

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
September 13, 2022
7:00 p.m.

Town Council: Present—Harry Lee Arnold, Jr., Mayor; Erecka L. Gibson, Recorder; Grant Mazzarino; Kara Rodriguez. Absent—Donna McDonald and Diane Harrison

Staff: Present--Keith Dalton, Town Manager; Cynthia Poulin, Treasurer; Christy Dunkle, Community Development Director; Paul Culp, Town Clerk. Participating remotely: Chief Neal White, Berryville Police Department

Press: Mickey Powell, *The Winchester Star*

Also present: Matt Bass, Clarke County Board of Supervisors

1. Call to Order

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

2. Pledge of Allegiance

3. Approval of Agenda

Recorder Gibson moved to approve the agenda. The motion passed by unanimous voice vote.

4. Presentations, Awards, and Recognitions

None.

5. Public Hearings

Proposed Amendments to Schedule of Water and Sewer Fees and Charges

Mayor Arnold opened the public hearing at 7:02 p.m.

Mr. Dalton explained that the Town's water and sewer funds must meet capital and operating expenses with revenues from user fees, availability fees, borrowing, or grants. He referenced the 2019 study by the Town engineer recommending rate increases over five years to provide sufficient income for system needs, which had led to the Council adjusting rates annually, beginning in 2019. He noted that the changes now under consideration would include the following:

Water: Increase of \$5.73 in the monthly administrative and facilities fee charge, 8 percent increase in availability fees, \$25 increase in water meter testing fees, and an increase in required deposits to account for the administrative/facilities fee increase; and

Sewer: Increase of \$2.43 in the monthly administrative and facilities fee charge, 8 percent increase in availability fees, \$25 increase in water meter testing fees, and an increase in required deposits to account for the administrative/facilities fee increase.

Mayor Arnold reminded the Council of figures cited in 2019 indicating that Berryville had historically been among the least expensive towns where utilities were concerned, and noted that the proposed increase would amount to about \$98 annually for each payer. He recalled also that during the coronavirus pandemic the Town had used funds from the American Rescue Plan Act of 2021 to provide a six-month moratorium on administrative and facilities fees.

Recorder Gibson said the Council anticipates another administrative fee increase in 2023 as the final adjustment in the recommended five-year period.

Mr. Dalton noted that the rate study and the previous decisions by the Council had occurred before the onset of the inflation now troubling the economy. He said costs continue to rise and that fees also must do so. He noted that the true cost of the water treatment plant would have to be reflected in fees and charges.

Mayor Arnold said he was aware that some residents believed the increase was for the purpose of funding new housing in town and that this is incorrect, that each house requires an availability fee of nearly \$30,000 that costs the citizens nothing.

Mayor Arnold invited members of the public to comment.

Dee-Dee Liggins said bills had increased after the six-month moratorium just mentioned by the mayor. Recorder Gibson said this was a consequence of the administrative and facilities fee adjustment that had already been scheduled. Ms. Liggins said the proposed increase would be bad for people on fixed incomes.

In the absence of further public participation, Mayor Arnold closed the public hearing at 7:08 p.m.

6. Discussion of Public Hearing Items

Ms. Rodriguez said the water and sewer funds must be self-supporting and that the Town's system has significant needs. She said the proposed increase was therefore not a matter of revenue creation for the Town and that the Council had considered that matter with great care and did not take it lightly.

Mayor Arnold said the current water treatment plant had been built in 1984 and that the cost of a much-needed new plant, to be operational in 2026 or 2027, must be defrayed.

Ms. Rodriguez moved that the Council of the Town of Berryville approve the attached schedule of water and sewer fees and charges and that the new schedule become effective on November 17, 2022.

7. Citizens' Forum

Ann Bishop asked the Council consider alternatives to its recent changes to the Town's parade route. She said she understands safety concerns associated with Station Road but that parades should begin at the Government Center, rather than ending there, and conclude at the middle school or high school. She said the unloading of floats at the Government Center would lead to multiple problems with people walking through town to attend the powder puff football game or taking floats onto Route 7 to avoid congestion.

Judy Melton said that last summer the Town had been very kind in warning her and her husband about discovering unusually high water usage at their home, which had turned out to be the result of an underground sprinkler having been turned on inadvertently. Ms. Melton then explained that she is the faith community nurse for Berryville Baptist Church and had recently resumed blood-pressure screenings for the Parks and Recreation senior center, after the pandemic. She said many unnecessary deaths are occurring among people who are inadequately informed about blood pressure dangers, and asked the Town to consider a generalized screening at the farmers' market or some other avenue of activity suggested by the Town.

Michelle Marino, president of Berryville Main Street, said she had met with the school officials coordinating the homecoming parade and that she agreed with Ms. Bishop regarding traffic problems associated with the powder puff game and that therefore the parade should start at the Government Center. She said the Christmas parade should start at the school administration building or at the middle school because of the size of the parade. She also said the Government Center is not large enough to accommodate all of the entrants. She said the narrowness of Lincoln Avenue could be problematic.

8. Consent Agenda

The consent agenda comprised the minutes of the July 12 Town Council regular meeting, July 5 and August 1 Council work sessions, and July 18 meeting of the Public Safety Committee.

Recorder Gibson moved to adopt the consent agenda as presented. The motion passed by unanimous voice vote.

12. Unfinished Business

None.

13. New Business

Proposed Amendments to Chapter 2 of the Berryville Code

Mr. Dalton explained that the amendments were necessary as part of the process of adding a deputy town manager to the staff and for proper handling of the days and times of Council meetings.

Mr. Mazzarino moved that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 2 of the Berryville Code. The motion passed by unanimous voice vote.

Proposed Criteria and Procedures for Establishing Enhanced Fines for Speeding

Mr. Dalton said that the Virginia Department of Transportation, during the period when it maintained the Town's secondary streets, had approved enhanced fines of up to \$200 on South Church, Josephine, and Liberty Streets; Hermitage and Mosby Boulevards; and Jackson Drive. He said a resident of Fairfax Street had contacted Mayor Arnold and asked about the possibility of that street receiving approval for enhanced fines, after which the mayor had asked staff to provide the Council with draft criteria and procedures.

Mayor Arnold clarified that the upcoming discussion/vote applied only to the criteria and procedures and that an actual decision about Fairfax Street could occur later. He noted that the subject of enhanced fines had already received attention from the Streets and Utilities Committee.

Mr. Dalton said a speed study on Fairfax Street was in progress and that the desired information might be available in October.

Ms. Rodriguez moved that the Council of the Town of Berryville approve the attached Town of Berryville Criteria and Procedures for Installation of Signs Where an Additional \$200 Fine for Speeding May Apply. The motion passed by unanimous voice vote.

Proposed FY24 Budget Calendar

No discussion of the calendar in the agenda packet occurred.

Recorder Gibson moved that the Council of the Town of Berryville approve the attached budget calendar. The motion passed by unanimous voice vote.

14. Council Member Reports

Mayor Arnold said he had attended the opening of the Clarke County Fair and the groundbreaking at Patriot Warehouse and had awarded the trophy at the annual Cruise-In car show.

The other members had nothing to report.

15. Staff Reports

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

Community Development

Ms. Dunkle briefly updated the Council on the activities of the various appointive boards associated with planning, and on construction in the Shenandoah Crossing, Fellowship Square, and Hermitage Phase V subdivisions and at 410 Jack Enders Boulevard.

Ms. Dunkle said the Town had received four responses to the request for proposals issued in June for a wayfinding signage program, and that a committee comprising the chair of the Community Development Committee, representatives of the Architectural Review Board and Planning Commission, and Town staff had reviewed the responses and made its selection, with notification to occur by September 16.

Ms. Rodriguez, chair of the Community Development Committee, said the group had based its choice on the selected firm's body of work, including projects for nearby towns, its extensive experience with VDOT, and its proximity to Berryville. She said the program would enable the updating of Town signage in a manner consistent with the recent branding imagery, and stressed that all funding would come from the American Rescue Plan Act.

Ms. Rodriguez moved that the Council of the Town of Berryville approve the selection of Frazier Associates to develop and implement a wayfinding signage program for the Town of Berryville, and further moved that the Town Manager be authorized to negotiate a contract for this work and execute contract documents related to this procurement. The motion passed by unanimous voice vote.

Administration and Finance

Ms. Poulin directed the Council's attention to the agenda materials related to the annual charge-off of uncollectable personal property taxes that have surpassed the enforceability limit of five years and the publication of names of persons delinquent on personal property taxes and real estate taxes.

Ms. Rodriguez made the **attached motion, which passed by unanimous voice vote.**

Town Manager

Update on American Rescue Plan Act of 2021 Projects

Mr. Dalton had nothing to add to his written report.

Day and Time for Trick-or-Treating 2022

Mr. Dalton referred the Council to the agenda report citing §13-38 of the Town Code, which enables the Council to set the day and time for trick-or-treating, and recommending October 31 from 6:00 p.m. to 8:30 p.m.

No discussion occurred.

Mr. Mazzarino moved that the Council of the Town of Berryville, in accordance with §13-38 of the Berryville Code, designate October 31, 2022 between the hours of 6:00 p.m. and 8:30 p.m. as the period in which trick-or-treating may occur within the Berryville town limits. Residents who wish to participate in giving treats should turn on their porch lights during designated hours. Trick-or-treaters should visit only those homes at which a porch light is activated. The motion passed by unanimous voice vote.

Spot Blight Abatement

Referring to the agenda materials covering blight abatement plans discussed in previous meetings and approved by the Council in its July 12 regular meeting, Mr. Dalton said none of the property owners had met the requirement for the first milestone established by the Council. He said the owner of 12 First Street had indicated an intention to submit a plan in the next few days, that he had assisted the owner of 225 Josephine Street in developing a plan but had not yet received a plan from that individual, and that he had received no communications from the owners of 112 and 114 Josephine Street. He said he would send the property owners certified letters giving them an additional ten calendar days to file suitable documents before the Town proceeds with the abatement measures approved by the Council.

16. Committee Updates

Budget and Finance

Recorder Gibson said the committee would next meet on October 25 at 10:00 a.m.

Community Development

Ms. Rodriguez said the committee would next meet on October 24 at 9:00 a.m.

Personnel

Mayor Arnold and Ms. Dunkle noted the need to fill two vacancies on the Tree Board.

Public Safety

Committee chair Donna McDonald being absent, committee member Mr. Mazzarino said the committee had met in July for an update by Chief White and that a vacancy in the police department had occurred, which he said is common. He said the day and time of the next committee meeting had not yet been determined.

Streets and Utilities

Committee chair Diane Harrison being absent, committee member Ms. Rodriguez said the committee would meet again on October 24 at 10:00 a.m.

17. Other

Ms. Rodriguez asked Mr. Dalton if he could provide an update on his discussion with Chief White of parking restrictions along the parade route and of the specifics of the route itself.

Mr. Dalton said he had determined that parades should begin at Johnson-Williams Middle School, continue along Lincoln Avenue to Main Street, and end at Chalmers Court. He said parking would be prohibited on both sides of the street from the west side of Rose Hill Park to Chalmers Court. Mr. Dalton said that he had tried to compromise in the absence of a consensus from the Council.

Mrs. Rodriguez and Mr. Dalton discussed whether the route should be the same for both the homecoming and Christmas parades and agreed that uniformity would be sensible, with the possibility of later reconsideration.

Mr. Dalton said discontinuing the practice of lining up at Station Road was crucial for safety reasons and that lining up at the Government Center would be impractical because of size restrictions. He said Smithy Lane and Church Street could be used as avenues of egress from the rear of the Government Center after the parade and that Chief White had already determined that an officer will direct traffic at the intersection of South Church Street and Smithy Lane after disengaging from the parade route.

Mr. Rodriguez asked when the parking restrictions would take effect. Chief White said the streets must be cleared two hours before the parade, that notices would be posted at 8:00 or 9:00 in the morning and the streets cleared by 2:00 or 2:30 p.m.

Mr. Dalton said Berryville Main Street would provide music in front of Rose Hill Park.

18. Adjourn

The Council adjourned by consensus at 7:42 p.m.

Erecka L. Gibson, Recorder

Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, September 13, 2022

7:00 p.m.

Name: _____ **Town of Berryville Resident?**

Ann Bishop _____ Yes No

Judy Melton _____ Yes No

Michelle Marino _____ Yes No

TOWN OF BERRYVILLE
SCHEDULE OF WATER AND SEWER FEES AND CHARGES

~~Effective November 18, 2021~~

Proposed to be effective November 17, 2022

I. USER FEES

A. WATER

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

B. SEWER

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

II. ADMINISTRATIVE AND FACILITIES FEES AND DEPOSITS

A. ADMINISTRATIVE AND FACILITIES FEES

Monthly Administrative and Facilities Fees, charged with usage:

Water ~~\$12.34~~ 18.07

Sewer ~~\$7.22~~ 9.65

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$50

Returned Check/ACH Fee: \$50

B. DEPOSITS

Residential: individually metered single-family units, town homes, and duplexes: \$255 270

Residential: multi-family with master meter: \$200 215 per unit

Business/Commercial excluding restaurants and laundries: \$255- 270

Restaurant: \$850 865*

Laundry: \$4,575 4,590*

Institutional: \$1,595 1,610*

Industrial: \$5,615 5,630*

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

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

III. AVAILABILITY FEES

A. WATER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	-\$ 14,118	-\$ 17,648	Meter Fee
3/4	1.5	-\$ 21,177	-\$ 26,472	Meter Fee
1	2.5	-\$ 35,295	-\$ 44,120	Meter Fee
1.5	4.375	-\$ 61,766	-\$ 77,210	Meter Fee
2	8	-\$ 112,944	-\$ 141,184	Meter Fee
3	16	-\$ 225,888	-\$ 282,368	Meter Fee
4	25	-\$ 352,950	-\$ 441,200	Meter Fee
6	50	-\$ 705,900	-\$ 882,400	Meter Fee

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

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)	Meter Cost
5/8	1	\$ 15,250	\$ 19,060	Meter Fee
3/4	1.5	\$ 22,875	\$ 28,590	Meter Fee
1	2.5	\$ 38,125	\$ 47,650	Meter Fee
1.5	4.375	\$ 66,719	\$ 83,388	Meter Fee
2	8	\$ 122,000	\$ 152,480	Meter Fee
3	16	\$ 244,000	\$ 304,960	Meter Fee
4	25	\$ 381,250	\$ 476,500	Meter Fee
6	50	\$ 762,500	\$ 953,000	Meter Fee

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

Notes:

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

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

commercial units to be served by a single meter, or B) an amount based on the meter size as specified above.

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

B. SEWER

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 15,162	\$ 18,952
3/4	1.5	\$ 22,743	\$ 28,428
1	2.5	\$ 37,905	\$ 47,380
1.5	4.375	\$ 66,334	\$ 82,915
2	8	\$ 121,296	\$ 151,616
3	16	\$ 242,592	\$ 303,232
4	25	\$ 379,050	\$ 473,800
6	50	\$ 758,100	\$ 947,600

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

Meter Size (Inches)	Demand Ratio	Avail. Fee (Corp. Limits or Annex. Area)	Avail. Fee (Other)
5/8	1	\$ 16,375	\$ 20,470
3/4	1.5	\$ 24,563	\$ 30,705
1	2.5	\$ 40,938	\$ 51,175
1.5	4.375	\$ 71,641	\$ 89,556
2	8	\$ 131,000	\$ 163,760
3	16	\$ 262,000	\$ 327,520
4	25	\$ 409,375	\$ 511,750
6	50	\$ 818,750	\$ 1,023,500

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

IV. LATERAL OR CONNECTION FEES

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

- Party applying to connect to the system agrees to assume all costs associated with connection to the systems, including excavation, taps, vaults, traffic control, restoration (including pavement), testing, inspections, etc.
- Contractor responsible for completing work has been vetted and approved by the Town.
- Plans for the work, including restoration, have been approved by the Town.
- Required surety has been approved and provided to the Town.
- Required insurance coverage is in place and documentation thereof provided to the Town.
- Required permits have been issued by the Town, Virginia Department of Transportation, or other applicable agency.

V. INSPECTIONS

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

1. Mains and Laterals Over 4 Inches in Diameter

Mobilization Fee: \$300

Camera Fee: \$3.00 per linear foot

2. 4-Inch Laterals

Laterals Under 50 Feet in Length: \$150

Laterals 50 Feet in Length or Greater: \$150 plus \$3.00 per linear foot

B. Inspections

Town staff: \$65 per hour (1 hour minimum for any inspection then billed at ½ hr. increments thereafter)

Licensed professional engineer or approved third-party inspector: Cost

C. Hydrant Flow Tests

\$65 per hour (1 hour minimum for any test then billed at ½ hr. increments thereafter) plus cost of water (includes water and sewer charges)

Notes:

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

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

VI. SIGNIFICANT INDUSTRIAL USER FEES

Sewer system discharge permit: \$500

VII. WATER METER TESTING

5/8" meter: \$100 125

All other meters: \$100 125 + cost

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

VIII. HYDRANT METERS

Nonrefundable account establishment fee:	\$50
Meter deposit:	\$1,500 (deposit refunded upon return of undamaged meter)

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

IX. UNAUTHORIZED USE OF SERVICE

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

Approved by Town Council on September 14, 2021.

AN ORDINANCE ADOPTING
CHANGES TO ORDINANCE SECTIONS 2-20, 2-31, 2-32, 2-33, 2-34, 2-
54, 2-64, 2-77, 2-77.1, 2-77.2, AND 2-77.3, AND CREATING SECTIONS
2-27 AND 2-28 OF THE BERRYVILLE CODE – ADMINISTRATION

BE IT ORDAINED, by the Council of Town of Berryville, that the Code of the Town of Berryville, is amended by amending Sections 2-20, 2-27, 2-31, 2-32, 2-33, 2-34, 2-54, 2-64, 2-77, 2-77.1, 2-77.2, and 2-77.3, and creating Sections 2-27 and 2-28 as follows:

Sec. 2-20. - Meetings.

The regular meetings of the town council are set for the second Tuesday of each month at 7:30 p.m. a time to be fixed by the town council. 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 the mayor or three members of council, and Special meetings may be called by the mayor or three members of town council, provided that all members of council shall be duly notified a reasonable period of time prior to any special meeting.

Secs. 2-23—2-286. - Reserved.

Sec. 2-31. - ~~Assistant town manager for administration~~ Director of finance/treasurer.

The department shall be under the supervision and control of the ~~assistant town manager for administration~~ director of finance /treasurer, 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 9-27-18)

Sec. 2-32. - Town treasurer.

The ~~assistant town manager for administration~~ director of finance/treasurer shall be the town treasurer.

(Ord. of 9-27-18)

Charter reference— Appointment of town treasurer, § 5.1.

Sec. 2-33. - ~~Absence of assistant town manager for administration~~ director of finance /treasurer.

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

(Ord. of 9-27-18)

Sec. 2-34. - Absence of town manager, deputy town manager, and ~~assistant town manager for community development/operations~~

director of community development.

In the absence of the town manager, deputy town manager, and the assistant town manager for ~~community development/operations~~ director of community development, the assistant town manager for ~~administration/treasurer~~ director of finance /treasurer shall perform the duties of the town manager, the deputy town manager, and the director of community development.

(Ord. of 9-27-18)

Sec. 2-54. -- Director of public works ~~director.~~

The public works department shall be under the immediate supervision of the director of public works ~~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 9-27-18)

Sec. 2-64. - Director of public utilities ~~director.~~

The department shall be under the supervision and control of the director of 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.

(Ord. of 9-27-18)

Sec. 2-77. - ~~Assistant town manager for~~ Director of community development/~~operations.~~

The department shall be under the supervision and control of the assistant town manager for Director of community development/~~operations.~~

(Ord. of 9-27-18)

Sec. 2-77.1. - Zoning administrator and subdivision agent.

The ~~assistant town manager for~~ director of community development/~~operations.~~ shall be the zoning administrator and subdivision agent.

(Ord. of 9-27-18)

Sec. 2-77.2. - Absence of ~~assistant town manager for~~ director of community development/~~operations.~~

In the absence of the assistant town manager for director of community development/~~operations.~~ or in the event of a vacancy in the position of assistant town manager for director of community development/~~operations.~~, the deputy town manager shall perform the duties of the assistant town manager for director of community development/~~operations.~~ and shall serve as zoning administrator and subdivision agent.

(Ord. of 9-27-18)

Sec. 2-77.3. - Absence of town manager and deputy town manager.

In the absence of the town manager and deputy town manager, the assistant town manager for director of community development/operations shall perform the duties of the town manager and deputy town manager.

(Ord. of 9-27-18.)

Sec. 2-27. - Deputy town manager position established

The position of deputy town manager is hereby established.

The deputy town manager 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 deputy town manager shall supervise departmental operations as assigned by the town manager and shall perform other duties as may be assigned by the town manager.

Sec. 2-28. - Absence of town manager.

In the absence of the town manager the deputy town manager shall perform the duties of the town manager.

VOTE:

Aye -

Nay -

Absent -

ATTEST: _____

Erecka L. Gibson, Recorder

DATE: _____

Chapter 2 - ADMINISTRATION⁽¹⁾

Footnotes:

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Editor's note— An Ord. of 9-27-18, repealed the former Chapter 2, §§ 2-1—2-9, 2-19—2-22, 2-29—2-41, 2-52—2-54, 2-65—2-69, 2-78—2-84 and enacted a new Chapter 2 as set out herein. The former Chapter 2 pertained to similar subject matter and derived from Code 1971, §§ 2-3, 2-4, 2-6, 2-10, 2-11, 2-15, 2-16, 2-17—2-25; Code 1971, § 13-24; Code 1971, §§ 14-1—14-6, 14-8; Ord. of March 12, 1973; Ord. of December 11, 1979; Ord. of November 10, 1981, §§ 2-26, 2-27; Ord. of June 12, 1990; Ord. of May 12, 1998; Ord. of December 14, 1999; Ord. of July 11, 2006(1); Ord. of May 10, 2011; Ord. of April 11, 2017(2).

ARTICLE I. - 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 9-27-18)

Charter reference— Town manager, Ch. 4.

Sec. 2-1.1 - Town clerk.

A town clerk shall be appointed by the town manager, and shall keep the minutes of the proceedings of the town council, shall have charge of and preserve the records of the town, and shall perform such other duties as assigned by the town manager.

(Ord. of 9-27-18)

Sec. 2-1.2. - Criminal background checks by town manager.

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 their employment by the town. To this end, the town manager shall conduct an investigation of applicants for employment with the town to 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, the town manager may decide not to hire the applicant or may revoke any conditional offer made.

(Ord. of 9-27-18)

State Law reference— 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 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.

(Ord. of 9-27-18)

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

Sec. 2-3. - Reserved.

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 police officer, firefighter, EMS personnel, or other officer or employee of the town in the performance of their duties.

(Ord. of 9-27-18)

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.

(Ord. of 9-27-18)

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. - Disbursement of town funds.

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

(Ord. of 9-27-18)

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

There is hereby imposed, and there shall be collected, a fee 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.

(Ord. of 9-27-18)

State Law reference— Authority for above section, Code of Virginia, § 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 9-27-18)

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

Secs. 2-9—2-18. - Reserved.

ARTICLE II. - THE COUNCIL⁽²⁾

Footnotes:

--- (2) ---

Charter reference— Council generally, 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 9-27-18)

Sec. 2-20. - Meetings.

The regular meetings of the town council are set for the second Tuesday of each month at 7:30 p.m. a time to be fixed by the town council. 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 the mayor or three members of council, and Special meetings may be called by the mayor or three members of town council, provided that all members of council shall be duly notified a reasonable period of time prior to any special meeting.

(Ord. of 9-27-18)

Charter reference— [Quorum; reconsideration of action] § 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.

(Ord. of 9-27-18)

Charter reference— Council to establish rules of procedure, § 3.15.

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.

(Ord. of 9-27-18)

Secs. 2-23—2-286. - Reserved.

Sec. 2-27. - Deputy town manager position established

The position of deputy town manager is hereby established.

The deputy town manager 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 deputy town manager shall supervise departmental operations as assigned by the town manager and shall perform other duties as may be assigned by the town manager.

Sec. 2-28. - Absence of town manager.

In the absence of the town manager the deputy town manager shall perform the duties of the town manager.

ARTICLE III. - ADMINISTRATION DEPARTMENT

Sec. 2-29. - Established.

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

(Ord. of 9-27-18)

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.

(Ord. of 9-27-18)

Sec. 2-31. - ~~Assistant town manager for administration~~ Director of finance/treasurer.

The department shall be under the supervision and control of the ~~assistant town manager for administration~~ director of finance /treasurer, 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 9-27-18)

Sec. 2-32. - Town treasurer.

The ~~assistant town manager for administration~~ director of finance/treasurer shall be the town treasurer.

(Ord. of 9-27-18)

Charter reference— Appointment of town treasurer, § 5.1.

Sec. 2-33. - Absence of ~~assistant town manager for administration~~ director of finance /treasurer.

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

(Ord. of 9-27-18)

Sec. 2-34. - Absence of town manager, deputy town manager, and ~~assistant town manager for community development/operations~~ director of community development.

In the absence of the town manager, deputy town manager, and the ~~assistant town manager for community development/operations~~ director of community development, the ~~assistant town manager for administration/treasurer~~ director of finance /treasurer shall perform the duties of the town manager, the deputy town manager, and the director of community development.

(Ord. of 9-27-18)

Sec. 2-35. - Bond.

Before entering upon the duties of the office, the treasurer shall execute a bond, the premium for which shall be paid by the town, with surety approved by the council in a penal sum established by council, conditioned upon the faithful performance of the duties of the office, for the proper collection of and accounting for all money which shall come into the treasurer's hands or which it shall be his or her duty to collect and for the payment of all money by the treasurer, or proper order of the council, to those entitled to receive the same.

(Ord. of 9-27-18)

Charter reference— Authority of council to require bond, § 7.2.

Sec. 2-36. - 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 the treasurer may deem proper and with the approval of council.

(Ord. of 9-27-18)

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

Sec. 2-37. - 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.

(Ord. of 9-27-18)

Sec. 2-38. - General method of keeping books and records.

The treasurer shall keep 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.

(Ord. of 9-27-18)

Sec. 2-39. - 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 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.

(Ord. of 9-27-18)

Sec. 2-40. - Inspection of books and records.

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

(Ord. of 9-27-18)

Sec. 2-41. - Annual audit and report.

An audit of the books of the treasurer shall be made annually by a certified public accountant approved by the council 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.

(Ord. of 9-27-18)

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

Secs. 2-42—2-51. - Reserved.

ARTICLE IV. - PUBLIC WORKS DEPARTMENT

Sec. 2-52. - Established.

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

(Ord. of 9-27-18)

Sec. 2-53. - Responsibilities.

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.

(Ord. of 9-27-18)

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

Sec. 2-54. -- Director of public works director.

The public works department shall be under the immediate supervision of the director of public works 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 9-27-18)

Secs. 2-55—2-61. - Reserved.

ARTICLE V. - PUBLIC UTILITIES DEPARTMENT

Sec. 2-62. - Established.

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

(Ord. of 9-27-18)

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.

(Ord. of 9-27-18)

Sec. 2-64. - Director of public utilities director.

The department shall be under the supervision and control of the director of 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.

(Ord. of 9-27-18)

ARTICLE VI. - POLICE DEPARTMENT¹⁹¹

Footnotes:

--- (3) ---

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

Sec. 2-65. - Established; composition.

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

(Ord. of 9-27-18)

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.

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.

(Ord. of 9-27-18)

Sec. 2-66. - 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.

(Ord. of 9-27-18)

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

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

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 law or department regulations.

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.

(Ord. of 9-27-18)

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 (§ 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 9-27-18)

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.
- (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 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 9-27-18)

State Law reference— Code of Virginia § 15.2-1731 et seq.

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.

(Ord. of 9-27-18)

Sec. 2-76. - Responsibilities.

The department shall be responsible for community and economic development functions of the town. Such functions include, without limitation, the administration and enforcement of land use planning, zoning, subdivision, stormwater control and management, flood plain management, and erosion and sedimentation control ordinances and regulations; as well as business retention and attraction. 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.

(Ord. of 9-27-18)

Sec. 2-77. - ~~Assistant town manager for~~ Director of community development/~~operations~~.

The department shall be under the supervision and control of the ~~assistant town manager for~~ Director of community development/~~operations~~.

(Ord. of 9-27-18)

Sec. 2-77.1. - Zoning administrator and subdivision agent.

The ~~assistant town manager for~~ director of community development/~~operations~~. shall be the zoning administrator and subdivision agent.

(Ord. of 9-27-18)

Sec. 2-77.2. - Absence of ~~assistant town manager for~~ director of community development/~~operations~~.

In the absence of the ~~assistant town manager for~~ director of community development/~~operations~~. or in the event of a vacancy in the position of ~~assistant town manager for~~ director of community development/~~operations~~., the deputy town manager shall perform the duties of the ~~assistant town manager for~~ director of community development/~~operations~~. and shall serve as zoning administrator and subdivision agent.

(Ord. of 9-27-18)

Sec. 2-77.3. - Absence of town manager and deputy town manager.

In the absence of the town manager and deputy town manager, the ~~assistant town manager for~~ director of community development/~~operations~~ shall perform the duties of the town manager and deputy town manager.

(Ord. of 9-27-18)

ARTICLE VIII. - PLANNING COMMISSION^(A)

Footnotes:

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

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

Sec. 2-78. - Created.

A planning commission is hereby created for the town.

(Ord. of 9-27-18)

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

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

The planning commission shall consist of not less than five (5) nor more than nine (9) 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 (1) member may be a member of the town council.

(Ord. of 9-27-18)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-80. - Appointment of members.

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

State Law reference— Code of Virginia, § 15.2-2212.

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

- (a) The term of the council member of the planning commission shall be coextensive with the term of office to which the member has been elected or appointed, unless the council, at the first regular meeting of any year, appoints another to serve as its representative.
- (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.

(Ord. of 9-27-18)

State Law reference— Code of Virginia, § 15.2-2212.

Sec. 2-82. - Reserved.

Sec. 2-83. - Removal of members.

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

(Ord. of 9-27-18.)

State Law reference— Code of Virginia, § 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.

(Ord. of 9-27-18.)

TOWN OF BERRYVILLE

CRITERIA AND PROCEDURES

INSTALLATION OF SIGNS WHERE AN ADDITIONAL \$200 FINE FOR SPEEDING MAY APPLY

APPROVED BY THE BERRYVILLE TOWN COUNCIL _____

INTRODUCTION

Section 46.2-878.2 of the Code of Virginia provides that a fine of \$200, in addition to other penalties provided by law may apply for speeding in a residence district, when indicated by appropriately placed signs. Further, it states that the local governing body having jurisdiction over highways shall develop criteria for the applicability of such signs on highways under his jurisdiction.

PURPOSE

This document establishes the criteria developed by the Berryville Town Council for the applicability of "Additional \$200 Fine" signs (referred to as "\$200 Fine Signs" hereafter) on the town system of highways owned and maintained by the Town of Berryville, and the process that the town must follow for installing signs on such streets.

DEFINITIONS

A "Local Residential Street" is a street with a functional classification of "local" built as part of a residential development or a street where residential development has taken place, resulting in a residential development that resembles a neighborhood or community and where most of the residences face the street with driveway connections or curbside parking.

For purposes of this policy a "Minor Arterial Street" is defined as a street exhibiting the characteristics of a "Local Residential Street" but is functionally classified as a minor arterial. Per Section 46.2-878.2, a highway functionally classified as a minor arterial that otherwise meets the definition of a "Local Residential Street" may not be excluded from consideration for the \$200 Fine Signs.

For purposes of this policy a "Collector Street" is a street exhibiting the characteristics of a "Local Residential Street" but is otherwise functionally classified as a collector. Such collector streets likewise may not be excluded from consideration for the \$200 Fine Signs.

A "Residence District" is defined in § 46.2-100 as the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the



property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

CRITERIA FOR INSTALLATION OF SIGNS

This policy only applies to highways owned and maintained by the Town of Berryville. Highways that are owned by the Virginia Department of Transportation (VDOT) must follow the procedures adopted by the Commissioner of Highways.

To qualify for the signs, a street must meet the following criteria:

1. Be in the Town of Berryville system of highways maintained by the Town of Berryville.
2. Meet the definition of a "Local Residential Street" as defined above.
3. Have a properly and legally posted speed limit of 45 mph or less established in accordance with §§ 46.2-870 through 46.2-878, the Commissioner of Highways January 25, 2017 "Delegation of Authority – Speed Limits on State-Controlled Roads" and VDOT's IIM-TE-365.0, Speed Limit Change Process.

NOTE: Streets where the speed limit is not posted should have the speed limit signs installed for a reasonable time (at least 30 days or more) prior to deciding if criteria # 4 (below) is met.

4. Have a documented speeding problem. A speed study is conducted that includes speed data collected at one or more points along the street as appropriate demonstrating that the 85th percentile speed of vehicles in at least one travel direction exceeds the posted speed limit by 10 mph or more. Other VDOT programs such as the traffic calming program utilize a similar threshold.

PROCEDURE

The Director of Community Development will receive or initiate all requests for the installation of \$200 Fine Signs. Upon receipt or initiation of a request the Director of Community Development shall:

1. Confirm that the street where the \$200 Fine Sign is requested meets the definition of "Local Residential Street" established above and in section 46.2-878.2 Code of Virginia;
2. Confirm that the community supports the installation of \$200 Fine Signs on the identified street;
3. Cause a traffic study be conducted that collects speed data at one or more points along the street;

- a. A speeding problem exists when the 85th percentile vehicle speed in at least one travel direction exceeds the posted speed limit by 10 mph or more.
4. Identify the intended source of funding for the installation and maintenance of the signs;
5. Provide a recommendation to the Town Manager; and
6. The Town Manager will provide a recommendation to the Berryville Town Council concerning the adoption of a Resolution in support of the \$200 Fine Sign.

The Berryville Town Council will review the recommendation of the Town Manager and act upon the proposed Resolution.

INSTALLATION AND MAINTENANCE OF SIGNS

The Town of Berryville Department of Public Works shall be responsible for the installation and maintenance of the signs once approved by Resolution.

The Director of Public Works, or his designee, will identify locations for the installation of the signs. The Town of Berryville Construction Standards Manual procedures will be followed for the installation of the signs.

The Town shall purchase or fabricate and install the signs as described in Figure 1 and Figure 2 respectively.

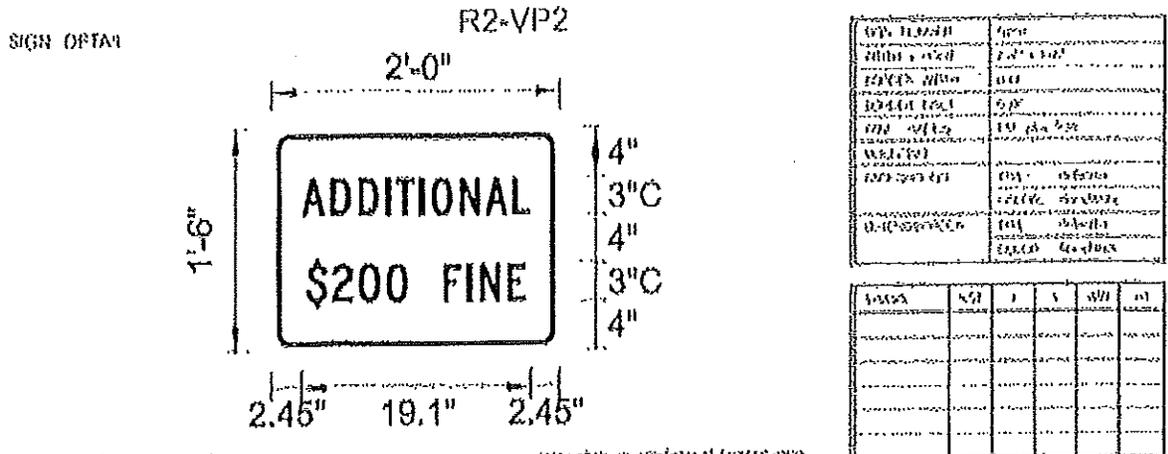
FUNDING

Sign installations may be funded using locality provided funds or applicable VDOT funds where available or a combination of those funds.

As stipulated in §46.2-878.2, signs installed in a town do not require the approval of the county within which the town is located and; such signs shall be paid for by the town requesting installation of the signs, or from any applicable VDOT funds where available.

Figure 1

"ADDITIONAL \$200 FINE" SIGN DETAIL



LETTER POSITIONS (X)											MATERIAL SPECIFICATIONS	
A	B	C	D	E	F	G	H	I	J	K	TYPE	SIZE
1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112	113	114	115	116	117
118	119	120	121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140	141	142	143
144	145	146	147	148	149	150	151	152	153	154	155	156
157	158	159	160	161	162	163	164	165	166	167	168	169
170	171	172	173	174	175	176	177	178	179	180	181	182
183	184	185	186	187	188	189	190	191	192	193	194	195
196	197	198	199	200	201	202	203	204	205	206	207	208
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235	236	237	238	239	240	241	242	243	244	245	246	247
248	249	250	251	252	253	254	255	256	257	258	259	260
261	262	263	264	265	266	267	268	269	270	271	272	273
274	275	276	277	278	279	280	281	282	283	284	285	286
287	288	289	290	291	292	293	294	295	296	297	298	299
300	301	302	303	304	305	306	307	308	309	310	311	312
313	314	315	316	317	318	319	320	321	322	323	324	325
326	327	328	329	330	331	332	333	334	335	336	337	338
339	340	341	342	343	344	345	346	347	348	349	350	351
352	353	354	355	356	357	358	359	360	361	362	363	364
365	366	367	368	369	370	371	372	373	374	375	376	377
378	379	380	381	382	383	384	385	386	387	388	389	390
391	392	393	394	395	396	397	398	399	400	401	402	403
404	405	406	407	408	409	410	411	412	413	414	415	416
417	418	419	420	421	422	423	424	425	426	427	428	429
430	431	432	433	434	435	436	437	438	439	440	441	442
443	444	445	446	447	448	449	450	451	452	453	454	455
456	457	458	459	460	461	462	463	464	465	466	467	468
469	470	471	472	473	474	475	476	477	478	479	480	481
482	483	484	485	486	487	488	489	490	491	492	493	494
495	496	497	498	499	500	501	502	503	504	505	506	507
508	509	510	511	512	513	514	515	516	517	518	519	520
521	522	523	524	525	526	527	528	529	530	531	532	533
534	535	536	537	538	539	540	541	542	543	544	545	546
547	548	549	550	551	552	553	554	555	556	557	558	559
560	561	562	563	564	565	566	567	568	569	570	571	572
573	574	575	576	577	578	579	580	581	582	583	584	585
586	587	588	589	590	591	592	593	594	595	596	597	598
599	600	601	602	603	604	605	606	607	608	609	610	611
612	613	614	615	616	617	618	619	620	621	622	623	624
625	626	627	628	629	630	631	632	633	634	635	636	637
638	639	640	641	642	643	644	645	646	647	648	649	650
651	652	653	654	655	656	657	658	659	660	661	662	663
664	665	666	667	668	669	670	671	672	673	674	675	676
677	678	679	680	681	682	683	684	685	686	687	688	689
690	691	692	693	694	695	696	697	698	699	700	701	702
703	704	705	706	707	708	709	710	711	712	713	714	715
716	717	718	719	720	721	722	723	724	725	726	727	728
729	730	731	732	733	734	735	736	737	738	739	740	741
742	743	744	745	746	747	748	749	750	751	752	753	754
755	756	757	758	759	760	761	762	763	764	765	766	767
768	769	770	771	772	773	774	775	776	777	778	779	780
781	782	783	784	785	786	787	788	789	790	791	792	793
794	795	796	797	798	799	800	801	802	803	804	805	806
807	808	809	810	811	812	813	814	815	816	817	818	819
820	821	822	823	824	825	826	827	828	829	830	831	832
833	834	835	836	837	838	839	840	841	842	843	844	845
846	847	848	849	850	851	852	853	854	855	856	857	858
859	860	861	862	863	864	865	866	867	868	869	870	871
872	873	874	875	876	877	878	879	880	881	882	883	884
885	886	887	888	889	890	891	892	893	894	895	896	897
898	899	900	901	902	903	904	905	906	907	908	909	910
911	912	913	914	915	916	917	918	919	920	921	922	923
924	925	926	927	928	929	930	931	932	933	934	935	936
937	938	939	940	941	942	943	944	945	946	947	948	949
950	951	952	953	954	955	956	957	958	959	960	961	962
963	964	965	966	967	968	969	970	971	972	973	974	975
976	977	978	979	980	981	982	983	984	985	986	987	988
989	990	991	992	993	994	995	996	997	998	999	1000	1001
1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040
1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053
1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066
1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079
1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092
1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105
1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118
1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131
1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144
1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157
1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170
1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183
1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196
1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209
1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222
1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	

Figure 2

"ADDITIONAL \$200 FINE" SIGN



NOTES:

1. Per the 2009 MUTCD * Section 2B.17:
 - i. The supplemental sign panel (R2-VP2) shall be posted below the regulatory R2-1 speed limit sign panel as shown in Figure 2 in each travel direction at the beginning of the zone where the additional \$200 fine is designated.
 - ii. A sign indicating "End Higher Fines Zone" (R2-11) shall be installed in each travel direction at the end of the higher fines zone to indicate the end of the zone where the additional \$200 fine is designated.
2. On multi-lane highways dual-indicated signs are recommended for maximum effectiveness in conveying the higher fine as well as the posted speed limit.

* The most recent approved version of the MUTCD, the Virginia Standard Highway Signs book and the Virginia Supplement to the MUTCD, where different from the above shall be followed.

DRAFT

BUDGET CALENDAR FY 2023-2024

ACTIVITY	RESPONSIBILITY	DATE
Standing Comm. Budget Priorities	Standing Committees	October 28, 2022
Council Budget Priorities	Town Council	November 30, 2022
Ask for Department & CIP Budget Requests	Town Manager Town Treasurer	January 11, 2023
Prepare Budget & CIP Requests	Department Heads	January 11, 2023 February 1, 2023
Submit Departmental & CIP Budget Requests to Treasurer	Department Heads	February 1, 2023
Prepare Initial Revenue Estimates for Upcoming FY	Town Treasurer	January 11, 2023 February 1, 2023
Prepare Non-departmental Budget Requests	Town Treasurer	January 11, 2023 February 1, 2023
Review Department & CIP Budget Requests	Town Manager Town Treasurer	February 2, 2023 February 17, 2023
Review/Revise Budget Estimates with Dept Heads	Town Manager	February 2, 2023 February 17, 2023
Budget Committee Work session	B&F Committee Town Staff	February 28, 2023 A/B Meeting Room 10:00 a.m.
Council Budget Work session	Town Council Town Staff	March 6, 2023 Main Mtg Room 3:00 p.m.
PH Ad to Newspaper	Town Treasurer	March 28, 2023
Tax PH Notice Published	Town Staff	April 4, 2023
Public Hearing Real Estate Tax Rates	Town Council	April 11, 2023
Council Meeting Set 2023 Tax Rates	Town Council	April 11, 2023
Print & Proof Budget	Town Treasurer	April 12, 2023 April 28, 2023
PH Ad to Newspaper	Town Treasurer	April 18, 2023
Budget PH Notice Published	Town Staff	April 25 & May 2, 2023
Public Hearing FY 2023-2024 Budget	Town Council	May 9, 2023
Adopt Budget & Appropriate Funds	Town Council	June 13, 2023
Print & Distribute Approved Budget	Town Treasurer	June 14, 2023 June 30, 2023

TOWN COUNCIL
MOTION FOR APPROVAL:
ADOPTION OF RESOLUTION TO CHARGE OFF
DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEAR 2016

Date: September 13, 2022

Motion By:

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for Tax Year 2016.

VOTE:

Aye:

Nay:

Absent:

ATTEST: _____
Erecka L. Gibson, Recorder

TOWN COUNCIL
MOTION AUTHORIZING PUBLICATION OF
DELINQUENT REAL ESTATE AND PERSONAL PROPERTY TAXES

Date: September 13, 2022

Motion By:

Second By:

I hereby move 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.

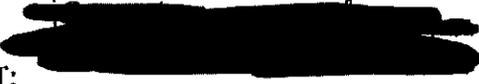
VOTE:

Aye:

Nay:

Absent:

ATTEST:



Erecka L. Gibson, Recorder

TOWN OF BERRYVILLE
TOWN COUNCIL
RESOLUTION

WHEREAS, Section 58.1-3940 of the Code of Virginia, 1950, as amended, provides the collection of local personal property taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed, and

WHEREAS, the attached personal property taxes assessed by the Town of Berryville, Virginia for tax year 2016, have remained delinquent for the year for which such taxes were assessed and are therefore rendered unenforceable,

NOW, THEREFORE; BE IT RESOLVED, by the Council of the Town of Berryville, Virginia, in meeting duly assembled this thirteenth day of September, 2022, that the attached list of delinquent personal property taxes for tax year 2016 shall be charged off the tax records of the Town of Berryville as uncollectible.

Harry Lee Arnold, Jr., Mayor

I hereby certify that the foregoing Resolution was duly adopted by the Council of the Town of Berryville in meeting assembled September 13, 2022.

ATTEST:

Erecka L. Gibson, Recorder

TOWN COUNCIL
MOTION FOR APPROVAL:
ADOPTION OF RESOLUTION TO CHARGE OFF
DELINQUENT PERSONAL PROPERTY TAXES FOR TAX YEAR 2016

Date: September 13, 2022

Motion By: *Rodriguez*

Second By:

I hereby move that the Council of the Town of Berryville adopt the attached resolution to charge off delinquent personal property taxes for Tax Year 2016 and authorize publication of delinquent real estate and personal property taxes.

VOTE:

Aye: *Unanimous voice vote*

Nay:

Absent:

ATTEST: _____
Erecka L. Gibson, Recorder