

Prepared By:

Cynthia Poulin, Treasurer

Attachments

1. ARPA Update
2. Cash balances

Recommendation

Presented for Council review

April 8, 2025
Monthly Update

American Rescue Plan Act of 2021

Funds expended over the past month

The March 2025 expenditure report is attached.

Attachments

- March 2025 ARPA Expenditure Report
- ARPA Master List
- Project Status Reports

ARPA MASTER LIST

3/31/2025

	PROJECT NAME	BUDGET	SPENTTODATE	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 DistSys 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 Faade 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	SSESStudy	\$ 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	\$ 110,995.91	\$	100% infra/admin70
24	Drainage Dorsey, Walnut, Treadwell	\$ 1500.00	\$ 1500.00	\$	100% infra
25	Bel Voi and Battletown Water Main Rep!	\$	\$ 11612.50	\$	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	\$ 48,535.37	\$ 494,750.13	0%
	Administrative /Legal Fees	\$ 60,000.00	\$ 45,055.39	\$ 15,592.60	75% Admin
	Total Encumbered	\$ 4,534,986.00	\$ 3,927,923.27	\$ 607,062.73	
	Total ARPA	\$ 4,534,986.00			
	Project For (2) two years				

Mar-25

	BUDGETED	USED THIS MONTH	TOTAL USED	BALANCE	PERCENT USED
<u>Signage</u>					
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
<u>Complete necessary water and sewer infrastructure projects</u>					
<u>Capital Projects</u>					
Estimated cost of these actions					
- Cost of the projects	\$ 3,495,500.79	\$ 5,562.50	\$ 1,440,792.41	\$	85.00% \$ 3,485,953.17
			\$ 1,559,958.25	\$ 494,750.13	\$ 3,485,953.17
Total			\$ 3,000,750.66		
Fund balance from first payment					\$
Fund balance from second payment					\$ 494,750.13
<u>Pay for administrative costs</u>					
Estimated cost of these actions					
- Administrative costs per FY {5.S}	\$ 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:			1st Tranche	\$ 2,267,493.00
Frazier Assoc.(Wayfinding)	\$		Used to date	\$ 2,220,765.06
Core & Main	\$		Balance	\$ 46,727.94
VA RIGGERS	\$			
Pete Mclean	\$		2nd Tranche	\$ 2,267,493.00
Norfolk Southern	\$		Used to date	\$ 1,707,158.21
Marsh & Legge Casey Tree	\$		Balance	\$ 560,334.79
Pennoni {Water Projects Bel Voi & Battletown)	\$ 5,562.50			
Webster Nursery {Concrete walls)	\$			
Total	\$ 5,562.50			

Project Status Report

16

Date: 4/8/2025

Project Name:

Water Meter and Setter Replacements

Project Budget: \$350,000.00

Expected Completion Date: June 2023

Executive Summary:

Upgrade X 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: 4/8/2025

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: 40%

Project Milestones:

Description	% Complete	Status
1. Design	50%	On Track
2. Determine Sign locations	50%	On Track
3. Secure VDOT approvals	95%	On Track
4. Develop offering for design and construction/award/have signs fabricated	0%	On Track
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

29

Date: 4/8/2025

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: \$48,535.37
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:

Cash Balance Report

Period Ending 3/31/2025

Town of Berryville

4/2/2025 3:50 PM

Page 1/1

	Bank Information	Balance
1	Bank of Clarke Operating Acct#- 1138499	-\$66,611.37
2	Bank of Clarke NOW Acct#- 1138502	\$9,965,861.35
3	Bank of Clarke Payroll Acct#- 1138510	\$40,207.48
4	Bank of Clarke CIP Acct#- 1138405	\$15,826,786.05
5	Bank of Clarke SW Acct#- 1138413	\$487,480.37
6	Bank of Clarke PDAF Acct#- 1138421	\$25,486.37
7	Bank of Clarke DSR Acct#- 1138456	\$112,804.32
9	Bank of Clarke RAU Acct#- 1138472	\$951.36
10	Bank of Clarke VRA Reserve Acct#- 6041647	\$470,000.00
11	Bank of Clarke Proffer Reserve Acct#- 1897098	\$90,377.63
12	Bank of Clarke Performance Bonds Acct#- 1910841	\$11,320.28
13	TRUIST Acct#- 5137523525	\$568,635.02
14	Bank of Clarke PD Contributions Acct#- 5759859	\$8,757.82

Total Cash Balance:	\$27,542,056.68
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Check Listing

Date From: 3/1/2025 Date To: 3/31/2025

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

Town of Berryville
04/01/2025 11:44 AM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
9669	1	Commercial Press Inc	03/05/2025	<u>\$230.00</u>
9670	1	EMMART OIL CO	03/05/2025	<u>\$710.00</u>
9671	1	Hall, Monahan, Engle, Mahan & Mitchell	03/05/2025	<u>\$870.00</u>
9672	1	Jean Petti	03/05/2025	<u>\$50.00</u>
9673	1	Keith Dalton	03/05/2025	<u>\$50.00</u>
9674	1	Michelle M. Jones	03/12/2025	<u>\$1,180.00</u>
9675	1	MOLNAR, STEPHANIE JOYCE 7119	03/12/2025	<u>\$138.06</u>
9676	1	PENNONI ASSOCIATES INC	03/12/2025	<u>\$4,020.00</u>
9677	1	RIDDLEBERGER BROTHERS	03/12/2025	<u>\$2,590.07</u>
9678	1	The Hall Company	03/12/2025	<u>\$4,181.70</u>
9679	1	Tyler Technologies	03/12/2025	<u>\$284.97</u>
9680	1	UBEO MIDCO LLC	03/12/2025	<u>\$15.00</u>
9681	1	UNIVAR SOLUTIONS LLC	03/12/2025	<u>\$1,817.45</u>
9682	1	Treasurer of Clarke County	03/14/2025	<u>\$750.00</u>
9683	1	A SIGN PLACE	03/19/2025	<u>\$406.00</u>
9684	1	DIGITAL MEDIA ENTERPRISES 2860	03/19/2025	<u>\$20.94</u>
9685	1	HERCULES FENCE	03/19/2025	<u>\$2,580.00</u>
9686	1	INBODEN ENVIRONMENTAL SVCS	03/19/2025	<u>\$22,743.58</u>
9687	1	JESSE S BURKE	03/19/2025	<u>\$105.68</u>
9688	1	Minnesota Life Insurance Co.	03/19/2025	<u>\$656.45</u>
9689	1	Quadient Inc	03/19/2025	<u>\$772.92</u>
9690	1	Ridgeway Auto Body	03/19/2025	<u>\$8,915.30</u>
9691	1	SHERWOOD-LOGAN & ASSOC	03/19/2025	<u>\$561.89</u>
9692	1	SMOKIN' B'S BBQ	03/19/2025	<u>\$514.44</u>
9693	1	The Winchester Star	03/19/2025	<u>\$225.00</u>
9694	1	THOMSON REUTERS	03/19/2025	<u>\$114.66</u>
9695	1	Treasurer of Clarke County	03/19/2025	<u>\$553.60</u>
9696	1	Treasurer of Frederick County	03/19/2025	<u>\$5,523.60</u>
9697	1	UNIVAR SOLUTIONS LLC	03/19/2025	<u>\$1,372.00</u>
9698	1	Valley Automation	03/19/2025	<u>\$4,516.18</u>
9699	1	VIRASEC IT Support Services, Inc.	03/19/2025	<u>\$3,768.79</u>
9700	1	Ahold U.S.A.,Inc	03/20/2025	<u>\$3,100.00</u>

Check Listing

Date From: 3/1/2025 Date To: 3/31/2025
Vendor Range: 1-800 FLOWERS - ZUKOWSKI FLEET SERVICES INC

Town of Berryville
04/01/2025 11:44 AM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
9701	1	Benjamin Joseph Findley&Jessica Leigh Findley	03/20/2025	<u>\$4,200.00</u>
9702	1	Berryville AL, LLC	03/20/2025	<u>\$2,000.00</u>
9703	1	Cheers School Family, Inc	03/20/2025	<u>\$2,200.00</u>
9704	1	David E. Zuleger & Joanne C. Zuleger	03/20/2025	<u>\$3,000.00</u>
9705	1	LISZEWSKI, MATTHEW JAMES 12872	03/20/2025	<u>\$187.00</u>
9706	1	MDC Berryville, LLC	03/20/2025	<u>\$5,100.00</u>
9707	1	Norman Myers	03/20/2025	<u>\$1,100.00</u>
9708	1	PENNONI ASSOCIATES INC	03/20/2025	<u>\$4,016.05</u>
9709	1	Robert B. Lee	03/20/2025	<u>\$800.00</u>
9710	1	Shannon McDonough Evans	03/20/2025	<u>\$3,500.00</u>
9711	1	Violah M. Lee	03/20/2025	<u>\$800.00</u>
9712	1	CLARKE COUNTY CIRCUIT COURT	03/24/2025	<u>\$270.00</u>
9713	1	Virginia Affordable Housing	03/24/2025	<u>\$2,500.00</u>
9714	1	Carroll Construction Co.	03/26/2025	<u>\$1,530.00</u>
9715	1	COMBS WASTEWATER MANAGEMENT LLC	03/26/2025	<u>\$75.00</u>
9716	1	ECONO SIGNS, LLC	03/26/2025	<u>\$907.14</u>
9717	1	EMMART OIL CO	03/26/2025	<u>\$467.14</u>
9718	1	HIGHWAY MOTORS INC	03/26/2025	<u>\$715.57</u>
9719	1	PENNONI ASSOCIATES INC	03/26/2025	<u>\$5,225.00</u>
9720	1	Stuart M. Perry, Inc	03/26/2025	<u>\$971.13</u>
9721	1	The Power Connection, Inc.	03/26/2025	<u>\$1,415.00</u>
9722	1	VUPS	03/26/2025	<u>\$46.00</u>

54

Checks Totaling -

\$114,363.31

Totals By Fund

	Checks	Voids	Total
100	\$68,494.12		\$68,494.12
501	\$9,142.79		\$9,142.79
502	\$36,726.40		\$36,726.40
Totals:	\$114,363.31		\$114,363.31



Purchasing Card

BERRYVILLE TOWN OF
XXXX-XXXX-XXXX-XXXX
March 01, 2025 - March 31, 2025

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 03/31/25 Payment Due Date 04/25/25 Days in Billing Cycle 31 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$79,954.25	Previous Balance \$79,681.41 Payments -\$79,681.41 Credits -\$53.77 Cash \$0.00 Purchases \$80,008.02 Other Debits \$0.00 Overlimit Fee \$0.00 Late Payment Fee \$0.00 Cash Fees \$0.00 Other Fees \$0.00 Finance Charge \$0.00 Current Balance \$79,954.25

Important Messages

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 04/25/25.

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

Cardholder Activity Summary

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

7968141 7995425 7995425 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: XXXX-XXXX-XXXX-XXXX
March 01, 2025 - March 31, 2025

Total Payment Due \$79,954.25
Payment Due Date 04/25/25

Enter payment amount

\$

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

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

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

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

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

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

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

.....

Thank you for your business.

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

BERRYVILLE TOWN OF
March 01, 2025 - March 31, 2025
Page 3 of 6

Cardholder Activity Summary

Account Number	Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK					
XXXXXX-XXXX-XXXX-XXXX-1273	15,000	0.00	0.00	13,866.14	13,866.14
BOOTH, KEVIN					
XXXXXX-XXXX-XXXX-XXXX-4664	1,000	0.00	0.00	288.53	288.53
DORSEY, DANIEL					
XXXXXX-XXXX-XXXX-XXXX-6116	1,500	0.00	0.00	80.00	80.00
ELLIOTT, RALPH					
XXXXXX-XXXX-XXXX-XXXX-9214	15,000	0.00	0.00	413.81	413.81
JOHNSON, KAREN					
XXXXXX-XXXX-XXXX-XXXX-6889	1,000	0.00	0.00	821.71	821.71
LINK, BRIAN					
XXXXXX-XXXX-XXXX-XXXX-6725	1,500	0.00	0.00	43.34	43.34
MCCORMICK, HARRY					
XXXXXX-XXXX-XXXX-XXXX-9578	1,500	0.00	0.00	21.29	21.29
MILBURN, AUSTIN					
XXXXXX-XXXX-XXXX-XXXX-8774	1,500	0.00	0.00	62.20	62.20
PEARSON, MORGAN					
XXXXXX-XXXX-XXXX-XXXX-2519	1,000	0.00	0.00	300.00	300.00
PETTI, JEAN					
XXXXXX-XXXX-XXXX-XXXX-4519	50,000	53.77	0.00	14,388.72	14,334.95
POULIN, CYNTHIA					
XXXXXX-XXXX-XXXX-XXXX-3542	1,500	0.00	0.00	1,175.08	1,175.08
SHARP, BRIAN					
XXXXXX-XXXX-XXXX-XXXX-4516	1,500	0.00	0.00	73.64	73.64
SHEETZ, CULLEN					
XXXXXX-XXXX-XXXX-XXXX-8740	1,500	0.00	0.00	394.39	394.39
SHOREMOUNT, JOSEPH E					
XXXXXX-XXXX-XXXX-XXXX-4513	1,500	0.00	0.00	18.30	18.30
STOVER, KEITH					
XXXXXX-XXXX-XXXX-XXXX-5318	15,000	0.00	0.00	1,179.04	1,179.04
TYLER, LAURA A					
XXXXXX-XXXX-XXXX-XXXX-0015	50,000	0.00	0.00	43,073.84	43,073.84
WHITE, NEAL					
XXXXXX-XXXX-XXXX-XXXX-0029	15,000	0.00	0.00	3,807.99	3,807.99

Transactions

Posting Transaction	Date	Date	Description	Reference Number	MCC	Charge	Credit
BERRYVILLE TOWN OF							Total Activity
Account Number: XXXXXX-XXXX-XXXX-XXXX-7287							-\$79,681.41
03/25	03/25		AUTO PAYMENT DEDUCTION		0071		79,681.41
BOOR, RICK							Total Activity
Account Number: XXXXXX-XXXX-XXXX-XXXX-1273							13,866.14
03/05	03/03		KORMAN SIGNS INC 800-2966050 VA	24073145063900012500088	5099	3,894.37	
03/10	03/07		SUPERIOR PAVING CORP 703-6310004 VA	24755425067640671472834	1771	3,615.50	
03/10	03/09		WAL-MART #3344 WINCHESTER VA	24226385069007575000316	5411	42.08	
03/20	03/19		GRIFFITH/SMO 877-737-6992 NY	24137465078300706930957	4900	4,163.50	
03/20	03/19		GRIFFITH/SMO 877-737-6992 NY	24137465078300706931039	4900	1,022.28	

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Posting Transaction									
Date	Date	Description		Reference Number	MCC	Charge	Credit		
03/31	03/28	GRIFFITH/SMO	877-737-6992 NY	24137465087300829196030	4900	1,128.41			
BOOTH, KEVIN								Total Activity	
Account Number: [REDACTED]								288.53	
03/17	03/14	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975074273412410589	5251	45.72			
03/20	03/19	LOWES #02724*	Winchester VA	24692165078103564862137	5200	114.90			
03/25	03/24	LOWES #00656*	WINCHESTER VA	24692165083107879266101	5200	73.51			
03/31	03/30	COSTCO WHSE #0239	WINCHESTER VA	24943005090177811061510	5300	54.40			
DORSEY, DANIEL								Total Activity	
Account Number: [REDACTED]								80.00	
03/04	02/28	VA DPOR	804-3678597 VA	24755425062260622513522	9399	80.00			
ELLIOTT, RALPH								Total Activity	
Account Number: [REDACTED]								413.81	
03/21	03/19	A SIGN PLACE/PERSONALIZE	WINCHESTER VA	24223695079030039064432	5099	406.00			
03/27	03/26	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975086286238160333	5251	7.81			
JOHNSON, KAREN								Total Activity	
Account Number: [REDACTED]								821.71	
03/03	02/28	USPS PO 5107560300	BERRYVILLE VA	24137465060001599411606	9402	438.00			
03/03	03/02	Amazon web services	aws.amazon.coVA	24692165061101444186734	7399	0.64			
03/10	03/07	STAPLS7653183284000001	877-8267755 NJ	24164075066105441308683	5111	72.43			
03/10	03/08	STAPLS7910081565000001	877-8267755 NJ	24164075068105441292349	5111	80.49			
03/14	03/14	AMAZON RETA* J1Y367J3	WWW.AMAZON.COWA	24011345073500020686777	5331	49.98			
03/17	03/14	AMAZON MKTPL*GJ35P2MO3	Amzn.com/billWA	24692165073101734260047	5942	65.90			
03/17	03/16	STAPLS7653835109000001	877-8267755 NJ	24164075075105441152981	5111	66.23			
03/31	03/29	STAPLS7654640250000001	877-8267755 NJ	24164075089105441233496	5111	48.04			
LINK, BRIAN								Total Activity	
Account Number: [REDACTED]								43.34	
03/11	03/10	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975070269083026450	5251	31.31			
03/20	03/19	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975079278677096952	5251	12.03			
MCCORMICK, HARRY								Total Activity	
Account Number: [REDACTED]								21.29	
03/14	03/13	GIANT MARTINS #6558	BERRYVILLE VA	24692165072101317190828	5411	13.79			
03/27	03/26	GIANT MARTINS #6558	BERRYVILLE VA	24692165085109742641484	5411	7.50			
MILBURN, AUSTIN								Total Activity	
Account Number: [REDACTED]								62.20	
03/06	03/05	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975065263851009225	5251	38.21			
03/06	03/05	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975065263851009258	5251	9.39			
03/17	03/14	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801975074273412410555	5251	14.60			
PEARSON, MORGAN								Total Activity	
Account Number: [REDACTED]								300.00	
03/20	03/19	SURVEYMONK* T 46632098	WWW.SURVEYMONCA	24492165078500028785568	5734	300.00			
PETTI, JEAN								Total Activity	
Account Number: [REDACTED]								14,334.95	
03/03	02/28	AMAZON MKTPLACE PMTS	Amzn.com/billWA	74692165059109390091773	5942				
03/04	03/03	COYNE CHEMICAL	215-785-3000 PA	24435655062064304083840	5169	1,538.85			
03/04	03/03	COYNE CHEMICAL	215-785-3000 PA	24435655062064304083881	5169	2,371.40			
03/05	03/05	AMAZON MKTPL*6U2E34UV3	Amzn.com/billWA	24692165064103705098803	5942	152.98			
03/06	03/05	COYNE CHEMICAL	215-785-3000 PA	24435655064064855082470	5169	151.50			
03/10	03/07	Amazon.com*681Q99RJ3	Amzn.com/billWA	24692165066106110779840	5942	40.42			
03/11	03/10	COYNE CHEMICAL	215-785-3000 PA	24435655069066136072225	5169	1,186.90			
03/11	03/10	DGS DCLS WATER TEST KITS	804-7860447 VA	24755425070130708925116	8734	766.80			
03/12	03/11	AMAZON MKTPL*DJ4UM9QU3	Amzn.com/billWA	24692165070109591140387	5942	33.82			
03/13	03/13	USABlueBook	Atlanta GA	24793385072000039298053	5085	313.20			
03/13	03/12	GRAINGER	800-4724643 IL	24755425072730724327433	5085	111.67			
03/17	03/16	AMAZON MKTPL*YT7578BB3	Amzn.com/billWA	24692165075101027615863	5942	24.99			
03/18	03/17	eBay O*08-12842-85631	San Jose CA	24204295076000246779051	5311	242.57			
03/20	03/19	COYNE CHEMICAL	215-785-3000 PA	24435655078068478059934	5169	2,658.60			
03/20	03/20	Amazon.com*0M7A67DN3	Amzn.com/billWA	24692165079103817239884	5942	21.20			
03/21	03/20	CONTROL EQUIPMENT COMPANY	540-4440386 VA	24000975079400402335930	5074	2,227.19			
03/24	03/21	INGE EQUIPMENT CO INC	804-8977201 VA	24755425080270805995980	5085	377.38			
03/24	03/21	CONTROL EQUIPMENT COMPANY	540-4440386 VA	24000975080406400008483	5074	756.98			
03/24	03/23	AMAZON MKTPL*UN2HJ55S3	Amzn.com/billWA	24692165082106748593399	5942	15.95			
03/24	03/23	AMAZON MKTPL*Bx4AQ7DJ3	Amzn.com/billWA	24692165082106754540631	5942	9.99			
03/25	03/24	AMAZON MKTPL*4D74B6R13	Amzn.com/billWA	24692165083108009579736	5942	24.99			
03/25	03/25	AMAZON MKTPL*LD0I34R53	Amzn.com/billWA	24692165084108300030024	5942	12.95			
03/27	03/26	AMAZON MKTPL*GW5ER8N63	Amzn.com/billWA	24692165085109505507922	5942	18.89			
03/27	03/26	THREAD LOGIC	800-3471612 MN	24275395085900013592168	5137	403.35			
03/31	03/29	TELEDYNE INSTRUMENTS INC	402-4640231 CA	24717055088640884799574	5047	568.00			
03/31	03/30	USABlueBook	Atlanta GA	24793385089000047912050	5085	352.16			

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03/31	03/30	AMAZON MKTPL*ER2IZ1OO3 Amzn.com/billWA	24692165090103433743199	5942	5.99	
03/31	03/29	AMAZON MKTPLACE PMTS Amzn.com/billWA	74692165088102321514919	5942		24.99

POULIN, CYNTHIA

Account Number: [REDACTED]

Total Activity
1,175.08

03/04	03/03	IN *TRUESHRED 888-7508783 VA	24692165063102744196538	7399	64.50	
03/06	03/05	Microsoft-G080980528 701-2817490 WA	24204295064000423461071	5045	203.83	
03/10	03/08	MICROSOFT#G081409286 MSBILL.INFO WA	24430995067265784054686	5045	228.25	
03/13	03/12	VA DMV ONLINE BILLING PAY804-4977100 VA	24755425072130729792139	9399	450.00	
03/24	03/23	MSFT * E0100VPZAF 800-6427676 WA	24204295082000004430048	5045	6.00	
03/24	03/23	MSFT * E0100VPYFO 800-6427676 WA	24204295082000005153052	5045	210.00	
03/24	03/23	MSFT * E0100VQ135 MICROSOFT.COMWA	24000775082100003529811	5045	12.50	

SHARP, BRIAN

Account Number: [REDACTED]

Total Activity
73.64

03/17	03/14	FISHER AUTO PARTS 009 BERRYVILLE VA	24431065074167563060235	5533	73.64	
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SHEETZ, CULLEN

Account Number: [REDACTED]

Total Activity
394.39

03/04	03/03	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431055063113820016259	5533	50.00	
03/04	03/03	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975063261765996620	5251	9.30	
03/14	03/13	GIANT MARTINS #6558 BERRYVILLE VA	24692165072101317190737	5411	20.16	
03/17	03/14	LOWES #02724* Winchester VA	24692165073102161913918	5200	157.64	
03/17	03/14	TRACTOR-SUPPLY-CO #0697 WINCHESTER VA	24137465074001688520691	5599	113.98	
03/21	03/20	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975080279766195843	5251	35.99	
03/24	03/21	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975081280876416888	5251	7.32	

SHOREMOUNT, JOSEPH E

Account Number: [REDACTED]

Total Activity
18.30

03/24	03/21	USPS PO 5107560300 BERRYVILLE VA	24137465081001696536722	9402	18.30	
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STOVER, KEITH

Account Number: [REDACTED]

Total Activity
1,179.04

03/04	03/03	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801975063261765996588	5251	27.90	
03/28	03/27	LOWES #00656* WINCHESTER VA	24692165086100389684662	5200	174.73	
03/28	03/27	SHADE EQUIPMENT CO-WINCHEWINCHESTER VA	24412905086027013620069	5599	450.90	
03/28	03/27	CUTTING EDGE SMALL ENGINEWINCHESTER VA	24622755086300751896513	5999	525.51	

TYLER, LAURA A

Account Number: [REDACTED]

Total Activity
43,073.84

03/04	03/03	RAPPAHANNOCK ELECTRIC EBILL.MYREC.CVA	24231685062747001368315	4900	5,524.66	
03/06	03/06	COMCAST 800-COMCAST MD	24692165065104678490752	4899	126.07	
03/18	03/17	REPUBLIC SERVICES TRASH HTTP://WWW.PHAZ	24941665076120051142732	4900	5,122.09	
03/21	03/20	REPUBLIC SERVICES TRASH 866-576-5548 AZ	24941665079121509367969	4900	30,443.27	
03/24	03/21	VERIZON BILL PAYMENT 800-VERIZON FL	24692165080104890745091	4814	296.73	
03/24	03/21	VERIZON BILL PAYMENT 800-VERIZON FL	24692165080104890745109	4814	413.40	
03/24	03/21	VERIZONWRLSS*RTCCR VB 800-922-0204 FL	24692165080104996036262	4814	979.81	
03/24	03/22	COMCAST 800-COMCAST MD	24692165081105726887394	4899	167.81	

WHITE, NEAL

Account Number: [REDACTED]

Total Activity
3,807.99

03/06	03/05	DETECTACHEM INC 855-573-3537 TX	24055235064263507092891	5964	2,324.94	
03/07	03/06	GALLS 859-266-7227 KY	24435655065065100022905	5137	340.89	
03/10	03/07	VISTAPRINT 866-207-4955 MA	24036295066716328568510	2741	51.05	
03/18	03/17	THOMSON WEST*TCDD 800-328-4880 MN	24692165076101817231664	8999	123.71	
03/18	03/17	AMAZON MKTPL*SU9JN7QT3 Amzn.com/billWA	24692165076101920175816	5942	36.50	
03/19	03/18	WESTERN SAFETY PRODUCTS 206-264-0808 WA	24323005077120608008853	5099	537.27	
03/20	03/19	BERRYVILLE AUTO PARTS BERRYVILLE VA	24431055079121135017104	5533	81.65	
03/25	03/24	VALEAC WIX.COM CA	24000775083100020758947	8699	150.00	
03/28	03/28	AMAZON MKTPL*0678A2U93 Amzn.com/billWA	24692165087100937637864	5942	28.49	
03/31	03/29	GALLS 859-266-7227 KY	24435655088071140034556	5137	133.49	

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.

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April 8, 2025
Review

Berryville Code Chapter 17 – Water, Sewers and Sewage Disposal

Overview

Staff wishes to initiate a review of Berryville Code Chapter 17 to ensure that it complies with current laws and regulations and to correct typographical errors.

Staff requests permission to place a revised chapter before the Streets and Utilities Committee in July for review and the Council in September for review/approval.

Attachment

- Berryville Code Chapter 17 – Water, Sewers and Sewage Disposal

Suggested action

Assign this matter to the Streets and Utilities Committee

Chapter 17

WATER, SEWERS AND SEWAGE DISPOSAL¹

ARTICLE I. IN GENERAL

Sec. 17-1. Violation of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 2 misdemeanor.

(Ord. of 4-10-12)

Cross reference(s)—Penalty for Class 2 misdemeanor, § 1-11.

Sec. 17-1.1. Charges, rates and fees referred to in chapter not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing any charge, rate or fee referred to in this chapter and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Ord. of 4-10-12)

Sec. 17-2. Responsibility of superintendent of public works as to water and sewer connections.

- (a) The superintendent of public works shall be responsible for the inspection and proper installation of all connections to the town's water and sewer systems.
- (b) No water supplied by the town shall be introduced into any premises, except under the supervision of the superintendent of public works.

¹Editor's note(s)—An ordinance adopted April 10, 2012, repealed the former Ch. 17, §§ 17-1—17-4, 17-14—17-23, 17-25, 17-34—17-44, 17-49—17-58, and enacted a new Ch. 17 as set out herein. The former Ch. 17 pertained to similar subject matter and derived from the 1971 Code; ordinances adopted June 12, 1979; Sept. 11, 1979; Aug. 25, 1981; Nov. 10, 1981; July 13, 1982; Sept. 11, 1984; May 10, 1988; Aug. 15, 1989; Dec. 12, 1989; Jan. 9, 2001; and Sept. 13, 2011(1) and (3).

Cross reference(s)—Department of public works responsible for water filtration and wastewater treatment, § 2-53; building regulations, Ch. 5; zoning ordinance, App. A; subdivision ordinance, App. B.

State law reference(s)—Authority of town to acquire, establish, maintain and operate waterworks, Code of Virginia, §§ 15.1-292, 15.1-875; public water supply, § 32.1-167 et seq.; authority of town to establish, maintain and operate sewage disposal system, §§ 15.1-320, 15.1-876; authority to regulate sewage disposal, §§ 15.1-855, 15.1-856.

(Ord. of 4-10-12)

Cross reference(s)—Department of public works, § 2-52 et seq.

Sec. 17-3. Damaging, defacing, etc., water or sewer system property.

- (a) No unauthorized person shall break, injure, damage, deface, destroy, uncover, move or tamper or interfere with any water main or service pipe, water meter, public sewer, manhole, fireplug or any other appurtenance, fixture, equipment or structure which is a part of, or is connected to, the town's water system or sewer system.
- (b) A violation of this section shall constitute a Class 1 misdemeanor. No penalty imposed for such violation shall prevent the town or any property owner or other person from recovering any damages sustained by reason of such violation, by appropriate civil action or otherwise.

(Ord. of 4-10-12)

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11; damaging property generally, § 13-22.

Sec. 17-4. Construction specifications and standard details.

All water and sewer mains, lines, valves, hydrants, manholes, appurtenances and other improvements required for connection to the Town of Berryville's water and sewer systems shall be constructed, installed and/or extended in full compliance with the provisions and requirements of the document entitled "Town of Berryville Construction Standards and Specifications," as such document may be amended from time to time by the council of the Town of Berryville, and which document is set forth separately and apart from the Code of The Town of Berryville, but shall be incorporated by reference herein as a duly adopted section of the town council.

(Ord. of 4-10-12)

Secs. 17-5—17-13. Reserved.

ARTICLE II. WATER GENERALLY

Sec. 17-14. General powers and duties of superintendent of public works as to water system.

The superintendent of public works shall have supervision over the water system and all pipes, plugs and other properties in any way connected therewith. He shall keep all parts of the machinery and equipment in connection with the water system in good order and repair. He shall keep a map showing the location of the main pipes and length and size of each of them. When there is an extension of any main pipe, he shall mark on the map the place of the extension, size of pipe used and other related information and shall keep an account of the cost of material and labor used in making such extension. He shall keep a record of all branch pipes, hydrants and other connections with the water system.

(Ord. of 4-10-12)

Cross reference(s)—Department of public works, § 2-52 et seq.

Sec. 17-15. Mandatory water connections; private wells prohibited.

- (a) Every building intended for human habitation or occupancy on premises abutting on a street in which there is a public water line shall have a connection with such water line. If possible, such connection shall be separate for each building. The town manager may waive this requirement for parcels of ten (10) acres or larger in size where such connection is deemed to be a hardship.
- (b) The water supply, as provided by the town, shall be neither connected with unsafe water supplies nor cross-connected, through plumbing fixtures, to the drainage system.
- (c) Unless otherwise permitted by this section, it shall be unlawful for the owner of any house or other building intended for human habitation or occupancy to occupy or to rent or lease the same for occupancy by any person, or for any person to occupy the same, unless such house or other building is provided with a supply of water meeting the requirements of this section. If any landlord shall fail to supply any such house or other building with such a supply of water, his tenant shall supply the same in conformity with the orders of the health officer and may deduct the cost thereof from any sum due the landlord for rent.
- (d) It shall be unlawful for any person to drill, own, keep, use or maintain a private well within the town with the intent to circumvent the requirements of this section. In no instance may a well be drilled on any residentially zoned parcel that is less than ten (10) acres in size.

(Ord. of 4-10-12)

Sec. 17-16. Application for service.

Whenever any person owning property in the town along the line of any water main shall desire the introduction of water into such premises, he shall make written application therefor to the town manager. Such application shall set forth the name of the applicant, the location of the property into which the water is to be introduced, the purposes for which the water is to be used and the name of the plumber who is to do the work incident to the introduction of water into the premises. Such application shall also contain a provision which, upon acceptance of the application by the town manager and subsequent connection of the service pipe with the main, will obligate the owner of the premises to pay for all water furnished pursuant to such application. The town manager shall not cause water to be furnished at any water connection until the owner of the premises has agreed to pay for all water furnished.

(Ord. of 4-10-12)

Sec. 17-17. Permission of council required for service outside town.

No water shall be supplied by the town to any person outside the corporate limits of the town, except upon express permission granted by the council.

(Ord. of 4-10-12)

Sec. 17-18. Connection charges.

For each water connection made to the public water system, there shall be a charge as set by the council for any and all residential, commercial, institutional and industrial connections. The council shall set these charges only after a duly adopted resolution specifying charges for residential connections, involving single-family and multifamily dwellings, commercial, institutional and industrial establishments.

(Ord. of 4-10-12)

Sec. 17-19. Installation, inspection, etc., of meters.

- (a) Each meter installed for the measurement of water supplied by the town shall be installed by the town, or its appointed agent, at a location approved by the town or its agent. All meters so installed shall be the property of the town. For each such meter installed there shall be paid to the town, as a meter installation charge, such sum as is prescribed from time to time, by the council, to be collected when the meter is placed in use.
- (b) Each meter installed for the measurement of water supplied by the town shall at all times be subject to control and inspection by the town or its agent, and where any meter is located on private property, the town shall have the right to enter upon or on the same at all reasonable hours for the purpose of inspecting, repairing, replacing or removing such meter or to take meter readings.

(Ord. of 4-10-12)

Sec. 17-20. Property owner or occupant responsible for expense of renewing or repairing meter negligently damaged.

Any water meter damaged for any cause, directly or indirectly attributable to the negligence of the owner or occupant of the property served by such meter, shall be renewed or repaired at the expense of such owner or occupant.

(Ord. of 4-10-12)

Sec. 17-21. By whom cutoffs made.

Water cutoffs shall be made by the superintendent of public works.

(Ord. of 4-10-12)

Sec. 17-22. Charge for cutoff at request of customer.

A charge, in such amount as is, from time to time, prescribed by the council, shall be made for having water service to a particular premises turned off at the request of the customer.

(Ord. of 4-10-12)

Sec. 17-23. Unauthorized use of water.

No person shall use water from the town's water system without having obtained the right to do so.

(Ord. of 4-10-12)

Sec. 17-24. Reserved.**Sec. 17-25. Drought response ordinance.**

- (a) *Drought supply situations.* The Town of Berryville acknowledges that there may be situations where the water supply to the town's water system is reduced by a variety of factors. In recognition of this, the town intends to apply educational, and ultimately enforcement actions, to achieve water conservation measures

of varying degrees. This plan should enable appropriate water usage by appropriate water users at reduced consumption levels during these periods as declared by the town council.

- (b) *Drought water supply response plan.* The town council adopts by reference the current version of the Northern Shenandoah Valley Regional Commission (NSVRC) Drought Response Plan. The adoption of this plan, or a substitution plan authorized by the town council, is pursuant to, and authorized by, applicable sections of the Virginia Code (as required by 9VAC 25-780-120; and as authorized by § 15.2-923(ii) of the Code of Virginia - Local Water-Saving Ordinances, and § 15.2-924 - Water Supply Emergency Ordinances).
- (c) *Construction site stabilization during drought conditions.* To stabilize construction sites during drought conditions, strict adherence to the Erosion and Sediment Control (ESC) Minimum Standards and the Virginia ESC Handbook, along with frequent site inspection, must be applied. The Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3 recommends the following construction site stabilization methods during drought conditions:
 - (1) Preserve established vegetation on construction sites.
 - (2) Establish new vegetation to stabilize construction sites while conserving water.
 - (3) Stabilize construction sites using nonvegetative methods.
 - (4) Research other water conservation resources as identified on the bulletin.
- (d) *Decisions/declarations and data sources.*
 - (1) The town council reserves the right to interpret local water system data, and have sole control over the declaration of a drought/low water supply watch, warning, or emergency. Likewise, the town council reserves the right to reduce, rescind, or eliminate any such declaration. The mayor and town manager may make the following declarations in accordance with provisions of this section.

WATCH— When a ten-percent reduction or more in available water supply is observed. Under a watch declaration, the following voluntary measures are sought:

 - a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage and be aware of and limit high water use including but not limited to overwatering lawns, washing sidewalks and driveways.
 - ii. Residents/businesses are asked to only water on even or odd days based on their address. If their address is an even number, water on even numbered days, if their address is an odd number, water on odd numbered days.

WARNING— When a reduction or more in available water supply is observed. Under a warning declaration, the following voluntary measures are sought:

 - a. Voluntary water conservation.
 - i. Residents/businesses are asked to review their water usage and be aware of and limit high water use.
 - b. Mandatory water restrictions.
 - i. Residents shall only water on even or odd days based on their address as specified above.
 - ii. Where possible, non-vegetative erosion and sediment control methods shall be employed as identified in the Virginia Department of Conservation and Recreation Erosion & Sediment Control Technical Bulletin No. 3. Drought bond is in an amount designated by the community development director.

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- iii. No car washing or outdoor washing. Commercial carwashes utilizing public water will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
 - iv. No washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments or other outdoor surfaces.
 - v. No operation of any outdoor fountain or other structure making a similar use of water.
 - vi. No filling of swimming and/or wading pools.
 - vii. No use of water from fire hydrants for any purpose other than fire suppression or other public emergency.

EMERGENCY— When a twenty-percent reduction or more in available water supply is observed. Under an emergency declaration the following are mandatory restrictions

- a. Mandatory water restrictions.
 - i. Public/businesses are required to conserve. Penalties/sanctions are enforceable pursuant to town ordinance for failure to comply with restrictions as listed.
 - ii. Public notification will be posted of "Mandatory water restrictions in effect."
 - iii. All mandatory restrictions listed under the warning level shall be enforced.
 - iv. High water uses (those consistently using more than one thousand (1,000) gal/day) shall have prepared curtailment plans demonstrating how they shall respond to emergency situations and shall implement such.
 - v. No car washing or outdoor washing. Commercial carwashes will be permitted to operate if they can demonstrate that at least fifty (50) percent of the water used is recycled during the car washing process. Commercial carwashes where well water is used may operate as usual but shall post signs at the business indicating such water source.
 - vi. No lawn watering. Use of gray water permitted for plants, shrubs and gardens in accordance with Virginia Department of Health and Virginia Department of Environmental Quality standards. Definitions of gray water:
 - Relatively clean waste water, such as from kitchen, bathroom (not the toilet), and laundry cycles. This water can be reused or recycled with little or no treatment for landscape irrigation and other nonpotable uses.
 - Waste water discharged from residential lavatories, bathtubs, showers, clothes washers, and laundry trays.
 - vii. No "topping off" of swimming pools.
- (2) The town council shall choose their local data sources, establish their local trigger points for the varying declarations, and evaluate various information sources prior to enabling or rescinding any noted declaration.
- (3) Should the NSVRC drought response plan become unsuitable to the Town of Berryville, the council reserves the right to substitute its own drought/low water supply response plan (as approved by the commonwealth) in lieu of subsection (b).
- (4) Should the water usage reduction measures implemented by the town, either voluntary or mandatory, prove inadequate, the town council shall have the authority to impose additional measures to achieve the water usage reduction goals.

(e) *Enforcement.*

- (1) Violations of this section shall constitute an offense as outlined herein. The Berryville Police Department shall be charged with enforcing this section.
- (2) During a watch declaration:
 - a. Verbal reminder for any noted issues.
- (3) During a warning declaration enforcement for mandatory restrictions:

a.	First offense	Verbal warning
b.	Second offense	Written warning notice
c.	Third offense	Disconnection of service and initiation of legal action

- (4) During an emergency declaration enforcement for mandatory restrictions:

a.	First offense	Written warning notice
b.	Second offense	Disconnection of service
c.	Third offense	Disconnection of service and initiation of legal action

- (5) Reconnect fees shall apply to any customer whose service was disconnected under in violation of the emergency declaration.
 - (6) Flagrant and/or repeat offenders of any declaration may, by decision of the town manager, initiate legal action of this provision.
- (f) *Enforcement actions.* Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by the mayor and town manager pursuant thereto, shall upon conviction thereof, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each act or each day's continuation of the violation shall be considered a separate offense. In addition to the foregoing, the town manager may suspend water service to any person continuing to violate the provisions of this section or the regulations promulgated hereunder. If such water service is terminated, the person shall pay a reconnection fee as established by town council before service will be restored.
- (g) *Appeal process.*
- (1) If a customer wishes to appeal any decision by the town manager, they may present their case before the town council.
 - (2) If a customer wishes to appeal any decision by the town council, they may present their case before the circuit court.
- (h) *Notification.*
- (1) The mayor and town manager, upon rendering a decision pursuant to this chapter, may make such decision known to the public by a variety of media sources such as newspaper, local television access channel, written notices, and/or telephone contacts.

(Ord. of 4-10-12)

Secs. 17-26—17-33. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

Sec. 17-34. General provisions.

- (a) *Purpose.* The purpose of this chapter is to provide for the maximum possible beneficial public use of the Town of Berryville treatment works through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein.
- (b) *Scope.*
 - (1) The definitions of terms used in this chapter are found in article II[section 17-35]. The provisions of this chapter shall apply to the discharge of all wastewater to treatment works of the Town of Berryville. This chapter provides for use of the Town of Berryville treatment works, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this chapter.
 - (2) This chapter shall apply to the Town of Berryville and to persons outside the town who are, by contract, permit or agreement with the town, users of the town's treatment works.
- (c) *Administration.* Except as otherwise provided herein, the director of public utilities shall administer, implement, and enforce the provisions of this chapter.
- (d) *Fees and charges.*
 - (1) All fees and charges payable under the provisions of this chapter shall be paid to the town. Such fees and charges shall be as set forth herein or as established in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges.
 - (2) All user fees, penalties and charges collected under this chapter (and the treatment works user charge ordinance) shall be used for the sole purpose of constructing, operating or maintaining the treatment works of the town, or the retirement of debt incurred for same.
 - (3) All fees and charges payable under the provisions of this chapter are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges.
- (e) *Inspections.*
 - (1) The director of public utilities or authorized state or federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this chapter.
 - (2) The director or authorized representative, bearing proper credentials and identification, shall be permitted to enter all private property through which the town holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the town's treatment works lying within the easement. All entry, and any subsequent work on the easement, shall be done in final accordance with the terms of the easement pertaining to the private property involved.
 - (3) While performing any necessary work on private properties referred to in subsections (e)(1) and (2) above, the director shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

(f) *Separability*. If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of the regulations, shall not be affected thereby.

(g) *Amendments of the chapter*. Public notice shall be given in accordance with applicable provisions of the Town Charter, other town ordinances, state and federal law, prior to adoption of any amendments of this chapter.

(Ord. of 4-10-12)

Sec. 17-35. Definitions.

(a) *Specific definitions*. Unless the context of usage indicates otherwise, the meaning of specific terms in this chapter shall be as follows:

Act shall mean the Federal Clean Water Act, 33. U.S.C. 1251 et seq.

Approval authority means the executive director or director of the department of environmental quality.

ASTM shall mean the American Society for Testing and Materials.

Authorized representative of industrial user shall mean:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; or
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- (3) A duly authorized representative of the individual designated in subsections (1) or (2), above, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the (manager) prior to or together with any reports to be signed by the authorized representative.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Building sewer shall mean the extension of the lateral (service) line from a building wastewater plumbing facility to the sewer main or manhole of the treatment works.

Categorical pretreatment standard or *categorical standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(a) and 307(c) of the Act, which apply to specific categories of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.

Combined sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Day shall mean the 24-hour period beginning at 12:01 a.m.

Director shall mean the town director of public utilities or an authorized designee.

Discharger shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Establishment shall mean any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat, vessel, and each and every other

industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

Existing source shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

Ground water shall mean any water beneath the land surface in the zone of saturation.

Indirect discharge shall mean the introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

Industrial user or significant discharger means a source of indirect discharge, or a nondomestic discharge to a treatment works.

Industrial wastes shall mean liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Interference shall mean an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of sludge by the POTW in accordance with any federal or state laws, regulations, permits or sludge management plans.

May is permissible; *Shall* is mandatory.

Municipality shall mean a town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial, or other wastes.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

New source shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

VPDES shall mean Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

Owner shall mean the commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group.

Pass-through shall mean the discharge of pollutants through a POTW into state waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by standard methods.

Pollutant shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radio active material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

POTW, publicly owned treatment works shall mean any sewage treatment works that is owned by a state or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

"Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Town of Berryville treatment works.

Pretreatment requirements shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

Properly shredded garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than one-half-inch in any dimension.

Residential user (Class 1) shall mean all premises used only for human residency and which is connected to the treatment works.

Sanitary wastewater shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

Significant industrial user shall be defined as follows:

- (1) Has a process wastewater* flow of twenty-five thousand (25,000) gallons or more per average work day;
(*Excludes sanitary, noncontact cooling and boiler blowdown wastewater)
- (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- (3) Is subject to categorical pretreatment standards; or
- (4) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.

Slug load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard in article III, section 17-38 of this chapter or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

Standard methods shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

State shall mean the Commonwealth of Virginia.

Storm sewer shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment works.

Surface water shall mean:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate "wetlands";
- (3) All other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds,

the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

- i. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purposes by industries in interstate commerce.
- (4) All impoundments of waters otherwise defined as surface waters under this definition;
 - (5) Tributaries of waters identified in paragraphs (1) through (7) of this definition;
 - (6) The territorial sea; and
 - (7) "Wetlands" adjacent to waters other than waters that are themselves wetlands, identified in paragraphs (1) through (6) of this definition.

Suspended solids shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by standard methods.

Treatment facility shall mean only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

Treatment works shall mean any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

Toxics shall mean any of the pollutants designated by federal regulations pursuant to Section 307(a)(1) of the Act.

User shall mean a source of wastewater discharge into a POTW.

User permit shall mean a document issued by the POTW to the user that permits the connection and/or introduction of wastes into the treatment works under the provisions of this chapter.

Wastewater shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

WPCF shall mean the Water Pollution Control Federation.

- (b) *General definitions.* Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in subsection (a) above, shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, Copyright 1969.

(Ord. of 4-10-12)

Sec. 17-36. Use of town's treatment works and treatment facility.

- (a) *Waste disposal.* It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within

the Town of Berryville, or in any area under the jurisdiction of said town, any human or animal excrement, garbage, or other objectionable waste.

- (b) *Wastewater discharges.* It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the Town of Berryville or in any area under its jurisdiction. Wastewater discharges to the town's treatment works are not authorized unless permitted by director in accordance with provisions of this chapter.
- (c) *Wastewater disposal.* Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (d) *Connection to treatment works required.* The owner of any house, building, or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be located a sewer connected to the treatment works of the town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this chapter, within one hundred eighty (180) days after notice that sewer is available within two hundred fifty (250) feet of the property line. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

(Ord. of 4-10-12)

Sec. 17-37. Building sewers and connections.

- (a) *Cost for building sewer installation, connection, maintenance, and repair.* All costs and expenses incident to the installation, connection, maintenance and repair of the building sewer shall be borne by the owner or occupant. The owner/occupant shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation, maintenance and /or repair of the building sewer.
- (b) *Connection permit.*
 - (1) No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining a written permit from the director of public works.
 - (2) There shall be two (2) classes of permits for connections to the town's treatment works and treatment facilities.
 - CLASS I—Residential
 - CLASS II—Industrial

In all cases, the owner shall make application for a permit to connect to the town's treatment works on a form furnished by the town. The permit application shall be supplemented by wastewater information required to administer this chapter. Connection application fees, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, shall be paid at time of application.

 - (3) Connections to a storm sewer shall be subject to a connection permit and inspection fee. Connection permit and inspection fees, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, shall be paid at time of application. Such connections shall be subject to the provisions of this chapter and the approval of the director.
- (c) *Separate connections required.* A separate and independent building sewer shall be provided for every building except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. When

this occurs, the building sewer serving the front building may be extended to the rear building and the whole considered as one (1) building sewer. The town assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two (2) buildings.

- (d) *Existing building sewers.* Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the director of public works, to meet the requirements of this chapter.
- (e) *Building sewer design.* The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.
- (f) *Building sewer elevation.* Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the town's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the town sewer. The cost of said lifting shall be borne by the property owner. The property owner shall be responsible for maintaining all equipment and improvements required to lift the discharge.
- (g) *Surface runoff and groundwater drains.*
 - (1) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a treatment works.
 - (2) Roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.
- (h) *Conformance to applicable codes.* The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the town, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the director before installation.
- (i) *Connection inspection.* The applicant for a building sewer or other drainage connection permit shall notify the director when such sewer or drainage connection is ready for inspection prior to its connection to the town's treatment works. Such connection inspections and testing as deemed necessary by the director shall be made by the director of public works or authorized designee.
- (j) *Excavation guards and property restoration.* Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town of Berryville.
- (k) *Protection of capacity for existing users.* The director shall not issue a permit for any class of connection to the town's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the treatment works or treatment facility. The director may permit such a connection if there are legally binding commitments to provide the needed capacity.

(Ord. of 4-10-12)

Sec. 17-38. Conditions to use the town's treatment works.

- (a) *Special uses of treatment works.* All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain, or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this chapter.
- (b) *Industrial user, general prohibition upon.* An industrial user shall not introduce any pollutants into the town's treatment works which will pass through or interfere with the operation or performance of the treatment facilities.
- (c) *Restricted discharges.*
 - (1) No person shall discharge or cause to be discharged to any of the town's treatment works any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:
 - i. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; waste stream with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using test methods specified in 40 CFR 261.21;
 - ii. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the following properties:
 - Having a pH lower than 6.0 or greater than 10.0;
 - iii. Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
 - iv. Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the treatment facilities;
 - v. Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the town wastewater sewer to exceed sixty-five (65) degrees Celsius (one hundred fifty (150) degrees Fahrenheit) or the temperature of the influent to the treatment facilities to exceed forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit);
 - vi. Contain more than one hundred (100) milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
 - vii. Contain floatable oils, fat, or grease;
 - viii. Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
 - ix. Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;
 - x. Contain any garbage that has not been properly shredded;
 - xi. Contain any odor or color producing substances exceeding concentration limits which may be established by the director for purposes of meeting the town's VPDES permit;

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- xii. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;
 - xiii. Any trucked or hauled pollutants except at designated discharge points.
- (2) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the article, the director establishes concentration limits to be met by a user, the director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the state, such limits should become pretreatment standards.
- (d) *Categorical pretreatment standards.*
- (1) No person shall discharge or cause to be discharged to any treatment works wastewaters containing substances subject to an applicable categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three (3) years of the date the standard is promulgated, provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.
 - (2) The director shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.
 - (3) No person shall discharge trucked hazardous wastes to the town's treatment works.
- (e) *Special agreements.* Nothing in this article shall be construed as preventing any agreement or arrangement between the town and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character (only in terms of BOD and/or suspended solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable.
- (f) *Water and energy conservation.* The conservation of water and energy shall be encouraged by the director. In establishing discharge restrictions upon users, the director shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the director, each user will provide the director with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the director, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps.
- (g) *Excessive discharge.* No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the town or state.
- (h) *Accidental discharges.*
- (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

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- (2) Within five (5) days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
 - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. of 4-10-12)

Sec. 17-39. Industrial dischargers.

(a) *Information requirements.*

- (1) All industrial dischargers shall file with the town wastewater information deemed necessary by the director for determination of compliance with this chapter, the town's VPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the director and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in subsection (a)(3).
- (2) Where a person owns, operates or occupies properties designated as an industrial discharger at more than one (1) location, separate information submittals shall be made for each location as may be required by the director.
- (3) Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, The Virginia Pollutant Discharge Elimination System (VPDES) Permit, state disposal system permit and/or the pretreatment programs, provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the town as confidential, shall not be transmitted to any governmental agency or to the general public by the town until and unless a ten-day notification is given to the user.

(b) *User permits.*

- (1) All significant industrial users proposing to connect to or to contribute to the treatment works shall obtain a user permit before connecting to or contributing to the treatment works. All existing significant industrial users connected to or contributing to the treatment works shall obtain a user permit within one hundred eighty (180) days after the effective date of this chapter.

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- (2) Significant industrial users required to obtain a permit shall complete, and file with the town, an application in the form prescribed by the town. Applicants for significant industrial user permits shall pay a fee, as identified in the latest edition of the Town of Berryville Schedule of Water and Sewer Fees and Charges, at time of application. Existing significant industrial users shall apply for a permit within thirty (30) days after the effective date of this chapter, and proposed new significant industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- i. Name, address, and location, (if different from address);
 - ii. SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
 - iii. Wastewater constituents and characteristics including, but not limited to, those mentioned in section 17-38 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - iv. Time and duration of contribution;
 - v. Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - vi. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;
 - vii. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - viii. The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - ix. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in paragraph a. above shall exceed one (1) year.
- c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the

schedule established. In no event shall more than one (1) year elapse between such progress reports to the director.

- x. Each product produced by type, amount, process or processes and rate of production;
- xi. Type and amount of raw materials processed (average and maximum per day);
- xii. Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- xiii. Any other information as may be deemed by the town to be necessary to evaluate the user permit application.

The Town of Berryville will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the town may issue a user permit subject to terms and conditions provided herein.

- (3) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the user permit of users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the POTW within the timeframe prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a user permit as required by subsection (b)(2), the user shall apply for a user permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing user permit shall submit to the (manager), within one hundred eighty (180) days after the promulgation of an applicable federal categorical pretreatment standard, the information required by subsection (b)(2)viii. and ix.
- (4) Permit conditions. User permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the town. Permits shall contain the following:
 - i. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - ii. Limits on the average and maximum wastewater constituents and characteristics;
 - iii. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - iv. Requirements for installation and maintenance of inspection and sampling facilities;
 - v. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - vi. Compliance schedules;
 - vii. Requirements for submission of technical reports or discharge reports (See subsection (c));
 - viii. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording the town access thereto;
 - ix. Requirements for notification of the town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works;
 - x. Requirements for immediate notification of slug discharges;
 - xi. Other conditions as deemed appropriate by the town to ensure compliance with this chapter; and

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- xii. Statement of applicable remedies.
- (5) User permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in subsection (b) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (6) User permits are issued to a specific user for a specific operation. A user permit shall not be reassigned or transferred or sold by the user to a new owner, new user, different premises, or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.
- (c) *Reporting requirements for permittee.*
- (1) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any user subject to pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in paragraph (c)(2) below. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.
- (2) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of such pretreatment standard or in the case of a new source, after commencement of the discharge into the treatment works, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
- i. The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (c)(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. All samples analyzed by this method should be reported.

(d) *Provision for monitoring.*

- (1) When required by the director, the owner of any property serviced by a building sewer carrying Class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.
- (2) The director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class II wastewater discharges shall be required.
- (3) Where the director determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, the (manager) may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in the director's judgment, provide a reasonably reliable measurement of such characteristics.
- (4) Measurements, tests, and analyses of the characteristics of wastewater required by this chapter shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger shall make arrangement with any qualified laboratory to perform such analyses.
- (5) Fees for any given measurement, test, or analysis of wastewater required by this chapter and performed by the town shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

- (e) *Costs of damage.* If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the town's treatment works or treatment facility, the director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision shall be borne by the person causing such deposit, obstruction, or damage.

(Ord. of 4-10-12)

Sec. 17-40. Pretreatment.

(a) *Wastewaters with special characteristics.*

- (1) While the director should initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the director may require any or all of the following:
 - i. Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
 - ii. Control over the quantities and rates of discharge;
 - iii. The development of compliance schedules to meet any applicable pretreatment requirements;

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- iv. The submission of reports necessary to assure compliance with applicable pretreatment requirements;
 - v. Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
 - vi. Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in subsection 17-42(f) of this chapter, or appropriate criminal penalties; or
 - vii. Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.
- (2) When considering the above alternatives, the director shall assure that conditions of the town's permit are met. The director shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The director shall review and recommend any appropriate changes to the program, within thirty (30) days of submittal.
- (3) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.
- (b) *Compliance with pretreatment requirements.* Persons required to pretreat wastewater in accordance with subsection (a) above shall provide a statement, reviewed by an authorized representative of the user and certified by such representative indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the director as described in subsection 17-39(b)(2)ix. The plan (including schedules) shall be consistent with applicable conditions of the town's permit or other local, state or federal laws.
- (c) *Monitoring requirements.* Discharges of wastewater to the town's treatment works from the facilities of any user shall be monitored in accordance with the provisions of the user's permit.
- (d) *Effect of federal law.* In the event that the federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such federal regulations shall immediately supersede subsection (a) if they are more stringent.
- (e) *Certification.* All reports and permit applications must be signed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(Ord. of 4-10-12)

Sec. 17-41. Wastewater service, charges and industrial cost recovery.

- (a) *Wastewater service charges.* Charges and fees for the use of the public treatment works and treatment facility shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by law.
- (b) *Industrial cost recovery.* Users of the town's treatment works and treatment facilities will also be assessed industrial cost recovery charges as required by law.

(c) *Determination of system use.*

- (1) The use of the town's treatment works and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of subsection 17-39(d) to the extent such measurement and analysis is considered by the director to be feasible and cost-effective.
- (2) Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by subsection (c)(3) below.
- (3) The director, when determining actual use of the town's treatment works and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the director. (The actual average water use by each residential user (Class I) during the three (3) months of (January, February, and March) shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.)

(Ord. of 4-10-12)

Sec. 17-42. Enforcement.

- (a) *Harmful contributions.* The town may suspend the wastewater treatment service and/or a user permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment facilities or causes the town to violate any condition of its VPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The town shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within fifteen (15) days of the date of occurrence.

- (b) *Revocation of permit.* Any user who violates the following conditions of this ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of article IX[sic] of this chapter for:
- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - (2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit.

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- (c) *Notification of violation.* Whenever the town finds that any user has violated or is violating this chapter, user permit, or any prohibition or limitation of requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user.
- (d) *Show cause hearing.*
- (1) The town may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
 - (2) The director may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the public utilities department to:
 - i. Issue in the name of the director notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - ii. Take the evidence;
 - iii. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the director for action thereon.
 - (3) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs.
 - (4) After the director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- (e) *Legal action.* If any person discharges sewage, industrial wastes or other wastes into the city's treatment works contrary to the provisions of this chapter, applicable federal or state pretreatment requirements, or any order of the town or if any industrial user refuses access to the director or his designee for purposes of inspection, the town attorney may commence an action for appropriate legal and/or equitable relief in the circuit court.
- (f) *Penalties.*
- (1) Any person or user that violates the provisions of this chapter or a user/discharge permit hereunder shall be subject to a penalty of one thousand dollars (\$1,000.00) per day and/or shall, upon conviction, be guilty of a Class II misdemeanor for each day the violation continues.
 - (2) Each day, or portion thereof, a violation continues shall constitute a separate violation.
- (g) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or user permit, or who falsifies any monitoring device or method required under this ordinance, shall upon conviction, be guilty of a Class I misdemeanor.
- (Ord. of 4-10-12)

Sec. 17-43. Private sewage disposal.

- (a) Where a public sanitary sewer is not available under the provisions of subsection 17-35(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- (b) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state and local departments of health. No septic tank or cesspool shall be permitted to discharge to any public sewer, or natural inlet, or abutting public or private property.
- (c) The owner shall operate and maintain his private sewage disposal facilities in a safe, sanitary manner, at no expense to the town, and with no nuisance whatsoever to others.

(Ord. of 4-10-12)

Sec. 17-44. Special provisions.

Where water from the town water system is used for manufacturing, farming, horticultural, or poultry operations and such water is not being returned to the public sewer system, the user may install a separate water meter to avoid payment of a sewer usage fee for such operations. Such meters shall be subject to a separate minimum water fee. Costs for installing the meters shall be borne by the user.

(Ord. of 4-10-12)

Sec. 17-45. Extension of sanitary sewer lines within the town limits.

- (a) Sewer main extensions from existing sewer mains within the town limits shall be made in accordance with the Subdivision Ordinance of the Town of Berryville, or if not covered by such ordinance, may be made by the town subject to the availability of funds and the concurrence of the town council.
- (b) When any sewer in any street or other right of way is completed and ready for use, the owner of every abutting lot containing an active building whereon sewer is supplied for any human use shall cause such building to be connected with such sewer main.
- (c) No connection shall be made to any sewer lateral except after the written application therefor has been approved by the town manager and the superintendent, and the required permit has been obtained.

(Ord. of 4-10-12)

Sec. 17-46. Extension of sanitary sewer lines outside the town limits.

- (a) Extension of existing public sewer lines to areas outside the town limits may be made only after special written application by the developers or users and approval by the town council.
- (b) The total cost of such extensions shall be paid by the developers and user(s) in addition to the appropriate connection fees. The town shall not be made a party to any such agreements for reimbursement or sharing of costs for the extension. Such agreements shall be solely between the requesting person and any future or present landowners.
- (c) Any easements required for extensions under this article shall be obtained, and paid for by the person(s) desiring the extension. Such easements shall be recorded in the name of the Town of Berryville.
- (d) All extensions shall immediately become the property of the Town of Berryville upon final inspection by the superintendent and acceptance by the town.

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- (e) Whenever extension approval is granted, and before a permit is issued, the town shall require the applicant(s) to enter into an agreement thereby agreeing to be governed by the ordinances and laws of the town concerning the sewage works and any special regulations that the town council may, from time to time, adopt and direct.

(Ord. of 4-10-12)

Secs. 17-47, 17-48. Reserved.

ARTICLE IV. WATER AND SEWER SERVICE CHARGES²

Sec. 17-49. Rates—For water.

The charges for water furnished by the town shall be based on the amount of water passing through the meter, whether such water is used or wasted, and shall be at such rates as are prescribed, from time to time, by the council.

(Ord. of 4-10-12)

Sec. 17-50. Same—For sewer service.

Charges for sewer services rendered by the town shall be based upon one hundred (100) percent of the amount of water passing through the water meter to the premises in question, and shall be at such rates as are prescribed, from time to time, by the council.

(Ord. of 4-10-12)

Sec. 17-51. Deposit to assure payment.

To assure payment of charges provided for in this article, any customer who receives water for residential property which he does not own shall be required to make a cash deposit with the town, in such amount as is prescribed, from time to time, by the council. Such deposit may be required of other customers, if deemed necessary by the town manager.

(Ord. of 4-10-12)

Sec. 17-52. Estimated charges in case of defective meter.

If at any time it is found that a meter installed for the measurement of water supplied by the town has been tampered with or for any reason fails to register or shall be found defective in registering since the previous reading, the water consumption for such period shall be estimated from other similar readings and the average taken of such readings for the same period, or from past readings or from a like installation, and the charges provided for in this article shall be based on such estimate.

²State law reference(s)—Authority of town to charge and collect compensation for water and sewer service, Code of Virginia, §§ 15.1-321, 15.1-875. See also, §§ 15.1-175, 15.1-876.

(Ord. of 4-10-12)

Sec. 17-53. Responsibility for payment in case of multiple occupants served by same service line and meter.

When water is supplied by the town through a single service line on which there is only one (1) meter and such water is used by more than one (1) segregated unit in the building, the owner of the building shall be responsible for the payment of the charges provided for in this article.

(Ord. of 4-10-12)

Sec. 17-54. Statements generally.

All statements for town water and sewer service shall be computed by the treasurer on the basis of the rates prescribed by the council and shall be on a monthly basis. Such statements shall be rendered to the property owner, occupant or user as soon as practicable after monthly meter readings. Such statements shall be considered the correct assessment, unless a correction is requested of the town manager within ten (10) days after the date of the statement.

(Ord. of 4-10-12)

Sec. 17-55. Billing when tenants change between periods.

Water and sewer charges for any billing period in which there has been a change in tenants between the time meters are read for one (1) period and read for the following period shall be billed to the owner of the property.

(Ord. of 4-10-12)

Sec. 17-56. Complaints as to charges; overassessments.

Any user of water or of sewer service having a complaint in connection with the assessment of charges under this article shall report the same to the town manager, within ten (10) days after the date of the statement rendered for such charges. The town manager shall investigate such complaint and, if warranted by the facts, shall adjust the assessment. Any user who feels that he is overassessed may have his meter tested by the town, by payment of such fee as is prescribed, from time to time, by the council. If the meter is found to overregister, the fee shall be returned, but if the meter is correct or under registering, the fee shall be retained by the town to cover the cost of the test.

(Ord. of 4-10-12)

Sec. 17-57. When due and payable.

Statements for charges due under this article shall be due and payable upon presentation and will be considered delinquent, if not paid within fifteen (15) days from the billing date.

(Ord. of 4-10-12)

Sec. 17-58. Service charge and discontinuing service for delinquencies.

If the statement for water and sewer service is not paid within fifteen (15) days of its date, a service charge, in such amount as is prescribed, from time to time, by the council, will be added and service will be discontinued until such statement and service charge shall have been paid in full. Service shall be restored when all statements and service charges have been brought to date and a reconnection fee, in such amount as is prescribed, from time to time, by the council, is paid to the town.

(Ord. of 4-10-12)

Combined Streets & Utilities and Community Development Committee

Report for 8 April 2025

Item Title: Property maintenance code

Prepared By: Jean Petti

Background/History General Information: The committee has been reviewing Art. III, Sec. 8-35 through 8-40 in regard to pollinator and wildlife habitat within the Town and general property maintenance.

Findings/Current Activity: Noxious weeds and overgrowth pose health and safety concerns, while some pollinator-friendly habitats may appear, at certain seasons, similar. Town staff desired additional clarity in definitions and approach to enforcement. The attached draft ordinance has undergone legal review.

Attachments:

- I. Draft ordinance for Article III. Nuisance grass, weeds, and brush; Enforcement*

Recommendation: Consider draft for approval

ARTICLE III. NUISANCE GRASS, WEEDS, AND BRUSH; ENFORCEMENT

Sec. 8-35. Definitions.

For purposes of this article, the following terms mean as follows:

Costs means the cost to the town to abate grass, weed, or brush nuisance, including, but not limited to, administrative costs, the cost of delivering the notice, labor, equipment, contractor's fees, and any other cost directly associated with the action taken to abate the nuisance.

Foreign Growth means invasive plants introduced by human activity into a region in which they did not evolve, and which cause harm to natural resources, economic activity, or humans. Information on foreign growth may be found in the Virginia Invasive Plant Species List, within the Virginia Department of Conservation and Recreation.

Growing Season means the time period beginning April 25th and ending October 5th. Source: Vegetable Planting Guide and Recommended Planting Dates, Virginia Cooperative Extension Publication 426-331.

Owners means persons holding title to any land or lot in the town; lessees, tenants and principal occupants of any land or lot in the town or agents of persons holding title to such lands or lots, and agents of persons having care, custody, control or management of the land or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots in the town for others.

Weed or weeds means wild or uncontrolled growth or vegetation of every kind standing on land, other than trees, ornamental shrubbery, cultivated flowers and garden vegetables.

Sec. 8-36. Purpose and authority of article.

Permitting weeds as defined by this article, grass, or brush more than twelve (12) inches in height to be present or to remain upon real property in the town is hereby declared to be a public nuisance and detrimental to the health, safety, and welfare of the public. The purpose of this article is to provide penalties for and actions for the abatement of conditions in violation of this article, pursuant to Virginia Code, §§ 15.2-900, 15.2-901, and 15.2-1115.

Sec. 8-37. Prohibited conditions on real property.

(a) Owners of property within the town shall not allow grass, weeds and other foreign growth thereon to exceed 12 inches in height.

(b) The owners of occupied or vacant developed or undeveloped property in the town, including such property upon which buildings or other improvements are located, shall cut grass, weeds and other foreign growth on such property or any part thereof in accordance with the provisions of this Article and at such time or times as council shall prescribe. Council may, whenever it is deemed necessary, after reasonable notice as set forth in Section 8-39, have such grass, weeds or foreign growth cut by its agents or employees, in which event the cost

thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected as provided in this Article

(c) For the purposes of this section, one (1) written notice per growing season to the owner of the subject property shall be considered reasonable notice.

Sec. 8-38. General penalty.

(a) Violations of section 8-37 shall be subject to a civil penalty of fifty dollars (\$50.00) for the first violation, or violations arising from the same set of operative facts. Each business day during which the same violation is found to have existed shall constitute a separate offense. Subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be subject to a civil penalty of two hundred dollars (\$200.00). In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000.00) in a twelve-month period or, in the case of property that is zoned or utilized for industrial or commercial purposes, six thousand dollars (\$6,000.00) in a twelve (12) month period.

(b) Every charge authorized by this section which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as liens for other unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia, 1950, as amended. The town may waive such liens only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(c) Violations of any provision of this section shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(d) The general penalties contained in this section shall be available in addition to the town's authority to compel abatement of the violation as provided in section 8-39.

Sec. 8-39. Notice of abatement; abatement by owner.

(a) Whenever a violation of this Article is found to exist within the town, the town manager or their designee may give written notice to the owner or occupant, or both, of the violation and require that the violation be corrected or abated as required by the notice of abatement. The notice of abatement shall provide the owner or occupant, or both, five (5) business days to correct or abate the violation.

(b) The town manager or their designee shall provide the owner or occupant, or both, a copy of the notice of abatement by one or more of the following methods:

- a. Mail written notice thereof to the owner, at the owner's address as determined from public records, via first-class mail.
- b. Mail written notice thereof to the occupant, at the address where the violation is observed, via first-class mail.
- c. Hand-deliver written notice to the owner or occupant personally, noting the date, time and place of personal delivery.

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- d. If notice by the foregoing methods have been unsuccessful or cannot be obtained, then by posting a copy of the notice of abatement in a conspicuous place on the real property for a period of ten (10) calendar days. For unimproved real property, placement of the notice of abatement on a stake in a conspicuous location on the property shall be sufficient.

(c) The notice of abatement shall contain the following:

- a. Describe the real property where the violation exists by street address or reasonable alternative means;
- b. Set forth the violation of this Article;
- c. Demand the correction or abatement of the violation;
- d. Advise that if the violation is not corrected or abated within five (5) business days, then the town may proceed to abate the violation and charge the owner the costs associated with such abatement plus an administrative fee;
- e. Advise that the town may cause the issuance of a summons for the unlawful violation of the provisions this Article;
- f. Advise that the town's costs, together with the administrative fee if unpaid, will constitute a lien against the real property in favor of the town, and a personal liability of the owner; and
- g. Advise that for the purposes of this Article, one (1) written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.

Sec. 8-40. Abatement of violation by the town.

(a) If grass, weeds, or other foreign growth have not been cut within five (5) business days from the date of the notice provided for in Section 8-39, the town manager or his or her designee may cause the cutting of such grass, weeds or other foreign growth forthwith by the town's employees or a private contractor engaged by the town for such purpose.

(b) Where grass, weeds or other foreign growth have been cut by order of the town manager or his or her designee pursuant to the provisions of this section, the cost of such cutting and a \$50.00 fee to offset the administrative expenses shall be charged to the owner of the property. If such charges are not timely paid, the unpaid amount due shall be added to the town real estate tax bill on such property and shall be a lien on such property as described at Section 8-38, subpart b.