

**BERRYVILLE TOWN COUNCIL
MEETING AGENDA
Regular Meeting
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Main Meeting Room
Tuesday, August 14, 2018
7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call to Order – Patricia Dickinson, Mayor	
2. Pledge of Allegiance	
3. Approval of Agenda	
4. Public Hearings	
No hearings scheduled	
5. Citizens' Forum	
6. Consent Agenda	1↓
Motion	
- Minutes of Regular Meeting – 07/10/18	
- Minutes of Personnel, Appointments, and Policy Committee - 7/11/18 & 7/17/18	
- Minutes of Streets and Utilities Committee 7/17/18	
- Minutes of Community Development Committee – 7/23/18	
- Minutes of Public Safety Committee – 7/25/18	
7. Report of Patricia Dickinson, Mayor	
Resolution of Appreciation and Thanks	2
8. Report of Harry Lee Arnold, Jr., Recorder	
Town Brochures/Mailers	3↓
9. Report of Christy Dunkle, Asst. Town Manager for Community Development	
Monthly report	4↓

<u>Item</u>	<u>Attachment</u>
10. Report of Keith Dalton, Town Manager	
Review of Charter and Town Code Chapters 1-3	5
Town Council Goals for FY 2020	6
11. Report of Erecka Gibson – Chair, Budget and Finance Committee	
Report of Desiree Moreland, Treasurer	7
12. Report of Kara Rodriguez – Chair, Community Development Committee	
13. Report of Donna McDonald – Chair, Public Safety Committee	
Report of Neal White, Chief of Police	8↓
14. Report of Diane Harrison – Chair, Streets and Utilities Committee	
Report of David Tyrrell, Public Utilities Director	9
Report of Rick Boor, Public Works Director	10
Completion of Jack Enders Boulevard	11
Water and Sewer Adjustment Request Appeals	12↓
Paving Contract Change Order	13↓
15. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointments and Policy Committee	
Recommendation for appointment to Board of Zoning Appeals	14↓
Re-appointments to Planning Commission	15↓
Re-appointment to Architectural Review Board	16↓
16. Other -	
17. Closed Session – No closed session scheduled.	
18. Adjourn -	

Attachment 1

BERRYVILLE TOWN COUNCIL
MOTION TO APPROVE CONSENT AGENDA

Date: August 14, 2018

Motion By:

Second By:

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

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
July 10, 2018
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Diane Harrison; Erecka Gibson; Kara Rodriguez

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Treasurer; Neal White, Chief of Police; Dave Tyrrell, Director of Public Utilities; Mia L. Jackson, Town Clerk; Karen Johnson, Front Desk Clerk

Press: Mickey Powell, Journalist, The Winchester Star

1. Call to Order
Mayor Dickinson called the meeting to order at 7:30 p.m.
2. Pledge of Allegiance
3. Approval of Agenda
On motion of Council member Rodriguez, seconded by Council member McDonald, the agenda was approved unanimously.
4. Public Hearing
No hearings scheduled
5. Citizens' Forum
Mayor Dickinson recognized Mary Ivie, Berryville resident. Ms. Ivie said she is a resident of Dorsey Street and would like to make the Town aware of a flooding issue near her home on Dorsey Street.

Mayor Dickinson recognized Elizabeth Ryan, from Berryville Main Street. Ms. Ryan welcomed the new Council members and reviewed the most recent activities from Berryville Main Street.
6. Consent Agenda
The Consent Agenda was approved on motion of Recorder Arnold, seconded by Council member Harrison. The items on the Consent Agenda were:
Minutes of Regular Meeting – 06/12/18
Minutes of Continued Meeting – 06/22/2018
Minutes of Town Council Work Session Meeting – 07/02/18
Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold
Nay: None
Abstain: Dickinson

7. Report of Patricia Dickinson, Mayor

Council member Harrison moved that the Council of the Town of Berryville approve the attached resolution honoring the service of former Council member, H. Allen Kitselman, III. Council member McDonald seconded the motion.

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

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Council member Rodriguez moved that the Council of the Town of Berryville approve the attached resolution honoring the service of former Council member David Tollet. Council member Harrison seconded the motion.

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

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Mayor Dickinson noted that the resolutions will be presented at the next Council meeting in August.

Mayor Dickinson reminded everyone about Lloyd Williams Day on July 14th.

8. Report of Harry Lee Arnold, Jr, Recorder

Recorder Arnold said the draft brochures of the Welcome to Berryville and Town of Berryville Water and Sewer are good first drafts. He asked that any recommended changes from Council to staff for the brochures be sent by July 26. Mr. Dalton said the updated brochures will be brought to the August Council meeting. Mr. Dalton said that the brochures would need to be paired down if they are to be included in the water and sewer bills. Mayor Dickinson asked if the intention is for the brochures to be printed in color. Recorder Arnold said that he would like to see a cost estimate for the brochures before pairing them down. He said he would like to get the information to the community in one complete version.

9. Report of Christy Dunkle, Assistant Town Manager/Planner

Ms. Dunkle reviewed her staff report included in the agenda packet.

Ms. Dunkle reviewed the text amendment for the Zoning Ordinance that would allow Town Council to appoint members of the Tree Board. Ms. Dunkle noted that it was recommended the text amendment be available for consideration at a future public hearing that would be advertised simultaneously with other items in order to save money. Council agreed to advertise this text amendment with a public hearing notice slated for August.

10. Report of Keith Dalton, Town Manager

Mr. Dalton said Mia Jackson will be leaving her position as Town Clerk. He said that Karen Johnson the current Front Desk Clerk for the Town will be moving into the position as Town Clerk. He wished Mia well and welcomed Karen.

Mr. Dalton announced that McDonalds Corporation has notified staff they plan to begin construction of their new store on McNeil Drive in October with an expected opening date in January 2019.

Mr. Dalton said staff is requesting authorization to advertise a public hearing for the August Council meeting if an acceptable amendment is received by July 25 from AT&T regarding the ATT Lease for the Northwest elevated water tank. Mr. Dalton noted in the past Council has said they did not want to include term extensions in the lease. Mr. Dalton said he would like authorization to allow term extensions to be addressed within the draft amended lease and he would address it within the lease. Town Council agreed to allow term extensions to be addressed in the draft lease amendments.

Mr. Dalton reviewed the reasons to archive the audio of the continued meeting held on June 22, 2018. **Council member Gibson moved that the Council of the Town of Berryville archive permanently the audio recording of the continued meeting on June 22, 2018 because of its enduring historical nature pursuant to the Virginia Public Records Act. Council member McDonald seconded the motion.**

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

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Mr. Dalton confirmed the Committee meeting schedule as follows:

Budget and Finance: No meeting scheduled at this time

Community Development: July 23, 2018 @ 4:30 p.m.

Public Safety: July 18, 2018 @ 4:00 p.m.

Streets and Utilities: July 17, 2018 @ 10:30 a.m.

Personnel Appointment and Policy Committee: No meeting scheduled at this time

11. Report of Erecka Gibson - Chair, Budget and Finance Committee

Council member Gibson noted upcoming agenda items for the Budget & Finance Committee are yearend expenses. Mayor Dickinson noted that budget goals and objectives would need to be on the agenda.

Council member Gibson moved that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for Tax Year 2012. Council member McDonald seconded the motion. Recorder Arnold asked that Ms. Moreland explain the reason for the charge offs. Ms. Moreland said that the Town is only allowed to enforce collection of personal property tax for five years.

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

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Council member Gibson moved that the Council of the Town of Berryville authorize publication of the names of those delinquent for personal property and real estate taxes pursuant to Section 58.1-3924 of the Code of Virginia, as amended. Council member McDonald seconded the motion. Council member Rodriguez inquired about the number of times citizens are notified prior to the publication as well as how they are contacted. Ms. Moreland said that citizens are receiving several notices in attempt to collect a debt.

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

12. Report of Kara Rodriguez - Chair, Community Improvement Committee

Council member Rodriguez discussed the expanded scope of the committee. She said the expanded scope will include the committee focusing on economic development within the Town. Council member Rodriguez said that a new name for the committee is being discussed. Recorder Arnold suggested Community Development Committee.

Council member Rodriguez noted the committee will meet on the fourth Monday of every month at 4:30 p.m. and encouraged the public to attend. Council member Rodriguez noted the members of the committee are herself as Chair, Donna McDonald and Diane Harrison.

13. Report of Donna McDonald – Public Safety

Council member McDonald said there will be a committee meeting on July 23rd at 4:00 p.m.

Chief White gave a reminder about National Night Out on August 7, 2018 in Rose Hill Park.

14. Report of Diane Harrison – Chair, Streets and Utilities Committee

Council member Harrison noted that the Streets and Utilities Committee will meet on the 4th Tuesday of every month at 10:30 a.m. and welcomed the public to attend. Council member Harrison noted the members of the committee as herself as Chair and Pat Dickinson.

Mr. Tyrrell provided an update on the repair of the 3M Water Tank. Mr. Tyrrell said the contractor is working on finalizing the amended contract and will provide the final version to staff by July 11, 2018. He noted once the contract is signed repair work will begin on the tank. Mr. Tyrrell said he has requested an updated schedule from the contractor. Mr. Tyrrell reviewed a citizen complaint that has been received regarding the work being done in and around the water tank.

Mr. Dalton reviewed the options related to the tanker task force and if the service would be continued or suspended. Recorder Arnold reviewed the purpose of the tanker task force. He said his recommendation is that the Town discontinue the staffed tanker driver assignment because Town crews have been able to keep the elevated tanks full and the Town has been able to keep up with water demands. **Recorder Arnold moved that the Council of the Town of Berryville discontinue the staffed tanker driver assignment as soon as practical but no later than July 27th and direct the Town Manager to send a letter of thanks to the Director of Fire, EMS, and Emergency Management for the County of Clarke, Brian Lichty. Council member Rodriguez seconded the motion.**

Aye: McDonald, Harrison, Gibson, Rodriguez, Arnold

Nay: None

Abstain: Dickinson

Mr. Dalton said that we put out the latest paving contract for bid and had a good response. He noted that as soon as things are finalized staff will be putting that information on the website.

Council member Harrison inquired regarding the pumps that were struck by lightning. Mr. Tyrrell said that it is currently being reviewed by insurance.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel, Appointment and Policy Committee
Recorder Arnold reviewed the updated name for the committee's.

Recorder Arnold said that the committee will meet July 11th at 9 a.m. He said there are some openings and upcoming expirations on Town Boards that need to be addressed.

Recorder Arnold asked about the Building Representative for the Government Center. Mr. Dalton said that it is an annual assignment. Mayor Dickinson said the new Building Committee Representative is Recorder Arnold.

Mayor Dickinson thanked the Town Clerk and wished her well and welcomed the new Town Clerk.

16. Closed Session – No closed session scheduled

17. Adjourn

There being no other business, upon motion of Council member McDonald, seconded by Council member Gibson, the meeting was adjourned at 8:23 p.m.

Harry Lee Arnold, Jr., Recorder

Mia L. Jackson, Town Clerk

TOWN COUNCIL SIGN UP SHEET

Citizens' Forum

Tuesday, July 10, 2018

7:30 p.m.

Name: _____ Town of Berryville Resident?

MARY WIE Yes No

Lizzie Ryan - Berryville Main Street Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

Yes No

BERRYVILLE TOWN COUNCIL PERSONNEL COMMITTEE
Berryville-Clarke County Government Center
MINUTES
July 11, 2018

A meeting of the Berryville Town Council Personnel Committee was held on Wednesday, July 11, 2018 at 9:00am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Jay Arnold, Chair, Erecka Gibson, Pat Dickinson

Staff present: Christy Dunkle, Assistant Town Manager/Planner, Chief Neal White

Chair Arnold called the meeting to order at 9:01am.

Approval of Agenda

Ms. Dickinson moved, seconded by Ms. Gibson, to approve the agenda as presented.

Discussion – Vacancies and term expirations

Chair Arnold said that there are two reappointments to the Planning Commission, Kim Kemp and Gwen Malone, to be considered. After discussion, Ms. Dickinson moved to recommend Council reappoint each member to four year terms, seconded by Ms. Gibson, the motion passed by voice vote. Chair Arnold said that Susan Godfrey's term on the Architectural Review Board has expired and she has indicated that she would like to be reappointed. After discussion, Ms. Dickinson moved to recommend Council reappoint Ms. Godfrey to a four year term on the Architectural Review Board, seconded by Ms. Gibson, the motion passed by voice vote.

Chair Arnold said that the Town has received one request for recommendation of a Board of Zoning Appeals appointment to complete the unexpired term of Ms. Rodriguez. Committee members asked staff to schedule an interview with Ryan Tibbens.

Chair Arnold said there is an opening on the Berryville Area Development Authority. There was a discussion as to whether a Council person should be a member of this Board. Committee members said they would put feelers out to residents who might be interested in this appointment.

Discussion – Social Media Policy

Ms. Dickinson said she has reviewed the document and said there should be two policies, one for employees and one for elected and appointed officials, because the document presented is confusing. She added that the first amendment is different for employees. She requested that page numbers and draft versions should be identified in the updated document. There was a discussion about FOIA and access to accounts. Ms. Dickinson said she did not want to spend the money for an archive company. Ms. Gibson said that it is not a lot of money and would support obtaining an archiving company to protect the Town. Chief White said that the Berryville Police Department is

ready to launch their Facebook page but he was waiting until a policy had been adopted. He said an archive company would allow for easier, more complete searches for electronic FOIA requests. Ms. Gibson reiterated that several new Council members appear to be interested in using social media to be in touch with their respective constituents. There was a discussion about advantages to obtaining an archiving company.

Discussion – Job Descriptions

Ms. Dickinson said she expected to have all of the job descriptions for review adding that it has been two years since this information was requested and they only have three to review. She said that there are not that many descriptions to review. She said that the new finance position and police department administration job were reviewed as new positions. Ms. Dickinson asked staff to obtain all of the job descriptions from the Town Manager for review by the Committee.

Discussion – Town Council Policies/Operating Procedures

Chair Arnold reviewed the policies included in the packet. There was a discussion about posting signs that indicated video recording may be occurring at the meeting.

Chair Arnold suggested formatting all of the policies and procedures in a consistent design in one document. Ms. Dickinson identified the Clarke County School Board web site as a good guide on how to organize the document and the process for adopting new policies and procedures. The Committee wanted to make sure Ms. Harrison and Ms. Rodriguez receive the updated policies and procedures.

Other

There was a discussion about voting at Council meetings. Chair Arnold said that abstaining on a vote should be verbalized in order to clarify the action in the minutes. Ms. Dickinson referenced Robert's Rules of Order and that the presiding officer would vote only to break a tie. She said that she has reviewed dozens of other localities' charters and that Berryville is the only locality that has an even number of voting officials. She said that she has a standing rule with the Clerk that she abstains from each vote. Ms. Dickinson said she would review Robert's Rules of Order to clarify the action.

Ms. Dickinson said concerning priorities for the coming year, vacancies and terms are all over the map and that appointees should begin terms on July 1 which would end on June 30 of the respective year. She added that the Clarke County Board of Supervisors sets dates and terms on a regular schedule. She said that consistent appointments would be cleaner and more understandable to the public. Chair Arnold recommended appointing the reappointed Planning Commissioners and ARB member discussed earlier to begin on July 1.

Ms. Dickinson said that she has received feedback from others that the listing of holidays in the Employee Handbook should be reviewed and that Lee Jackson Day should be removed and replaced with another day. There was a discussion about state-designated holidays. Ms. Gibson said she had no preference. Ms. Dickinson added that she was surprised that the Town Offices were closed the afternoon before Apple Blossom and that it was not identified on the list of holidays.

Ms. Dickinson said that they were no closer on job description review than they were two years ago. She said that three job descriptions were not enough. She said that an in-house salary study should be conducted as a priority for 2019-2020 adding that three years is too long. She recommended hiring a human resources consultant to conduct an audit of the Town's HR Department, to review the employee handbook, to assure compliance with two files per employee (medical and personnel) including locking the files, and to audit the HR policy. Ms. Dickinson said that she is fine with spending the approximate \$10,000 to hire such a consultant. There was a discussion about the cost exceeding that amount. Ms. Dickinson said that Council can forward a list of priorities to staff to cost out each of the requests and present the findings to Town Council.

There being no further discussion, Ms. Dickinson moved to adjourn the meeting, seconded by Ms. Gibson, the meeting was adjourned at 10:04am.

BERRYVILLE TOWN COUNCIL PERSONNEL COMMITTEE
Berryville-Clarke County Government Center
MINUTES
July 17, 2018

A meeting of the Berryville Town Council Personnel Committee was held on Tuesday, July 17, 2018 at 9:00am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Jay Arnold, Chair, Pat Dickinson, Erecka Gibson

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Ryan Tibbens

Chair Arnold called the meeting to order at 9:00am.

Approval of Agenda

Ms. Gibson made the motion to approve the agenda as presented, seconded by Ms. Dickinson, the motion was approved by voice vote.

Chair Arnold said that the Committee will be interviewing a prospective member for the Board of Zoning Appeals appointment by the Circuit Court and introduced Mr. Tibbens.

Closed Session

Ms. Dickinson moved that the Personnel Committee of the Berryville Town Council enter a closed session in accordance with §2.2-3711.A.1, Code of Virginia, for discussion, consideration, or interview of a prospective candidate for appointment. Ms. Gibson seconded the motion which carried as follows:

Aye:	Arnold, Dickinson, Gibson
Nay:	None
Abstain:	None
Absent:	None

The Personnel Committee entered closed session at 9:03am. At 9:20am, the members of the Personnel Committee being assembled within the designated meeting place in the presence of members of the public and media desiring to attend, the meeting reconvened. Ms. Dickinson read the resolution of certification and moved that the following Resolution Concerning Certification of the Closed Session be adopted. Ms. Gibson seconded the motion which carried on the following roll call vote:

Aye:	Arnold, Dickinson, Gibson
Nay:	None
Abstain:	None
Absent:	None

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Personnel Committee of the Council of the Town of Berryville, Virginia 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; and

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

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

Discussion – Town's representative on the Northern Shenandoah Valley Regional Commission

Chair Arnold said that Ms. Harrison had raised the question about staff participating on the NSVRC Board at the Town Council work session. Ms. Dickinson said the charter appears to contain contradictory information as far as appointments of elected and non-elected representatives to the Board. She said she did not want to go against the organization's charter or by-laws. She added that she had missed one meeting and that she attends the meetings for free with no mileage request whereas staff would be paid for attending the meeting. She said she was not sure that the benefit was worth more of the cost. There was a discussion about the makeup of the Board and that the majority are elected officials. Chair Arnold said that after reviewing the by-laws and discussing the matter, he has concluded that the same attendance should be retained. Ms. Gibson requested that Ms. Dickinson give staff at least 24 hour notice if she was unable to attend.

Other

Ms. Dickinson said she had a Talent Bank form for consideration of an appointment to the Berryville Area Development Authority (BADA). She said she would distribute the form to Committee members. There was a discussion about Town Council representation on the BADA. Ms. Dickinson and Ms. Gibson did not wish to have Town Council representation on the BADA.

Adjourn

There being no further business, Ms. Gibson made a motion to adjourn the meeting, seconded by Chair Arnold, the motion passed by voice vote at 9:30am.

BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE
Berryville-Clarke County Government Center
MINUTES
July 17, 2018

A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, July 17, 2018 at 10:30am in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Diane Harrison, Chair; Pat Dickinson

Staff present: Christy Dunkle, Assistant Town Manager/Planner; Chief Neal White, Berryville Police Department; Rick Boor, Director of Public Works

Press present: Mickey Powell, Winchester Star

Chair Harrison called the meeting to order at 10:30am.

Approval of Agenda

Ms. Dickinson said that she wanted to bring up a couple of items including project updates and citizen complaints. The agenda was approved by consent.

Project Updates – SMART Scale Project

Ms. Dunkle updated the Committee on the application submission.

Radar Feedback Signs

Chief White distributed information and updated Committee members. He said that he and Mr. Boor will be meeting with a vendor to discuss their product this week. Ms. Dickinson asked for staff's recommendation on where to place the three signs that have been budgeted for in the FY 2019 budget. Chief White suggested southbound South Buckmarsh Street at Taylor Street; westbound 7 Business east at Battletown Drive; and southbound North Buckmarsh Street south of Mosby Boulevard. Ms. Dickinson said that both directions at South Buckmarsh and Taylor Street should have signs. She said North Buckmarsh Street could be installed if a fourth sign were to be included with available funding. Ms. Dickinson said that VDOT should lower the speed limit further south on South Buckmarsh Street. There was a discussion about school and transition zones and signage obstruction. Ms. Dickinson added that the placement of signs should be data driven and based on numbers. Chief White said he would contact VDOT to discuss items discussed in the meetings and have a map of proposed signage locations ready for the August Town Council meeting.

Paving

Mr. Boor said the paving contract had been awarded adding that work would begin in August and be completed by September 30, 2018. Chair Harrison asked about resident notification and Mr. Boor

said that the contractors notify residents by distributing door hangers or flyers. He added that the Town's web site will feature updated information about the respective projects.

Ms. Dickinson said that she had two citizen complaints. She said that Mrs. Ivie was in attendance at the meeting and spoke about flooding issues at her property on Dorsey Street. There was a discussion about new residential development (Battlefield Estates) and the high school development. Ms. Dunkle said that the Town is gathering invert and survey information along Dorsey Street and would also research existing easements. Chair Harrison recognized Mrs. Ivie who said that adjacent property owners filled in an easement in 2004 according to the people she spoke with. Ms. Dunkle said she would review the lot development file for the adjacent property.

Ms. Dickinson said she received a complaint about grass clippings and low hanging branches along Henderson Court. Staff responded that the items have been addressed.

Ms. Dickinson said she received a complaint about the crosswalk at Main and Church streets concerning pedestrian safety after an accident. She suggested that the walking sign always be lit on each cycle and to add "yield to pedestrians" signage to the mast. Chief White said he would discuss her requests with VDOT.

FY 2020 Budget Goals

Ms. Dickinson suggested that staff recommend paving and utility projects and present costs to the Committee. Ms. Dickinson said she had a lot of questions about Mr. Dalton's project recommendations and that the water and sewer assessment should be included. She said she had mapped all of the radio read water meters in the Town stating that most of them are located in the Hermitage and Battlefield Estates subdivisions. She suggested a pilot program be offered to test software that would enable residents to access water usage information from their smart phones. She suggested a \$100 fee for those residents interested in participating and said that the information gathered would enable Council to determine the value of upgrading all of the meters to radio read.

Ms. Dickinson said the Community Improvement Committee will be looking at the Rose Hill Park master plan and said that the playground area is a flooding concern. She said she spoke to Wayne Webb about the bacteria identified in Town Run who indicated that an old septic system may be the cause of the pollution. Ms. Dickinson said that piping the Town Run through the park may be an option to avoid health hazards adding that the run looked ugly over the weekend. There was a discussion about piping Town Run through Rose Hill Park.

Ms. Dickinson said that the group interested in traffic calming on 340 has been meeting at the Couture's house and that she has found the community involvement process helpful to the effort. She said the current program she is working on is for VDOT roads only but that Harrisonburg has adopted a traffic calming guide on their collector roads. Ms. Dunkle discussed street classifications and identified collector roads in Berryville. Ms. Dickinson said that citizen involvement enables residents to own the decision making process and allows for the measures to be based on data and

not perception. She recommended that Council consider developing and funding a pilot program for FY 2020.

There was a discussion about extending sidewalk on the east side of South Buckmarsh Street. Ms. Dickinson said she dislikes the new street lights and new lighting needs to be discussed. Ms. Dickinson recommended that Council take formal action to take to the Clarke County Board of Supervisors requesting the extension of Jack Enders Boulevard to 340 which would solve a lot of problems. She added that expansion of the business park cannot be done without this connection. Chair Harrison asked staff to draft a request to the Board of Supervisors to present to Council.

Adjourn

There being no further business, the meeting was adjourned at 11:33am.

BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE
Berryville-Clarke County Government Center
MINUTES
Monday, July 23, 2018

A meeting of the Berryville Town Council Community Development Committee was held on Monday, July 23, 2018 at 4:30pm in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

Attendance: Members of the Committee present: Kara Rodriguez, Chair; Donna McDonald; Diane Harrison

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Chair Rodriguez called the meeting to order at 4:30pm.

Approval of Agenda

Ms. Rodriguez requested approval of the agenda. Ms. McDonald requested that an update on the livery be added to the agenda. Ms. Harrison made the motion to approve the agenda as amended, seconded by Ms. McDonald, the motion passed by voice vote.

Updates

Charging Stations

Ms. Dunkle said that the Government Center Building Committee has been discussing the installation of three charging stations. She explained that the Tesla grant would supply hardware and \$1,500 toward installation of electric car charging stations. She added that Tesla offers one Clipper Creek charging station for every two of their proprietary charging stations. She said the Rixey Moore Parking Lot has also been discussed and that the project should be combined with new lighting proposed for the lot as the result of wind storm damage to an existing fixture. Chair Rodriguez asked if maps and other signage could be installed to direct visitors to downtown restaurants and shops. There was a discussion about signage and this being an economic development effort.

Rose Hill Park Master Plan

Ms. McDonald said there has been significant flooding in the playground area. There was a discussion about previous efforts including a mitigation study and floodplain area. Ms. Dunkle said staff has contacted a surveyor who has a base map of the park and will be identifying items including utilities (water, sewer, gas, electricity); walkways and picnic table pads; trees; and other items deemed appropriate. She said once the survey has been completed, staff will distribute it to Committee members for discussion of future upgrades. There was a discussion about public safety in the park.

Livery

Ms. Dunkle said that a portion of the funding was removed from the budget that was dedicated to stabilizing the structure. There was a discussion about programming and historic preservation. Ms. Harrison said she would contact Virginia Main Street to research grant opportunities for a feasibility study.

Discussion – FY 2020 Budget Goals

Chair Rodriguez said the Committee is expanding its scope and discussed overlap between committees. She said she would like Committee members to review the CIP and infrastructure plans so there are no surprises or system failures. Chair Rodriguez asked that members consider their goals and bring ideas for both CIP and infrastructure and requested input on the Committee's focus for the coming year.

Ms. Harrison asked about the Hogan's Alley project. Ms. Dunkle said that Berryville Main Street had been moving ahead with the project and that she would contact the organization for an update. There was a discussion about wayfinding signs and community identification. Chair Rodriguez recommended review of the zoning ordinance to assure that regulations are business friendly. She added that the Memorandum of Understanding with Clarke County should be reviewed and discussion should occur over the next few months to assure that economic development efforts are proactive. Committee members asked staff to provide documents including the MOU, leakage report, and Clarke County Economic Development Strategic Plan.

Chair Rodriguez proposed that the Committee consider meeting with existing businesses who would like to expand and with new businesses to discuss their needs. Committee members agreed to the concept, adding that the request to meet with the Committee must be made prior to the meeting in order to get their information on the agenda and would be limited to 15 minutes. Ms. Harrison recommended Business Introductions be the title of the agenda item.

Other

There was a discussion about vacancy taxes on empty buildings. Ms. Dunkle said that is enabled through Virginia General Assembly action. Chair Rodriguez recommended an annual meeting with Town Council members and legislators to discuss community priorities. There was a discussion about using meals and transient occupancy taxes for tourism related efforts.

The next meeting was scheduled for Monday, August 27 at 4:30pm.

There being no further discussion, Ms. Harrison made the motion to adjourn the meeting, seconded by Ms. McDonald. The motion passed by voice vote at 5:42pm.

MINUTES
BERRYVILLE TOWN COUNCIL
PUBLIC SAFETY COMMITTEE
Berryville-Clarke County Government Center
July 18, 2018
4:00 p.m.

Committee members: Present- Donna McDonald, Chair; Patricia Dickinson, Diane Harrison

Staff: Neal White, Chief of Police; Leslie Kelley, Administrative Assistant

Press: Bria Lloyd, WDVM News

1. Call to Order
The meeting was called to order at 4:00 p.m. by Committee Chair McDonald.
2. Approval of Agenda
The agenda was approved as presented.
3. Department Update
Chief White stated that Officer Gregory Voorhees was hired as a full-time patrolman with a start date of July 4, 2018. The department has updated all body worn cameras and Chief White is working on replacing the mobile data terminal computers in the fleet vehicles as well as initiating orders for a new patrol vehicle. All of these projects were funded in the budget for this fiscal year.
4. Discussion-WWI-Lloyd Williams' Parade-July 14, 2018
Mayor Dickinson said the parade brought some parking issues to the forefront. She explained that there may be a need to place some signage in the Town owned parking lot behind the Firehouse Gallery. She noted that some business owners are directing their employees to park in the lot. Chief White said that he would work with Berryville Main Street in an effort to educate business owners about best practices for parking in the downtown area.
5. Discussion – Berryville Code Review – Chapter 20 – Demonstration and Parades
Chief White explained that Chapter 20 (Demonstrations and Parades) is currently being reviewed by staff from a process and procedure perspective, not as a recodification. Currently there are several permits and processes distributed across departments concerning the use of public lands and streets for activities. Staff hopes to be completed with this review and forward a document to legal counsel for review, with the goal of having a document before this committee in October 2018.
6. Discussion – Berryville Code Review – Chapter 8 – Garbage and Refuse
Chief White explained that Chapter 8 (Garbage and Refuse) is still under review as a document concerning processes associated with the ordinance and continues to be

developed. The goal is to have a document before the committee in the September 2018 meeting.

Mayor Dickinson commented that the primary goals in the process document should be for trash not to accumulate in town and for trash pick up to be done equitably.

7. Discussion – FY 2020 Budget Goals

Chief White said the primary goal of the police department during this period will be associated with the process of State accreditation for the department. This process will involve the comprehensive review of policies and procedures for the department, submittal of application to the Virginia Department of Criminal Justice Services, and department audit completed by a panel of criminal justice professionals. The objective of accreditation is to enhance the delivery of service to the community through the establishment of professional standards which are utilized throughout the organization. The accreditation process also requires continual evaluation and monitoring of these standards and process for accountability purposes.

Mayor Dickinson remarked that the committee may want to investigate the potential of placement of surveillance cameras in areas prone to vandalism for the FY 2020 budget. A specific site mentioned was the gazebo in Rose Hill park.

8. Closed Session

No closed session scheduled.

9. Other

The Committee set its next meeting on August 22, 2018 at 4:30 p.m. in the AB conference room of the Berryville-Clarke County Government Center.

10. Adjourn

There being no further business, the meeting was adjourned at 5:05p.m.

Attachment 2

August 14, 2018 Report

Mr. Tollett will be present at the Town Council meeting. The resolution passed in his honor on July 10 will be read and presented to him.

It is expected that Mr. Kitselman will be able to attend the September Town Council meeting.

Attachments

- Resolution of Appreciation and Thanks honoring the service of David Tollett

Action

Presentation of resolution

July 10, 2018 Report

Please find attached:

- Resolution honoring the service of H. Allen Kitselman, III
- Resolution honoring the service of Dave Tollett

Once resolutions are adopted they would be signed and prepared for presentation. It would be expected that both Messrs. Kitselman and Tollett would be invited to the August Town Council meeting where the resolutions would be presented.



**COUNCIL OF THE TOWN OF BERRYVILLE
RESOLUTION OF APPRECIATION AND THANKS**

WHEREAS, David Tollett was first elected to the Berryville Town Council on May 4, 2010; and

WHEREAS, Mr. Tollett was subsequently elected for one additional term serving on the Council for 8 years; and

WHEREAS, Mr. Tollett has served as the Chairman of the Police and Security Committee, championing public safety and law enforcement with integrity for the citizens of Berryville; and

WHEREAS, Mr. Tollett has served as a member of the Streets and Utilities Committee reflecting his commitment to current and future infrastructure needs; and

WHEREAS, Mr. Tollett is respected for his dedication to the interests of the Town and all of its citizens; and

WHEREAS, Through his work with the Berryville Town Council, Mr. Tollett has been the example of a thoughtful, hardworking, kind, and dedicated Council member working towards the well-being of the Town and its citizens;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Berryville, that the invaluable contributions made by David Tollett are hereby recognized.

By Order of the Council of the Town of Berryville on this the tenth day of July, 2018.

Patricia Dickinson,
Mayor

Harry Lee Arnold, Jr.,
Recorder

Attachment 3

August 14, 2018 Report

Since the last Town Council meeting:

- draft versions of both brochures were provided to the Town Council and
- Town Council members provided comments on the drafts.

Staff has reviewed the comments and has worked to incorporate them as best as possible. New drafts are attached to this report. Comments regarding the chart in the Water and Sewer brochure have been noted and staff is working to address those concerns.

It is important to note that several suggestions, including the addition Town Council member pictures and the like have not been incorporated into the drafts. Staff suggests that a separate Meet The Berryville Town Council brochure be developed if the Town Council desires having photo and biographical information to be distributed to citizens.

Staff requests that the Town Council provide additional suggestions on the attached drafts and authorize the staff to complete the brochures and have them printed.

Attachments

- Draft Welcome to Berryville brochure
- Draft Town of Berryville Water and Sewer Brochure
- Motion

Action

Identify the process by which the brochures can be finalized and made ready for printing.

July 10, 2018 Report

At the May Town Council meeting, the Council discussed the need to provide more detailed information to utility customers. The discussions centered on information regarding enterprise fund operation and meter reading. The Council directed staff to provide them with additional information that could be provided to the public through utility bills, the town's website, and the packet provided to new residents.

Staff reviewed the current Welcome to Berryville brochure and recommends significant changes to it as well as the development of a separate Town of Berryville Water and Sewer brochure.

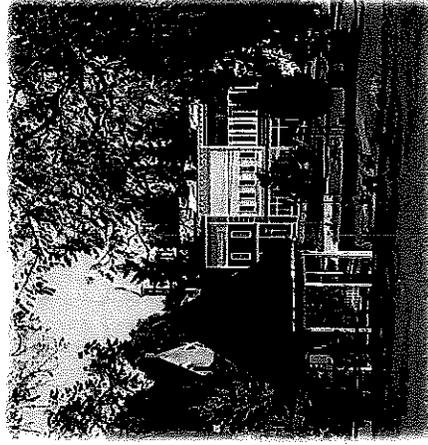
Please find attached (in front pocket of agenda binder):

- Draft Welcome to Berryville brochure
- Draft Town of Berryville Water and Sewer brochure

Staff requests comment and guidance from the Council on both the approach and the brochures themselves. With that guidance, staff would like to finalize the brochures and website revisions by August 31.

Per direction it has received from Council, staff intends to include a version of the Water and Sewer brochure with the November water/sewer bills.

WELCOME TO BERRYVILLE



Rose Hill Park

We hope this guide will be of help to you as you settle into your new home and community. Please do not hesitate to call or stop by the Town Office if you have any questions or need additional information, local street maps or any other assistance we may be able to provide or just to exchange a friendly "Hello"!

Town Council Members

- Mayor Patricia Dickinson
- Recorder Harry Lee Arnold, Jr.
- Ward 1 Donna Marie McDovald
- Ward 2 Diane Harrison
- Ward 3 Erecka L. Gibson
- Ward 4 Kara C. Rodriguez

Additional information can be found at
www.berryvilleva.gov

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

Town Staff

- Keith R. Dalton
Town Manager
- Desirée A. Moreland
Treasurer / Assistant Manager
- Christina N. Dunkle
Town Planner / Assistant Manager
- W. Neal White
Chief of Police
- David Tyrrell
Director of Utilities
- Richard Boor
Director of Public Works

Contact Information

- Town of Berryville
Town Business Office
website
540-955-1099
www.berryvilleva.gov
- Planning and Zoning
Police (non-emergency)
Water and Sewer
Refuse and Recycling
County of Clarke
Administration
540-955-5100
- Berryville Main Street
Frederick County Landfill
Rappahannock Electric
Washington Gas
Comcast/Xfinity
Post Office
Clarke County Library
540-665-5658
800-552-3904
540-869-1111
800-266-2278
540-955-2667
540-955-5144

the collection fee is \$40. To utilize this service, please purchase the appropriate appliance collection sticker at the Town Office and schedule your collection. Please do not block sidewalks. All hazardous waste (paints, pesticides, anti-freeze, used oil, tires, etc.) must be disposed of at the Frederick County Landfill (540-665-5658, www.fcva.us) or a certified waste acceptance facility.

Emergency Services

The Town is served by several local volunteer fire and rescue companies. The company with primary responsibility for the Town is the John H. Enders Volunteer Fire Company and Rescue Squad. Volunteer efforts are supplemented by professional fire and EMS personnel who are funded and managed by the County of Clarke. If you would like to volunteer to assist John H. Enders Volunteer Fire Company and Rescue Squad, then please call 540-955-1110.

Schools

Area schools are funded by the County of Clarke and are administered by the Clarke County School Board, 317 W. Main St, 540-955-6100, www.clarke.k12.va.us.

Parks and Recreation

Berryville owns and maintains the beautiful three-acre Rose Hill Park in the heart of downtown. Rose Hill Park provides a great place for families to relax and enjoy a peaceful outing. Park facilities include a playground designed for our younger citizens, a basketball court, and a gazebo. Throughout the course of the year, Rose Hill Park hosts numerous concerts, festivals and other events. A variety of youth and adult recreational services and programs are provided through the Clarke County Parks and Recreation Department located at the Chet Hobert Park off of Business Route 7 west of Berryville. Facilities include a community building with an indoor gymnasium, exercise room and several meeting rooms; the community swimming pool; picnic shelters; outdoor playing fields for soccer, baseball and football; outdoor tennis courts and playground equipment. For more information about County facilities and programs, please call 540-955-5140 or visit

contained in paper yard waste bags and may not exceed fifty pounds in weight. Brush must be tied into compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length, twelve (12) inches in diameter and fifty (50) pounds in weight. No single collection may exceed one hundred pounds of waste. Do not block sidewalks or storm drains. Neither the Town nor its contractors will collect grass clippings or washes. All collected grass clippings will need to be disposed of by the property owner.

Refuse and Recycling

Weekly residential curbside refuse and recyclables collection occurs on the following schedule:

- East of Buckmarsh Street (Route 340) - Thursday
- West of Buckmarsh Street (Route 340) - Friday

The Town has contracted with a private company to provide this service. One recycling bin is to be provided to each residence at no cost. The bins are the property of the Town and should remain with the residence. All trash and recycling containers should be placed on the curb by 7:00 a.m. on collection day. In the interest of litter control and consideration for your neighbors, trash placed at the curb on the evening prior to collection day should be in approved covered containers. In the unusual event your trash was placed at the curb by 7:00 a.m. but is missed for some reason, please contact the Town Office by 1:00 p.m. on collection day if possible (540-955-1099). On certain holidays curbside collection will be delayed by one day. The Town's website will have News Flash updates to identify the specific holiday(s) that will affect the collection schedule.

Bulk and Appliance Collection

Bulk item pickup service is provided each Wednesday at no charge but must be scheduled in advance. The Town charges a collection fee of \$25 for appliances not containing hazardous materials such as stoves, microwaves and water heaters. For other items such as refrigerators, air

Disclaimer

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Historic Downtown

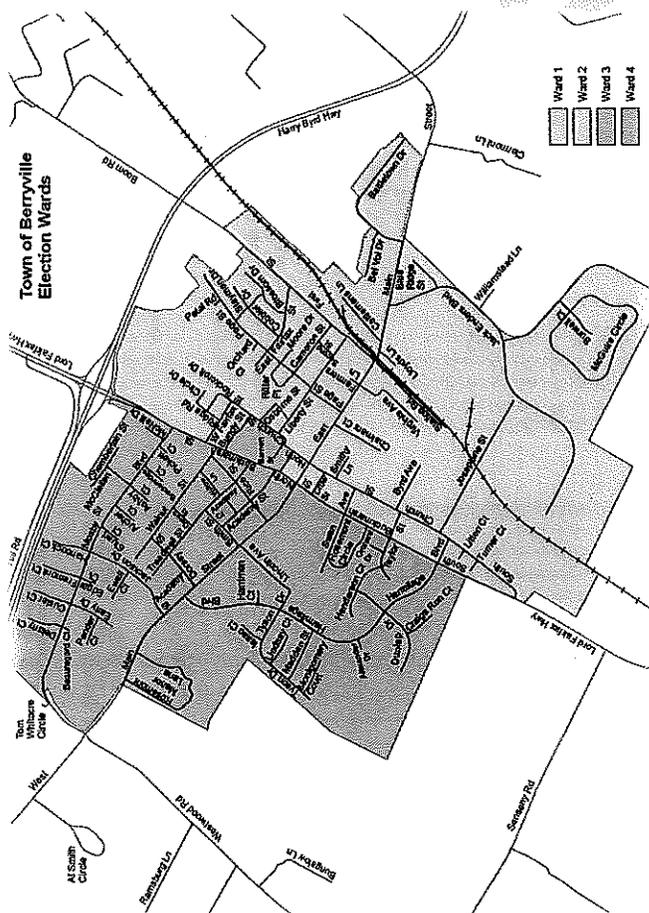
The central business district in Berryville is an established historic district listed on both the Virginia and National Registers of Historic Landmarks. Berryville is also a Virginia Main Street Community, a downtown revitalization program of the National Main Street Center of the National Trust for Historic Preservation administered through the Virginia Department of Housing and Community Development by agreement with the local independent organization, Berryville Main Street (BMS). In addition to organization and sponsorship of festivals and events in the downtown, BMS provides a variety of services and programs which offer assistance to downtown property owners and businesses. For further information, contact the Berryville Main Street director at the BMS office 540-955-4001 or director@berryvillemainstreet.org.

Voter Registration

Voter registration is located at 101 Chalmers Court. Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Extended hours are offered prior to voter registration deadlines prior to elections. Please contact the Registrar's Office for more information at 540-955-5168 or visit www.clarkecounty.gov.

Town Meetings

The Town Council meets in the Main Meeting Room, second floor, at 101 Chalmers Court on the second Tuesday of each month, beginning at 7:30 p.m. The Standing Committees of Town Council (Budget and Finance; Community Development; Personnel Appointment and Policy; Public Safety and Streets and Utilities), Planning Commission, Board of Zoning Appeals, Berryville Area Development Authority, Tree Board and Architectural Review Board also meet at the Government Center. All meetings are open to the public and citizens are invited to attend. Visit www.berryvilleva.gov for meeting dates and time. We encourage all citizens of the Town to take an active part in local government. The Town maintains a "Talent Bank" of citizens who are interested in serving on these boards. Please contact the Town Business Office for more information or to obtain a Talent Bank Form.



Berryville is a wonderful community. By long tradition, and as designated in the Berryville Area Plan, the Town serves as the center of commercial, residential, institutional and industrial activity for Clarke County. Both the Town and County are committed to preserving and enhancing Berryville's historic downtown and maintaining Clarke County's exquisite countryside. Preservation of our community's charming character and natural beauty has required extraordinary effort and a high level of cooperation between the Town and County. The Berryville Town Council encourages all citizens to join us in these preservation efforts, which will ensure that our community remains a great place to live, work and play.

Town Government

The Town of Berryville operates under the council-manager form of local government. The Town is governed by a six-member Town Council. The Town Council is comprised of a Mayor, Recorder, and four Council members. The Mayor and Recorder may live anywhere in Town while the four Council members must live in one of the Town's four election wards. While four of the Council members have specific residency requirements, all members of the Town Council, including the Mayor and Recorder, are elected by the entire Town electorate. Town Council contact information is available at www.berryvilleva.gov or by calling the Town Business Office at 540-955-1099.

The Town Council employs a manager to oversee the delivery of Town services. The Town Manager, who serves at the pleasure of Town Council, manages the day to day operation of the Town and serves as the chief advisor

Town Business Office

The Town Business Office, located at 101 Chalmers Court, is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. The Berryville Police Headquarters and the Town Planning and Zoning Office open from 9:00 a.m. to 5:00 p.m., are located in the same building. A drop box is provided for after-hours payment of water and sewer bills, taxes, parking tickets and any other bills or payments due the Town. We discourage depositing cash in the drop box.

Water and Sewer

(see Water and Sewer brochure)

Real Estate / Personal Property Taxes

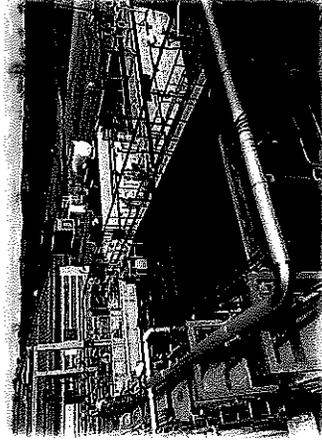
Residents of towns in Virginia must pay real estate and personal property taxes to both the town and the county in which the town is located. The Town calculates its real and personal property taxes by using assessments provided by the Clarke County Commissioner of the Revenue. Any questions about the assessed value of your property should be directed to that office, located at 101 Chalmers Court (540-955-5108). Real estate taxes for both the Town of Berryville and Clarke County are due and payable in semi-annual installments, on June 5th and December 5th of each year. Town of Berryville personal property taxes are due and payable once a year, on December 5th. (Clarke County personal property taxes are billed semi-annually, due and payable on June 5th and December 5th of each year.) In the event you use a postal address that is different from your street address, it is your responsibility to verify that the Town has the proper mailing address. Should your real estate tax bills be directed to a third-party payee in connection with your mortgage payments, make sure your mortgage company has requested your bill from the Town. This will ensure timely receipt and payment of tax bills and avoid delinquent penalties and interest.

Yard Waste (Brush)

The Town collects yard waste each Monday,

DRAFT

TOWN OF BERRYVILLE WATER AND SEWER



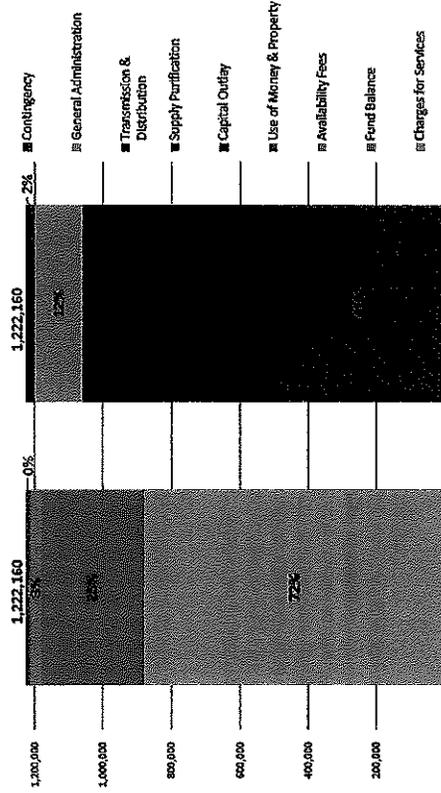
Berryville Water and Sewer Plant

The Town of Berryville is committed to providing its customers with a safe and dependable supply of drinking water and with being a good steward of the Shenandoah River and the Chesapeake Bay when treating wastewater. This brochure provides our customers with information regarding water and sewer utilities and billing.

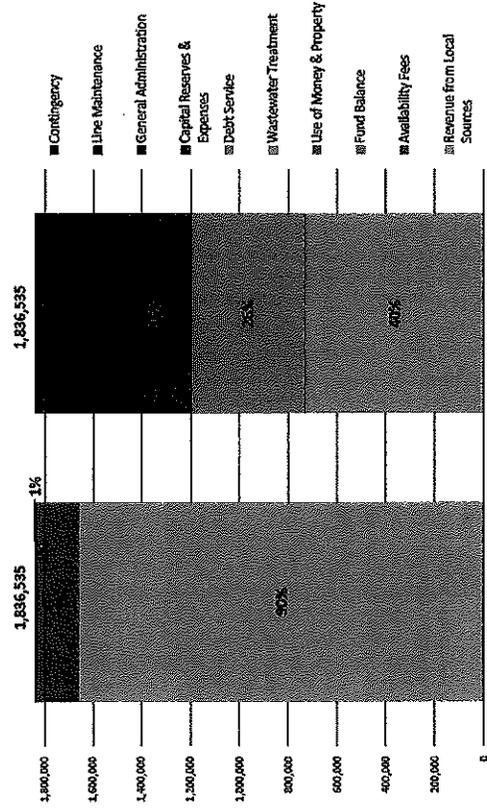
Additional information can be found at www.berryvilleva.gov

Berryville Clarke County Government Center
101 Chalmers Court
Berryville, VA 22611
540.955.1099

FISCAL 2019 WATER FUND - SOURCES AND USES



FISCAL 2019 SEWER FUND - SOURCES AND USES



Water Adjustment Request Form found online at www.berryvilleva.gov/2160/Water-Sewer.

If you have issues with water and/or sewer service, please call the Town office at 540-955-1099 during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday. For emergency situations (after hours, weekend or holidays) call Clarke County Communications at 540-955-1234.

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Treatment of Your Drinking Water

The Town of Berryville obtains its water from the Shenandoah River. This water is treated at the Roy E. Potts Water Treatment Plant. Once treated, the water is pumped into the Town's water distribution system which provides water service to over 1,800 service connections.

Annual Drinking Water Quality Report

Each year a Water Quality Report is published. The report includes detailed information about the Town water. Our water meets or exceeds all state and federal requirements. The most current report can be found on the Town's website at berryvilleva.gov/2160/Water-Sewer.

Wastewater

The Town of Berryville owns and operates a 700,000 gallon per day Advanced Membrane Bioreactor Wastewater Treatment and Nutrient Reduction Facility. The treatment process is a four-stage activated sludge system which biologically removes organic waste and nitrogen and chemically precipitates phosphorus from the Town's wastewater. After biological treatment, all water must pass through a membrane microfiltration unit. Water is disinfected with ultraviolet light prior to returning to the Shenandoah River. Since being brought online in September of 2012, this facility has consistently met discharge requirements. The Town's wastewater treatment plant treats wastewater to a level that exceeds permit requirements.

Meter Reading

Meters are read monthly, usually the last week of the month, although snow and ice may cause a delay. Meter readings are recorded to the lowest thousand gallons of usage. For example, 1,999 gallons of usage will be billed as 1,000 gallons in the current period. The 999 gallons not billed in the current month will be included in the next billing period. As a result you may notice fluctuations in your bills.

Billing

Water and sewer bills are due the 15th of each month. In the event meter reading is delayed, bill due dates may be modified. Wastewater (sewer) usage is determined and billed based on the water meter reading.

Rates

Rate Type	Rate Per 1,000 Gallons of Usage	Minimum Monthly Charge
Water	\$ 8.40	\$ 5.00
Sewer	\$ 17.00	\$ 15.00
Total	\$ 25.40	\$ 20.00

Water Rates: The Town Council sets water rates at a level that provides for payment of expenses related to water treatment, water distribution, and administration. The Water Fund receives all of its revenues from user fees (water bills), availability fees (fees charged to connect to the Town's water system), or borrowing. This income from fees must pay for all water system expenses, including debt service. Sources (revenues) and Uses (expenses) for the water fund are illustrated in the graph on the reverse of this brochure. More details about the Water Fund revenues and expenses can be found in the FY 19 Operating Budget and CIP for 2019-2023 on our website at berryvilleva.gov/2175/Treasurer. (Specifically pages 81, 89-91, 107-109)

Sewer Rates: The Town Council sets rates at a level that provides for payment of expenses related to sewer collection, treatment, and discharge. The Sewer Fund receives all of its revenues from either user fees (sewer bills), availability fees (fees charged to connect to the Town's sewer system), or borrowing. This income from fees must pay for all sewer system expenses, including debt service. Sources (revenues) and Uses (expenses) for the sewer fund are illustrated in the graph on the reverse of this brochure. More details about the Sewer Fund revenues and expenses can be found in the FY 19 Operating Budget and CIP for 2019-2023 on our website at berryvilleva.gov/2175/Treasurer (Specifically pages 81-82, 91-93, 111-113)

Penalty/Late Fees: A 10% late payment penalty is assessed to accounts on which full payment is not made by the due date.

Second Notice: After the penalty is assessed a second notice will be mailed. This notice will inform the customer that service will be disconnected if payment is

not made by the cut-off date. PLEASE NOTE: No additional notice will be provided.

Service Disconnection: If service is disconnected, it will be restored only when the account and service charges, including a \$40 administrative fee, have been paid. The Town strictly enforces this policy. Please refer to the back of your bill for additional information.

Water and Sewer Availability Fees

Availability fees are charged for new connections to the water distribution and/or sewer collection systems. Such fees are also charged when an existing connection is increased in size. Please contact the Town Manager at either townmanager@berryvilleva.gov or 540-955-1099 for more information.

Water Conservation

To find out more about water conservation, read the Water Saving Tips (PDF) document found online at berryvilleva.gov/2160/Water-Sewer. It is in both your and the Town's interest to conserve water as much as possible.

New Water and Sewer Accounts

To set up a new account, please call the Town Office at 540-955-1099.

Customer Responsibilities

Customers are responsible for contacting the Town Business Office to ensure the account for a new residence is properly placed in their name, when contact information changes, and to notify the Town Business Office when they plan to vacate a property.

Security Deposit

A refundable security deposit is required for all customers who are renting their occupancy. The amount of the required deposit varies depending on the use of the space. Required deposits:

- Residence - \$225
- Business / Commercial - \$860
- Laundry - \$2,450
- Restaurant - \$785

Landlord Responsibilities

The Owner and/or Landlord must complete the *Owner Authorization for Tenant Utility Service Form*, authorizing renters to have water and sewer service placed in their name at the rental property. This form may be found online at berryvilleva.gov/2160/Water-Sewer.

Automatic Payment Authorization

The Town offers you the option to pay your utility bill through automatic monthly debits from your bank account. These automatic debits are a safe and convenient method of paying your utility bill. To enroll, complete the *Automatic Payment Sign-Up Form* found online at berryvilleva.gov/2160/Water-Sewer. Once you are set up, your payment will be drafted automatically on the 15th of each month. If the 15th falls on a weekend or holiday, your payment will be made the next business day.

Payment Extension Policy

Customers who are unable to pay their bill on time may request an extension. A Payment Extension is provided to temporarily extend the due date of the bill for those situations when a customer is in need. The account holder may request this service provided that the request is made prior to the scheduled cut-off day and they meet all requirements of the Payment Extension Policy. More details about the Payment Extension Policy can be found online at berryvilleva.gov/2160/Water-Sewer or by contacting the Town Business Office at 540-955-1099.

Addressing Problems

Any discrepancies or problems in a water and sewer bill should be addressed by calling the Town Office at 540-955-1099 immediately, but in no event more than 10 days from the date of the billing. If you suspect that you may have leaks in your home's internal plumbing system, Berryville's Public Works Department will assist in leak detection. Please call the Town Office to schedule this service.

For more information, please see the Water and Sewer Billing Adjustment Policy (PDF) and Water and

Attachment 4

Planning and Community Development

Action Item

Approval of Proffer Modifications – Robert Regan Village

August 14, 2018

Planning Commission

The Planning Commission did not hold a meeting in July. Their next meeting is scheduled for Tuesday, August 28, 2018 at 7:30pm.

Berryville Area Development Authority

The BADA held a meeting on July 25, 2018 to review the Robert Regan Village plans. A modified application was submitted at the meeting. They have set a public hearing for their September 26, 2018 meeting.

Architectural Review Board

The ARB met on Wednesday, August 1, 2018 at 12:30pm. They reviewed the following request:

Sign Review

Felix Ismael Torres (Owner, Torres Used Tires Plus, LLC), is requesting a Certificate of Appropriateness for two wall signs located at 39 West Main Street, identified as Tax Map Parcel number 14A5-((A))-1, zoned C General Commercial. *Approved as presented. Discussion concerning the prohibition of outdoor storage was also discussed at the meeting and with the applicant.*

They also approved modifications to the Berryville Treasures sign. Their next meeting is scheduled for Wednesday, October 3, 2018.

Tree Board

The Tree Board held a meeting on Wednesday, August 1, 2018. They discussed future efforts including assisting Berryville Main Street with improvements to Hogan's Alley. Their next meeting is scheduled for Wednesday, October 3 at 7:30pm.

Board of Zoning Appeals

The Board of Zoning Appeals has scheduled a meeting for Thursday, August 16 at 7:00pm to hear a request for a setback variance as follows:

Kurt Leta, Owner, is requesting a variance from Section 202.1(l), Uses Permitted by Right (accessory structure setback requirement), of the Town of Berryville Zoning Ordinance in order to allow three accessory structures to be installed on the property line on the parcel located at 217 West Main Street, identified as Tax Map Parcel number 14A4-((A))-36 zoned R-2 Residential.

VR 02-18

BERRYVILLE TOWN COUNCIL
Modifications to Robert Regan Village Proffer Statement
August 14, 2018

An application for a 120-unit age- and income-restricted apartment complex (Robert Regan Village) has been submitted to the Town. The Berryville Area Development Authority will be holding a public hearing on the matter at their September 26, 2018 meeting.

There have been a number of proffer statements and revisions (May, 2009; two in July 2009; August, 2009; January, 2017) since the property was originally rezoned in 2009. The last update, at the January 10, 2017 Town Council meeting, was approved as follows:

1. Master Development Plan
 - 1.1 The development of the Property shall be in substantial conformity with the portion of the Master Development Plan dated September 1, 2015 showing development on the Property, a copy of said Master Development Plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final Site Plan review and approval.
2. Land Use Restrictions
 - 2.1 Multi-family residential uses on the Property shall not exceed 120 units and shall be limited to areas containing 11+/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan attached hereto as Exhibit B.
3. Real Estate Tax
 - 3.1 The Owner, and the Owner's successors and assigns, shall be pay the usual customary real estate tax to the Town and the County based upon the full real estate tax assessment of localities and the prevailing tax rate in each locality.
 - 3.2 Neither the Owner nor the Applicant, nor their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec. 58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.
4. Cash Proffers
 - 4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue [purposes], a sum equal to One Thousand Two Hundred Fifty dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Deed

5.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as attachment incorporation into said deed, a full copy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

Staff determined that, due to the increase in the building footprint and changes to pedestrian facilities of the Site Plan first referenced in the 2017 proffers, the current submission was not in substantial conformance with the previously referenced plan. The proposed version of proffers now references a Site Plan dated August 3, 2018. The payment of real estate taxes and cash proffers in the amount of \$1,250.00 per unit for fire and rescue remain the same as the original.

Robert Regan Village Proffers, dated August 6, 2018 and the exhibit referenced in the document, are included for review. A memo dated March 23, 2018 to property owner Alton Echols is also included after this report for background information.

A motion for approval follows this report.

Recommendation

Approve as presented.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

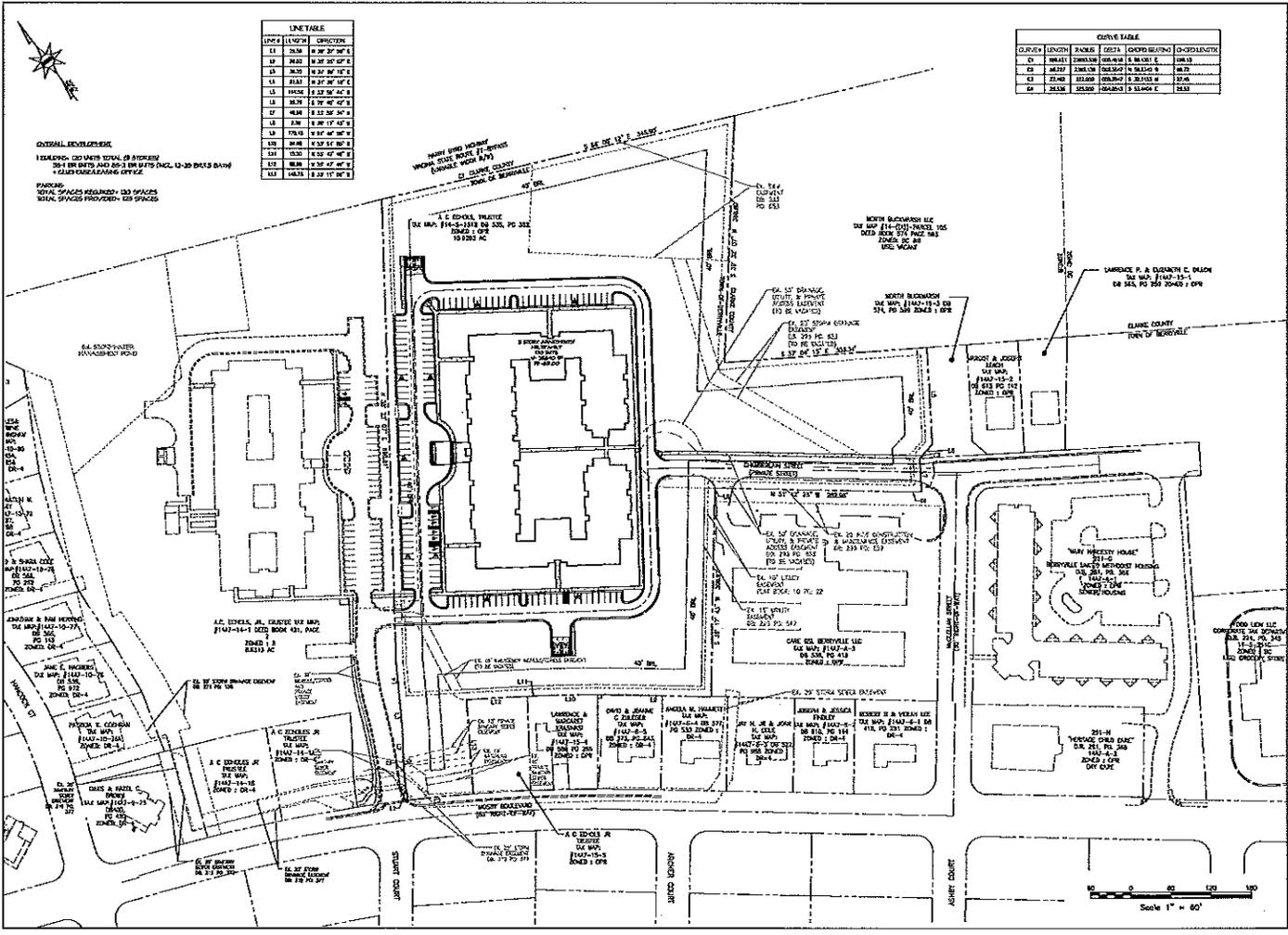


Robert Regan Village Proffers

August 6, 2018

1. Master Development Plan
 - 1.1 The development of the Property shall generally conform to the Robert Regan Village Concept Plan dated August 3, 2018, a copy of said Concept Plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.
2. Land Use Restrictions
 - 2.1 Multi-family residential uses on the Property shall not exceed 120 units and shall be limited to areas containing 11 +/- acres subject to revisions which may be approved by the Town in final Site Plan review.
3. Real Estate Tax
 - 3.1 The Owner, the Owner's successors and assigns, shall pay the usual and customary real estate tax to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.
 - 3.2 Neither the Owner nor the Applicant, not their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec. 58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.
4. Cash Proffers
 - 4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue [purposes], a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.
5. Deed
 - 5.1 Any deed conveying the Property, or any portion thereof, shall affix as attachment incorporation into said deed, a full copy of these proffers in order to advise any subsequent purchaser of the proffered terms and conditions.

43760 Trade Center Place, Suite 110, Sterling, VA 20166 (703) 674-0161 Fax: (703) 478-0137 www.mragta.com



LINE TABLE

LINE #	LENGTH	DIRECTION
11	25.36	N 30° 30' 00" E
12	30.22	N 30° 30' 00" E
13	30.22	N 30° 30' 00" E
14	30.22	N 30° 30' 00" E
15	14.24	S 33° 30' 00" W
16	30.22	N 30° 30' 00" E
17	30.22	N 30° 30' 00" E
18	30.22	N 30° 30' 00" E
19	30.22	N 30° 30' 00" E
20	30.22	N 30° 30' 00" E
21	30.22	N 30° 30' 00" E
22	30.22	N 30° 30' 00" E
23	30.22	N 30° 30' 00" E
24	30.22	N 30° 30' 00" E
25	30.22	N 30° 30' 00" E
26	30.22	N 30° 30' 00" E
27	30.22	N 30° 30' 00" E
28	30.22	N 30° 30' 00" E
29	30.22	N 30° 30' 00" E
30	30.22	N 30° 30' 00" E

CURVE TABLE

CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
1	10.00	100.00	S 45° E	14.14
2	10.00	100.00	S 45° E	14.14
3	10.00	100.00	S 45° E	14.14
4	10.00	100.00	S 45° E	14.14
5	10.00	100.00	S 45° E	14.14
6	10.00	100.00	S 45° E	14.14
7	10.00	100.00	S 45° E	14.14
8	10.00	100.00	S 45° E	14.14
9	10.00	100.00	S 45° E	14.14
10	10.00	100.00	S 45° E	14.14

GENERAL NOTES:
 1. SEE ALL NOTES ON SHEET 2 OF 2.
 2. ALL DIMENSIONS ARE IN FEET AND INCHES.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.

MORRIS & BITTICHE ASSOCIATES, INC.
 PLANNERS, ARCHITECTS, ENGINEERS AND LANDSCAPE ARCHITECTS
 1000 W. BERRYVILLE AVENUE
 BERRYVILLE, VIRGINIA 22611
 PHONE: (540) 463-1234
 FAX: (540) 463-1235
 Copyright 2003 Morris & Bittiche Associates, Inc.

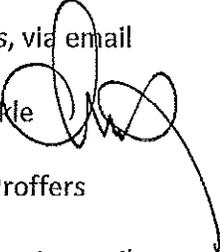
MRA

CONCEPT PLAN
ROBERT REGAN VILLAGE
 TOWN OF BERRYVILLE, VIRGINIA

JOB NO. 04000001
SCALE: 1" = 60'
DATE: 04/20/04
DESIGNED BY: JLM
CHECKED BY: JLM
PROJECT NO. 04
SHEET NO. 01

TOWN OF BERRYVILLE
Department of Planning & Zoning
101 Chalmers Court, Suite A * Berryville, Virginia 22611
[T] 540/955-4081 * [F] 540/955-4524 * [E] planner@berryvilleva.gov

MEMO

DATE: March 23, 2018
TO: Alton Echols, via email
FROM: Christy Dunkle 
RE: Validity of Proffers
CC: Keith Dalton, via email
Mia Jackson, via email

You have requested current proffer information for your property identified as Tax Map Parcel number 14-5-2561B. The following research was from Town Council minutes on action concerning proffer information on this parcel. Please note that this is a request for proffer records and nothing in this memo supersedes Town Council action as reflected in approved minutes (attached).

As noted on the application that is a part of the approved August 11, 2009 proffers, the original date was May 4, 2009 with revision dates of July 9, 2009; July 16, 2009; August 4, 2009.

The proffers approved at the **August 11, 2009** meeting are as follows:

1. Master Development Plan
 - 1.1 The development of the property shall be in substantial conformity of the Master Development Plan entitled "Robert Regan House Master Development Plan" dated June 26, 2009, showing development on the Property, a copy of said Master Development Plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in Final site plan review and approval.

2. Land Use Restrictions

2.1 Multi-family residential uses on the Property, pursuant to an approved Special Use Permit, shall not exceed sixty (60) units and shall be limited to an area containing 4.34+/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan submitted in conjunction with the Special Use Permit attached hereto as Exhibit B.

3. Real Estate Tax

3.1 The Owner, the Owner's successors and assigns, shall pay the usual and customary real estate tax to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.

3.2 Neither the Owner nor the Applicant, nor their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec. 58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.

4. Cash Proffers

4.1 Prior to the issuance of a building permit for the multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue [purposes], a sum equal to One Thousand Two Hundred Fifty (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Reversion of Zoning

5.1 Unless extended by mutual consent of the Owner/Applicant and the Town of Berryville, if a building permit is not obtained by the Applicant before August 30th, 2011, for the construction of an older person residential structure on the Property, the OPR zoning on the Property shall revert to the existing B (11.37793 acres) and DR-4 (0.93967 acres) by motion adopted by Town Council, or, if Council shall elect to initiate a formal rezoning of the property after August 30th, 2011.

Owner and Applicant hereby irrevocably consent and waive any objection to the rezoning of the property to the existing B and DR-4 zoning.

6. Deed

6.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as an attachment and incorporation into said deed, a full copy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

+++++

The last action to occur concerning proffers to the above-referenced parcel occurred at the **January 10, 2017** Town Council meeting. The proffers were modified as reflected below:

1. Master Development Plan
 - 1.1 The development of the Property shall be in substantial conformity with the portion of the Master Development Plan dated September 1, 2015 showing development on the Property, a copy of said Master Development plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.

2. Land Use Restrictions
 - 2.1 Multi-family residential uses on the Property shall not exceed 120 units and shall be limited to areas containing 11 +/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan attached hereto as Exhibit B.

3. Real Estate Tax
 - 3.1 The Owner, the Owner's successors and assigns, shall pay the usual and customary real estate tax to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.
 - 3.2 Neither the Owner nor the Applicant, not their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec. 58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.

4. Cash Proffers
 - 4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue [purposes], a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Deed
 - 5.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as attachment incorporation into said deed, a fully coy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

+++++

No action has on this matter has occurred since the January, 2017 meeting and these are the final proffers as approved by Town Council.

Please note that this is a request for proffer records and nothing in this memo supersedes Town Council action as reflected in approved minutes (attached).

Enc./4

- Echols correspondence to the Town Council originally submitted October 24, 2016 (date on application) given to staff earlier this month
- Town Council minutes dated August 11, 2009
- Town Council minutes dated November 8, 2016
- Town Council minutes dated December 13, 2016
- Town Council minutes dated January 10, 2017

Correspondence 102516

Madam Mayor and Members Berryville Town Council:

In order to make the six Proffers dated 8/4/09 consistent with the recent Text Amendments to the OPR District of the Berryville Zoning Ordinance, the Town Council and/or Berryville Planning Commission may desire the following revisions to the August 9th, 2009 Proffers:

1. Proffer #1, perhaps revised to reflect the new Master Plan showing senior apartments on 11 +/- Acres and an Assisted Care Facility on 9.41 acres, and
2. Proffer #2, perhaps revised to reflect 120 multi-family units on the 11 +/- acres rather than 60 units on 4.34 +/- acres, and

Since Proffers 3, 4, and 6 shown remain without change, it is advisable that the Town Council and/or the Berryville Planning Commission initiate and hold a Public Hearing and by Motion, amend and revise the Proffers dated August 4th, 2009 to be revised so that they are consistent with the Text Amendments approved by Council on October 11th, 2016.

Thanking you in advance,

A. C. Echols, Jr., Trustee

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property TAX MAP #14-5-251B
Owner A. G. Echols, Jr., Trustee
Owner's Address 400 Custer Ct.
Berryville, Virginia 22611
Phone 703-777-4100

Agent (Contact Person) A. G. Echols, Jr.

Agent's

Address 400 Custer Ct., Berryville, Virginia 22611
Phone 703-777-4100

Check Appropriate Request:

- Subdivision - creating more than 2 lots
Minor Subdivision - single lot divided into 2 lots
Boundary Line Adjustment
Site Plan
Rezoning
Text Amendment: Zoning or Subdivision Ordinance
ARB Certificate of Appropriateness
Town of Berryville Utilities
X Other: Proffer Amendment

Complete As Applicable:

Nature of Request/Proposal: Revision to Proffers dated August 4, 2009; Proffer should increase Multi-family Units from 60 units (4.34 Acres) to 120 Units (11 +/- Acres)

Tax Map & Parcel Tax Map #14-5-251B

Number(s):
Size of Project Site: 120 Multi-family Units on 11 +/- Acres

Proposed # of Lots: 11 +/- Acre Parcel Existing Zoning Older Persons Residential (OPR)

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

Signature: [Handwritten Signature] Date: 10/24/16

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

Signature: [Handwritten Signature]

A PROPOSED PROFFER STATEMENT AMENDMENT TO A REZONING PERMITTING 120 MULTI-FAMILY UNITS IN THE OLDER PERSON RESIDENTIAL (OPR ZONE)

REZONING: R.Z # [B (11.37793A) and DR-4 (0.93967A) to OPR]

PROPERTY: 11 Acres +/-

Tax Map Parcel 14-5-251B ("the Property")

RECORD OWNER: A.C. Echols, Jr., Trustee of the Battlefield Center Trust ("Owner")

ORIGINAL DATE

OF PROFFERS: May 4, 2009

REVISION DATE (S) July 9th, 2009 July 16th, 2009, August 4th, 2009

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement unless otherwise specified herein. The term "Recorded Owner" as referenced herein shall include within its meaning all future owners and successor in interest. The Record Owner hereby proffers as follows:

Proffers

1. Master Development Plan

1.1 The development of the Property shall be in substantial conformity with the portion of the Master Development Plan entitled Master Development Plan dated Sept. 1, 2015 showing development on the Property, a copy of said Master Development plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.

2. Land Use Restrictions

2.1 Multi-family residential uses on the Property shall not exceed 120 units and shall be limited to areas containing 11 +/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan attached hereto as Exhibit B.

3. Real Estate Tax

3.1 The Owner, and the Owner's successors and assigns, shall pay the usual and customary real estate taxes to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.

4. Cash Proffers

4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue purposes, a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Deed

5.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as attachment incorporation into said deed, a full copy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

A.C. Echols, Jr., Trustee
Battlefield Center Trust

STATE OF VIRGINIA At-Large
County of Clarke, To-wit:

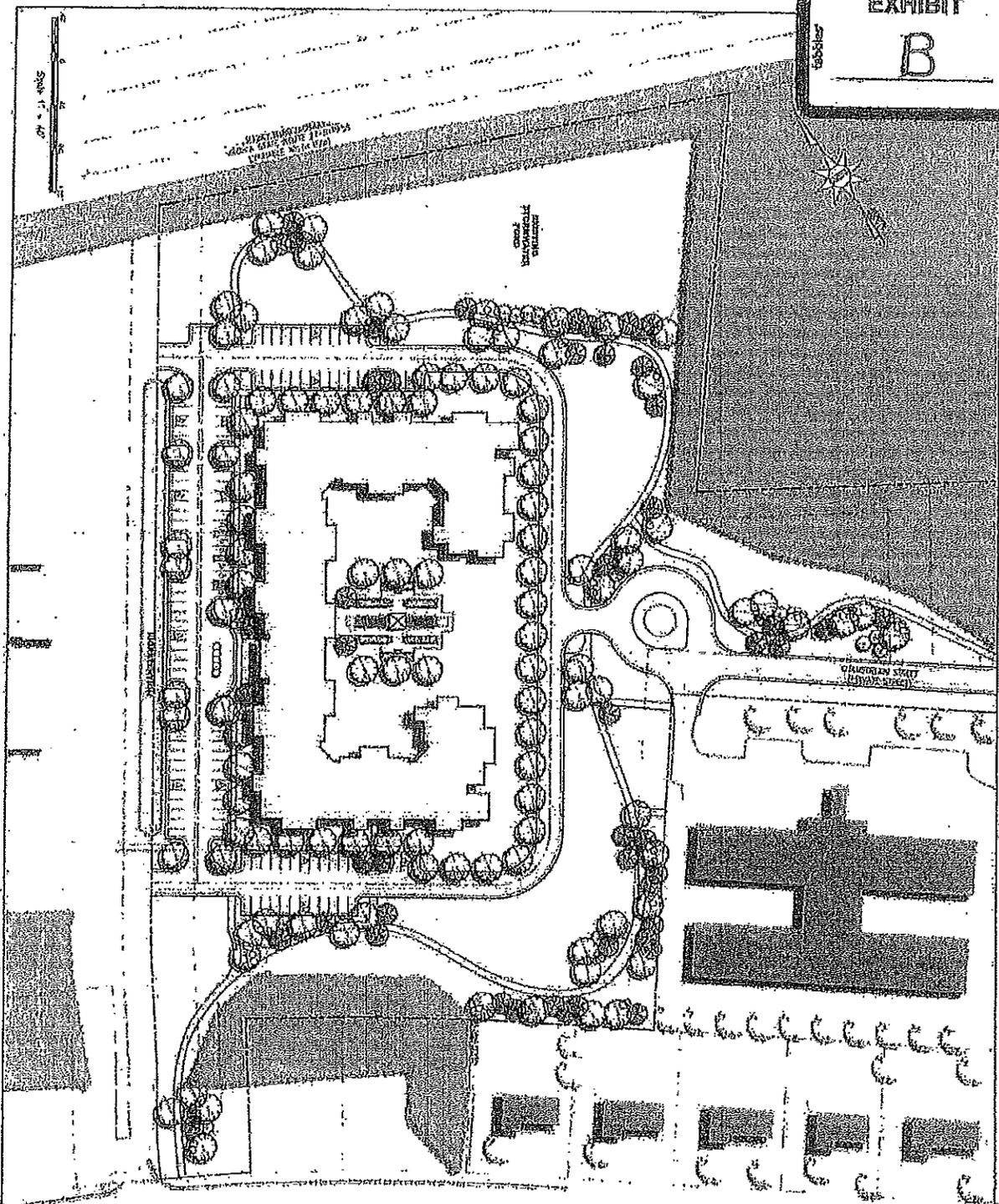
The foregoing document was acknowledged before me this _____ day of _____, 2016 by: A. C. ECHOLS, JR., TRUSTEE OF THE BATTLEFIELD CENTER TRUST.

My Commission expires _____

NOTARY PUBLIC

Notary Registration No: _____

EXHIBIT
B



WINDING WAY
 WINDING WAY (UNDERPASS)
 WINDING WAY (UNDERPASS)
 WINDING WAY (UNDERPASS)
 WINDING WAY (UNDERPASS)

<p>DATE: 10/1/01 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>	<p>LAYOUT PLAN SITE PLAN MARLYN</p>		<p>MORRIS & RYAN ASSOCIATES, INC. 20000 RIVER ROAD, SUITE 100, WASHINGTON, DC 20006 (703) 491-1100 (703) 491-1101 (703) 491-1102 (703) 491-1103 (703) 491-1104 (703) 491-1105 (703) 491-1106 (703) 491-1107 (703) 491-1108 (703) 491-1109 (703) 491-1110 (703) 491-1111 (703) 491-1112 (703) 491-1113 (703) 491-1114 (703) 491-1115 (703) 491-1116 (703) 491-1117 (703) 491-1118 (703) 491-1119 (703) 491-1120</p>	<p>DATE: 10/1/01 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO: [Number]</p>
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app. minutes

000323

August 11, 2009

August 4th, 2009

Mayor Wilson Kirby
Members: Berryville Town Council
Ms. Christy Dunkle, Zoning Administrator
101 Chalmers Ct
Berryville, Va. 22611

Re: Conditional Rezoning with Proffers and Special Use Permit for 60 Multi-family Units

Dear Mayor Kirby, Town Council Members and Ms. Dunkle, Zoning Administrator

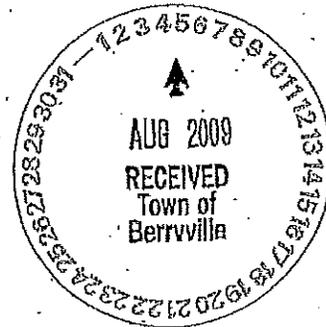
On July 23rd, 2009, a proposed Proffer Statement dated July 16th, was filed which incorporated all changes proposed by the Town Attorney in a letter dated July 10th, 2009. Enclosed you will find a revised Proffer Statement dated August 4th, 2009. This revised statement includes a revised Preliminary Site Plan submitted in conjunction with the Special Use Permit as Exhibit B. The revision was suggested by the BADA as a condition for recommendation of approval to the Town Council. As per attached "Exhibit B", you will note that an "Additional Emergency Access" has been included over an existing "Private Access Easement" connecting to McClellan Street.

Thank you for your time and consideration in this matter.

Respectfully,

A. C. Echols, agent

A. C. Echols, Agent
Virginia United Methodist Housing



000324

A PROPOSED PROFFER STATEMENT FOR BOTH A REZONING AND A "SPECIAL USE PERMIT"
PERMITTING 60 MULTI-FAMILY UNITS IN THE OLDER PERSON RESIDENTIAL (OPR) ZONE

REZONING: R.Z. # JB (11.37793A) and DR-4 (0.93967A) to OPR

PROPERTY: 12.31760 acres
Tax Map Parcel 14- 5-251B ("the Property")

SPECIAL USE PERMIT: 4.34 acres Preliminary Site Development Plan

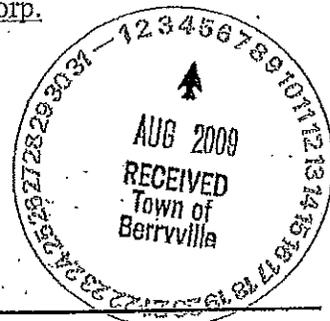
RECORD OWNER: A. C. Echols, Jr., Trustee of the Battlefield Center Trust ("Owner?")

APPLICANT: Virginia United Methodist Housing Development Corp.

PROJECT NAME: "Robert Regan House"

ORIGINAL DATE OF PROFFERS: May 4, 2009

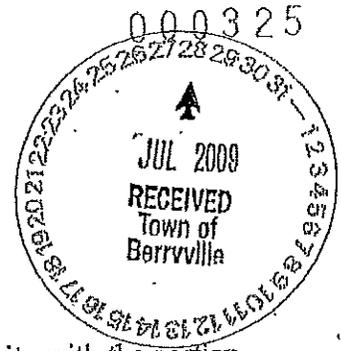
REVISION DATE(S): July 9th, 2009 July 16th, 2009, August 4th, 2009



The Recorded Owner hereby proffers that the use and development of the subject property ("Property"), as identified above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced "Rezoning" and "Special Use Permit" is not granted as applied for by the applicant ("Applicant") these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon a final "Rezoning" with "Special Use Permit" approving 60 Multi-family units on the Property with a final "Rezoning" with "Special Use Permit" defined as that Rezoning with "Special Use Permit" which is in effect on the day following the last day upon which the Town of Berryville ("Town's") decision granting the "Rezoning" with "Special Use Permit" shall include the day following entry of a final court order affirming the decision of the Town which has not be appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement unless otherwise specified herein. The term "Applicant" and "Recorded Owner" as referenced herein shall include within its meaning all future owners and successors in interest. The Record Owner hereby proffers as follows:

Proffers



1. Master Development Plan

1.1 The development of the Property shall be in substantial conformity with the portion of the Master Development Plan entitled "Robert Regan House" Master Development Plan" dated June 26, 2009, showing development on the Property, a copy of said Master Development plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.

2. Land Use Restrictions

2.1 Multi-family residential uses on the Property, pursuant to an approved Special Use Permit, shall not exceed sixty (60) units and shall be limited to an area containing 4.34 +/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan submitted in conjunction with the Special Use Permit attached hereto as Exhibit B.

3. Real Estate Tax

3.1 The Owner, and the Owner's successors and assigns, shall pay the usual and customary real estate tax to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.

3.2 Neither the Owner nor the Applicant, nor their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.

4. Cash Proffers

4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue purposes, a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Reversion of Zoning

5.1 Unless extended by mutual consent of the Owner/Applicant and the Town of Berryville, if a building permit is not obtained by the Applicant before August 30th, 2011, for the construction of an older person residential structure on the Property, the OPR zoning on the Property shall revert to the existing B (11.37793 acres) and DR-4 (0.93967 acres) by motion adopted by Town Council, or, if Council shall elect to initiate a formal rezoning of the property after August 30th, 2011 Owner and Applicant hereby irrevocably consent and waive any objection to the rezoning of the property to the existing B and DR-4 zoning.

OCF
7/29/09

6. Deed

6.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as an attachment and incorporation into said deed, a full copy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

A.C. Echols, Jr. - Trustee

A. C. Echols, Jr., Trustee of the
Battlefield Center Trust

STATE OF VIRGINIA, At-Large

~~CITY/COUNTY OF~~ Warre, To-wit:

The foregoing document was acknowledged before me this 28th day of July, 2009 by: A. C. ECHOLS, JR., TRUSTEE OF THE
BATTLEFIELD CENTER TRUST.

My Commission expires MY COMMISSION EXPIRES APRIL 30, 2011

[Signature]
NOTARY PUBLIC
Notary Registration No.: 223823

VIRGINIA UNITED METHODIST HOUSING
DEVELOPMENT CORPORATION

By: J. Robert Resan, Jr.

STATE OF VIRGINIA, At-Large

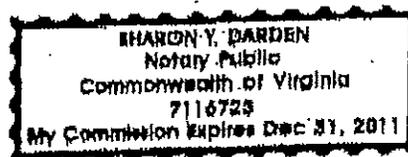
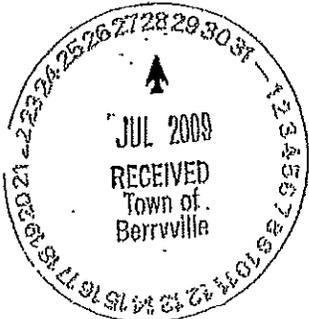
~~CITY/COUNTY OF~~ Orange, To-wit:

The foregoing document was acknowledged before me this 28th day of July, 2009,

By: J. Robert Resan, Jr., on behalf of VIRGINIA UNITED METHODIST
HOUSING DEVELOPMENT CORP.

My Commission expires 12-31-2011

[Signature]
NOTARY PUBLIC
Notary Registration No.: 7116723



110816

~~110816~~

7. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle noted two action items for setting public hearings. She said the first is for text amendments requested by Mr. Ding Wang and Mr. Echols in order to modify Article VI, Section 610 Business Commercial, of the Berryville Zoning Ordinance, deleting Section 610.2(u) retail stores and shops as an accessory use to the primary permitted use with provisions and establishing Section 610.2(x) "Personal service establishments, retail stores and shops not to exceed 10,000 [square] feet for each free-standing business or for each business in a shopping center or strip mall center." She said the Planning Commission held a public hearing in October and recommended denial of the text amendment. By consensus the Council set the public hearing for December 13.

Ms. Dunkle said A.C. Echols, Trustee, is requesting Proffer Amendments to revise Proffers approved August 9, 2009, in order to construct 120 multifamily units on the +/- 1.1 acre parcel identified as Tax Map Parcel number 14-5-251B zoned OPR Older Person Residential. She noted the agenda packet included the application, a 'Process to Consider' drafted by Mr. Robert Mitchell regarding the proffer amendment, and information submitted by the applicant. The Mayor and the Council discussed the amendment process and the notification of affected property owners. Recorder Arnold said it was strange that the proffer amendment came up after the text amendment was passed. Mayor Dickinson suggested a joint public hearing with the Planning Commission. Council member Kitzelman said he was happy with Mr. Mitchell's recommendation of having only the Town Council hold a public hearing. Mr. Dalton added that according to Mr. Mitchell, the new laws effective July 1 were intended to address coercion by the jurisdiction; but that in this case, the applicant is clearly voluntarily requesting the proffer amendment. By consensus the Council set the public hearing for December 13.

8. Report of Keith Dalton, Town Manager

Mr. Dalton said he had received a letter from David Ash, Clarke County Administrator, requesting a joint meeting with the Town Council to discuss the status, recent actions, and future expectations for the Berryville Area Plan and the Berryville Area Development Authority. Mayor Dickinson said it would be helpful to know the areas of concern and topics for discussion in advance of the meeting. By consensus, the Council agreed to be available to meet on November 15 at 5:00 p.m., December 13 at 6:30 p.m., or December 20 at 5:00 p.m.

9. Report of H. Allen Kitzelman, III - Berryville Area Development Authority Liaison

Council member Kitzelman said the BADA had met and reviewed the Meridian assisted living project for the first time. He said they will meet again on November 30.

10. Report of Erecka Gibson - Chair, Budget and Finance Committee

The minutes of the October 13 and October 25 meetings were approved. Ms. Gibson said the Committee will meet on November 22 at 10:30 am.

Ms. Gibson moved that the Council of the Town of Berryville authorize the Assistant Town Manager for Finance and Administration to issue the attached Request for Proposals (Audit Services RFP # FIN 2017-001). She further moved that the Budget and Finance Committee and the Town Manager are authorized to review proposals and make award, with the Town Manager being authorized to execute necessary contracts and related documents. She further moved that the Town Council authorize a maximum expenditure of \$10,000 for this project and that the cost of this service be paid from

app. TC min. 12/13/16

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
December 13, 2016
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett
Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Finance; Neal White, Chief of Police; Ann Phillips, Town Clerk; David Tyrrell, Director of Utilities
Press: Cathy Kuehner

1. Call to Order

Mayor Dickinson called the meeting to order at 7:37 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Council member Tollett, seconded by Council member Gibson, the agenda was approved unanimously.

4. Public Hearing

A.C. Echols, Trustee, is requesting Proffer Amendments to revise Proffers approved August 9, 2009 in order to increase the number of senior multifamily from 60 units to 120 units on an +/- 11 acre parcel identified as Tax Map Parcel number 14-5-251B zoned OPR Older Person Residential

Ms. Dunkle read the public hearing notice. The public hearing speakers were as follows:

The applicant, Alton Echols, said the request was self-explanatory regarding amending the proffers for 120 units rather than the original 60 units and removing the reversion from OPR zoning to Business and DR-4 zoning.

Town resident Jill Butler said the 120 units proposed by the applicant are out of scale for a small town and would be warehousing of seniors. She said the development also would increase demand for tax payer funded services like roads, water and sewer, and EMS. She said the development will ruin the small town, quiet lifestyle. Ms. Butler added that housing such as the proposed multi-floor development leads to isolation of the residents which in turn magnifies health problems such as dementia. She noted her own mother's experience saying that one-level living is preferred and allows more interaction with neighbors. She told the Council that making exceptions to zoning requirements sets a precedent that other developers will expect.

Robina Rich Bouffault said the one-time proffer of \$150,000 does not begin to cover the costs to the Town once the proposed project is completed. She referenced the developer's study showing that the majority of the new residents will be from Loudoun County where the median income is far greater than Clarke County's. She said this allows the developer to claim substantial tax credits while charging more rent than would be affordable for Clarke's own needy seniors. Ms. Bouffault noted there will be increased demand for services with the main burden falling on local Social Services and the Town's fire and rescue squad. She asked why the recommendations of the Planning Commission had been ignored and why the Berryville Area Plan had been brushed aside. Ms. Bouffault said the new members of Council ran on a platform of decreased taxation for the Town, but that thus far the decisions being made appear to be destined to increase the taxes. She cited Section 15.2-1.102 of the Code of Virginia concerning the Powers of Cities and Towns and quoted, "The exercise of powers conferred under this section is specifically limited to the area within the corporate limits of the municipality." She said as a County taxpayer, she hoped it was not the intention to transfer the added Town costs to the County taxpayers, and concluded by saying it would be in everyone's best interest if Council would reverse the ill-considered decision to unilaterally amend its OPR ordinance in violation of the Berryville Area Plan.

The public hearing was closed.

5. Approval of Minutes

The minutes of the Town Council meeting on November 8, 2016 were approved unanimously on a motion by Council member McDonald, seconded by Council member Gibson.

6. Citizens' Forum

Mr. Dalton noted the change on the sign-up sheet, saying speakers will now indicate whether or not he or she is a town resident, but will no longer be required to state a home address.

The speakers were as follows:

Sandy Sowada, Town resident, said she supports the efforts of the Mayor to help the Town. She said last month, two experienced Council members had offered to serve on committees, and ignoring their willingness to serve seems shortsighted. She said she respectfully requested the Mayor to allow Council member Kitseiman and Recorder Arnold on the committees on which they offered to serve.

Allan McWilliams, Town resident, said the Council had listened to concerns in the joint County Town meeting held immediately before the current meeting. He said the County concerns are valid and should be given serious consideration. He said the two bodies need to plan cooperatively, or the beautiful community will no longer exist. Mr. McWilliams said the Council should step back and consider what it had done in October and work to correct the poorly conceived effort. He said the Council should reject the proffer amendment. He said the Council should meet with the Board of Supervisors before finalizing a decision on the senior housing project in order to plan jointly with the County. He urged the Council to make correct decisions and work with the County. He said in 2009 he attended his last VML conference where there was a session on Town and County relations. He said when he discussed the Berryville and Clarke County's annexation agreement, the formation of the BADA, and the construction of the Berryville-Clarke County government center, the other attendees were amazed. He said Berryville and Clarke County are known throughout the state for the level of cooperation, and he hates to see that destroyed.

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Mary Veilleux, Town resident, who said she is sorry to attend meetings that are contentious. She offered suggestions for how Council members could get along. She referenced Recorder Arnold's request to be appointed to the Budget and Finance Committee and said the Mayor had been elected because citizens have lost confidence in the budget process. She said the members of the budget and finance committee should be above the suspicion of impropriety, and Mr. Arnold has a close relationship with three major budget items: the contributions to the County in support of Enders, the funding of Berryville Main Street, and the goods and services he sells to the Town. She said she would suggest that the Mayor appoint members who do not share these conflicts of interest.

Nathan Stalvey, of the Clarke County Historical Association and representing Berryville Main Street, highlighted recent activities of Berryville Main Street including the parking meter contest and the Holiday Homes Tour. He said only six of the Virginia Main Street communities have lasted as long as Berryville's.

Alton Echols, Town resident, presented a revised water and sewer fee schedule with suggested changes. He said he will be appearing at the Streets and Utilities Committee to discuss the issue.

7. Report of Patricia Dickinson, Mayor

The Mayor thanked the Berryville Main Street for the tree lighting ceremony, and Donna Peake for her efforts with the Christmas Parade.

Mayor Dickinson noted that the Northern Shenandoah Valley Regional Commission has announced a fee structure change.

Mayor Dickinson said she wished to clarify comments from the last meeting. In reference to meeting with individual members of Council, she said she received confirmation from the Virginia Freedom of Information Advisory Council that such a meeting would not be a violation of the Freedom of Information Act. She invited members of Council to meet with her to discuss committee appointments. She said it had also been stated that a consensus of Council was required before a member could seek legal guidance on a Town matter. She said she received confirmation from both Mr. Mitchell and the Virginia Ethics Council that this is not the case. She said that this resource should not be denied to any member of Council as long as the members are judicious in using the services.

8. Report of Harry Lee Arnold, Jr, Recorder

Recorder Arnold thanked Donna Peake for her work with the Christmas Parade. He noted that several years ago the Parade was in danger of being cancelled for lack of insurance, and Berryville Main Street stepped in and continues to provide the insurance for this activity.

Recorder Arnold thanked Elizabeth Mock for her work on the Small Business Saturday event saying it had been a big success for Berryville.

Recorder Arnold said he would like to see some study on the topic of nursing homes and assisted care facilities. He suggested the Planning Commission look at numbers, whether the Town could support additional units, existing zoning and current service levels.

9. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle noted the earlier public hearing, and the Mayor said the issue could be addressed next month.

Ms. Dunkle noted two action items for setting public hearings. She said the first is for a special use permit at 37 East Main Street for a veterinary hospital. She said the second one is for a text amendment to modify parking requirements for "restaurant, fast food." By consensus, the Council set public hearings for these two items for January 10, 2017.

Ms. Dunkle introduced the Safe Routes to School item saying the Swan Avenue sidewalk project has been split into two phases. The Mayor noted that if the project is not approved, the Town would have to repay approximately \$40,000 to the state. She questioned the wording of the motion in regard to seeking funding from the school board saying they have voted no on the issue twice. Ms. Dunkle said that school board support had occurred since the project began and that she was optimistic the school board would assist with the remaining financial need.

Council member McDonald asked for more information on the issue, and Ms. Dunkle and Mr. Dalton provided background and explained the progress of the sidewalk project. Council member McDonald asked if there had ever been any consideration to rebuilding the sidewalk on the street to VDOT specs. Ms. Dunkle said that had been considered, but would have cost more and caused storm water management issues.

There was discussion of Swan Avenue and Lincoln Avenue as access points to the middle school.

Council member Kitselman moved that the Council of the Town of Berryville accept the low bid for Phase I of the Johnson-Williams Middle School Safe Routes to School Infrastructure project using money from the General Contingency fund to cover the overage and seek funding from the Clarke County School Board to assist with the overage. Recorder Arnold seconded the motion which carried as follows:

Aye: Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay: None
Absent: None
Abstain: McDonald

Council member Kitselman moved that the Council of Berryville finalize the approved Revenue Sharing application and enter into an agreement with the Clarke County Public Schools in order to fund the installation of two flashing pedestrian lights at the crosswalk located at US 340 and Swan Avenue. Recorder Arnold seconded the motion. There was discussion of the flashing light project. Ms. Dunkle noted the costs included are about one year old and may change. She said the next step will be working with the schools. Mr. Dalton explained that revenue sharing is a 50-50 cost split between the state and the locality. Council member McDonald asked if the flashing light is also part of the Safe Routes to School project, and Ms. Dunkle said it had been identified under that effort. The motion carried as follows:

Aye: Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay: None
Absent: None
Abstain: McDonald

10. Report of Keith Dalton, Town Manager

Mr. Dalton recognized Desiree Moreland's service to the Town on the occasion of her having been employed with the Town for 40 years.

Report of H. Allen Kitzelman, III – Berryville Area Development Authority Liaison

Council member Kitzelman said the BADA had met and had a public hearing on the Meridian assisted living project. He said they set a public hearing for the McDonalds for January 4.

Mayor Dickinson asked what control the Town has over how the McDonalds will look. Mr. Kitzelman replied that the BADA has control of the access corridor, and Mr. Dalton said the BADA is responsible for architectural review of elevations.

12. Report of Erecka Gibson - Chair, Budget and Finance Committee

The minutes of the November 22 meeting were approved. Ms. Gibson said the Committee will meet on December 15 at 10:00 am.

Mr. Dalton asked Utilities Director Dave Tyrrell to provide the background on the waste water treatment plant membrane pre-purchase. Mr. Dalton explained the Council had been saving and planning for this expense. Mr. Tyrrell gave background information on the membranes and the pre-purchase agreement.

In regard to the pre-purchase, Council member Gibson said she has asked staff for a summary analysis of cash flow which is an analysis of the affected accounts and the number of availability fees required to cover the cost of the membrane pre-purchase. She said a public hearing would be needed in January to amend the budget. Mr. Dalton said since a public hearing would need to be advertised, he requested that the Council add an amendment to increase the water line repair line item by \$70,000. He said the funds would be moved from a water line repair reserve. Mr. Dalton said this budget amendment would allow some planned work for fire protection to be funded, adding the Council would still approve the work before it began. He said the same budget amendment could address both items. By consensus, the Council set a public hearing on a budget amendment for the January meeting. Council member Gibson said the summary analysis will be available before the next Council meeting.

13. Report of Donna McDonald - Chair, Community Improvements Committee

Council member McDonald said the Town Christmas tree is beautiful. Mayor Dickinson said there have been two donations to assist with buying colored lights. Council member McDonald said the next committee meeting will be on January 23, 2017.

14. Report of David Tollett – Planning Commission Liaison

Council member Tollett had nothing to report.

15. Report of David Tollett – Police and Security Committee

The minutes of the November 21, 2016, meeting were approved. Recorder Arnold inquired about the membership on this committee. Mayor Dickinson said she had been attending the committee meetings to help Council member McDonald who has been unable to attend. Council member McDonald said she is trying to arrange the schedule so that she can attend more regularly. Council member Tollett said the garbage and refuse ordinance was being reviewed by legal counsel and the Committee would finalize the draft in January in order for the Town Council to review it at the February meeting. He said the next Committee meeting will be January 26, 2017, and the next code section to be reviewed is Chapter 10 - Motor Vehicles.

16. Report of Patricia Dickinson – Chair, Streets and Utilities Committee

There was nothing to report.

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the use is by right in the zoning district. He said it is not related to a strip mall or senior housing and is exactly the type of development planned for its location. The motion carried as follows:

Aye: McDonald, Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay: None
Absent: None

AN ORDINANCE AMENDING
ARTICLE III, SECTION 305 OF THE
TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article III, Supplementary Regulations, Section 305 Minimum Off-Street Parking, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE III – SUPPLEMENTARY REGULATIONS

SECTION 305 Minimum Off-Street Parking

614.5 MAXIMUM DENSITY
Restaurant, Fast-food

1 for each 60-100 square feet,
1.0 per 100 square feet gross floor
area, plus one additional for every
four outside seats plus 3 queuing
spaces for drive-up window

SIGNED: _____
Patricia Dickinson, Mayor

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

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Ms. Dunkle referenced the proffer amendment which had previously been the subject of a public hearing. Recorder Arnold said that proffers are voluntary, and provided a history of the proposed development tied to the proffer in question. He said the project continues to be a moving target with the subject of availability fees now in question. In response to Council member Gibson's question, Mr. Dalton clarified that if the proffers are not amended, then the developer would be unable to build his planned 120 unit development. Council member Kitselman said that approving the amendment would be compounding the mistake made by the Council.

Council member Tollett moved that the Council of the Town of Berryville approve the attached proffer amendments to allow for 120 multifamily senior units (increase from 60 units); on a parcel of approximately 1.1 acres (increase from 4.34 acres); and removing the reversion from OPR Older Person Residential zoning to B Business and DR-4 Detached Residential zoning. Council member McDonald seconded the motion which carried on a roll call vote as follows:

Tollett -	Aye	Arnold -	Nay
McDonald -	Aye	Gibson -	Aye
Kitselman -	Nay	Dickinson -	Aye

A PROPOSED PROFFER STATEMENT AMENDMENT TO A REZONING PERMITTING 120 MULTI-FAMILY UNITS IN THE OLDER PERSON RESIDENTIAL (OPR ZONE)

ZONING: R.Z.# JB (11.37793A) and DR-4 (0.93967A) to OPR

PROPERTY: 11 Acres +/-

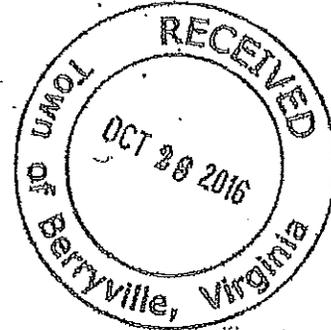
Tax Map Parcel 14-5-251B ("the Property")

RECORD OWNER: A.C. Echols, Jr., Trustee of the Battlefield Center Trust ("Owner")

ORIGINAL DATE

OF PROFFERS: May 4, 2009

REVISION DATE (S) July 9th, 2009 July 16th, 2009, August 4th, 2009



The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement unless otherwise specified herein. The term "Recorded Owner" as referenced herein shall include within its meaning all future owners and successor in interest. The Record Owner hereby proffers as follows:

Proffers

1. Master Development Plan

1.1 The development of the Property shall be in substantial conformity with the portion of the Master Development Plan entitled Master Development Plan dated Sept. 1, 2015 showing development on the Property, a copy of said Master Development plan being attached hereto as Exhibit A, subject to revisions which may be approved by the Town in final site plan review and approval.

2. Land Use Restrictions

2.1 Multi-family residential uses on the Property shall not exceed 120 units and shall be limited to areas containing 11 +/- acres subject to revisions which may be approved by the Town in final Site Plan review, as delineated on a Preliminary Site Plan attached hereto as Exhibit B.

3. Real Estate Tax

3.1 The Owner, and the Owner's successors and assigns, shall pay the usual and customary real estate taxes to the Town and the County based upon the full real estate tax assessment of the localities and the prevailing tax rate in each locality.

3.2 Neither the Owner nor the Applicant, nor their successors or assigns, shall seek any exemption for the Property from real estate taxation by classification or designation pursuant to Chapter 36 of Title 58.1 (Sec 58.1-3600, et seq.) of the Code of Virginia, or otherwise, and further, the Owner, and the Owner's successors and assigns, shall pay the annual real estate tax as set forth in 3.1, above, notwithstanding any such exemption which may have been granted or obtained.

4. Cash Proffers

4.1 Prior to the issuance of a building permit for multi-family residential units on the property, the Recorded Owner shall pay to the Town, for fire and rescue purposes, a sum equal to One Thousand Two Hundred Fifty Dollars (\$1,250.00) per unit for the total number of multi-family units shown on the applicable approved final site plan.

5. Deed

5.1 Any deed conveying the Property, or any portion thereof, from the owner of the Property at the time of final rezoning, shall affix as attachment incorporation into said deed, a full copy of these proffers in order to fully advise any subsequent purchaser of the proffered terms and conditions.

A.C. Echols, Jr., Trustee
Battlefield Center Trust

STATE OF VIRGINIA At-Large
County of Clarke, To-wit:

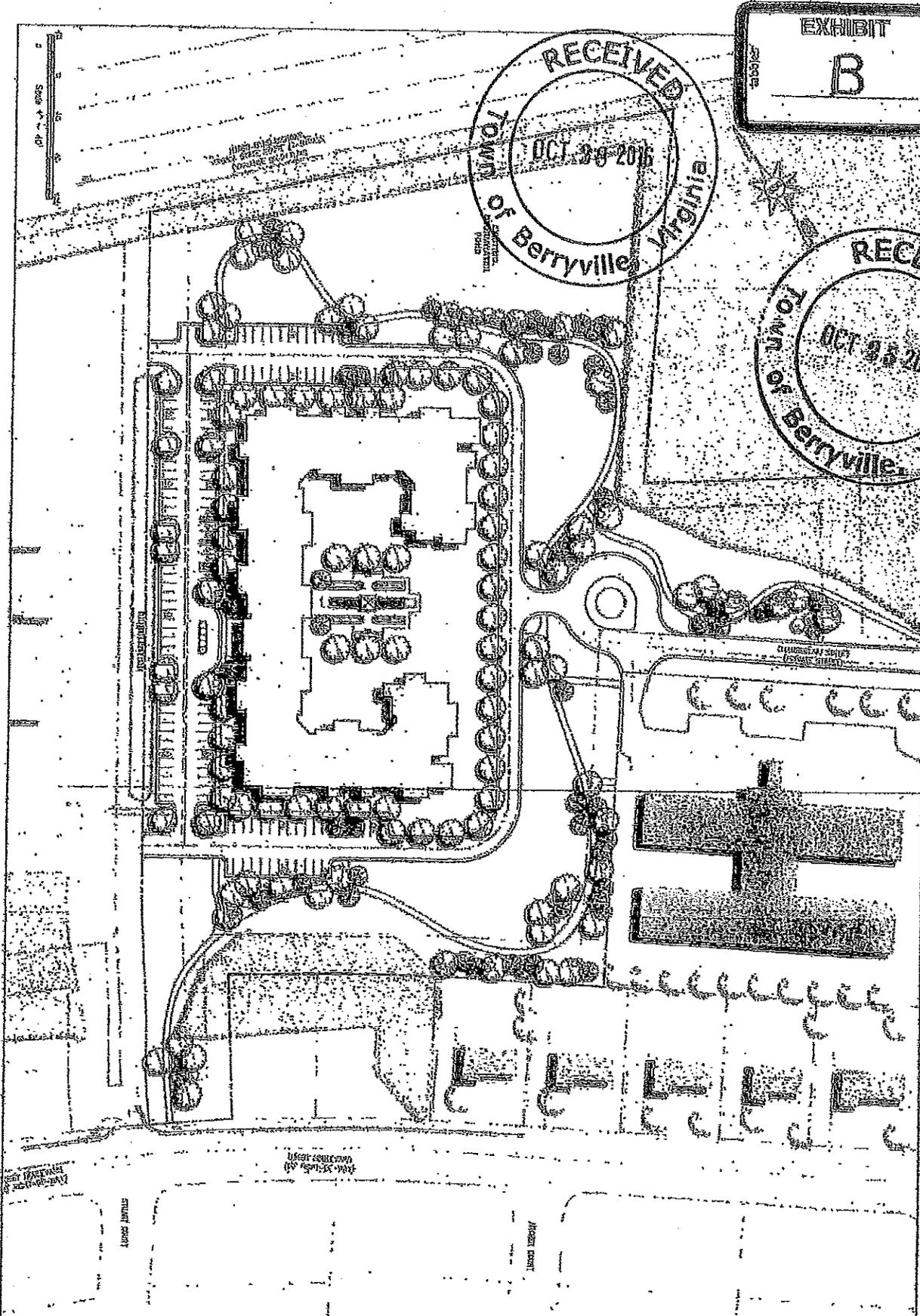
The foregoing document was acknowledged before me this _____ day of _____, 2016 by: A. C. ECHOLS, JR., TRUSTEE OF THE BATTLEFIELD CENTER TRUST.

My Commission expires _____

NOTARY PUBLIC

Notary Registration No: _____





RECEIVED
 OCT 28 2016
 TOWN OF Berryville, Virginia

EXHIBIT
 B

RECEIVED
 OCT 28 2016
 TOWN OF Berryville, Virginia

SHEET NO. DATE DRAWN BY CHECKED BY APPROVED BY	LAYOUT PLAN SITE PLAN MARLYN		MORRIS & RYCHIE ASSOCIATES, INC. PLANNING, DESIGN, SURVEYING AND ENGINEERING 1000 COMMONWEALTH CENTER SUITE 1000 FARMERSVILLE, VA 22434 TEL: 540-331-1100 FAX: 540-331-1101 WWW.MIRA-VA.COM	DATE	REVISIONS
	PROJECT NO. 10-10-16-001				

BERRYVILLE TOWN COUNCIL

**MOTION TO APPROVE PROFFER MODIFICATIONS
ROBERT REGAN VILLAGE**

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve modifications to the proffer statement for the property identified as Tax Map Parcel number 14-5-251B located on Mosby Boulevard and zoned OPR Older Person Residential.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

Harry Lee Arnold, Jr., Recorder

Attachment 5

August 14, 2018 Report

After the April 10 Town Council meeting, staff has worked with legal counsel to develop drafts of the following: Town Charter, Town Code Chapter 1, Town Code Chapter 2, and Town Code Chapter 3. Drafts of these documents were submitted to the Town Council for comment.

A work session has been scheduled for August 20, 2018 at 5:00 pm to review the documents in question with legal counsel and staff.

It is expected that the Town Council will review this matter further at its regular meeting in September. Further, it is expected that the Town Council will set a public hearing on this matter for its regular meeting in October.

Attachments

- Packet provided to Town Council on July 13
- Review comments provided on drafts

Action

Provide staff and legal counsel with any guidance the Town Council deems necessary prior to the August 20 work session.

April 10, 2018 Report

History

The Police and Security Committee, which has been working its way through the Town Code for the past 5 years in order to recommend necessary revisions, has discussed the idea of revising the Town Charter.

Mayor Dickinson introduced the idea of seeking revision of Section 3.12 in order to eliminate the requirement that the Council meet every month. She suggests that since there are times, particularly in the late summer, when agendas are lean and vacations and the like make scheduling a challenge. The Mayor notes that eliminating the meeting requirement does not preclude meeting at any given time but merely gives the Council flexibility.

Staff has reviewed the Charter, which was last revised in 1994, and there are quite a few elements that should be amended. Staff also notes that the idea of changing the title of the Recorder position has also been floated in years past. Staff discussed this with Recorder Arnold and he remains interested in discussing the idea.

Process

The Town Council, after holding a public hearing, would approve a resolution proposing charter amendments for adoption by the General Assembly. This will need to happen prior on or before the October 2018 Town Council meeting.

The General Assembly would take the matter up during its session (begins in January) and if approved by the House, Senate, and Governor, the amendments would become effective on July 1, 2019.

Staff Recommendation

Staff recommends following the course outlined below:

- 4/11/18 - 5/15/18 Staff review of Charter
- 5/16/18 – 6/15/18 Staff review of Charter with legal counsel
- 7/10/18 Submission of draft to Town Council
- 8/14/18 Town Council review
- 8/15/18 – 9/5/18 Staff review of Charter and TC comments with legal counsel
- 9/11/18 Town Council review / Set Public Hearing
- 10/9/18 Town Council Public Hearing and vote
- 11/13/18 Town Council approves minutes of 10/9/18 meeting
- 11/16/18 Submission to Delegate LaRock (who would carry the matter)
and Senator Vogel

April 10 Staff Report

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Revised Charter Markup

07/12/18

AMENDED AND RESTATED CHARTER OF THE
TOWN OF BERRYVILLE, TOWN OF
 Established 1798.
 Moved from County of Frederick to County of Clarke, 1841.

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Incorporation and Charter, 1870, c. 366; repealed, 1898, c. 819.
 Charter, 1898, c. 819; repealed, 1971, c. 112.
 Charter, 1971, c. 112.

Amended 1972, c. 29 (§ 3.2)
 1994, c. 324 (§§ 2.3, 4.2, 7.1, 7.3).

CHAPTER 1.

INCORPORATION AND BOUNDARIES.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the town of Berryville, as such limits are now or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate to be known and designated as the town of Berryville, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, review or amend at its pleasure by proper ordinance. (1971, c. 112)

§ 1.2. Boundaries.--The corporate boundaries of the town of Berryville shall be as follows:

~~Beginning at a pipe in the west side of North Buckmarsh Street (U.S. Route No. 340), such point being at the intersection of the west right-of-way line of North Buckmarsh Street and an extension of the north lot line of the Episcopal parsonage; thence along the west right-of-way line of North Buckmarsh Street, N 27° 43' E, a distance of 634.47 feet to a pipe; thence N. 45° 42' W, 2241.36 feet along the rear lot lines on the north side of Walnut Street to a pipe; thence S. 56° 34' 30" W, a distance of 160.38 feet to a pipe; thence S. 45° 45' 30" W, a distance of 4490.77 feet to a pipe in the~~

orchard of H. F. Byrd, such line crossing West Main Street (Va. Route 7); thence, still through the orchards of H. F. Byrd and other properties, S. 57° 25' E. a distance of — feet to a spike in the center line of South Church Street; thence S. 53° 42' E. a distance of 1736.86 feet to a pipe, such line crossing the Norfolk and Western Railway right of way; thence along a 13° 13' curve, parallel to the Norfolk and Western Railway, such curve having a tangent bearing of N. 62° 10' E. and a tangent distance of 250.80 feet to a pipe and point of intersection; thence still parallel to the Norfolk and Western Railway N. 49° 03' E. a distance of 2484.97 feet to a point of intersection of a 15° 38' curve, the corporate limits following the curve; thence N. 64° 44' E. a distance of 585.77 feet to a pipe; thence N. 49° 41' W. a distance of 3315.36 feet to a pipe and the place of beginning. (1971, c. 112)

[Description of current Town boundaries to be inserted]

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§ 1.3. Wards.--The town of Berryville shall be divided into four wards. The boundaries of such wards shall be established by the town council by ordinance. (1971, e-112)

CHAPTER 2.

POWERS.

§ 2.1. General grant of powers.--The town of Berryville shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to

towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now appertaining to and incumbent on the town as a municipal corporation. (1971, c. 112)

§ 2.2. Adoption of certain sections of Code of Virginia.--The powers set forth in §§ ~~15.42-8371100~~ through ~~15.42-9151133~~, both inclusive, of Chapter 18.1 of Title 15.42 of the Code of Virginia, as in force on January 1, ~~1971~~2019, are hereby conferred on and vested in the town of Berryville. (1971, c. 112)

§ 2.3. Eminent domain.--The powers of eminent domain set forth in ~~Title 15.4~~Chapter 19 of Title 15.2, Title 25.1, and Chapter 10 of Title 33.2~~Chapter 1.1 and §§ 33.1-121 through 33.1-132, Chapter 1,~~ of the Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the town of Berryville subject to the provisions of § ~~25.1-23300~~.

(a) In any case in which a petition for condemnation is filed by or on behalf of the town, a true copy of a resolution or ordinance duly adopted by the town council declaring the necessity for any taking or damaging of any property, within or without the town, for the public purposes of the town, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the town. The town may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ ~~33.42-1211019~~ to ~~33.42-132029~~, inclusive, Code of Virginia, as amended, and acts amendatory thereof and supplemental thereto,

may be issued by the town council, signed by the mayor and countersigned by the town treasurer. Such certificate shall have the same effect as certificates issued by the Commonwealth Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the town proposes to acquire property or interest therein by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the town; provided, that the condemnation authority shall be subject to the provisions of §

~~25-23325.1-200~~ of the Code of Virginia.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or canceled by the court having jurisdiction of the proceedings, upon petition of the town, at any time after the filing thereof; provided, that the court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The court shall have jurisdiction to require refunding bonds, for good cause shown by the town or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the town. (1971, c. 112; 1994, c. 324)

CHAPTER 3.

MAYOR, ~~RECORD~~VICE MAYOR, AND COUNCIL.

§ 3.1. Composition of council; qualifications of mayor, ~~reecord~~vice mayor, and councilmen. ~~- members -~~

~~The town of Berryville shall be governed by a town council composed of the mayor, the reecord~~vice mayor, and four councilmen. ~~members.~~ The mayor, ~~reecord~~vice mayor, and councilmen ~~members~~ shall be residents and qualified voters of the town. The mayor and ~~reecord~~vice mayor shall be elected from the

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town at

4/5/1994

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large. The four council ~~members~~ shall reside one in each ward of the town, but shall be elected by all of the qualified voters of the town. (1971, e. 112)

§ 3.2 Office of vice mayor/office of recorder – The office of vice mayor shall become effective on July 1, 2022, and the office of recorder shall remain effective until July 1, 2022.

§ 3.23. Election and term of office of mayor, ~~recorder~~vice mayor, and councilmen-- members -- Elections for mayor, ~~recorder~~vice mayor, and councilmen ~~members~~ shall be held on the first Tuesday in May of each even-numbered year. On the first Tuesday in May, ~~1972~~2020, a mayor and council ~~members~~ from Wards 1 and 3 shall be elected for a term of four years, ~~and a recorder and councilmen from Wards 2 and 4 shall be elected for a term of two years.~~ On the first Tuesday in May, ~~1974~~2022, a ~~recorder~~vice mayor and councilmen ~~members~~ from Wards 2 and 4 shall be elected for terms of four years. Thereafter, the mayor, recorder and all councilmen shall be elected for terms of four years. (1971, e. 112; 1972, e. 29)

§ 3.34. When terms of office to begin.--The terms of office for the mayor, ~~recorder~~vice mayor, and council ~~members~~ shall begin on the first day of July next following their election. (1971, e. 112)

§ 3.45. Oath of office.--The mayor, ~~recorder~~vice mayor, and councilmen ~~members~~ shall each, before entering upon the duties of their office, make oath or affirmation that they will truly, faithfully, and impartially discharge the duties of their offices to the best of their abilities, so long as they shall continue therein. (1971, e. 112)

§ 3.56. Vacancies in office.--Vacancies in the office of mayor, ~~recorder~~vice mayor, or councilman ~~member~~ shall be filled within forty-five days for the unexpired terms by a majority vote of the remaining members of the town council. (1971, e. 112)

§ 3.67. When new election for mayor, ~~recorder~~vice mayor, or councilman ~~member~~ required.--If any person who shall have been duly elected mayor, ~~recorder~~vice mayor, or councilman ~~member~~ shall not be eligible, as herein prescribed, or shall refuse to take the oath or affirmation required under this Charter within two weeks from the day of the beginning of his term of office, the town council shall declare his office vacant, and shall order a new election for mayor, ~~recorder~~vice mayor, or councilman ~~member~~ as the case may be. (1971, c. 112)

§ 3.78. Powers and duties of mayor.-- ~~The mayor shall be a member of the town council and shall have the same right to speak and vote therein as other members of the town council.~~ The mayor shall preside over the meetings of the town council and shall have the same right to speak and vote therein as other members of the town council. ~~He~~The mayor shall be recognized as the head of the town government for all ceremonial purposes, for the purposes of military law, and for the service of civil processes. The mayor shall have no power of veto over the ordinances and resolutions of the town council. (1971, c. 112)

§ 3.89. Powers and duties of ~~recorder~~vice mayor; ~~recorder~~vice mayor to act as mayor during absence, disability, etc., of mayor.—~~The recorder shall be a member of the town council and shall have the same right to speak and vote therein as other members of the town council.~~ ~~The recorder shall be a member of the town council and shall have the same right to speak and vote therein as other members of the town council.~~ ~~The recorder shall keep the journal of the proceedings of the town council and have charge of and preserve the records of the town.~~ In the absence from the town, or disqualification, inability, or sickness of the mayor, or during any vacancy in the office of mayor, the ~~recorder~~vice mayor shall perform the duties of the mayor and be vested with all his powers of the mayor. The recorder shall have the powers and duties of the
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vice mayor set forth above until July 1, 2022. ~~(1971, c. 112)~~

§ 3.910. Absence or disability of mayor and reeordervice mayor. ~~--If both the mayor and reeordervice mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or reeordervice mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. (1971, c. 112)~~

§ 3.141. Council a continuing body.--The town council shall be a continuing body, and no measures pending before such body, or any contract or obligation incurred by it, shall abate or be discontinued by reason of the expiration of the term of office or removal of any of its members. (1971, c. 112)

§ 3.142. General grant of powers to council.--The town council shall have all powers and authority that are now or may hereafter be granted to councils of towns by the general laws of the Commonwealth and by this charter, and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of the Commonwealth to town councils, but not herein specified. (1971, c. 112)

§ 3.143. Meetings of council.--The town council shall fix the time of their ~~stated regular meetings, meetings, and they shall meet at least once a month.~~ Special meetings may be called at any time by the mayor or by three members of the town council; provided, that all members shall be duly notified a reasonable period of time prior to any special meeting. (1971, c. 112)

§ 3.144. Quorum; reconsideration of action.--Three members of the town council shall constitute a quorum for the transaction of business. No vote taken at any meeting shall be reconsidered or rescinded at any subsequent special meeting unless at such special meeting there are as many members of the town council present as were present when such vote was taken. (1971, c. 112)

§ 3.145. Rules of order and procedure.--The town council shall establish its own rules of order and procedure, and may punish its own members and other persons for violations thereof. (1971, c. 112)

§ 3.156. Council to fix salaries.--The town council is hereby authorized to fix the

salaries of each of the members of the town council, members of boards or commissions, and all appointed officers. The salaries of the mayor, ~~recorder~~ service mayor, and council ~~members~~ shall not be changed during the term for which they were elected. (1971, c. 112)

CHAPTER 4.

TOWN MANAGER.

§ 4.1. Appointment and qualifications.--There shall be a town manager, who shall be the executive officer of the town and shall be responsible to the town council for the proper administration of the town government. ~~He~~ The town manager shall be appointed by the town council for an indefinite term, ~~and~~ ~~He~~ shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in or knowledge of accepted practice in respect to the duties of ~~his~~ the office. At the time of ~~his~~ the appointment, ~~he~~ the town manager need not be a resident of the town or the Commonwealth, but during ~~his~~ the tenure of office, ~~he~~ shall reside within Clarke County. (1971, c. 112)

§ 4.2. Duties.--It shall be the duty of the town manager to:

- (a) Attend all meetings of the town council, with the right to speak but not to vote.
- (b) Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable.
- (c) Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption.
- (d) Present adequate financial and activity reports as required by the town council.

~~(e)~~ Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council.

~~(e)(f)~~ Be responsible for supervision of all town employees.

~~(f)(g)~~ Perform such other duties as may be prescribed by this charter or required of ~~him~~the town manager in accordance therewith by the town council or which may be required of the chief executive officer of a town by the general laws of the Commonwealth, other than the duties conferred on the mayor by this charter.

~~(1971, c. 112; 1994, c. 324)~~

§ 4.3. Powers as to town officers and employees.--All officers and employees of the town, except those appointed by the town council pursuant to this charter or the general laws of the Commonwealth, shall be appointed and may be removed by the town manager, who shall ~~report~~advise the town council of each appointment or removal ~~to the town council at the next meeting thereof~~promptly following any such appointment or removal. (1971, c. 112)

§ 4.4. Temporary transfer of personnel between departments.--The town manager shall have power, whenever the interests of the town require, irrespective of any other provisions of this charter, to assign employees of any department, bureau, office, or agency to the temporary performance of duties in another department, bureau, office, or agency. (1971, c. 112)

§ 4.5. Council not to interfere in appointments or removals; relationship with council.--Neither the town council nor any of its members, including the mayor and vice mayor, shall direct or request the appointment of any person to or his removal from any office or employment by the town manager or by any of his subordinates or in any way take part in the appointment or for removal of officers and employees of the town, except

as specifically provided in this charter. Except for the purpose of inquiry, the town council and its members shall deal with the administrative services solely through the town manager, and neither the town council nor any member thereof shall give orders, either publicly or privately, to any subordinate of the town manager. ~~Any councilman violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a councilman. (1971, c. 112)~~

§ 4.6. Relations with boards, commissions and agencies.--The town manager shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards, commissions, or agencies created by this charter or by ordinance and any other board or commission the town council may designate. (1971, c. 112)

§ 4.7. Acting town manager.--The town council shall designate by resolution a person to act as town manager in case of the extended absence, incapacity, death, or resignation of the town manager, until his return to duty or the appointment of his successor. (1971, c. 112)

CHAPTER 5.

APPOINTIVE OFFICERS.

§ 5.1. Appointment.--The town council may appoint ~~such~~ the following officers of the town as they may deem necessary: ~~Such officers may include, but shall not be limited to, a town manager, a town attorney, a town treasurer, a town assessor, a judge of the municipal court and justices of the peace. assistant town manager for administration/treasurer, assistant town manager for community development/operations, and town attorney.~~ The enumeration of officers in this section shall not be construed to require the appointment of any of such officers herein named. Officers appointed by the town council shall perform such duties as may be specified in this charter by the town

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council. (1971, c. 112)

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§ 5.2. Deputies and assistants.--The town council may appoint such deputies and assistants to appointive offices as the town council may deem necessary. (1971, e-112)

§ 5.3. Term of office.--Officers and deputy and assistant officers appointed by the town council shall be appointed for a term of two years, ~~unless an indefinite term, unless~~ otherwise provided by this charter or by ordinance of the town council. Such term shall begin on the first day in July in each even-numbered year. (1971, e-112)

§ 5.4. Vacancies in office.--The town council shall fill any vacancy in any appointive office for the remainder of the unexpired term. (1971, e-112)

§ 5.5. Appointment of one person to more than one office.--The town council may appoint the same person to more than one appointive office, at the discretion of the town council. (1971, e-112)

CHAPTER 6.

COURTS.

§ 6.1. Municipal court established; jurisdiction of court.--There is hereby established a municipal court, which shall be known as the Municipal Court of Berryville. Jurisdiction of the municipal court shall be as provided in § 16.1-124 of the Code of Virginia. (1971, e-112)

§ 6.2. Judge of municipal court; substitute judge.--The judge of the municipal court shall be appointed by the town council. The town council may appoint a substitute judge to serve during the absence or inability to act of the judge of the municipal court. (1971, e-112)

§ 6.3. Clerk of the municipal court.--The clerk of the municipal court shall be appointed by the town council. (1971, e-112)

CHAPTER

~~7.6~~

FINANCIAL PROVISIONS.

§ ~~76.1~~. Fiscal year.--The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the year following. (~~1971, c. 112; 1994, c. 324~~)

§ ~~76.2~~. Actions against town for damages, etc.--

(a) No action shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town, or any officer, agent, or employee thereof, unless a written notice is given to the town in accordance with Va. Code § 15.2-209, ~~statement, verified by oath of the claimant, his agent or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the mayor or an attorney appointed by the town council for this purpose, and the town is hereby authorized to appoint such an attorney, within sixty days after such cause of action shall have accrued. Where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days, such statement may be filed within one hundred twenty days; provided, that if the complainant is compos mentis during such sixty-day period but is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the sixty-day period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from such injury so as to be able to give such notice. No officer, agent or employee of the town shall have authority to waive such conditions precedent or any of~~

~~them.~~
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(b) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, or water mains, water treatment plant, or wastewater treatment plant, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c) If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d) If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce such judgment or an action at law, or scire facias to revive such judgment.

(e) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f) The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town. (1971, c. 112)

~~§ 76.3. Creation of debt; issuance of bonds.--The town council by a majority vote is authorized to cause the town by a majority vote to incur debt and to issue bonds, notes and other evidences of indebtedness for the purposes and in the manner set forth for towns in the Constitution of the Commonwealth of Virginia and the Public Finance Act of 1991, Chapter 5.126 of Title 15.12 of the Code of Virginia, of 1950, as amended, or any acts amendatory thereof or supplemental thereto. (1971, c. 112; 1994, c. 324)~~

CHAPTER 87.

MISCELLANEOUS.

~~§ 87.1. Elections governed by State law.--All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth. (1971, c. 112)~~

~~§ 8.2. Amendment of Zoning Ordinance.--The town council may, by ordinance, required that whenever the planning commission recommends against the adoption of any proposed amendment to the Zoning Ordinance to the town, now or hereafter effect, such amendment shall become effective only upon the affirmative vote of two-thirds of the elected members of the town council. (1971, c. 112)~~

~~§ 8.3. Applicability of ordinances to lands, etc., outside town.--All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town. (1971, c. 112)~~

~~§ 87.42. Bonds of officers and employees.--The town council may require all or any officers and employees of the town to give bond for the faithful and proper discharge of~~

their duties. As used herein, the words "officers and employees" shall include officers and employees paid solely or partly by the town. The town may~~may~~shall pay the premium on such bonds from the town funds and may provide for individual surety bonds or for a bond covering all officers and employees or any group thereof. The bond shall be payable to the town as its interest may appear in event of breach of the conditions thereof. (1971, c. 112)

~~§ 8.5. Office of town sergeant not to be created.--Notwithstanding the provisions of § 15.1-796 of the Code of Virginia, there shall not be created in the town of Berryville the office of town sergeant. (1971, c. 112)~~

~~§ 8.6~~ 7.3. United States government employees.--No person, otherwise eligible, shall be disqualified, by reason of his accepting or holding an office, post, trust, or emolument under the United States government, from serving as an officer or employee of the town, or as a member, officer, or employee of any board or commission. (1971, c. 112)

~~§ 8.7~~ 7.4. Acceptance of federal aid, contributions, etc.--The town shall have the power to receive and accept from any federal agency grants of any kind for or in aid of the construction of any project, the procuring or reserving of park land, open spaces or any recreational facility, and to do all such things or make any covenants or agreements which may be necessary or required in order to obtain and use such federal grants. The town may receive and accept aid or contributions from any source or money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. (1971, c. 112)

~~§ 8.8~~ 8.5. Conflicts of interest; disclosures of interest.--The town council is hereby empowered to enact a conflict of interest and disclosure ordinance to govern elected

and/or appointed town officials not inconsistent with general law. (1971, c. 112)

§ 87.96. Present officers to continue.--The present elected officers of the town shall be and remain in office until expiration of their several terms, and until their successors have been duly elected and qualified. (1971, c. 112)

§ 87.107. Ordinances continued in force.--All ordinances now in force in the town of Berryville, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the town council. (1971, c. 112)

§ 87.118. Severability of provisions.--If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (1971, c. 112)

Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "Code of the Town of Berryville, Virginia" and may be so cited. Such ordinances may also be cited as the "Berryville Town Code."

(Code 1971, § 1-1)

State Law reference— Authority of town to codify and recodify its ordinances, Code of Virginia, § ~~15-1-37.3~~, 15.2-1433.

Sec. 1-2. - Definitions and rules of construction.

In the interpretation and construction of this Code and of all ordinances and resolutions of the town, the following rules of construction and definitions shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

And, or. "And" may be read as "or" and "or" may be read as "and," if the sense requires it.

Bond. When a bond is required, an undertaking in writing, with such surety, if any, as the council may direct, shall be sufficient.

Charter. The word "Charter" shall mean the Charter of the Town of Berryville, as amended.

Code. Whenever the term "Code" or "this Code" is used without further qualification, it shall mean the "Berryville Town Code," as designated in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day be Sunday or a legal holiday, that day shall be excluded.

Council. The term "council" or "town council" shall mean the council of the Town of Berryville, Virginia.

County. The word "county" shall mean the County of Clarke in the State of Virginia.

Following. The word "following," when used by way of reference to any section or subsection of this Code, shall be construed to mean next following that in which such reference is made.

Gender. A word importing the masculine gender only may extend and be applied to females and to firms, partnerships and corporations, as well as to males.

Health officer. The term "health officer" shall mean the ~~director of public health~~ officer of Clarke County or his authorized representative of the state board of health serving this county.

In the town. The words "in the town" or "within the town" shall mean any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the town by public or private law.

Month. The word "month" shall mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

Occupant or tenant. The word "occupant" or "tenant," applied to a building or land, shall mean any person who holds a written or oral lease of, or actually occupies the whole or a part of, such building or land, either alone or with others.

Officers, boards, etc. Whenever reference is made to a particular officer, department, board, commission or other agency, without further qualification, it shall be construed as if followed by the words "of the Town of Berryville." Any reference to a specific officer shall include that officer's duly authorized deputies, assistants or other representatives, subject, however, to the provisions of section 45-4-49.515.2-1502 of the Code of Virginia.

Official time standard. Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the town.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The word "person" shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit.

Preceding. The word "preceding," when used by way of reference to any section or subsection of this Code, shall be construed to mean next preceding that in which such reference is made.

Property. The word "property" shall mean real, personal or mixed property.

Public grounds. The words "public grounds" shall mean the parks and all public lands owned by the town, and those parts of public places which do not form traveled parts of streets, as defined in this section.

Shall. The word "shall" shall be mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

Section numbers. Whenever reference is made to a section by number only (e.g. "section 2-1") without further qualification, it shall be construed as referring to that section of this Code.

Signature; subscription. The words "signature" and "subscription" shall include a mark when the person cannot write, his name being written near it and being witnessed by a person who writes his own name as a witness.

State; commonwealth. The terms "the state," "the commonwealth," "this state" and "this commonwealth" shall be construed as if followed by the words "of Virginia."

State Code. References to the "State Code" or the "Code of Virginia" shall mean the Code of Virginia, 1960, as amended.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, and the approaches thereto, and all other public thoroughfares in the town, and shall mean the

entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

Swear; sworn. The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The words "town," "the town" and "this town" shall mean the Town of Berryville, in the County of Clarke and State of Virginia.

Written; in writing. The words "written" and "in writing" shall include typewriting, printing on paper and any other mode of representing words, letters or figures.

Year. The word "year" shall mean a calendar year.

(Code 1971, § 1-5)

State Law reference— Similar definitions and rules of construction applicable to state law, Code of Virginia, § 1-13.1 et seq. 1-200, et seq.

Sec. 1-3. - ~~Catchlines~~Headlines of sections.

The ~~catchlines~~headlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall ~~not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed~~ when any section, including its catchline, is amended or re-enacted. do not constitute part of the section adopted by council.

(Code 1971, § 1-4)

State Law reference— Similar provisions as to sections of state code, Code of Virginia, § 4-
~~13.9.1-217.~~

Sec. 1-4. - Severability of parts of Code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1971, § 1-3)

Sec. 1-5. - Provisions of Code considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as those of the 1971 Berryville Town Code and ordinances adopted subsequent to such Code and included herein, shall be considered as continuations thereof and not as new enactments.

(Code 1971, § 1-2)

Sec. 1-6. - Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the town or authorizing the issuance of any bonds or any evidence of indebtedness;
- (2) Any ordinance authorizing or otherwise relating to any contract;
- (3) Any ordinance granting any franchise or right;

- (4) Any ordinance appropriating funds, levying or imposing taxes or relating to an annual budget or the salaries or compensation of officers and employees;
- (5) Any ordinance authorizing, providing for or otherwise relating to any public improvement;
- (6) Any ordinance making any assessment;
- (7) Any ordinance authorizing or otherwise relating to the sale or conveyance of town property;
- (8) Any zoning ordinance or ordinance regulating the subdivision of land; ⁽¹⁾
- (9) Any ordinance the purposes of which have been accomplished;
- (10) Any ordinance which is temporary, although general in effect; or
- (11) Any ordinance which is special, although permanent in effect;

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.

Footnotes:

--- (1) ---

Cross reference— Zoning ordinance, App. A; subdivision ordinance, App. B.

Sec. 1-7. - Code and new ordinances do not affect prior offenses, rights, etc.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.
- (b) No new ordinance shall be construed to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or

any right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinance in force at the time of such proceedings.

State Law reference— Similar provisions applicable to state statutes, Code of Virginia, § ~~16~~1-239.

Sec. 1-8. - Repeal of ordinance not to revive former ordinance.

When any ordinance which has repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

State Law reference— Similar provisions applicable to state statutes, Code of Virginia, § ~~17~~1-240.

Sec. 1-9. - Supplementation of Code.

- (a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in

ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate ~~catchlines~~headlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (Inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code);
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

State Law reference— Authority to supplement Code, Code of Virginia, § ~~15.1-37.3~~15.2-1433.

Sec. 1-10. - Copies of Code and supplements to be available for public inspection.

~~At least three (3) copies~~A copy of this Code and every supplement thereto shall be kept in the office of the town manager and shall there be available for public inspection, during normal business hours.

Also, this Code shall be accessible through the town website.

State Law reference— Similar provisions, Code of Virginia, § ~~15.1-37.3~~15.2-1433.

Sec. 1-11. - Classification of and penalties for violations; continuing violations.

- (a) Whenever in this Code or any other ordinance of the town or any rule or regulation promulgated by any officer or agency of the town, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:
- (1) *Class 1 misdemeanor*: By a fine of not more than two thousand five hundred dollars (\$2,500.00), or by confinement in jail for not more than twelve (12) months, or by both such fine and confinement.
 - (2) *Class 2 misdemeanor*: By a fine of not more than one thousand dollars (\$1,000.00) or by confinement in jail for not more than six (6) months, or by both such fine and confinement.
 - (3) *Class 3 misdemeanor*: By a fine of not more than five hundred dollars (\$500.00).
 - (4) *Class 4 misdemeanor*: By a fine of not more than two hundred fifty dollars (\$250.00).
- (b) Whenever in any provisions of this Code or in any other ordinance of the town or any rule or regulation promulgated by an officer or agency of the town, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.
- (c) Notwithstanding any other provision of this section or any other section of this Code, no penalty for a violation of this Code or other ordinance, rule or regulation of the town shall exceed that prescribed by general law of the state for a like offense.
- (d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(Code 1971, § Art. 6-1; Ord. of 12-11-90; Ord. of 4-9-91)

State Law reference— Classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11; authority of town to provide penalties for violation of ordinances and provisions similar to subsection (c) above, § ~~15.1-901~~15.2-1429; authority of court trying case, upon conviction, to require bond conditioned that the person convicted will not violate the ordinance for the breach of which he was convicted for a period of not more than one year, § ~~15.1-902~~15.2-1430; injunctive relief for continuing violations of ordinances, § ~~15.1-905~~15.2-1432.

Sec. 1-12. - Installment, conditional, etc., payment of fines—Generally.

- (a) Whenever a defendant is convicted of a violation of any provision of this Code or other ordinance of the town, or found not innocent in the case of a juvenile, and is sentenced to pay a fine, and if the defendant does not pay the fine forthwith or by a date certain established by the court, the court, on its own motion or on motion of the defendant, may order the defendant to pay such fine and any costs which the defendant may be required to pay in installments or upon such other terms and conditions or within such period of time as may enable the defendant to pay such fine and costs. In determining whether to make such order, the court may require the defendant to file a petition, under oath, with the court, upon a form provided by the court, setting forth the financial condition of the defendant.
- (b) The form referred to in subsection (a) above shall be a questionnaire, and shall include, but shall not be limited to: The name and residence of the defendant; his occupation, if any; his family status and the number of persons dependent upon him; his monthly income; whether or not his dependents are employed and, if so, their approximate monthly income; his banking accounts, if any; real estate owned by the defendant, or any interest he may have in real estate, and income produced therefrom; any independent income accruing to the defendant; tangible and intangible personal property owned

by the defendant, or in which he may have an interest; and a statement listing the approximate indebtedness of the defendant to other persons. Such form shall also include a payment plan of the defendant, if the court should exercise its discretion in permitting the payment of such fine and costs in installments or other conditions to be fixed by the court. At the end of such form there shall be printed in bold face type, in a distinctive color, the following: THIS STATEMENT IS MADE UNDER OATH. ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF SECTION 18.2-434 OF THE CODE OF VIRGINIA. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE PENITENTIARY FOR A PERIOD OF TEN YEARS. A copy of the petition shall be retained by the defendant.

- (c) If the defendant is unable to read or write, the court or the clerk may assist the defendant in completing the petition referred to in this section and require him to affix his mark thereto. The consequences of the making of a false statement shall be explained to such defendant.

(Code 1971, §§ 6-2, 6-3)

State Law reference— Similar provisions, Code of Virginia, §§ 19.2-354, 19.2-355.

Sec. 1-13. - Same—Payment as condition of probation or suspension of sentence.

If a defendant is sentenced to pay a fine and payment of the fine or fine and costs is ordered to be made on an installment basis or on other conditions under the provisions of section 1-12, and if the defendant is also placed on probation or imposition of the execution of sentence is suspended, the court may make payment of the fine pursuant to such order a condition of probation or suspension of sentence.

(Code 1971, § 6-4)

State Law reference— Similar provisions, Code of Virginia, § 19.2-356.

Sec. 1-14. - Same—Defendant may be required to be of peace and good behavior pending payment.

If a defendant is permitted to pay a fine or fine and costs on an installment basis or under such other conditions as the court shall fix under the provisions of section 1-12, the court may require, as a condition, that the defendant be of peace and good behavior until the fine and costs are paid.

(Code 1971, § 6-5)

State Law reference—Similar provisions, Code of Virginia, § 19.2-357.

Sec. 1-15. - Same—Procedure on default.

- (a) When a person sentenced to pay a fine defaults in the payment of the fine or an installment, the court, upon the motion of the Commonwealth or upon its own motion, may require him to show cause why he should not be imprisoned or fined for nonpayment.
- (b) Following an order to show cause under this section, unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned as for a contempt for a term not to exceed sixty (60) days or impose a fine not to exceed five hundred dollars (\$500.00). The court may provide in its order that payment or satisfaction of the fine in default at any time will entitle the defendant to his release from such imprisonment or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such fine.
- (c) If it appears that the default is excusable under the standards set forth in subsection (b) hereof, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the fine or of each installment, or remitting the unpaid portion, in whole or in part.
- (d) Nothing in this section shall be deemed to alter or interfere with employment, for collection of fines, of any means authorized for the enforcement of money judgments rendered in favor of the town.

(Code 1971, § 6-6)

State Law reference— Similar provisions, Code of Virginia, § 19.2-358.

Revised Code

Chapter 2 Markup

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Chapter 2 - ADMINISTRATION

ARTICLE 1. - IN GENERAL

Sec. 2-1. - Town manager to exercise control over town departments and offices.

The town manager shall exercise general control over all departments and offices of the town not inconsistent with the provisions of the Charter and other provisions of this Code.

(Ord. of 11-10-81, § 2-27)

Charter reference— Charter reference—Town manager, Ch. 4.

Sec. 2-1.1. - Criminal background checks by town manager.

(a)- The town council determines that, in the interest of public welfare or safety, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of prospective town employment under consideration ~~their employment by the town~~. To this end, the town manager shall conduct, under section 19.2-389(A)(7), Code of Virginia (1950), as amended, an investigation of applicants for employment with the town, described in subsection (b) below, to determine ~~their criminal history~~ obtain their criminal history record information. The town manager shall conduct this investigation prior to the town's making a final offer of employment to an applicant. If the results of the investigation reveal that the applicant's record would not be compatible with the nature of the public employment, ~~under written standards developed by the town manager on file in his office~~, the town manager may decide not to hire the applicant or may revoke any conditional offer made.

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~~(b) The town manager shall cause the conduct of a criminal history investigation on applicants for the positions that involve law enforcement; handling public funds or property in a fiduciary capacity; operation of a motor vehicle; interaction with children or the elderly; providing professional or managerial services to~~

~~the town; or interaction with the public. The town manager by administrative regulation may designate other or specific positions for which a criminal background investigation shall be so conducted.~~

(Ord. of 12-14-99)

~~State Law reference— Authority for above section, Code of Virginia § 19.2-389(A)(7).~~

Sec. 2-2. - Conduct of town officers and employees generally.

Town officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any town officer or employee in violation of this section is hereby invited to ~~may~~ bring such matter to the attention of such officer's or employee's department head or the town manager, without prejudice to any other recourse to which such aggrieved person may be entitled.

Sec. 2-3. - Debasing or insulting town officer or employee.

Members of the public should be courteous in their transactions with town officers and employees and it shall be unlawful and a Class 1 misdemeanor for any person to knowingly taunt, deride, jeer or otherwise debase or insult, whether by act, word or gesture, any town officer or employee at any time or place while such officer or employee is lawfully engaged in the performance of official duty.

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

Sec. 2-4. - Resisting, etc., town officers and employees.

It shall be unlawful and a Class 1 misdemeanor for any person to resist, intimidate or interfere with, or to attempt to resist, intimidate or interfere with, any policeman, fireman or other officer or employee of the town in the performance of his duties.

(Code 1971, § 13-24)

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

Sec. 2-5. - Impersonation of town officer or employee.

- (a) No person shall falsely represent himself to be an officer or employee of the town or, without proper authority, wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person, without proper authority, assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.
- (b) A violation of this section shall constitute a Class 1 misdemeanor.

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

State Law reference— Impersonating officer, Code of Virginia, § 18.2-174; unlawful wearing of officer's uniform or insignia, § 18.2-175.

Sec. 2-6. - Signing of checks on town funds.

Checks for duly authorized disbursements of town funds shall be signed by either the town treasurer or town manager and, except for payroll checks, cosigned by either the mayor or ~~reeorder~~ (i) recorder until July 1, 2022 or (ii) vice mayor on or after July 1, 2022.

(Code 1971, § 2-4; Ord. of 7-11-06(1))

Sec. 2-7. - Fee for passing bad check to town.

There is hereby imposed, and there shall be collected, a fee of ~~twenty dollars (\$20.00)~~ approved by council for the uttering, publishing or passing of any check or draft, for payment of taxes or any other sums

due the town, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

State Law reference— Authority for above section, Code of Virginia, § ~~15.1-29.4~~15.2-106

Sec. 2-8. - Parts of official safety program designated.

The John H. Enders Fire Company, Inc., its Rescue Squad and their membership and the Berryville Police Department and its membership are hereby declared to be an integral part of the official safety program of the town.

(Ord. of 3-12-73)

Editor's note— The above section was adopted pursuant to the Line of Duty Act, § ~~15.1-136.1~~
~~et seq.~~9-400, et seq. of the Code of Virginia.

~~Sec. 2-9. — Loan or rental of town equipment.~~

~~(a) — No town equipment shall be loaned for any purpose. Such equipment may be rented if such rental does not interfere with the town work and if approved by the town manager. Such rental shall be at such rate and upon such conditions as the town manager may establish and charges for the equipment operator shall be included in such rental. Minimum rental time shall be one hour.~~

~~(b) — A violation of this section shall constitute a Class 3 misdemeanor.~~

[Note: move (a) to Employee Handbook]

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~~(Code 1971, § 2-3)~~

~~Cross reference — Penalty for Class 3 misdemeanor, § 1-11.~~

~~Secs. 2-109—2-18. - Reserved.~~

ARTICLE II: - THE COUNCIL¹¹

Footnotes:

-- (1) --

Charter reference— Council generally, §§ ~~3-1~~ ~~3-15~~ Chapter 3.

Cross reference— Disrupting meeting of council, § 13-11.

Sec. 2-19. - Standing committees.

- a) There shall be such standing committees of the council as are provided by the council. Members of such committees shall be appointed by the mayor.
- b) The council may amend committee appointments.
- c) Such committees shall have such powers and duties as are prescribed by council, not inconsistent with the Charter.

(Ord. of 04-11-17(2))

Sec. 2-20. - ~~When regular meetings held~~ Meetings.

The regular meetings of the town council shall ~~be held on~~ are set for the second Tuesday of each month at 7:30 p.m. When any regular meeting falls on a legal holiday, such regular meeting shall then be held upon the next Tuesday following. Regular meetings of council may be cancelled by, and special meetings may be called by, the mayor or three members of the town council.

(Code 1971, § 2-6)

Charter reference— ~~Council to meet at least once a month,~~ § ~~3-12, 3, 13.~~

Sec. 2-21. - Rules of procedure.

The council shall establish its own rules of procedure. Except as otherwise provided in such rules, the proceedings of the council shall be governed by the current edition of Robert's Rules of Order.

(Code 1971, § 2-11)

~~Charter reference— Council to establish rules of procedure, § 3-14-3.15.~~

~~State Law reference— Authority of council to adopt procedural rules, Code of Virginia, 15.1-826.~~

Sec. 2-22. - Procedure for adoption and effective date of ordinances and resolutions.

An ordinance or resolution of the council may be introduced and adopted or rejected at any particular meeting of the council. A full reading of the ordinance or resolution shall not be required prior to adoption. If the ordinance or resolution before the council is adopted, such ordinance or resolution shall become effective at such time as may be specified therein, but if no time is so specified, such ordinance or resolution shall become effective immediately.

(Code 1971, § 2-10)

Secs. 2-23—~~2-32-28~~. - Reserved.

ARTICLE III. - TOWN TREASURER ~~(2)~~ ADMINISTRATION DEPARTMENT

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Sec. 2-29. - Established.

_____ There is hereby established, in and for the town, an administration department.

Sec. 2-30. - Responsibilities.

The Department shall be responsible for the billing and collection of taxes, fees, etc.; finance and accounting functions; purchasing and procurement functions; and human resource functions. The Department shall be responsible for the efficient operation of the functions listed above. The Department shall perform other duties as may be assigned by the town manager or council.

Section 2-31. – Assistant Town Manager for Finance/Treasurer.

The Department shall be under the supervision and control of Assistant Town Manager for Finance/Treasurer.

Sec. 2-33. – Town Treasurer.

The Assistant Town Manager for Finance/Treasurer shall be the Town Treasurer.

Footnotes:

— (2) —

Charter reference— Appointment of town treasurer, § 5.1.

~~Sec. 2-33. Town manager to be treasurer.~~

~~Until otherwise provided by the council, the town manager shall be the town treasurer.~~

(Code 1971, § 2-15)

Sec. 2-33. – Town manager to serve as town treasurer.

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In the absence of the town treasurer or in the event of a vacancy in the position of town treasurer, the town manager shall perform the duties of the town treasurer and shall serve as the town treasurer.

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Sec. 2-34. - Bond.

Before entering upon the duties of his office, the treasurer shall execute a bond, the premium for which shall be paid by the town, with surety approved by the council, in the penal sum of two hundred thousand dollars (\$200,000.00) conditioned upon the faithful performance of the duties of his office, for the proper collection of and accounting for all money which shall come into his hands or which it shall be his duty to collect and for the payment of all money by him, or proper order of the council, to those entitled to receive the same.

(Code 1971, § 2-16)

Charter reference— Authority of council to require bond, § 8.4.7.2.

Sec. 2-35. - Duty to receive and deposit funds.

The treasurer shall receive all taxes, license taxes, assessments and other money, revenues and funds belonging to the town and deposit the same in such bank as ~~he~~the treasurer may deem proper or as may be directed by the council, town manager. (Code 1971, § 2-17)

Cross reference— Licenses, Ch. 9; taxation, Ch. 16.

Sec. 2-36. - Remedies available for collecting funds.

For the purpose of collecting taxes, license taxes, assessments and other money, revenues and funds due the town, the treasurer shall have the right of distress, levy, attachment, and all other remedies provided by general law.

(Code 1971, § 2-18)

Sec. 2-37. - General method of keeping books and records.

The treasurer shall keep his~~the~~ books and records so that all receipts and disbursements and the source and character of the same shall appear and a true and accurate understanding of the financial affairs and conditions of the town may be readily ascertained therefrom.

(Code 1971, § 2-20)

Sec. 2-38. - Bank and check books; checks and vouchers.

The treasurer shall keep the bank books and check books so that such books will accurately reflect the state of his~~the~~ accounts. Each check shall be drawn payable to the order of the person for whose benefit it is drawn and shall contain a notation on its face which will indicate the purpose for which it is drawn. All checks and vouchers shall be carefully preserved.

(Code 1971, § 2-19)

Sec. 2-39. - Inspection of books and records.

All of the treasurer's books and records shall be open at any time to the inspection of any member of the council or such persons as the council may direct.

(Code 1971, § 2-21)

Sec. 2-40. - Annual audit and report.

An audit of the books of the treasurer shall be made annually by ~~such person as a certified public accountant approved by the council may designate for the purpose, and~~ assisted by the treasurer, and a report of such audit shall be made to the council as soon as possible. Such report shall also indicate the amount of uncollected assets of the town in the hands of the treasurer for collection.

(Code 1971, § 2-22)

Charter reference— Town manager to arrange for annual audit, § ~~4.2(f)~~ 4.2(c).

~~Sec. 2-41. Authority to convey certain property.~~

~~When any property, real or personal, has been acquired by the town at a sale thereof on account of delinquent taxes or in satisfaction of any obligation due the town, any person may file with the treasurer an application to purchase such property and, upon payment to the town by the applicant of a sum equal to the amount of the obligation in settlement of which the property was acquired, together with all penalties, interest and costs, the treasurer may convey such property to the person thus applying to purchase the same.~~

(Code 1971, § 2-23)

Secs. ~~2-421~~—2-51. - Reserved.

ARTICLE IV. - DEPARTMENT OF PUBLIC WORKS DEPARTMENT

Sec. 2-52. - Established.

There is hereby established, in and for the town, a ~~department of public works~~ department.

Sec. 2-53. - ~~Composition;~~ Responsibilities.

~~The department of public works shall be composed of the divisions of water filtration, wastewater treatment, street and sidewalk maintenance, refuse collection, property maintenance and engineering~~

~~services. Such department shall be responsible for the efficient operation of all of the above mentioned services and such other duties as may, from time to time, be assigned by the town manager or the council.~~

The Department shall be responsible for the maintenance of the water distribution system (excluding pumping facilities), sewer collection system, town-maintained streets and sidewalks, town-owned property (excluding properties under the control of the Public Utilities Department) as well as snow removal and collection of yard and other waste as provided in the code. The Department shall be responsible for the efficient operation of the facilities and functions listed above. The Department shall perform other duties as may be assigned by the town manager or council.

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(Ord. of 11-10-81, § 2-26)

~~Cross reference— Refuse collection, § 8-15 et seq. Chapter 8, Article II; streets and sidewalks, Ch. 15; water and sewers, Ch. 17.~~

~~Sec. 2-54. - Superintendent, Public Works Director.~~

~~The department of public works department shall be under the immediate supervision of a superintendent the of pPublic wWorks Director, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.~~

(Ord. of 11-10-81, § 2-27)

~~Secs. 2-55—2-641. - Reserved.~~

ARTICLE V. -- PUBLIC UTILITIES DEPARTMENT

Sec. 2-62. -- Established.

There is hereby established, in and for the town, a public utilities department.

Sec. 2-63. -- Responsibilities.

The Department shall be responsible for the operation and maintenance of the following facilities: water treatment, water distribution system, pumping facilities, water storage structures, and wastewater treatment and discharge. The Department shall be responsible for the efficient operation of the facilities and functions listed above. The Department shall perform other duties as may be assigned by the town manager or council.

Sec. 2-64. -- Public Utilities Director.

The Department shall be under the supervision and control of the Public Utilities Director, who shall be appointed by, and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

ARTICLE VI. - POLICE DEPARTMENT⁽³⁾

Footnotes:

-- (3) --

State Law reference-- Authority of council to preserve peace and good order, Code of Virginia, § 46-4-437, 15.2-1700; general powers and duties of local police force, § 46-4-438, 15.2-1704.

Sec. 2-65. -- Established; composition.

There is hereby established, in and for the town, a police department, ~~to be composed of a chief of police and such other officers and employees as may be provided for by the council.~~

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Sec. 2-65.1. – Responsibilities.

The police department is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and enforcement of state and local laws, regulations, and ordinances.

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The police department shall be under the control of the town manager for the purpose of preserving and enforcing peace and order, for the execution of the laws of the state and this Code and other ordinances of the town, and the performance of such other duties as the town manager may prescribe.

Sec. 2-66. – Appointment and removal of chief, Chief of Police.

The Department shall be under the supervision of the chief of police, who shall be appointed by and may be removed by, and shall be responsible to, the town manager; provided, however, that such appointment or removal shall be made by the town manager only after consultation with the council.

~~The chief of police shall be appointed and may be removed by the town manager; provided, however, that such appointment or removal shall be made by the manager only after consultation with the council.~~

(Code 1971, § 2-24)

Sec. 2-67. – Powers and duties of chief.

The chief of police shall be the administrative head of the police department. It shall be his ~~the~~ duty of the chief of police to enforce the provisions of this Code and other ordinances of the town. In addition, he ~~the~~ chief of police shall have such powers and duties as are prescribed for him ~~the chief~~ by state law and town ordinances.

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The chief of police shall be the chief executive of the police department, but shall always be subject to the orders and regulations of the town manager. The chief of police shall be under the control of the town manager for the purpose of preserving and enforcing peace and order and executing the laws of the state and ordinances of the town, and it shall be the duty of the police force to respect and obey orders of the chief not in conflict with the rules and regulations.

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The Department shall be responsible for the efficient operation of the facilities and functions listed above. The Department shall perform other duties as may be assigned by the town manager or council.

(Code 1971, § 2-25)

Sec. 2-68. - Disposal of unclaimed property in possession of police.

Any personal property which has been in the possession of the police department and unclaimed for a period of more than sixty (60) days may be (i) sold at public sale in accordance with the provisions of § 15.2-1719, Code of Virginia, 1950, as amended, or (ii) retained for use by the police department. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a police officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Sec. 55-210.1, Code of Virginia, et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720, Code of Virginia. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721, Code of Virginia.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, or his duly authorized agents, shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two (2) successive weeks, notice that there will be a public display and sale of

unclaimed personal property. Such property, including property selected for retention by the police department, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, or his duly authorized agents, shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by chief of police or his agent for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the police department shall become the property of the town and shall be retained only if, in the opinion of the chief of police, there is a legitimate use for the property by the police department and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the town and the retained property may be placed into use by the police department. Any such owner shall be entitled to apply to the locality within three (3) years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the town shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.

(Ord. of 5-12-98)

State Law reference— Code of Virginia § 15.2-1719

Sec. 2-69. - Auxiliary police officers.

- (a) The chief of police, with the approval of the town manager, is hereby authorized to appoint auxiliary police officers as he deems necessary, not to exceed the number of four (4).
- (b) The chief of police, with the approval of the town manager, shall establish rules and regulations concerning the operation of the auxiliary police officers, including their uniforms, equipment, and training.

- (c) People appointed as auxiliary police officers shall be of good character. Their appointment shall be revocable at any time by the chief of police or the town manager.
- (d) The auxiliary police officers may be called into service as deemed necessary by the chief of police, or by the town manager. Said auxiliary may also be called into service at such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the town and at any time for the purpose of training.
- (e) Only those who have met the training requirements established by the Department of Criminal Justice Services, ~~under § 9-170~~ pursuant to § 9.1-102(11) of the Code of Virginia, as amended, or its successor statute, shall have all the powers and authorities and immunities of constables at common law and shall have all the power and authority and immunities of full-time law enforcement officers.
- (f) Auxiliary police officers shall wear the prescribed uniform established by department general orders when called into service.
- (g) People appointed as auxiliary police officer shall serve without compensation.
- (h) People appointed as auxiliary police officers may not engage in employment, which may occasionally require the use of their police powers in the performance of such employment unless such employment is specifically approved by the town manager.

(Ord. of 5-10-11)

Secs. 2-70—2-74. - Reserved.

ARTICLE VII. — PLANNING DEPARTMENT

Sec. 2-75. - Established.

There is hereby established, in and for the town, a planning department.

Sec. 2-76. -- Responsibilities.

The Department shall be responsible for community and economic development functions of the town. The Department shall be responsible for the efficient operation of the facilities and functions listed above. The Department shall perform other duties as may be assigned by the town manager or council.

Sec. 2-77. -- Assistant Town Manager for Community Development/Operations.

The Department shall be under the supervision and control of the Assistant Town Manager for Community Development/Operations.

Sec. 2-77.1. -- Zoning Administrator.

The Assistant Town Manager for Community Development/Operations shall be the zoning administrator.

Sec. 2-77.2. -- Town manager to serve as Zoning Administrator.

In the absence of the zoning administrator or in the event of a vacancy in the position of zoning administrator, the town manager shall perform the duties of the zoning administrator and shall serve as the zoning administrator.

ARTICLE VIII. - PLANNING COMMISSION⁽⁴⁾

Footnotes:

--- (4) ---

Cross reference— Zoning ordinance, App. A; subdivision ordinance, App. B.

State Law reference— Local planning commissions, Code of Virginia, § ~~45-1-427.1~~15.2-2210, et seq.

Sec. 2-78. - Created.

A planning commission is hereby created for the town.

(Code 1971, § 14-1)

State Law reference— Duty to create planning commission, Code of Virginia, § ~~45-1-427.1~~15.2-2210.

Sec. 2-79. - Composition; qualifications of members.

The planning commission shall consist of not less than five (5) nor more than fifteen (15) members, as may be determined from time to time by the council, all of whom shall be residents of the town, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half (½) of the members shall be freeholders. One member may be a member of the town council and one member may be a member of the administrative branch of the town government.

(Code 1971, §. 14-2; Ord. of 12-11-79)

State Law reference— ~~Similar provisions,~~ Code of Virginia, § ~~45-1-437.1~~15.2-2212.

Sec. 2-80. - Appointment of members.

All members of the planning commission shall be appointed by the council.

(Code 1971, § 14-3)

~~State Law reference— Similar provisions, Code of Virginia, § 15.1-437.15.2-2212.~~

Sec. 2-81. - Terms of members; filling of vacancies.

- (a) ~~The terms of the councilmanic member and of the town administrative member of the planning commission shall be coextensive with the term of office to which he has been elected or appointed, unless the council, at the first regular meeting of any year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two (2) years, three (3) years and four (4) years, divided equally, or as nearly equal as possible, between the membership. Subsequent appointments shall be for terms of four (4) years each.~~
- (b) Any vacancy in the membership of the planning commission shall be filled by appointment by the council and such appointment shall be for the unexpired term.

(Code 1971, §§ 14-4, 14-5; Ord. of 12-11-79)

~~State Law reference— Similar provisions, Code of Virginia, § 15.1-437.15.2-2212.~~

Sec. 2-82. - Reserved.

Editor's note— An ordinance adopted June 12, 1990, repealed former § 2-82, relative to members of the planning commission serving without compensation, which derived from Code 1971, § 14-7.

Sec. 2-83. - Removal of members.

Members of the planning commission may be removed, for malfeasance in office, by the council.

(Code 1971, § 14-6; Ord. of 12-11-79)

State Law reference— ~~Similar provisions,~~ Code of Virginia, § ~~15.1-437, 15.2-2212.~~

Sec. 2-84. - Powers, duties and functions.

The planning commission shall have the functions, powers, and duties which are prescribed for it by state law or by ordinance of the town.

(Code 1971, § 14-8)

Revised Code

Chapter 3 Markup

Chapter 3 - ADVERTISING¹¹

Sec. 3-1. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 3 misdemeanor.

Cross reference— Penalty for Class 3 misdemeanor, § 1-11.

Sec. 3-2. - Posting advertising matter on buildings, poles, etc.

It shall be unlawful for any person to post, stick, fasten or otherwise attach any card, poster or advertisement upon or to any building, premise, wall, fence, post or pole, without having first secured the permission of the owner of such building, premise, wall, fence, post or pole.

(Code 1971, § 3-1)

Sec. 3-3. - Unauthorized removal, alteration, etc., of advertising matter.

It shall be unlawful for any person to tear down or otherwise remove or alter, mutilate or deface any advertisement or poster put up with the consent of the owner of the property whereupon the same is posted, without the consent of the person responsible for such advertisement or poster or the owner of such property.

(Code 1971, § 3-2)

~~Sec. 3-4. - Permit for distribution of handbills.~~

~~It shall be unlawful for any person to distribute or hand out any handbills, circulars or other advertising matter without first having secured a permit therefor from the town manager.~~

~~(Code 1971, § 3-3)~~

Keith Dalton

From: Patricia Dickinson (Mayor)
Sent: Wednesday, August 08, 2018 11:16 AM
To: Keith Dalton
Subject: RE: Draft Charter and Draft Code Chapters 1-3

Comments on charter changes:

In conversations with mayors of neighboring towns and those I met at the VML Mayors conference, I have learned that Berryville is unique in that we have a 6 member town council. Most towns, cities, and counties have an odd numbered town council comprised of an even number of council members and a mayor. This allows the mayor to stay outside of the voting process except when there is a tied vote. To achieve this objective requires that the total number of town council members be changed. I propose the following two scenarios which would impact several sections in the charter including 1.3, 3.1, 3.2, 3.3, and 3.14.

Scenario One:

The Mayor would be the only at large town council member. The town council members would elect a vice mayor from among the sitting council members at the beginning of each calendar year (this is the process used by Purcellville, Middletown and the CC Board of Supervisors just to name a few). If we adopt this model, I suggest that the town be segmented into six wards resulting in six council members. This proposal would require a transition plan. The transition plan would have to allow current council members to serve out their term in office. I have some thoughts on how this might be possible but would need input from the Registrar of Voting and legal counsel.

Scenario Two:

This scenario is similar to the first but retains the role of an elected Vice Mayor. The Mayor and Vice Mayor would be elected at large but the town would be comprised of five wards. Again, the transition plan would have to be discussed.

I suggest the Charter not specify the number of town council members, only that there must be at least 4 council members. This gives us flexibility as the town expands.

Section 4.5 and 4.7 are not gender neutral

Town Code, Chapter 2

2-6: This does not address wire transfers and electronic payments. I think it should, but would defer to the B&F committee.

2-39: I believe any member of council must be allowed to inspect the treasurer's book and records.

2-69: Is it necessary to limit the number of auxiliary police officers in the code?

2-79: Remove the sentence "One member may be a member of the town council and one member may be a member of the administrative branch of the town government" This should be a policy decision made by the sitting council. This would require 2-81 A also be removed.

4.1 Require that the town manager live within the town limits.

Patricia Dickinson
Mayor, Berryville Virginia
101 Chalmers Court, Suite A
Berryville, VA 22611
540 955 1099

Keith Dalton

From: Erecka Gibson
Sent: Tuesday, July 24, 2018 2:06 PM
To: Keith Dalton
Subject: RE: Draft Charter and Draft Code Chapters 1-3

Keith:

Below are comments/edits.

Charter

Section 3.8 – First and second sentence are repetitive in that both state “and shall have the same right to speak and vote therein as other members of the town council.” I think the intention is to merge/delete one of these.

Section 4.2 – Replace or delete “him”

Section 4.5 – Second sentence replace “his”

Section 4.7 – Replace “his”

Code Chapter 2

Article III., Section 2-31. - Assistant Town Manager for Finance/Treasurer. In the Charter Chapter 5, the title is listed as assistant town manager for administration/treasurer. We should be consistent. It should be either Administration or Finance in both the Charter and Code.

Section 2.34 – update words “his” and “him”

Section 2.39 – The revised sentence does not make sense to me. “...to inspection such persons...”? .

Thanks,
Erecka .

Erecka L. Gibson
Town Council Member, Ward 3
101 Chalmers Court Suite A
Berryville, Virginia 22611

From: Keith Dalton
Sent: Friday, July 13, 2018 12:34 PM
To: Keith Dalton
Cc: Robert Mitchell; Christy Dunkle; Desi Moreland; Rick Boor; Neal White; Dave Tyrrell; Mia L. Jackson; Karen Johnson
Subject: Draft Charter and Draft Code Chapters 1-3

TC:

Bob and I have gone through the Charter and Chapters 1-3 of the Berryville Code. Suggested amendments are shown on the attached documents. Please note that these changes are suggested by staff and legal counsel for discussion purposes. Only those changes that the Town Council approves will be forwarded the to the General Assembly (in the case of the Charter).

Attachment 6

At its organizational work session in July, the Town Council agreed on a process by which its goals and objectives would be communicated to staff early in the budgeting process. Standing Committees of the Council were to develop goals and those goals would be discussed by Council. The Council would determine which goals would be developed further by staff.

Mayor Dickinson suggests that the Council hold a work session in early September to review Standing Committee goals. Because the regular work session date falls on Labor Day, another day must be agreed upon. September 4 at 3:00 pm is suggested to begin the discussion.

If the work session is to be held on September 4, then it would be best if Standing Committee goals are submitted to staff no later than the end of business on 28 August in order for a meeting packet to be developed.

Attachments

None

Action

Set work session to review Standing Committee goals and establish a date on which all goals are to be submitted to staff.

Attachment 7

FINANCE AND ADMINISTRATION STAFF REPORT

TO: TOWN COUNCIL
FROM: DESIREE MORELAND, TREASURER
SUBJECT: MONTHLY REPORTS
DATE: 8/7/2018
CC: KEITH DALTON, TOWN MANAGER

A/P Check Listing

Checks issued in July 2018.

Bank of America/P-Card Statement

June 2018 P-Card Purchases that were paid on July 24, 2018.

A/P Check Listing

Vendor Range - 4IMPRINT, INC.' - 'ZENON ENVIRONMENTAL CORPORATION
Date From - 7/1/2018 Date To - 7/31/2018

Town of Berryville
08/07/2018 02:06 PM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
4910	1	Berryville Main Street	07/10/2018	\$5,000.00
4911	1	BRANDON S JONES	07/10/2018	\$205.00
4912	1	Douglas A. Shaffer	07/10/2018	\$75.00
4913	1	H. Allen Kitselman	07/10/2018	\$75.00
4914	1	Keith Dalton	07/10/2018	\$50.00
4915	1	KRISTINA LYNN HALL	07/10/2018	\$20.00
4916	1	MICHAEL SCOTT BIRDSONG	07/10/2018	\$185.00
4917	1	NORFOLK SOUTHERN CORPORATION	07/10/2018	\$1,072.56
4918	1	ROBERT DOUGLAS CURTIS	07/10/2018	\$72.60
4919	1	RYAN JOSEPH MOORE	07/10/2018	\$174.20
4920	1	Treasurer of Clarke County	07/10/2018	\$4,858.25
4921	1	Treasurer of Frederick County	07/10/2018	\$5,401.80
4922	1	Tyler Technologies	07/10/2018	\$196.00
4923	1	United States Treasury	07/10/2018	\$114.72
4924	1	UNIVERSITY OF VIRGINIA	07/10/2018	\$370.00
4925	1	Virginia Municipal League	07/10/2018	\$2,486.00
4926	1	Virginia Resources Authority	07/10/2018	\$235,000.00
4927	1	VML Insurance Programs	07/10/2018	\$78,819.00
4928	1	Waterloo Electric Service, LLC	07/10/2018	\$80.22
4929	1	ANDERSON'S NURSERY & GARDEN CENTER	07/13/2018	\$1,100.00
4930	1	Bureau for Child Support Enforcement	07/13/2018	\$875.00
4931	1	Desiree Moreland	07/13/2018	\$72.53
4932	1	Herbert L. Beskin, Trustee	07/13/2018	\$115.00
4933	1	Skyline Regional CJA	07/13/2018	\$4,680.00
4934	1	VUPS	07/13/2018	\$64.05
4935	1	Broy & Son Pump Service, Inc	VOIDED 07/24/2018	\$12,586.60
4936	1	Broy & Son Pump Service, Inc	07/24/2018	\$12,586.60
4937	1	AXON ENTERPRISE, INC.	07/19/2018	\$10,052.55
4938	1	Carroll Construction Co.	07/19/2018	\$225.00
4939	1	Hall, Monahan, Engle, Mahan & Mitchell	07/19/2018	\$3,690.00

A/P Check Listing

Vendor Range - 4IMPRINT, INC.' - 'ZENON ENVIRONMENTAL CORPORATION
Date From - 7/1/2018 Date To - 7/31/2018

Town of Berryville
08/07/2018 02:06 PM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
4940	1	- Lewin Asphalt, Inc	07/19/2018	\$827.07
4941	1	- Lincoln Financial Group	07/19/2018	\$749.94
4942	1	- Merritt's Sanitation	07/19/2018	\$712.50
4943	1	- Michelle M. Jones	07/19/2018	\$1,960.00
4944	1	- Nationwide Retirement Solutions	07/19/2018	\$405.00
4945	1	- Northern Shenandoah Valley Regional Commission	07/19/2018	\$3,784.00
4946	1	- Rappahannock Electric Cooperative	07/19/2018	\$4,859.15
4947	1	- Treas Association of Virginia	07/19/2018	\$175.00
4948	1	- UNIVERSITY OF VIRGINIA	07/19/2018	\$250.00
4949	1	- Virasec, LLC	07/19/2018	\$1,758.50
4954	1	- Bureau for Child Support Enforcement	07/27/2018	\$875.00
4955	1	- Christy Dunkle	07/27/2018	\$26.16
4956	1	- CORE & MAIN LP	07/27/2018	\$850.00
4957	1	- KELLY MARIE FOSTER	07/27/2018	\$174.20
4958	1	- LUC A GOSSELIN	07/27/2018	\$56.70
4959	1	- Marsh & Legge Land Surveyors, P.L.C.	07/27/2018	\$900.00
4960	1	- PENNONI ASSOCIATES INC	07/27/2018	\$202.50
4961	1	- Rappahannock Electric Cooperative	07/27/2018	\$508.46
4962	1	- CLARKE COUNTY GENERAL DISTRICT COURT	07/30/2018	\$247.50
4963	1	- USPS	07/30/2018	\$765.78
50		Checks Totaling -		\$400,390.14

Totals By Fund

	Checks	Voids	Total
100	\$113,350.20		\$113,350.20
501	\$39,559.55	\$12,586.60	\$26,972.95
502	\$247,480.39		\$247,480.39
Totals:	\$400,390.14	\$12,586.60	\$387,803.54



BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 XXXX-XXXX-XXXX-
 June 01, 2018 - June 30, 2018

Purchasing Card

Company Statement

Account Information	Payment Information	Account Summary
Mail Billing Inquiries to: BANKCARD CENTER PO BOX 982238 EL PASO, TX 79998-2238 Customer Service: 1.888.449.2273 24 Hours TTY Hearing Impaired: 1.800.222.7365 24 Hours Outside the U.S.: 1.509.353.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours	Statement Date 06/30/18 Payment Due Date 07/24/18 Days In Billing Cycle 30 Credit Limit \$500,000 Cash Limit \$0 Total Payment Due \$75,336.73	Previous Balance \$55,163.90 Payments -\$55,163.90 Credits -\$20.48 Cash \$0.00 Purchases \$75,357.21 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 \$75,336.73

Important Messages

** ATTENTION ** Your account is in dispute for \$324.45.

Please do not send payment. Your automatic payment is scheduled to be credited to this account on 07/24/18.

Cardholder Activity Summary

Account Number Credit Limit	Credits	Cash	Purchases and Other Debits	Total Activity
BOOR, RICK XXXX-XXXX-XXXX- 15,000	0.00	0.00	10,276.74	10,276.74

5516390 7533673 7533673 4715291201837237

Account Number: XXXX-XXXX-XXXX-
 June 01, 2018 - June 30, 2018

Total Payment Due \$75,336.73
Payment Due Date 07/24/18

Enter payment amount
 \$

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

BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 STE A
 101 CHALMERS CT
 BERRYVILLE, VA 22611-1387
 **N0018447

Check here for a change of mailing address or phone numbers.
 Please provide all corrections on the reverse side.

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

54999001100051201837237

Cardholder Activity Summary				
Account Number	Credits	Cash	Purchases and Other Debits	Total Activity
BOOTH, KEVIN XXXX-XXXX-XXXX- 1,000	0.00	0.00	36.25	36.25
DUNKLE, CHRISTY XXXX-XXXX-XXXX- 500	0.00	0.00	22.30	22.30
ELLIOTT, RALPH XXXX-XXXX-XXXX- 5,000	0.00	0.00	160.41	160.41
FERREBEE, DARRELL XXXX-XXXX-XXXX- 500	0.00	0.00	352.69	352.69
HALTERMAN, HEATHER XXXX-XXXX-XXXX- 15,000	0.00	0.00	76.89	76.89
JACKSON, MIA XXXX-XXXX-XXXX- 1,000	20.48	0.00	510.92	490.44
LICKEY, PATRICK XXXX-XXXX-XXXX- 500	0.00	0.00	33.30	33.30
LILLY, STEPHEN XXXX-XXXX-XXXX- 15,000	0.00	0.00	6,046.08	6,046.08
LINK, BRIAN XXXX-XXXX-XXXX- 1,000	0.00	0.00	47.21	47.21
MORELAND, DESIREE XXXX-XXXX-XXXX- 50,000	0.00	0.00	36,494.49	36,494.49
REYNOLDS, CHARLES XXXX-XXXX-XXXX- 500	0.00	0.00	82.16	82.16
STOVER, KEITH XXXX-XXXX-XXXX- 1,000	0.00	0.00	316.60	316.60
TYRRELL, DAVE XXXX-XXXX-XXXX- 20,000	0.00	0.00	19,053.22	19,053.22
WHITE, NEAL XXXX-XXXX-XXXX- Disputed Amount 324.45 15,000	0.00	0.00	1,847.95	1,847.95

Transactions									
Posting	Transaction	Date	Date	Description	Reference Number	MCC	Charge	Credit	Total Activity
BERRYVILLE TOWN OF									Total Activity
Account Number: XXXX-XXXX-XXXX-									-\$55,163.90
06/25	06/25			AUTO PAYMENT DEDUCTION		0071			55,163.90
BOOR, RICK									Total Activity
Account Number: XXXX-XXXX-XXXX-1273									10,276.74
06/01	05/31			IN *SELECT SPECIALTY PROD434-2963937 VA	24692168151100846864356	5169	145.00		
06/04	06/03			BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978155091400000287	5251	12.61		
06/06	06/05			BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978157091404000026	5251	8.80		
06/14	06/12			BROY & SON PUMP SERVICE BERRYVILLE VA	24073148164900015300017	1799	150.00		
06/18	06/14			GRIFFITH ENERGY SERVIC 410-956-3000 MD	24258028166017036919854	5983	1,545.37		
06/19	06/16			johnny blue, Inc. 540-665-0968 VA	24828248169030029384160	7394	82.00		
06/27	06/25			SIGNET SCREEN PRINTING & 540-6659651 VA	24073148177900012000029	7333	303.00		
06/27	06/26			TOTAL IMAGE WORKINGMANS SWINCHESTER VA	24755428177271778495105	5699	179.34		
06/28	06/27			CORE & MAIN LP 514 3042636986 WV	24792628178206122300022	5039	4,129.37		
06/28	06/27			CORE & MAIN LP 514 3042636986 WV	24792628178206122300048	5039	3,721.25		
BOOTH, KEVIN									Total Activity
Account Number: XXXX-XXXX-XXXX-									36.25
06/06	06/05			BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978157091404000018	5251	36.25		



Transactions

Posting Transaction		Date		Description	Reference Number	MCC	Charge	Credit
DUNKLE, CHRISTY								Total Activity
Account Number: XXXX-XXXX-XXXX-1								22.30
06/06	06/05	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978157091404000174	5251		22.30	
								Total Activity
ELLIOTT, RALPH								160.41
Account Number: XXXX-XXXX-XXXX-								
06/25	06/22	LOWES #02724*	WINCHESTER VA	24692168173100258433678	5200		152.09	
06/25	06/22	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978174091408000203	5251		8.32	
								Total Activity
FERREBEE, DARRELL								352.69
Account Number: XXXX-XXXX-XXXX-								
06/08	06/06	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767898158390300340895	5533		41.64	
06/18	06/15	BERRYVILLE AUTO PARTS INC	BERRYVILLE VA	24767898168447500725800	5533		129.12	
06/26	06/25	FISHER AUTO PARTS 009	BERRYVILLE VA	24431068177200824900137	5533		45.94	
06/28	06/27	TOTAL IMAGE WORKINGMANS	SWINCHESTER VA	24755428178281781453560	5699		135.99	
								Total Activity
HALTERMAN, HEATHER								76.89
Account Number: XXXX-XXXX-XXXX-								
06/04	06/03	Amazon web services	aws.amazon.coVA	24692168154100508663913	7399		0.64	
06/06	06/05	IN *TRUESHRED	888-7508783 VA	24692168156100545122564	7399		49.00	
06/11	06/08	USPS PO 5107560300	BERRYVILLE VA	24445008160001008414369	9402		27.25	
								Total Activity
JACKSON, MIA								490.44
Account Number: XXXX-XXXX-XXXX-								
06/08	06/07	VA MUNICIPAL LEAGUE	804-649-8471 VA	24210738158083300432884	8641		300.00	
06/12	06/11	COSTCO WHSE #0239	WINCHESTER VA	24431068163898000073458	5300		87.21	
06/12	06/11	COSTCO WHSE #0239	WINCHESTER VA	74431068163898000519117	5300			20.48
06/13	06/12	MARTINS 6283	WINCHESTER VA	24692168163100991693515	5411		25.50	
06/14	06/12	SPONSELLERS FLOWER	BERRYVILLE VA	24073148164900012200020	5992		57.92	
06/28	06/27	STAPLS7199490013000001	877-8267755 NJ	24164078178105188779509	5111		40.29	
								Total Activity
LICKEY, PATRICK								33.30
Account Number: XXXX-XXXX-XXXX-								
06/28	06/27	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978179091408000141	5251		33.30	
								Total Activity
LILLY, STEPHEN								6,046.08
Account Number: XXXX-XXXX-XXXX-								
06/13	06/05	COYNE CHEMICAL	215-785-3000 PA	24224438164101027696194	5169		1,331.08	
06/19	06/18	COYNE CHEMICAL	215-785-3000 PA	24224438170101027408162	5169		3,383.92	
06/27	06/26	COYNE CHEMICAL	215-785-3000 PA	24224438178101027147556	5169		1,331.08	
								Total Activity
LINK, BRIAN								47.21
Account Number: XXXX-XXXX-XXXX-								
06/05	06/04	JNO. S SOLENBERGER AND C	WINCHESTER VA	24138298156400001784080	5251		17.83	
06/18	06/15	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978167091404000297	5251		29.38	
								Total Activity
MORELAND, DESIREE								36,494.49
Account Number: XXXX-XXXX-XXXX-								
06/15	06/14	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24431058165083755140856	4900		100.00	
06/15	06/14	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24431058165083700346871	4900		19,590.78	
06/15	06/14	REPUBLIC SERVICES TRASH	866-576-5548 AZ	24431058165083704349640	4900		2,582.59	
06/15	06/15	COMCAST	800-COMCAST MD	24692168166100324976121	4899		75.69	
06/15	06/14	VA DMV ONLINE BILLING	PAY804-3670595 VA	24755428166121668104460	9399		1,050.00	
06/18	06/15	VZWRLSS*MY VZ VB P	800-922-0204 FL	24692168166100411603885	4814		754.44	
06/18	06/15	VERIZON*ONETIMEPAYMENT	800-VERIZON FL	24692168166100548748348	4899		172.88	
06/18	06/15	VERIZON*ONETIMEPAYMENT	800-VERIZON FL	24692168166100548748355	4899		223.17	
06/18	06/15	VERIZON*ONETIMEPAYMENT	800-VERIZON FL	24692168166100548748363	4899		398.17	
06/25	05/30	COYNE CHEMICAL	215-785-3000 PA	24224438174101032384214	5169		11,534.16	
06/25	06/21	TelRite Corporation	COVINGTON GA	24393498173004316496359	4814		12.61	
								Total Activity
REYNOLDS, CHARLES								82.16
Account Number: XXXX-XXXX-XXXX-								
06/11	06/08	LOWES #02724*	WINCHESTER VA	24692168159100005378802	5200		37.84	
06/21	06/20	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978172091404000217	5251		5.14	
06/21	06/20	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978172091404000019	5251		39.18	
								Total Activity
STOVER, KEITH								316.60
Account Number: XXXX-XXXX-XXXX-								
06/01	05/31	CULPEPER TOWING & SLVG	540-8255800 VA	24270748151900011600017	7549		265.00	
06/04	06/01	FISHER AUTO PARTS 009	BERRYVILLE VA	24431068153200824900051	5533		19.02	
06/06	06/05	BERRYVILLE TRUE VALUE	BERRYVILLE VA	24801978157091404000299	5251		32.58	
								Total Activity
TYRRELL, DAVE								19,053.22
Account Number: XXXX-XXXX-XXXX-								
06/01	05/31	CRAIGSLIST.ORG	415-399-5200 CA	24493988151026829396664	7311		10.00	
06/01	05/31	COMMONWEALTH OF VA DEPT	O804-7860447 VA	24755428152121524561644	9399		942.46	
06/04	06/01	IN *CONSOLIDATED ELECTRIC	540-6625994 VA	24692168152100406204174	1731		6,237.00	
06/04	06/01	USA BLUE BOOK	800-548-1234 IL	24326848152636000072286	5085		392.75	
								Total Activity

18391800 - 018447 - 0002 - 0003 - 2



BERRYVILLE TOWN OF
 DESIRÉE MORELAND
 XXXX-XXXX-XXXX-
 June 01, 2018 - June 30, 2018

Transactions

Posting Transaction						
Date	Date	Description	Reference Number	MCC	Charge	Credit
06/04	06/02	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978154091408000967	5251	11.53	
06/07	06/05	GERALD TAYLOR CO INC 301-5822800 MD	24142028157900019800012	0780	1,158.57	
06/07	06/06	COYNE CHEMICAL 215-785-3000 PA	24224438158101028251559	5169	1,331.08	
06/08	06/07	SQ *INSTRULOGIC LLC 877-417-4551 VA	24492158158740309307587	7392	1,972.00	
06/08	06/07	EXTENSION DISTRIBUTION 540-3570453 VA	24755428158641583991683	5815	68.00	
06/11	06/08	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978160091400000207	5251	17.63	
06/13	06/12	COYNE CHEMICAL 215-785-3000 PA	24224438164101027696244	5169	3,324.56	
06/14	06/12	MCMaster-CARR 630-834-9600 IL	24789308164427800054752	5085	324.49	
06/18	06/15	SQ *INSTRULOGIC LLC 877-417-4551 VA	24492158166740327428118	7392	298.00	
06/28	06/27	ATCO MANUFACTURING COMPAN770-4247550 GA	24275398178900018913924	2842	144.00	
06/28	06/27	SUNBELT RENTALS INC PCG 803-5785072 SC	24301338178118000115564	7394	2,394.19	
06/29	06/27	MCMaster-CARR 630-834-9600 IL	24789308179520500056268	5085	261.96	
06/29	06/27	WEF MAIN 703-684-2400 VA	24009588179300575536358	8699	165.00	
					Total Activity	1,847.96

WHITE, NEAL

Account Number: XXXX-XXXX-XXXX-

06/18	06/15	BERRYVILLE TRUE VALUE BERRYVILLE VA	24801978167091404000040	5251	8.11	
06/20	06/19	MES/WARREN FIRE/LAWMAN 203-364-0620 CT	24055228170083758436787	5099	288.19	
06/20	06/18	BERRYVILLE AUTO PARTS INC BERRYVILLE VA	24767898170465500390009	5533	129.02	
06/20	06/18	GALLS 8592667227 KY	24435658170762776533183	5137	395.05	
06/22	06/20	TIRE WORLD WHOLESALE, LLC301-6989200 MD	24639238172900016800177	5532	691.20	
06/27	06/26	VISTAPR*VistaPrint.com 866-8936743 MA	24692168177100430244502	2741	65.99	
06/27	06/26	Amazon.com AMZN.COM/BILLWA	24692168177100450800526	5942	29.54	
06/29	06/27	INTERSTATE ALL BATTERY WILLIAMSPORT MD	24692168179100252290128	5533	240.85	

Disputed Transactions

Posting Date	Transaction Date	Description	Account Number	Reference Number	Amount
05/09	05/07	HOMEDPOT.COM 800-430-3376 GA US	6678	24610438128010186230702	324.45

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.

Attachment 8

BERRYVILLE TOWN COUNCIL

MOTION FOR APPROVAL RADAR FEEDBACK SIGN LOCATIONS

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville approve the following locations for the installation of radar feedback signs:

- 1.
- 2.
- 3.
- 4.

VOTE:

Aye:

Nay:

Abstain:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder



Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

policeadmin@berryvilleva.gov

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

MEMO

DATE: 08/08/2018

TO: Town Council

FROM: Chief W. Neal White

CC:

RE: Police Department Monthly Report – 08/14/2018

Monthly Activity Report

The activity report for the month of July 2018 is attached to this memo.

Police and Security Committee

The Police and Security Committee met on July 18, 2018 and the minutes are attached to the consent agenda. The next scheduled meeting for the Committee is August 22, 2018 at 4:30 pm in the A/B meeting room.

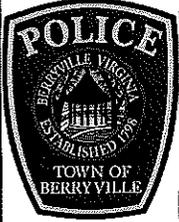
National Night Out

I hope to be able to report to you at the Council meeting that the National Night Out event was a huge success. I would like to take the opportunity to acknowledge Officer Joseph Shoremount for his continued efforts in organizing this event as well as all the other members of the community who provided their time, services and financial gifts to make this event possible.

Capital Improvement Projects

All of the Axon body worn cameras have been replaced with the latest generation of cameras, a project that was funded in this budget. The cameras operate in the same manner, so no additional training time was required in order to deploy them to the field.

An order has been placed for the purchase of a 2018 Ford Police Utility vehicle. A delivery date for the vehicle has not been established yet, but I anticipate that it will arrive by late November 2018.



Berryville Police Department

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policeadmin@berryvilleva.gov

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W. Neal White – Chief of Police

Radar Feedback Signs

The radar feedback signs have been purchased, again another capital improvement project funded in this budget cycle. The signs should arrive in the next four weeks. The Director of Public Works and I met with the vendor in July and reviewed the features and assembly requirements of the devices. We do not anticipate any issues with the deployment of the signs.

In working with the vendor, we were able to purchase four (4) of these devices with the funds that were budgeted. The Streets and Utilities Committee requested that I present potential placements for these devices at this meeting. I have attached a document concerning placement options to this report.



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W. Neal White – Chief of Police

Police and Security Report

	Year To Date	July	June
Month: July	2018	2018	2018
Year: 2018			

Complaints Answered

911 Hang Up:	9	1	1
Alarms:	120	30	17
Animal Complaint:	80	20	12
Assault and Battery:	6	1	4
Assist County:	18	3	1
Auto Larceny:	0	0	0
Burglary:	6	0	0
Civil Complaints:	44	8	8
Disturbance (Non Violent):	12	0	1
Domestic Disturbance:	16	0	3
Drunk In Public:	6	1	1
Forgery & Uttering:	0	0	0
Fraud:	18	3	1
Larceny:	26	3	2
Harassment/Intimidation:	15	1	3
Homicide:	0	0	0
Juvenile Related:	16	1	4
Noise:	28	7	2
Public Service:	10	1	2
Rape:	0	0	0
Robbery:	0	0	0
Runaway:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	110	17	20
Trespassing:	5	1	0
Vandalism:	29	5	1
Welfare Check:	86	11	10
Miscellaneous Complaints:	461	78	76
Total Complaints Answered:	1121	192	169



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date 2018	July 2018	June 2018
<u>Traffic</u>			
Accidents Investigated:	30	4	3
Assist Motorist:	9	1	1
Child Safety Seat Install:	3	1	0
Funeral Escort:	24	2	8
Hit & Run:	1	0	0
Parking Tickets:	92	28	9
Traffic Warnings:	375	50	46
<u>Traffic Summons Issued</u>			
Defective Equipment:	2	1	0
Driving Suspended:	7	0	1
Expired Inspection:	39	7	6
Expired Registration:	8	0	3
Fail to Obey Highway Sign:	70	15	13
Fail to Obey Traffic Signals:	6	1	1
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	3	0	0
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	14	5	0
No Seat Belt:	0	0	0
Reckless Driving:	4	1	1
Speeding:	121	39	12
Miscellaneous Summons:	14	3	0
Total Traffic Summons Issued:	288	72	37
<u>Found Open at Businesses in Town</u>			
Doors:	10	4	0
Windows:	0	0	0
Garage Doors:	0	0	0



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W. Neal White – Chief of Police

Police and Security Report (Continued)

	Year To Date	July	June
	2018	2018	2018
<u>Criminal Arrests Made</u>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	4	1	2
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	9	0	1
Disorderly Conduct:	0	0	0
Driving While Intoxicated:	4	0	1
Drunk In Public:	4	1	1
Fail to Obey Police Officer:	1	0	0
Fail to Pay Parking Ticket:	12	5	0
Forgery:	0	0	0
Fraud:	0	0	0
Grand Larceny:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	2	0	0
Petty Larceny:	0	0	0
Possess Alcohol Underage:	1	0	0
Protective Order Violations:	0	0	0
Rape:	0	0	0
Resisting Arrest:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	1	1	0
Weapons Violation:	0	0	0
Miscellaneous Criminal Arrests:	29	4	8
Juvenile Detention Order Totals:	0	0	0
Total Criminal Arrests:	67	12	7

North Buckmarsh		
	Northbound	Southbound
Trips Per Day	5128	4261
85th Percentile Speed	33	32

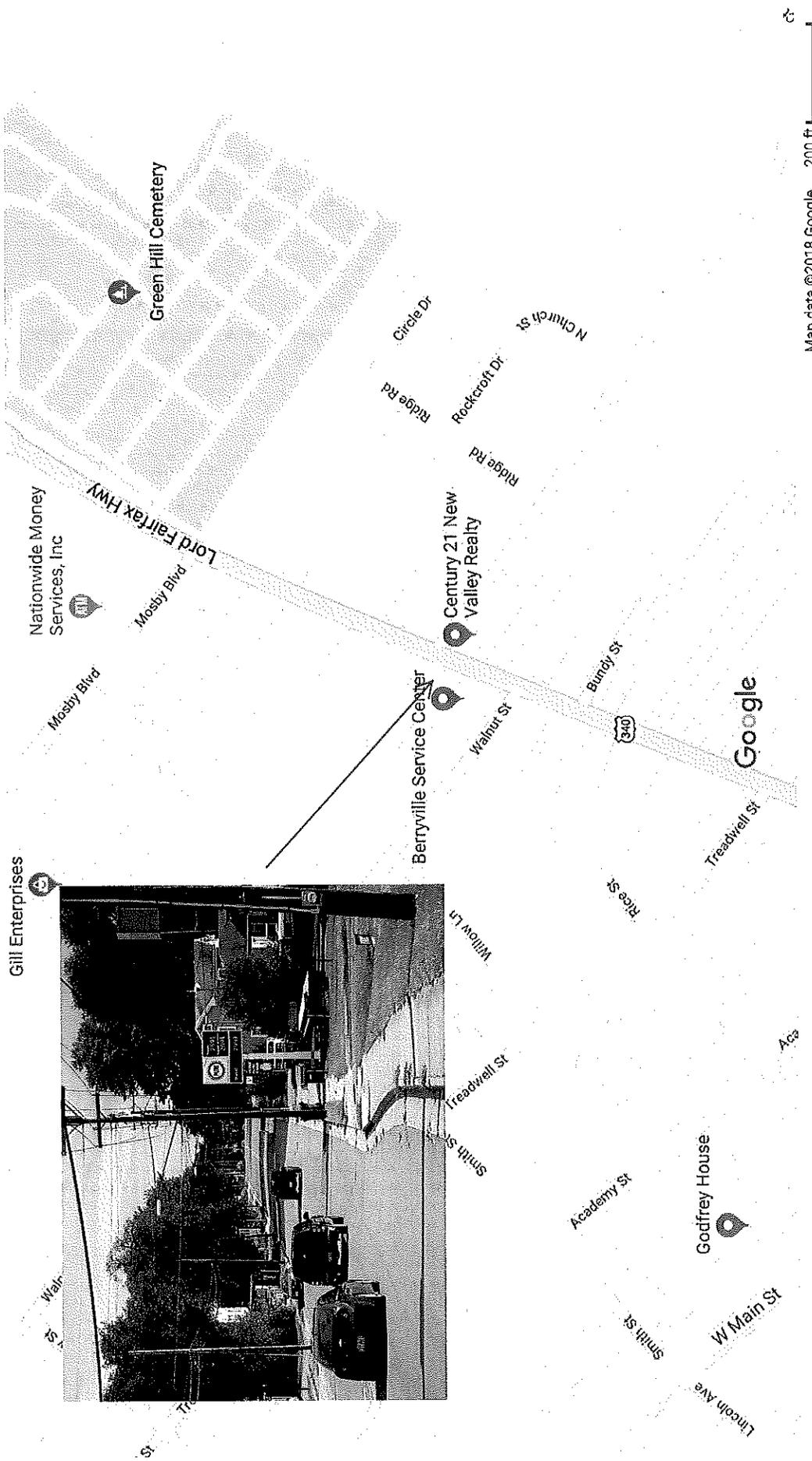
South Buckmarsh		
	Northbound	Southbound
Trips Per Day	3271	2978
85th Percentile Speed	30	31

East Main		
	Eastbound	Westbound
Trips Per Day	2663	2704
85th Percentile Speed	37	37

West Main		
	Eastbound	Westbound
Trips Per Day	2007	1205
85th Percentile Speed	32	32

North Buckmarsh Radar Feedback Sign Placement

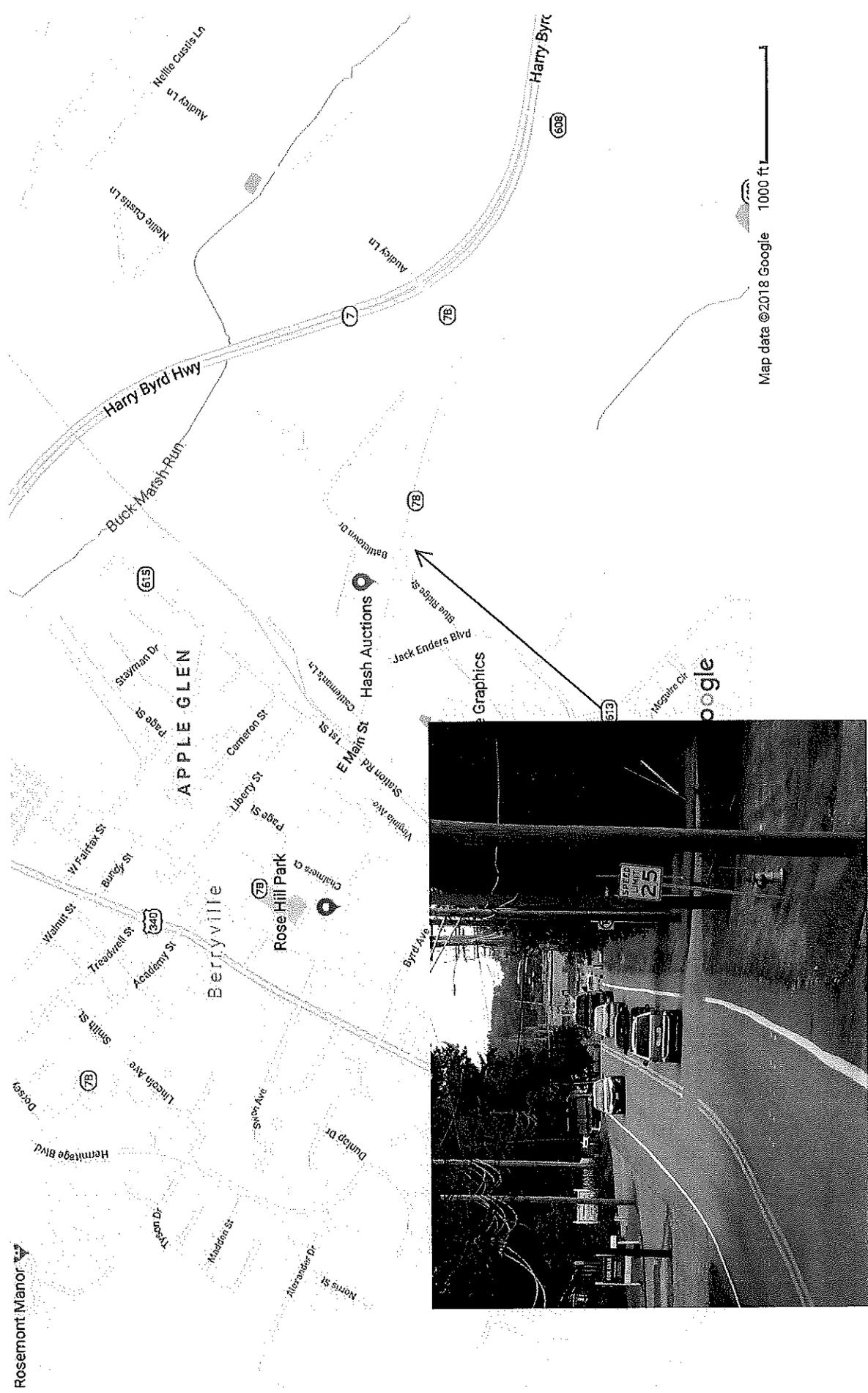
Google Maps



East Main Street Radar Feedback Sign Placement

Google Maps

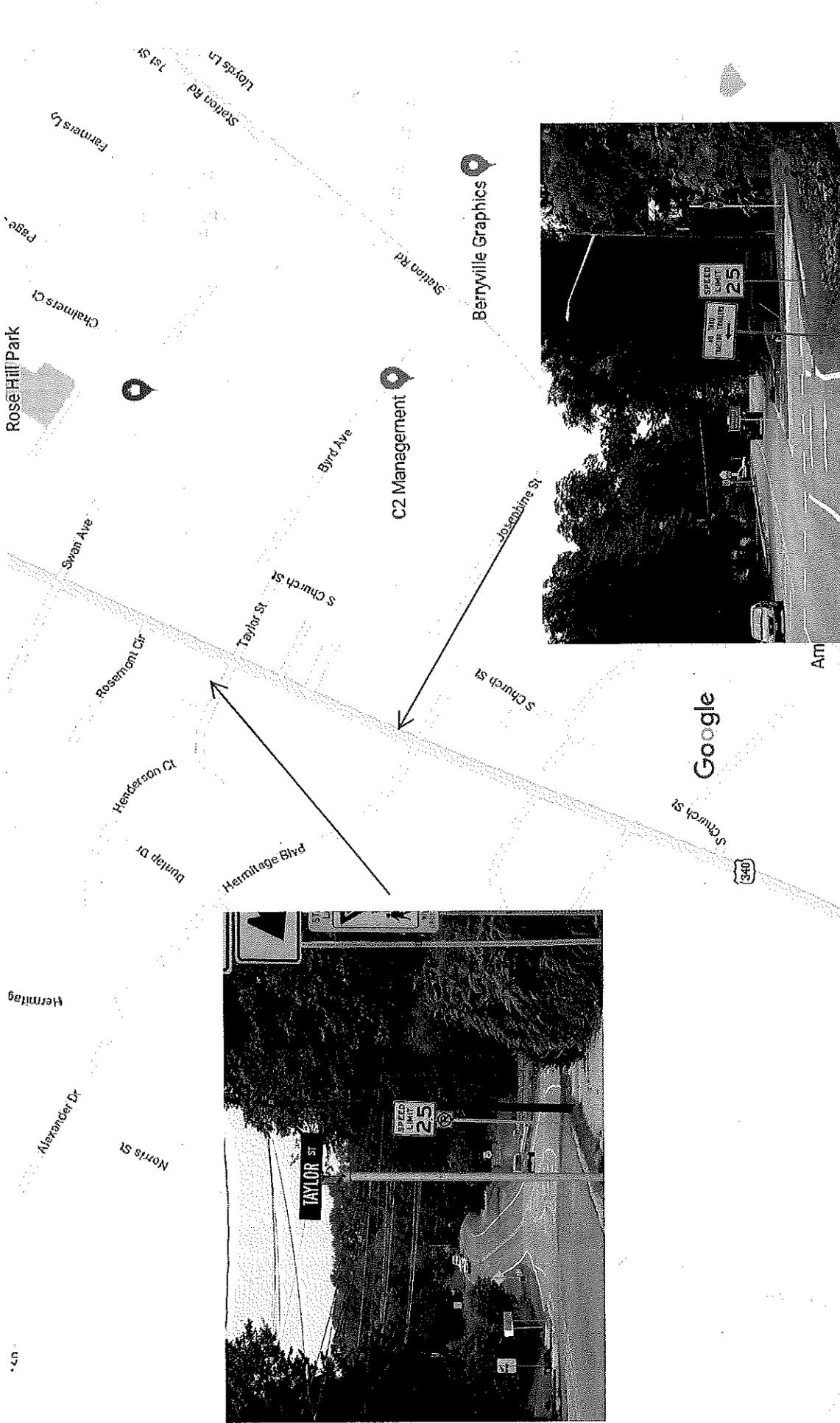
Rosemont Manor



Map data ©2018 Google 1000 ft

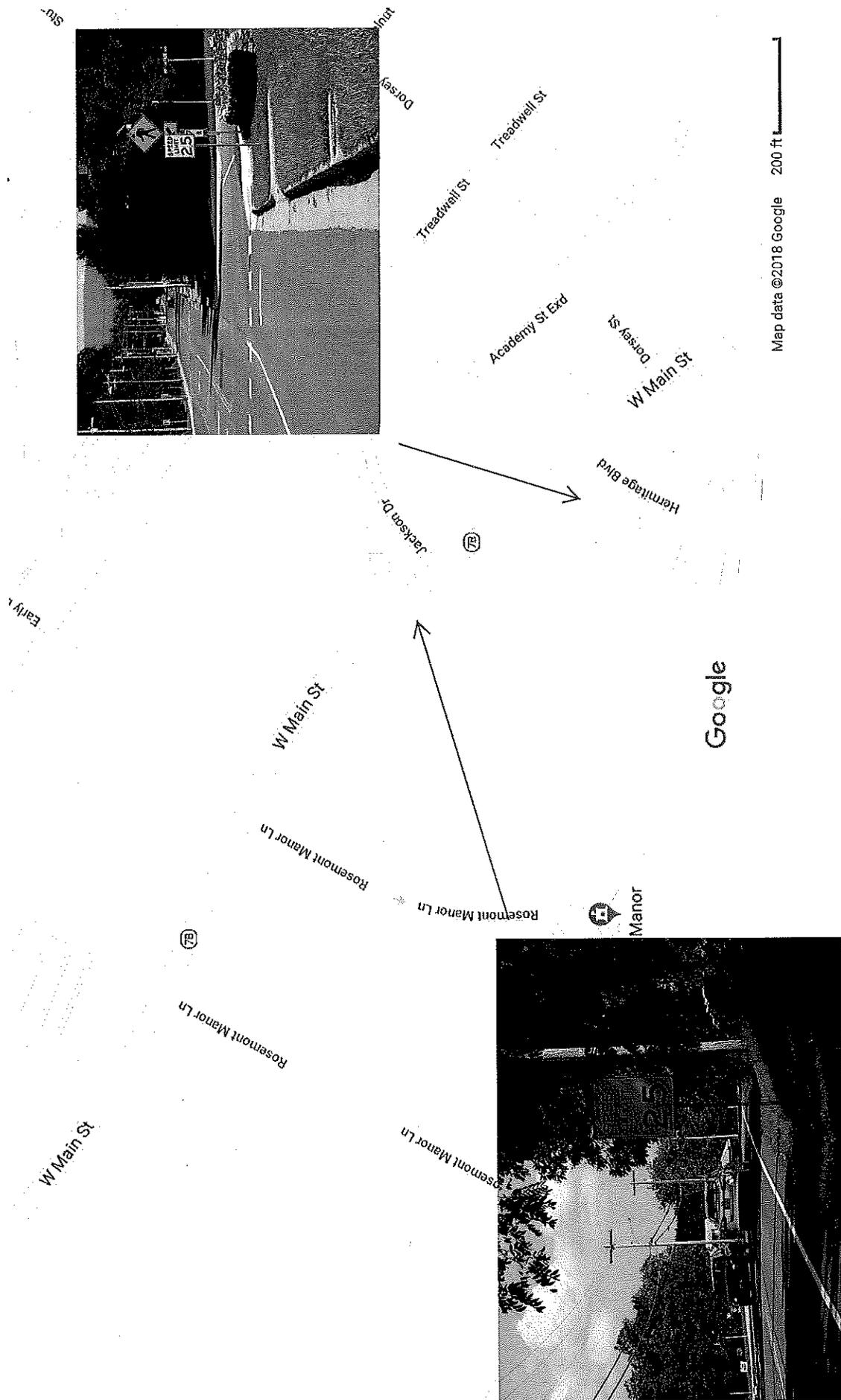
South Buckmarsh Street Radar Feedback Sign Placement

Google Maps



Google Maps

W. Main Street Radar Feedback Sign Placement



Attachment 9

Memo

To: Town Council
From: David Tyrrell
Date: August 10, 2018
Re: July 2018 Operations Report

The water treatment plant is in compliance for July 2018 with its monthly parameters. We sent 11.358 MG of water to the system with an average of 0.366 MGD and a daily max of 0.495 MG.

SUEZ Utility Service continues to work on the 3MG interior. A Contract change was completed and repairs to the interior are under way. Rain continues to hamper progress but the crew is working when possible to weld and strengthen the tank floor. Approximately one third of the exterior has now been blasted and the first two coats applied. Areas along the top of the tank will need touch up after interior welding is completed but containment will no longer be required and the exterior work should progress quickly once interior is completed. One note – the color you see is not the final color of the tank, just an intermediate coat and exterior work completed is best seen from the fair grounds.

24-Hour coverage at the WTP continues with challenges. Operations this month have again been difficult due to storms creating muddy conditions but fortunately we have only dealt with minor flooding issues.

Our checks of chlorine residuals in the distribution system have found a few areas where levels were dropping lower than desired level. We try to maintain a minimum level of 0.7 mg/l in the distribution system. The mandated minimum is 0.20 mg/l. All lower areas were taken care of with some line flushing on Jack Enders, Mosby, and Taylor Streets. Feed adjustments have been made and we continue to monitor residuals closely as well as changing the feed location in the booster building.

Drought Conditions: There are no concerns for drought at this time.

The wastewater plant is in compliance with its discharge permit for July per data received to date. We treated a total of 19.48 MG with a daily average of 0.63 MGD and a daily max of 1.48 MG. As a reminder our dry weather flows at the wastewater plant are around 0.3 MGD for comparison.

Operations have improved at the STP with less flow this month but we have had another high flow event from July 22nd through the 28th and again on July 30th which is just today should drop below our design parameters.

Our biosolids inventory has finally reached or summer levels and wasting of solids is being slowed. We have also been able to work out the VPN issues and a membrane report is included this month.

We need to pull and servicing our membrane cassettes. We believe they are sludging up creating high transmembrane pressures as is shown on the membrane report. We have made a few operational changes to hopefully start the cleaning process while they are in service but manually work is the only way to fully clear the problem.

I want to acknowledge public works for assisting us with yard maintenance at the STP. They have come down and helped us out and have done a fine job of doing so.

Attached for review are the DMR data reports for the wastewater plant with data received to date and the water plant page 1 operations report for VDH.

FLOWS AND CHEMICAL DOSAGES

No. Connections Served: 1690
 Population Served: >4185

DATE	Raw Water Treated MGD	Finished Water Produced MGD	Finished Water Delivered MGD	Hours in Service	Raw Water Chemicals					Finished Water Chemicals						
					Alum		Chlorine	Fluoride	Polymer	KMnO4	Soda Ash	Chlorine	Corr Inhibitor			
					Lbs per Day	mg/L								Lbs per Day	mg/L	Lbs per Day
1	0.412		0.365	12.0	30	8.9	4	1.0	3.6	1.05	0.062	0.018	9	2.6	20.3	5.9
2	0.384		0.367	11.5	30	9.5	3	1.0	3.4	1.06	-0.079	-0.025	8.6	2.7	15.6	4.9
3	0.551		0.491	16.5	30	6.6	0	0.1		0.00	0.088	0.019	12.3	2.7	15.6	3.4
4	0.44		0.401	13.0	30	8.3	3	0.9	6.7	1.83	0.053	0.014	9.7	2.6	23.4	6.4
5	0.422		0.381	12.0	20	5.8	3	0.9	3.5	0.99	0.053	0.015	9.0	2.6	15.6	4.4
6	0.383		0.342	11.3	25	7.9	3	1.1	6.6	2.06	0.059	0.018	8.4	2.6	15.6	4.9
7	0.42		0.378	12.5	41	11.6	4	1.0	3.5	1.01	0.063	0.018	9.4	2.7	9.4	2.7
8	0.397		0.358	12.0	30	9.2	2	0.7	7.0	2.11	0.063	0.019	9.0	2.7	29.7	9.0
9	0.397		0.368	16.5	41	12.3	3	1.0	3.2	0.97	0.066	0.020	12.3	3.7	15.6	4.7
10	0.404		0.356	12.5	35	10.5	4	1.1	3.5	1.04	0.057	0.017	9.4	2.8	23.4	7.0
11	0.474		0.436	14.5	46	11.5	4	1.0	6.7	1.69	0.071	0.018	10.9	2.7	15.6	4.0
12	0.302		0.265	9.0	30	12.1	2	1.0	3.4	1.35	0.044	0.018	6.7	2.7	1.2	0.5
13	0.54		0.495	16.5	51	11.3	4	1.0	6.8	1.50	0.082	0.018	12.3	2.7	7.8	1.7
14	0.41		0.349	11.8	30	8.9	3	1.0	10.2	2.99	0.068	0.020	8.8	2.6	17.2	5.0
15	0.412		0.373	12.0	35	10.3	4	1.2	6.7	1.95	0.066	0.019	11.2	3.3	14.1	4.1
16	0.431		0.398	12.5	35	9.9	4	1.1	7.1	1.97	0.066	0.018	9.4	2.6	15.6	4.3
17	0.281		0.248	8.5	25	10.8	2	1.0	3.1	1.34	0.044	0.019	6.4	2.7	15.6	6.7
18	0.392		0.355	11.5	35	10.9	4	1.1	3.6	1.10	0.035	0.011	8.6	2.6	15.6	4.8
19	0.53		0.482	15.0	41	9.2	4	0.8	10.3	2.33	0.084	0.019	11.2	2.5	15.6	3.5
20	0.347		0.313	10.0	25	8.8	2	0.7	3.2	1.11	0.057	0.020	7.5	2.6	15.6	5.4
21	0.321		0.284	8.5	30	11.4	4	1.5	3.5	1.31	0.049	0.018	6.4	2.4	15.6	5.8
22	0.478		0.436	14.5	35	8.9	4	0.9	6.8	1.71	0.075	0.019	10.8	2.7	15.6	3.9
23	0.402		0.363	12.0	41	12.1	4	1.1	6.6	1.97	0.066	0.020	9.0	2.7	39.1	11.7
24	0.349		0.322	9.5	25	8.7	2	0.8	3.6	1.24	0.053	0.018	7.1	2.4	7.8	2.7
25	0.405		0.361	11.5	30	9.0	3	0.9	6.7	1.98	0.062	0.018	8.6	2.5	23.4	6.9
26	0.367		0.325	11.0	30	9.9	4	1.3	3.6	1.18	0.057	0.019	8.2	2.7	7.8	2.6
27	0.412		0.378	12.3	51	14.8	4	1.0	6.7	1.95	0.062	0.018	9.2	2.7	20.3	5.9
28	0.345		0.377	10.0	35	12.3	4	1.3	3.6	1.24	0.057	0.020	7.5	2.6	17.2	6.0
29	0.338		0.300	10.5	30	10.8	3	1.0	6.6	2.34	0.057	0.020	7.9	2.8	17.2	6.1
30	0.426		0.388	12.5	46	12.8	3	0.9	6.8	1.91	0.062	0.017	9.4	2.6	15.6	4.4
31	0.369		0.333	12.0	35	11.5	4	1.2	0.3	0.09	0.062	0.020	9.0	2.9	15.6	5.1
Total	12.541	0.000	11.358	375.3	1060	316.4	101	30.5	0.0	0.00	156.8	46.4	1.76	0.521	283	83.8
Maximum	0.551	0.000	0.495	16.5	51	14.8	4	1.5	0.0	0.00	10.3	3.0	0.09	0.020	12	3.7
Minimum	0.281	0.000	0.248	8.5	20	5.8	0	0.1	0.0	0.00	0.3	0.0	-0.08	-0.025	6	2.4
Average	0.405	0.000	0.366	12.1	34	10.2	3	1.0	###	###	5.2	1.5	0.06	0.017	9	2.7

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE)

RAW WATER SOURCE(S) USED DURING MONTH: (SOURCE/DATES)

PRINTED NAME
 David A Tyrnell

Shenandoah River - Entire Month

TITLE: OPERATOR CLASSIFICATION
 DPOR CERTIFICATION NO.
 Class 1
 1955002813

Berryville STP Monthly DMR Data

July 2018

Date	Effluent Flow		Eff pH	Eff Temp	Eff CBOD	Eff CBOD	Eff TSS	Eff TSS	Effluent DO	Effluent DO	Eff NO2/	Eff TN	Eff TN	Eff Total N
	MGD	SU		Deg C	mg/l	KG/D	mg/l	KG/D	River	WWTP	NO3	mg/l	KG/D	mg/l
7/1/2018	0.54		7.4	21.5					9.6	9.1				
7/2/2018	0.50		7.6	21.9					7.9	8.8				
7/3/2018	0.60		7.5	22.0	4.00	9.04			10.3	10.1	0.96	1.29	2.91	2.25
7/4/2018	0.56		7.7	23.1	0.00	0.00			8.4	8.5				
7/5/2018	0.54		7.7	22.7	0.00	0.00			7.9	8.4	1.19	1.56	3.19	2.75
7/6/2018	0.51		7.6	23.1					7.3	7.0				
7/7/2018	0.45		7.7	22.9					9.7	7.9				
7/8/2018	0.47		7.7	22.5					8.4	8.1				
7/9/2018	0.44		7.6	22.6					8.0	7.7				
7/10/2018	0.36		7.4	22.8	0.00	0.00	0.00		9.0	8.8	1.34	1.28	1.72	2.62
7/11/2018	0.34		7.6	23.1	2.00	2.55			6.8	7.2				
7/12/2018	0.35		7.6	23.5	2.00	2.63			8.2	8.0	1.50	1.29	1.69	2.79
7/13/2018	0.38		7.7	23.4					8.6	8.1				
7/14/2018	0.31		7.6	23.5					6.8	7.3				
7/15/2018	0.33		7.7	26.8					8.1	7.7				
7/16/2018	0.46		7.7	23.8					8.2	7.8				
7/17/2018	0.50		7.5	23.5	0.00	0.00			8.2	7.2				
7/18/2018	0.41		7.6	24.1	2.00	3.07			7.9	8.0				
7/19/2018	0.34		7.6	23.7	0.00	0.00			6.9	7.1	2.90	1.23	1.56	4.13
7/20/2018	0.38		7.6	23.8					7.9	6.6	1.93	1.24	1.76	3.17
7/21/2018	0.54		7.6	23.6					7.9	7.4				
7/22/2018	0.83		7.8	22.9					7.9	7.3				
7/23/2018	1.04		7.5	22.8					7.9	7.3				
7/24/2018	1.17		7.6	22.8	3.00	13.29			6.9	7.2	2.35	0.97	4.30	3.32
7/25/2018	1.48		7.6	22.5	0.00	0.00			10.4	9.4				
7/26/2018	1.40		7.6	22.0	0.00	0.00			8.1	7.6	2.19	0.66	3.50	2.85
7/27/2018	1.13		7.7	22.1					7.9	8.4				
7/28/2018	0.76		7.6	22.0					8.6	8.1				
7/29/2018	0.57		7.7	22.1					8.3	7.7				
7/30/2018	0.78		7.8	21.8					8.2	6.9				
7/31/2018	1.08		7.6	22.1	2.00	8.15			8.4	7.7				
Minimum	0.31		7.4	21.5	0.00	0.00	0.00		6.8	6.6	0.96	0.66	1.56	2.25
Maximum	1.48		7.8	26.8	4.00	13.29	0.00		10.4	10.1	2.90	1.56	4.30	4.13
Total	19.48		236.2	711.0	15.00	38.72	0.00		254.6	244.4	14.36	9.52	20.65	23.88
Average	0.63		7.6	22.9	1.15	2.98	0.00		8.2	7.9	1.80	1.19	2.58	2.99
Geo Mean	0.56		7.6	22.9	1.50	2.14	1.00		8.2	7.8	1.69	1.2	2.41	2.94

Berryville STP Monthly DMR Data

July 2018

Date	Eff Total N KG/D	Eff Total P mg/l	Eff Total P KG/D	E-Coli No/100ml
7/1/2018				
7/2/2018				
7/3/2018	5.09	0.15	0.34	1
7/4/2018				
7/5/2018	5.63	0.19	0.39	
7/6/2018				
7/7/2018				
7/8/2018				
7/9/2018				
7/10/2018	3.54	0.08	0.11	1
7/11/2018				
7/12/2018	3.67	0.15	0.20	
7/13/2018				
7/14/2018				
7/15/2018				
7/16/2018				
7/17/2018				1
7/18/2018				
7/19/2018	5.24	0.36	0.46	
7/20/2018	4.52	0.42	0.60	
7/21/2018				
7/22/2018				
7/23/2018				
7/24/2018	14.73	0.08	0.35	1
7/25/2018				
7/26/2018	15.16	0.10	0.53	
7/27/2018				
7/28/2018				
7/29/2018				
7/30/2018				
7/31/2018				1
Minimum	3.54	0.08	0.11	1
Maximum	15.16	0.42	0.60	1
Total	57.58	1.53	2.98	5
Average	7.20	0.19	0.37	1
Geo Mean	6.12	0.16	0.33	1

Berryville STP Report

July 1 - July 31 2018

UF 1 KPI Summary

Parameter	Health	Std. Dev	Points	Avg	LL	LCL	UCL	HH	Max	Min
FluxBeforeBP	●	2.05	565	9.952	--	--	12.23	16.3	14.431	5.861
PermeateTurbidityAfterBP	●	0.0	565	0.0	0	--	0.9	1	0.0	0.0
TCPermeabilityBeforeBP	●	6.64	562	23.411	4	6	--	--	44.506	11.873
TMPBeforeBP	●	0.17	565	0.489	--	--	7	8	0.898	0.118
TotalPermeateFlowDaily		122449.81	8	345245.25	--	--	--	--	528270.0	219704.0

UF 2 KPI Summary

Parameter	Health	Std. Dev	Points	Avg	LL	LCL	UCL	HH	Max	Min
FluxBeforeBP	●	2.09	556	9.902	--	--	12.23	16.3	14.617	4.924
PermeateTurbidityAfterBP	●	0.01	556	0.097	0	--	0.9	1	0.203	0.079
TCPermeabilityBeforeBP	●	1.38	556	13.442	4	6	--	--	17.976	9.438
TMPBeforeBP	●	0.22	556	0.805	--	--	7	8	1.488	0.353
TotalPermeateFlowDaily		122041.86	8	359903.25	--	--	--	--	529437.0	208605.0

UF 3 KPI Summary

Parameter	Health	Std. Dev	Points	Avg	LL	LCL	UCL	HH	Max	Min
FluxBeforeBP	●	2.1	547	9.754	--	--	12.23	16.3	14.571	5.656
PermeateTurbidityAfterBP	●	0.0	547	0.0	0	--	0.9	1	0.0	0.0
TCPermeabilityBeforeBP	●	0.31	547	6.97	4	6	--	--	8.018	6.154
TMPBeforeBP	●	0.38	547	1.515	--	--	7	8	2.359	0.849
TotalPermeateFlowDaily		115643.85	8	321412.75	--	--	--	--	501439.0	186128.0

UF 4 KPI Summary

Parameter	Health	Std. Dev	Points	Avg	LL	LCL	UCL	HH	Max	Min
FluxBeforeBP	●	2.13	582	9.811	--	--	12.23	16.3	14.717	5.525
PermeateTurbidityAfterBP	●	0.0	582	0.142	0	--	0.9	1	0.2	0.136
TCPermeabilityBeforeBP	●	3.87	581	25.52	4	6	--	--	48.732	14.709
TMPBeforeBP	●	0.13	582	0.425	--	--	7	8	0.795	0.148
TotalPermeateFlowDaily		108973.62	8	331394.0	--	--	--	--	499934.0	227771.0

UF Plant KPI Summary

Parameter	Health	Std. Dev	Points	Avg	LL	LCL	UCL	HH	Max	Min
PermeateTemperature	●	0.67	696	63.115	32	--	100	110	65.896	61.762
TotalPermeateFlowDaily	●	459963.46	8	1357955.25	--	--	1100000	2100000	2059080.0	874570.0

UF 1 KPI Summary

Parameter	LL	LCL	UCL	HH	Aug 03	Aug 04	Aug 05	Aug 06	Aug 07	Aug 08	Aug 09	Aug 10
FluxBeforeBP	--	--	12.23	16.3	12.031	12.138	11.147	9.083	7.805	7.502	7.909	7.92
PermeateTurbidityAfterBP	0	--	0.9	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TCPermeabilityBeforeBP	4	6	--	--	22.849	22.439	21.926	22.281	23.669	26.705	25.482	23.705
TMPBeforeBP	--	--	7	8	0.603	0.613	0.569	0.466	0.367	0.332	0.353	0.379
TotalPermeateFlowDaily	--	--	--	--	471682.0	528270.0	465860.0	284450.0	254131.0	219704.0	241367.0	--

UF 2 KPI Summary

Parameter	LL	LCL	UCL	HH	Aug 03	Aug 04	Aug 05	Aug 06	Aug 07	Aug 08	Aug 09	Aug 10
FluxBeforeBP	--	--	12.23	16.3	11.832	12.128	11.247	9.073	7.906	7.739	7.762	7.503
PermeateTurbidityAfterBP	0	--	0.9	1	0.093	0.083	0.087	0.101	0.109	0.107	0.103	0.114
TCPermeabilityBeforeBP	4	6	--	--	13.497	12.976	12.718	13.173	13.813	14.047	14.216	14.478
TMPBeforeBP	--	--	7	8	0.954	1.019	0.967	0.747	0.617	0.592	0.585	0.547
TotalPermeateFlowDaily	--	--	--	--	484292.0	529437.0	458816.0	311295.0	239942.0	260353.0	208605.0	--

UF 3 KPI Summary

Parameter	LL	LCL	UCL	HH	Aug 03	Aug 04	Aug 05	Aug 06	Aug 07	Aug 08	Aug 09	Aug 10
FluxBeforeBP	--	--	12.23	16.3	12.046	11.993	10.932	8.779	7.775	7.337	7.956	7.53
PermeateTurbidityAfterBP	0	--	0.9	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TCPermeabilityBeforeBP	4	6	--	--	6.802	6.668	6.739	6.97	7.097	7.361	7.318	7.61
TMPBeforeBP	--	--	7	8	1.903	1.941	1.756	1.358	1.17	1.06	1.15	1.041
TotalPermeateFlowDaily	--	--	--	--	460736.0	501439.0	394998.0	275494.0	275058.0	247249.0	186128.0	--

UF 4 KPI Summary

Parameter	LL	LCL	UCL	HH	Aug 03	Aug 04	Aug 05	Aug 06	Aug 07	Aug 08	Aug 09	Aug 10
FluxBeforeBP	--	--	12.23	16.3	12.075	12.221	11.149	8.785	7.876	7.518	7.764	7.271
PermeateTurbidityAfterBP	0	--	0.9	1	0.139	0.139	0.14	0.143	0.143	0.144	0.144	0.144
TCPermeabilityBeforeBP	4	6	--	--	23.731	23.75	24.587	25.146	26.513	28.357	27.034	29.418
TMPBeforeBP	--	--	7	8	0.553	0.554	0.494	0.38	0.322	0.293	0.316	0.269
TotalPermeateFlowDaily	--	--	--	--	432920.0	499934.0	440757.0	278093.0	236239.0	227771.0	238470.0	--

UF Plant KPI Summary

Parameter	LL	LCL	UCL	HH	Aug 03	Aug 04	Aug 05	Aug 06	Aug 07	Aug 08	Aug 09	Aug 10
PermeateTemperature	32	--	100	110	62.909	62.564	62.467	62.769	63.336	63.518	63.925	64.39
TotalPermeateFlowDaily	--	--	1100000	2100000	1849630	2059080	1760431	11149332	1005370	955077	874570	--
					0	0	0	0	0	0	0	

UF 1 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		83 %	2.81	1589	9.246
PermeateTurbidityAfterBP		100 %	0.03	1589	0.218
TCPermeabilityBeforeBP		100 %	5.61	1574	29.185
TMPBeforeBP		100 %	0.16	1589	0.396
TotalPermeateFlowDaily		100 %	166969.23	32	204388.281

UF 2 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		81 %	2.74	1625	9.338
PermeateTurbidityAfterBP		99 %	0.15	1625	0.252
TCPermeabilityBeforeBP		100 %	6.11	1623	22.243
TMPBeforeBP		100 %	0.27	1625	0.56
TotalPermeateFlowDaily		100 %	166903.49	32	210127.594

UF 3 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		91 %	2.71	1522	8.944
PermeateTurbidityAfterBP		100 %	0.04	1522	0.223
TCPermeabilityBeforeBP		20 %	6.57	1521	7.594
TMPBeforeBP		99 %	1.47	1522	2.27
TotalPermeateFlowDaily		100 %	161289.53	32	186948.281

UF 4 KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
FluxBeforeBP		86 %	2.65	1524	9.24
PermeateTurbidityAfterBP		100 %	0.02	1524	0.158
TCPermeabilityBeforeBP		100 %	4.67	1516	27.667
TMPBeforeBP		100 %	0.15	1524	0.406
TotalPermeateFlowDaily		100 %	173164.69	32	196422.531

UF Plant KPI Summary

Parameter	Health	%In	Std. Dev	Points	Avg
PermeateTemperature		100 %	2.79	2976	56.357

Parameter	Health	%In	Std. Dev	Points	Avg
TotalPermeateFlowDaily		78%	654015.0	32	797886.688

Attachment 10

**Report of the Department of Public Works
August 7th 2018**

Water

We have finished the water improvement project on Rice Street. All the road crossings have been asphalted and ready for the paving contractor.

Within the next couple of weeks Public Works will be replacing several water services that need to be upgraded. These services are on East and West Main Street. We have been in contact with the property owners and will work with their schedules when replacing the lines.

Sewer

We are still in the process of seeking bids for sewer line point repairs that need to be done on East Main Street prior to the trenchless repair contractor installing a new PVC liner inside the existing pipe.

General Information

I mentioned in last month's report that WL Construction was the low bidder for this year's Milling and Paving contract. They have already paved Swan Avenue and Rosemont Circle. They plan on being back in the area within the next couple of weeks. When they return they will be paving Rice, Treadwell and Smith Street. They have until September 30 to complete this year's paving contracts.

Attachment 11

Completion of Jack Enders Boulevard

The Berryville Area Plan (BAP) identifies four collector roads in the Berryville Area. Each collector is planned to connect Main Street to Buckmarsh Street.

Mosby Boulevard, which is identified as the northwest collector, has been completed.

Fairfax Street / First Street, which is identified as the northeast collector, has not been completed (approximately 800 feet remaining). The street will be completed when either the Fairfax Square subdivision or the Shenandoah Crossing subdivision is developed.

Hermitage Boulevard, which is identified as the southwest collector, has been completed.

Jack Enders Boulevard

Jack Enders Boulevard, which is identified as the southeast collector, has not been completed (as currently planned, approximately 1,800 feet remains to be built). The street connects to East Main Street but terminates east of the Norfolk and Southern Railroad right of way.

With regard to the crossing itself, the original BAP planned for the railroad crossing to be grade separated but it was later amended in order to make it at grade (to reduce construction and maintenance costs). Further, it is important to note that Norfolk and Southern has indicated that it will only approve new at grade crossings if at least two existing crossings are eliminated.

Continuation of Jack Enders Boulevard to Buckmarsh Street has been slowed because of many factors, including:

- Developer of property west of tracks, who is responsible for construction of street from Buckmarsh Street to the Norfolk and Southern right of way, has not developed the property
- Approval to construct the railroad crossing has not been secured
- Funds to construct the railroad crossing has not been secured
- The eastern approach of Jack Enders Boulevard was not constructed in a manner to support accommodate an at grade crossing

Completion of Jack Enders Boulevard from Main Street to Buckmarsh Street is an important element of the BAP transportation plan. This street will serve in its overall roll as a collector and will provide quick access to Buckmarsh Street for properties in the Clarke County Business Park and Berryville Graphics.

Lastly, the idea of expanding the annexation area south of the Clarke County Business Park and routing the collector road through the property added to the Berryville Area has been discussed. Such a route would require the upgrade of an existing at grade crossing. Town and County staff are of the opinion that the first step in considering such a plan would be the completion of a transportation study for the area in question. The County has indicated that it is willing to participate in funding a portion of such a study if the Town does the same. The current Clarke County budget includes funds for this purpose.

Attachments

None

Action

The Council is asked to consider developing a plan for moving forward with discussions with the Clarke County Board of Supervisors regarding the completion of Jack Enders Boulevard.

Attachment 12

BERRYVILLE TOWN COUNCIL

MOTION TO APPROVE OR DENY WATER BILL ADJUSTMENT

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville **APPROVE/DENY** the adjustment of the June water/sewer bill for Rob Pitts.

If motion is to **APPROVE** then identify said adjustments as follows:

Water bill adjustment of \$ _____

Sewer bill adjustment of \$ _____

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

BERRYVILLE TOWN COUNCIL

MOTION TO APPROVE OR DENY WATER BILL ADJUSTMENT

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville **APPROVE/DENY** the adjustment of the July water/sewer bill for Susan Allen.

I motion is to **APPROVE** then identify said adjustments as follows:

Water bill adjustment of \$ _____

Sewer bill adjustment of \$ _____

VOTE:

Aye:

Nay:

Absent:

ATTEST:

Harry Lee Arnold, Jr., Recorder

August 14, 2018 Report

The Town of Berryville Water and Sewer Billing Adjustment Policy (effective March 12, 2015), provides for staff approval of water and sewer bill adjustments if the incident which gave rise to the unusually high usage and the responsible parties actions upon discovery of the incident meet certain criteria. The Policy also provides that appeals of staff determinations in this regard are to be heard by the Town Council.

Two appeals have been received this month.

Appeal 1:

Customer: Mr. Rob Pitts

Average Usage: 5,100

Usage during billing period in question: 20,000

Description of incident resulting in high usage: Filled swimming pool

Staff determination: Request for bill adjustment denied because the Water and Sewer Billing Adjustment Policy precludes adjustment for abnormal water usage attributable to filling pools.

Appeal 2:

Customer: Ms. Susan Allen

Average Usage: 3,500

Usage during billing period in question: 40,000

Description of incident resulting in high usage: Upon discovery of the higher than normal water usage Town personnel responded to the home in question and made contact with the resident. The flow indicator on the meter was spinning quickly, indicating water usage. The resident was asked to close the main water valve for the home. When the valve was closed the flow at the meter ceased. When the valve was opened the flow began again. Town personnel, who were in the home's basement, believed that the flow was associated with a water softener. Town personnel advised the resident to contact a plumber to investigate the matter.

The resident contacted a plumber who examined the home's plumbing and found no leaks.

The resident states that the water softener is isolated (valve closed). The resident also notes that the high reading coincided with water line work on Rice Street.

The exact source of the water usage has not been determined.

Staff determination: Request for bill adjustment denied because the Water and Sewer Billing Adjustment Policy precludes adjustment for abnormal water usage which has not or cannot be sufficiently explained.

Attachments

- Correspondence and information regarding the appeal of Mr. Rob Pitts
- Correspondence and information regarding the appeal of Ms. Susan Allen
- Water and Sewer Billing Adjustment Policy
- Motions

Action

Review both appeals and make a determination in these matters. As a part of the determination, direct staff to communicate the Council's decision to the customer.

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.

Background:

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.

Procedure:

All requests for bill adjustment must be made within ten days of the billing date utilizing the Town of Berryville Water and Sewer Billing Adjustment Request Form. The customer must also provide a plumber's certification and, when the abnormal usage is greater than three-times the account's average usage, a letter from the property owner's insurance company verifying that a claim has been made in this matter and providing what portion of the water/sewer bill will be paid by the insurance company.

The Town Manager, or designee, will review the request and provide written notice of his/her decision. Most decisions will be rendered within ten days of receipt of the adjustment request.

Only one bill adjustment may be made for any account in any given twelve month period.

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 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. As a part of request reviews the Town will also consider the insurance claim determination as a part of establishing an adjustment amount.

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.

Appeals:

If the customer requesting the bill adjustment believes that the Town has erred in making the adjustment decision or has not made a determination on an adjustment request in a timely manner, then he/she may appeal the matter to the Town Council. This appeal must be made in writing within ten days of the date of the decision on the adjustment or within thirty days of the original request if the appeal is based on the Town's failure to render a decision on the review request. If the appeal is based on the belief that the Town erred in making its decision on the bill adjustment request, then the appeal request must specify the finding of fact or policy application the requester believes was made in error.

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.

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 within the normal payment period or the customer may enter into a payment agreement with the Town. If the customer neither makes full payment during the normal payment period nor enters into a payment plan with the Town, then the customer is subject to all applicable collection activities and termination of service.

Burden of Proof:

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

Effective Date:

March 12, 2015

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



[T] 540/955-1099
[F] 540/955-4524
[E] info@berryvilleva.gov

www.berryvilleva.gov

July 16, 2018

Mr. Rob Pitts
413 Fremont Court
Berryville, VA 22611

Dear Mr. Pitts:

Mr. Dalton, the Town Manager, has reviewed your request for an adjustment to the utility bill at 413 Fremont Court.

As you were informed, the Town's Water and Sewer Billing Adjustment Policy does not allow for adjustments for abnormal water usage attributable to the filling of pools or watering of lawns or landscaping.

Your request to appeal this matter is being referred to the Town Council. While an adjustment request and/or appeal is being processed, the customer is responsible for payment of the entire amount due within the normal payment period or the customer may enter into a payment agreement with the Town. If the customer neither makes full payment during the normal payment period nor enters into a payment plan with the Town, then the customer is subject to all applicable collection activities and termination of service.

If you have any further questions please do not hesitate to call me at 540-955-1099.

Sincerely,

Desiree A. Moreland
Assistant Town Manager/Treasurer

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Erecka L. Gibson
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

Town of Berryville
Water and Sewer Billing Adjustment Request Form

Customer Name: Rob Pitts Service Address: 413 Fremont Ct

Mailing Address: 413 Fremont Ct Berryville

Telephone Number(s): [REDACTED]

Email Address: [REDACTED]

Account Number: [REDACTED] Date problem discovered: June statement Date problem repaired: —

Brief description of problem and action taken to repair: Filling of 33000
gallon Pool & Repair

Acknowledgement:

I understand that submission of this form does not a guarantee that a bill adjustment will be made. Further, I understand that submission of this form does not relieve me of my responsibility to pay the entire amount of bill during the normal billing period; unless, I enter into a payment plan with the Town.

[Signature]
Signature

Rob Pitts
Name Printed

7/13/18
Date

Required documentation to be submitted with request:

- 1) Narrative signed by party making repairs explaining, in detail, the nature of the leak or usage, what repairs were made and when they were made,
- 2) Copy of repair invoice attached (if repaired professionally) or Copy of repair receipts attached (if repaired by owner/tenant or agent), and
- 3) Copy of insurance company determination regarding claim for water/sewer bill (required when usage is greater than three-times the account average)

Return this form and documentation to:



Town of Berryville
W/S BILL ADJUSTMENT REQUEST
101 Chalmers Court, Suite A
Berryville, VA 22611
Fax: (540) 955-4524

Desi Moreland

From: Desi Moreland
Sent: Monday, July 16, 2018 10:08 AM
To: [REDACTED]
Cc: Keith Dalton; Mia L. Jackson; Debbie Boggs
Subject: RE: Sewage bill account [REDACTED]

July 16, 2018
Mr. Rob Pitts
413 Fremont Court
Berryville, VA 22611

Dear Mr. Pitts:

Mr. Dalton, the Town Manager, has reviewed your request for an adjustment to the utility bill at 413 Fremont Court. As you were informed, the Town's Water and Sewer Billing Adjustment Policy does not allow for adjustments for abnormal water usage attributable to the filling of pools or watering of lawns or landscaping.

Your request to appeal this matter is being referred to the Town Council. While an adjustment request and/or appeal is being processed, the customer is responsible for payment of the entire amount due within the normal payment period or the customer may enter into a payment agreement with the Town. If the customer neither makes full payment during the normal payment period nor enters into a payment plan with the Town, then the customer is subject to all applicable collection activities and termination of service.

If you have any further questions please do not hesitate to call me at 540-955-1099.

Sincerely,

Desiree A. Moreland
Assistant Town Manager/Treasurer

-----Original Message-----
From: Keith Dalton
Sent: Thursday, July 12, 2018 12:47 PM
To: Desi Moreland
Subject: FW: Sewage bill account [REDACTED]

-----Original Message-----

From: Rob [mailto:rob@berryvilleva.gov]
Sent: Thursday, July 12, 2018 12:34 PM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: Re: Sewage bill account [\[REDACTED\]](#)

Thanks for responding I will contact Mrs Moreland

, Rob

> On Jul 11, 2018, at 1:34 PM, Keith Dalton <townmanager@berryvilleva.gov> wrote:

>
> Mr. Pitts:

>
> Thank you for contacting the Town of Berryville.

>
> The Town of Berryville has a policy under which water and sewer bill adjustment requests are processed and reviewed. With that said, the policy does not permit adjustments for usage associated with filling pools.

>
> I have attached the Town's Water and Sewer Billing Adjustment Policy and Water and Sewer Billing Adjustment Form. If you choose to request an adjustment, then please submit the request to Desi Moreland, Town Treasurer. Mrs. Moreland can be reached at treasurer@berryvilleva.gov.

>
> Again, thank you for contacting us. I wish I could have conveyed better news to you in this matter.

>
> Take care,

>
> Keith

>
> Keith R. Dalton, Town Manager
> Town of Berryville, Virginia
> 101 Chalmers Court, Suite A
> Berryville, VA 22611

>
> V 540.955.1099
> F 540.955.4524

Desi Moreland

From: Keith Dalton
Sent: Thursday, July 12, 2018 12:47 PM
To: Desi Moreland
Subject: FW: Sewage bill account [REDACTED]

-----Original Message-----

From: Rob [mailto:[REDACTED]]
Sent: Thursday, July 12, 2018 12:34 PM
To: Keith Dalton <townmanager@berryvilleva.gov>
Subject: Re: Sewage bill account [REDACTED]

Thanks for responding I will contact Mrs Moreland

, Rob

- > On Jul 11, 2018, at 1:34 PM, Keith Dalton <townmanager@berryvilleva.gov> wrote:
- >
- > Mr. Pitts:
- >
- > Thank you for contacting the Town of Berryville.
- >
- > The Town of Berryville has a policy under which water and sewer bill adjustment requests are processed and reviewed. With that said, the policy does not permit adjustments for usage associated with filling pools.
- >
- > I have attached the Town's Water and Sewer Billing Adjustment Policy and Water and Sewer Billing Adjustment Form. If you choose to request an adjustment, then please submit the request to Desi Moreland, Town Treasurer. Mrs. Moreland can be reached at treasurer@berryvilleva.gov.
- >
- > Again, thank you for contacting us. I wish I could have conveyed better news to you in this matter.
- >
- > Take care,
- >
- > Keith
- >

> Keith R. Dalton, Town Manager
> Town of Berryville, Virginia
> 101 Chalmers Court, Suite A
> Berryville, VA 22611

> V 540.955.1099
> F 540.955.4524

> -----Original Message-----

> From: Rob [mailto: [REDACTED]]
> Sent: Wednesday, July 11, 2018 12:59 PM
> To: Keith Dalton <townmanager@berryvilleva.gov>
> Cc: Rob Pitts [REDACTED]
> Subject: Sewage bill account [REDACTED]

> >
> We received our June 27 water bill for 413 Fremont ct for the amount of \$ 508.00. We have a 33,000 gallon swimming pool that we had to fill up this water doesn't go towards sewage! I am disputing this charge for the reason mentioned and , unfortunately I have had to disconnect my pump and drain more water from my pool into our yard which after my pump is repaired I will be adding more water.

> Sincerely [REDACTED]
> Rob Pitts [REDACTED]

> <20180711132651235.pdf>

> -----Original Message-----

> From: Rob Pitts [mailto: [REDACTED]]

> Sent: Wednesday, July 11, 2018 12:59 PM

> To: Keith Dalton <townmanager@berrwillleva.gov>

> Cc: Rob Pitts < [REDACTED]>

> Subject: Sewage bill account [REDACTED]

> > We received our June 27 water bill for 413 Fremont ct for the amount of \$ 508.00. We have a 33,000 gallon swimming pool that we had to fill up this water doesn't go towards sewage! I am disputing this charge for the reason mentioned and , unfortunately I have had to disconnect my pump and drain more water from my pool into our yard which after my pump is repaired I will be adding more water.

> Sincerely

> Rob Pitts

> [REDACTED]
> [REDACTED]
> <20180711132651235.pdf>

Account Num	Full Name	Service Addr	Curr Read	Prev Read	Calc Usage	Avg Use Amnt	Bill Date	Entry Date	Serial No
[REDACTED]	ROB H PITTS	413 FREMONT CT	949	942	7000	5863	7/27/2018	7/24/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	942	922	20000	5829	6/27/2018	6/25/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	922	915	7000	5387	5/29/2018	5/23/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	915	911	4000	5335	4/27/2018	4/25/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	911	907	4000	5380	3/28/2018	3/26/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	907	903	4000	5428	2/26/2018	2/21/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	903	899	4000	5479	1/29/2018	1/25/2018	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	899	896	3000	5534	12/28/2017	12/21/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	896	892	4000	5632	11/28/2017	11/27/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	892	887	5000	5698	10/30/2017	10/24/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	887	882	5000	5728	9/28/2017	9/25/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	882	876	6000	5760	8/29/2017	8/23/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	876	869	7000	5267	7/28/2017	7/24/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	869	860	9000	5185	6/28/2017	6/26/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	860	854	6000	4995	5/26/2017	5/23/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	854	849	5000	4943	4/27/2017	4/25/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	849	845	4000	4940	3/29/2017	3/21/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	845	840	5000	4996	2/27/2017	2/22/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	840	837	3000	4996	1/27/2017	1/24/2017	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	837	832	5000	5130	12/29/2016	12/27/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	832	828	4000	5140	11/29/2016	11/21/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	828	824	4000	5228	10/28/2016	10/24/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	824	817	7000	5331	9/29/2016	9/26/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	817	812	5000	5180	8/29/2016	8/24/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	812	806	6000	5199	7/27/2016	7/25/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	806	800	6000	5110	6/29/2016	6/23/2016	[REDACTED]
[REDACTED]	ROB H PITTS	413 FREMONT CT	800	796	4000	4999	5/27/2016	5/23/2016	[REDACTED]

				1420
				\$508.00
				\$0.00
090-9018700-1	06/27/2018	07/15/2018	07/25/2018	\$508.00
				\$558.80

ROB H PITTS
413 FREMONT CT

DRAFT NOTICE DO NOT PAY!! Draft Date-07/15/2018

BERRYVILLE VA 22611



413 FREMONT CT		06/27/2018	07/15/2018	090-9018700-1
WA	1	77530783A	922 942	20000 \$168.00
SW	2	77530783A	922 942	20000 \$340.00

		05/23/2018	\$508.00
			\$0.00
		06/25/2018	\$508.00
090-9018700-1		33	\$558.80

The Town of Berryville 2017 Water Quality report is available online at:
www.berryvilleva.gov/DocumentCenter/View/659/2017-Annual-Drinking-Water-Report

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



[T] 540/955-1099
[F] 540/955-4524
[E] info@berryvilleva.gov

www.berryvilleva.gov

July 31, 2018

Ms. Susan Allen
201 Rice Street
Berryville, VA 22611

Dear Ms. Allen:

Mr. Dalton, the Town Manager, has reviewed your request for an adjustment to the utility bill at 201 Rice Street.

The Town of Berryville Water and Sewer Adjustment Policy does not allow for adjustments for abnormal water usage which has not or cannot be sufficiently explained.

Once the problem has been identified, all requests for bill adjustments must be made utilizing the Town of Berryville Water and Sewer Billing Adjustment Request Form. The customer must also provide a plumber's certification and, when the abnormal usage is greater than three-times the account's average usage, a letter from the property owner's insurance company verifying that a claim has been made in this matter and providing what portion of the water/sewer bill will be paid by the insurance company.

Your average monthly usage over the past twelve months is 3.33 thousand gallons. Our July 23, 2018 meter reading indicates usage in excess of 40 thousand gallons, which is more than three-times the account's average, therefore a letter from your insurance company will be required to process your request once the problem has been identified.

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

While an adjustment request and/or appeal is being processed, the customer is responsible for payment of the entire amount due within the normal payment period or the customer may enter into a payment agreement with the Town. If the customer neither makes full payment during the normal payment period nor enters into a payment plan with the Town, then the customer is subject to all applicable collection activities and termination of service.

If you have any further questions please do not hesitate to call me at 540-955-1099.

Sincerely,

Desiree A. Moreland
Assistant Town Manager/Treasurer

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Erecka L. Gibson
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

August 3, 2018

Ms. Desiree A. Moreland
Assistant Town Manager/Treasurer
Town of Berryville.
Government Center
101 Chalmers Court
Berryville, Va 22611

Re: Appeal to Town Council for August 14,2018.
Account: Susan Allen
[REDACTED]

Desiree,

Per your advice, I would like to appeal to the Town Council on the bill I received for abnormal water usage.

I have followed the Town of Berryville protocol regarding Water and Sewer Adjustment.

That saying, No Identified excess water was found.

1. Submitted on 7/26/18 1:30 p.m.the Berryville Water and Sewer Adjustment Policy form.
2. Submitted on 7/30/18 Thomas Plumbing paid bill and Certification Letter. No findings/
3. I'm now enclosing my Travelers Moore Clemens & Co Insurance letter saying excessive water use is not a covered loss - thus resulting in no claim.
4. Current water bill received. Account: 060-6002700-2 Amount \$1,117.60.

To clarify some facts and discussions.

1. After work on Street lines were completed for upcoming paving. Town Employee said " I checked your meter and it was normal".
2. 7/25 alerted 8:00 am. by Town employee. I quote "meter shows 37,000 gallons used in 12 hour period".
3. 7/25 Town entered house, found no evidence inside or out.. No drain in bsmt, toilet issues.
4. Had Thomas Plumbing come out and again no evidence with valves, sweating of pipes, toilets etc. Cost of this service was \$85.00. No evidence of any excess water.
5. To reiterate our phone conversation August 2nd: Please note, the valve off as well as unplugged for at least 3 years on water chlorine removal system. So that was even ruled out. But I did question the Plumber and actually called the manufacturer to double check.
6. My water monthly usage ranges 452 to 467 in 2018 year.

So with professionals visits to my house and no findings of an excess of 37,000 gallons of water,

I am at a loss to the unidentified 37,000 give or take water is.
Though I've been told numerous times there is absolutely nothing wrong inside or outside of my home,
this greatly concerns me.

I am therefore asking the Council to review the documentation at the August 14th meeting. I am
appealing the current water bill.

Sincerely,



Susan Alien
201 Rice Street
Berryville Va 22611

[REDACTED]

THOMAS PLUMBING & HEATING, INC.

P.O. Box 151, 28 W. Main Street

Berryville, Virginia 22611

Phone: 540-955-1114 / Fax: 540-955-4690

www.thomasplumbing.com

AIR CONDITIONING

WATER SYSTEMS

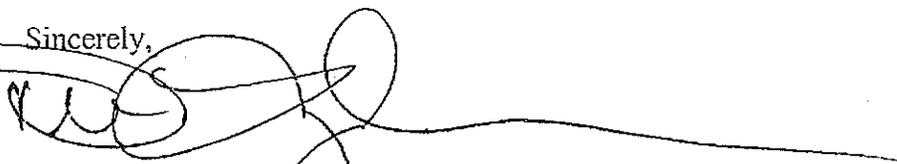
Mrs. Susan Allen
201 Rice Street
Berryville, VA 22611

July 26, 2018

Dear Mrs. Allen:

This is to confirm that our plumber came to your home at 201 Rice Street in Berryville today, to determine if there are any water leaks inside or outside your home. We found no evidence of excessive water usage at your home.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Longerbeam', with a long horizontal flourish extending to the right.

Drew Longerbeam
Thomas Plumbing & Heating, Inc.

2018
Drew

Thomas Plumbing & Heating, Inc.

AIR CONDITIONING

P. O. Box 151
 Berryville, VA 22611
 Phone: 540-955-1114 / Fax: 540-955-4690
 www.thomasplumbing.com

WATER SYSTEMS

STATEMENT

Statement Date: 07/26/18

Account Number: ALLENSUSAN

Ms. Susan Allen
 201 Rice Street
 Berryville, VA 22611

Page: 1

Amount Remitted

RETURN THE UPPER PORTION OF THE
 STATEMENT WITH YOUR PAYMENT.

Invoice No.	Date	Code	Debits	Credits	Balance
PS25336	07/26/18	Invoice	85.00		85.00

*PAID
 7/30/2018
 Check*

Terms: Net 30. There will be a 1 1/2% finance charge on all balances over 30 days.

Statement Aging:	Statement Balance		85.00	0.00	85.00
Days overdue:	Current	Up To 30 Days	31 - 60 Days	Over 60 Days	
Aged amounts:	85.00	0.00	0.00	0.00	

Remit Payment To: Thomas Plumbing & Heating, Inc.
 P.O. Box 151

Moore, Clemens & Co. Inc.
Insurance – Bonds
P.O. Box 430
Leesburg, Virginia 20178
(703)777-1275 (703)771-1407 FAX

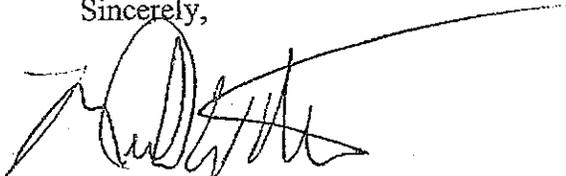
August 2, 2018

To Whom It May Concern:

Regarding Susan Allen's property located at 201 Rice St. in Berryville, the excessive water use in question is not a covered cause of loss on a Homeowners policy thus resulting in no claim.

If you have any questions or concerns, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Morris', with a long horizontal line extending to the right across the page.

Michael Morris, CIC

Town of
Berryville

www.berryvilleva.gov

MAKE CHECKS PAYABLE TO:
Town of Berryville
101 Chalmers Ct. Suite A
Berryville, VA 22611-1337
(540) 955-1099

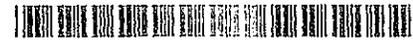
IF YOU HAVE ANY QUESTIONS CONCERNING
THIS BILL, PLEASE CALL (540) 955-1099

809

ACCOUNT NUMBER	BILLING DATE	10% LATE CHARGE APPLIED AFTER PAST DUE DATE	CUT-OFF DATE	CURRENT CHARGES	\$1,016.00
[REDACTED]	07/27/2018	08/15/2018	08/23/2018	PREVIOUS BALANCE	\$0.00
				TOTAL AMOUNT DUE	\$1,016.00
				AMOUNT AFTER DUE DATE	\$1,117.60

SUSAN B ALLEN
201 RICE ST

BERRYVILLE VA 22611



TO ENSURE PROPER CREDIT TO YOUR ACCOUNT, PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

THIS BILL DOES NOT EXTEND TIME FOR PAYMENT OF ANY PAST DUE AMOUNTS.

PLEASE KEEP THE BOTTOM PORTION FOR YOUR RECORDS. RETURN TOP PORTION WITH PAYMENT.

TOWN OF BERRYVILLE - CUSTOMER RECORD

SERVICE ADDRESS		BILLING DATE	10% LATE CHARGE APPLIED AFTER PAST DUE DATE	ACCOUNT NUMBER	
201 RICE ST		07/27/2018	08/15/2018	[REDACTED]	
DESCRIPTION	METER NUMBER	PRIOR READING	CURRENT READING	USAGE PER 1,000 GALLONS	AMOUNT
WA 1	[REDACTED]	473	513	40000	\$336.00
SW 2	[REDACTED]	473	513	40000	\$680.00

SEE REVERSE SIDE FOR
IMPORTANT INFORMATION

DATE FROM: 06/25/2018
DATE TO: 07/23/2018
DAYS: 28

CURRENT CHARGES	\$1,016.00
PREVIOUS BALANCE	\$0.00
TOTAL AMOUNT DUE	\$1,016.00
AMOUNT AFTER DUE DATE	\$1,117.60

Account Num	Full Name	Service Addr	Curr Read	Prev Read	Calc Usage	Avg Use Amt	Bill Date	Entry Date	Serial No
[REDACTED]	SUSAN B ALLEN	201 RICE ST	513	473	40000	4364	7/27/2018	7/23/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	473	470	3000	3285	6/27/2018	6/25/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	470	467	3000	3294	5/29/2018	5/22/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	467	463	4000	3304	4/27/2018	4/25/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	463	460	3000	3281	3/28/2018	3/26/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	460	456	4000	3291	2/26/2018	2/21/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	456	452	4000	3266	1/29/2018	1/25/2018	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	452	449	3000	3239	12/28/2017	12/21/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	449	446	3000	3249	11/28/2017	11/27/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	446	442	4000	3259	10/30/2017	10/24/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	442	439	3000	3229	9/28/2017	9/25/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	439	436	3000	3239	8/29/2017	8/23/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	436	433	3000	3676	7/28/2017	7/24/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	433	429	4000	3709	6/28/2017	6/26/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	429	426	3000	3695	5/26/2017	5/22/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	426	422	4000	3732	4/27/2017	4/24/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	422	419	3000	3718	3/29/2017	3/21/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	419	416	3000	3761	2/27/2017	2/22/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	416	413	3000	3809	1/27/2017	1/24/2017	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	413	408	5000	3863	12/29/2016	12/27/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	408	405	3000	3782	11/29/2016	11/21/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	405	402	3000	3843	10/28/2016	10/24/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	402	398	4000	3914	9/29/2016	9/26/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	398	393	5000	3907	8/29/2016	8/24/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	393	389	4000	3798	7/27/2016	7/25/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	389	386	3000	3776	6/29/2016	6/23/2016	[REDACTED]
[REDACTED]	SUSAN B ALLEN	201 RICE ST	386	382	4000	3874	5/27/2016	5/23/2016	[REDACTED]

Attachment 13

BERRYVILLE TOWN COUNCIL

MOTION TO CHANGE ORDER OF PAVING CONTRACT

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville authorize the issuance of the attached Change Order and authorize the Town Manager to execute any documents related to this action.

VOTE:

Aye:

Nay: None

Absent: None

ATTEST:

Harry Lee Arnold, Jr., Recorder

August 14, 2018 Report

The Town recently issued an invitation for paving, milling, and line striping. The cost of this work is eligible for reimbursement by VDOT.

The specific projects for which prices were sought were the projects planned for the second half of FY18 and the first half of FY19. The offering provided for lump sum pricing for specific projects as well as unit pricing for additional work.

W-L Construction and Paving, Inc. was the successful low bidder. The lump sum bid for the project included in the offering was \$248,575.

Town staff considers the unit pricing provided by the successful bidder to be good. Accordingly, there are two projects that were not included in the bid that staff believes should be completed at this time. Those projects are:

- Treadwell Street from Willow Lane east to North Buckmarsh Street: If this street section is included, then Treadwell's paving will have been completed.
- Henderson Court – If this street section is included, then all of Phase 1 of the Hermitage subdivision north of Hermitage BLVD. will have been paved (note Hermitage Blvd. is slated to be paved in its entirety in FY20).

Procurement requirements will permit administrative approval of a modification of a contract up to 25% or \$50,000, whichever is greater.

The Town Manager issued a change order to include Treadwell Street from Willow Lane east to North Buckmarsh Street. The change order added \$15,300 (based on unit pricing provided as a part of the successful bid) to the contract of \$248,575. This constitutes an increase of 6.2%.

Staff requests that the Town Council add Henderson Court to the contract for an additional \$37,975 (based on unit pricing provided as a part of the successful bid). This change order, coupled with the modification for Treadwell Street, would increase the contract from \$248,575 to \$301,850. If approved, these two change orders would modify the contract by a total of \$53,275 or 21.4%.

Attachments

- Bid tabulation
- Invitation to bid
- Motion with change order

Action

The Council is asked to consider approving the modification the contact with W-L Construction and Paving, Inc. to include the paving of Henderson Court for an additional \$37,975. If the modification is approved, then the Town Manager would execute the change order in question.

BID TABULATION PAVING, MILLING, AND LINE STRIPING

June 25, 2018 2:00 PM

	Espina Paving Inc	Stuart M Perry Inc	Arthur Construction Co	Carroll Construction Co
TOTAL - SCOPE OF WORK \$	300,503.10	N/A	279,790.00	272,991.90

Location Total	Espina Paving Inc	Stuart M Perry Inc	Arthur Construction Co	Carroll Construction Co
Rice Street - From Walnut Street to West Main Street - Total \$	34,645.00	N/A	34,980.00	30,580.20
Dunlap Drive - From Henderson Court to Hermitage Blvd - Total \$	19,270.00	N/A	22,340.00	19,251.25
Moore Drive - From Page Street to End of Cul-De-Sac - Total \$	15,719.20	N/A	10,740.00	15,885.00
Smith Street - From Academy Street to Treadwell Street - Total \$	8,520.00	N/A	8,580.00	11,034.00
Taylor Street - Route 340 South to End of Taylor Street - Total \$	28,046.00	N/A	28,780.00	26,930.50
Treadwell Street - From Dorsey Street to Dead End - Total \$	12,554.40	N/A	10,450.00	12,443.40
Treadwell Street - From Smith Street to Dorsey Street - Total \$	20,139.60	N/A	18,410.00	20,153.00
South Church Street - From Taylor Street to South Buckmarsh Street - Total \$	108,084.50	N/A	94,115.00	85,903.50
Rosemont Circle - Swan Avenue to South Buckmarsh Street - Total \$	30,394.40	N/A	26,440.00	25,457.30
Swan Avenue - From South Buckmarsh Street to Terminus - Total \$	23,130.00	N/A	24,955.00	25,353.75

Item Description - Unit Price	Espina Paving Inc	Stuart M Perry Inc	Arthur Construction Co	Carroll Construction Co
Apply 1.5 inches of SM 9.5 AL	26.29	N/A	110.00	98.24
Apply 2 inches of SM 9.5AL	38.15	N/A	100.00	93.15
Mill Curb Relief	4.00	N/A	4.50	2.50
Mill Tie-in Joints	10.00	N/A	500.00	675.00
Re-establish Double Yellow Lines	3.50	N/A	3.00	1.55
Re-establish Stone Shoulders	2.00	N/A	50.00	60.00
Width of Road Varies				

BID TABULATION PAVING, MILLING, AND LINE STRIPING

June 25, 2018 2:00 PM

	Resurface Inc	Gator Paving	W-L Construction & Paving	Finley Asphalt & Sealing Inc
TOTAL - SCOPE OF WORK \$	N/A	N/A	248,575.00	316,983.60

Location Total	Resurface Inc	Gator Paving	W-L Construction & Paving	Finley Asphalt & Sealing Inc
Rice Street - From Walnut Street to West Main Street - Total \$	N/A	N/A	27,450.00	40,281.60
Dunlap Drive - From Henderson Court to Hermitage Blvd - Total \$	N/A	N/A	18,125.00	17,726.00
Moore Drive - From Page Street to End of Cui-De-Sac - Total \$	N/A	N/A	15,425.00	10,402.40
Smith Street - From Academy Street to Treadwell Street - Total \$	N/A	N/A	8,100.00	16,776.00
Taylor Street - Route 340 South to End of Taylor Street - Total \$	N/A	N/A	28,700.00	31,806.00
Treadwell Street - From Dorsey Street to Dead End - Total \$	N/A	N/A	9,500.00	13,904.40
Treadwell Street - From Smith Street to Dorsey Street - Total \$	N/A	N/A	17,875.00	26,218.80
South Church Street - From Taylor Street to South Buckmarsh Street - Total \$	N/A	N/A	75,175.00	97,854.80
Rosemont Circle - Swan Avenue to South Buckmarsh Street - Total \$	N/A	N/A	24,025.00	31,667.60
Swan Avenue - From South Buckmarsh Street to Terminus - Total \$	N/A	N/A	24,200.00	30,336.00

Item Description - Unit Price	Resurface Inc	Gator Paving	W-L Construction & Paving	Finley Asphalt & Sealing Inc
Apply 1.5 inches of SM 9.5 AL	N/A	N/A	95.00	101.06
Apply 2 inches of SM 9.5AL	N/A	N/A	84.00	101.06
Mill Curb Relief	N/A	N/A	3.50	3.00
Mill Tie-in Joints	N/A	N/A	296.67	250.00
Re-establish Double Yellow Lines	N/A	N/A	1.60	2.73
Re-establish Stone Shoulders	N/A	N/A	45.00	34.38
Width of Road Varies				

INVITATION FOR BID - SUBMITTAL INFORMATION SUMMARY
TOWN OF BERRYVILLE
PAVING, MILLING, AND LINE STRIPING

RECEIPT AND OPENING OF BIDS: Sealed bids addressed to the Town of Berryville, Virginia will be received at the Town Business Office, Berryville-Clarke County Government Center, 101 Chalmers Court, Suite A, Berryville, Virginia 22611 until MONDAY, June 25, 2018 at 2:00 PM (ET).

The bidder assumes full responsibility for the timely delivery of a bid to the designated location. Bids delivered to any other office or location will not be considered. All bids will be publicly opened after the time set for receipt of bids and read aloud in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, at the same address.

SCOPE OF WORK: The Town of Berryville, Department of Public Works desires to have a contractor available to perform paving, milling, and line striping related to known projects at various Town locations as listed on *Bid Proposal Form Scope of Work* of this Invitation for Bid.

PRE-BID MEETING: A mandatory pre-bid meeting is scheduled for Tuesday, June 5, 2018 at 2 PM (ET) in the Main Meeting Room, Second Floor, of the Berryville-Clarke County Government Center, 101 Chalmers Court, Berryville, VA 22611. Contractor attendance at this meeting will be a prerequisite for submitting a bid.

QUESTIONS: After the pre-bid meeting, prospective bidders are requested to submit any questions no later than Monday, June 11, 2018 by 12 PM (ET) to Heather Fiddler, Finance Clerk; via e-mail at hfiddler@berryvilleva.gov. All questions and responses will be posted on the Town website <http://www.berryvilleva.gov/2211/Bid-Procurement-Opportunities> and eVA <https://eva.virginia.gov> Thursday, June 14, 2018 by 5 PM (ET). Oral answers to questions relative to interpretation of specifications or the proposal process will not be binding on the Town.

To ensure fair consideration for all offerors, any interpretation made to prospective offerors will be expressed in the form of an addendum to the specifications, if such information is deemed necessary for the preparation of proposals or if the lack of such information would be detrimental to the uninformed offeror. Such addendums, if issued, will be posted at the addresses listed below: <http://www.berryvilleva.gov/2211/Bid-Procurement-Opportunities> and <https://eva.virginia.gov>. Please note, that it is the respondents' responsibility to check these sites frequently for Addendums, which may impact pricing, this document's requirements, terms and/or conditions. Failure to sign and return an Addendum with your response may result in disqualification of award.

AWARD: Award will be made to the lowest responsive and responsible bidders, based on Grand Total of *Scope of Work*. Bidders must comply with all provisions of the Invitation for Bid, and award will be made provided the bid prices are reasonable and in the best interest of the Town.

BID BOND: A bid bond in the amount of 5% of the total bid amount must be submitted with the bid.

PERFORMANCE & PAYMENT BONDS: The successful bidder will be required to submit Performance and Payment Bonds in the amount of 100% of the awarded contract amount.

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

SUBMISSION OF BID: All bids must be sealed and labeled on the outside of a sealed container to show the following:

PAVING, MILLING, and LINE STRIPING

Name and address of Offeror "Bid Number IFB #05-18"

Closing Date Monday, June 25, 2018 at 2 PM (ET)

All bids are to be addressed and delivered by the date and time specified to:

Heather Fiddler, Finance Clerk

Town of Berryville

101 Chalmers Court, Suite A

Berryville, VA 22611

VENDOR REGISTRATION: Bidders must submit with their bids a W-9: Identification Number and Certification and the Town's Vendor Registration/Update form.

Change Order #01 Pricing Attachment



2786 Martinsburg Pike

Stephenson, Virginia 22656

Contact: Ted L. Winters

Phone: 540-662-4008

Fax: 540-662-4330

Quote To: Town of Berryville

Job Name: Town of Berryville Paving 2018
Change Order #01
Henderson Court (Taylor to Culde)
7/26/18

Phone:

Fax:

Date:

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
460	CO #1 Henderson Curb Relief	2,300.00	LF	3.50	8,050.00
470	CO #1 Henderson 1.5" SM-9.5AL	315.00	TN	95.00	29,925.00
GRAND TOTAL					\$37,975.00

NOTES:

Accepted by: _____

Accepted by: _____

Attachment 14

**BERRYVILLE TOWN COUNCIL
MOTION TO RECOMMEND APPOINTMENT OF RYAN TIBBENS
TO THE BERRYVILLE BOARD OF ZONING APPEALS**

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville recommend that the Clarke County Circuit Court appoint Ryan Tibbens to the Berryville Board of Zoning Appeals to fill the unexpired term of Kara Rodriguez to begin August 14, 2018 and end on December 31, 2020.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 15

**BERRYVILLE TOWN COUNCIL
MOTION TO REAPPOINTMENT
GWEN MALONE TO THE
BERRYVILLE PLANNING COMMISSION**

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville reappoint Gwen Malone to the Berryville Planning Commission for a four year term to begin September 1, 2018 and end on August 31, 2022.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL
MOTION TO REAPPOINTMENT
KIM KEMP TO THE
BERRYVILLE PLANNING COMMISSION**

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville reappoint Kim Kemp to the Berryville Planning Commission for a four year term to begin August 15, 2018 and end on August 14, 2022.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder

Attachment 16

**BERRYVILLE TOWN COUNCIL
MOTION TO REAPPOINTMENT
SUSAN GODFREY TO THE
BERRYVILLE ARCHITECTURAL REVIEW BOARD**

Date: August 14, 2018

Motion By:

Second By:

I move that the Council of the Town of Berryville reappoint Susan Godfrey to the Berryville Architectural Review Board for a four year term to begin August 15, 2018 and end on August 14, 2022.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: _____
Harry Lee Arnold, Jr., Recorder