



Berryville Town Council

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

February 11, 2020

7:30 PM

Item

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1. Call to Order

2. Pledge of Allegiance

3. Approval of Agenda

4. Presentations/Awards and Recognitions

Resolution Honoring Elmodyne Grim Childs on her 100th Birthday

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5. Public Hearings

6. Discussion of Public Hearing Items

**7. Citizens' Forum**

**8. Consent Agenda**

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Approval of Minutes

01/14/20 Regular Meeting of the Town Council  
01/27/20 Meeting of the Public Safety Committee  
01/27/20 Meeting of the Community Development Committee  
01/28/20 Meeting of the Personnel Committee  
01/28/20 Meeting of the Streets and Utilities Committee  
02/03/20 Town Council Work Session

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**14. Closed Session**

**15. Adjourn**

**A RESOLUTION OF THE COUNCIL OF THE TOWN OF BERRYVILLE, VIRGINIA  
HONORING ELMODYNE GRIM CHILDS**

**WHEREAS, Mrs. Elmodyne Grim Childs celebrated her one hundredth birthday on February 5, 2020; and**

**WHEREAS, Mrs. Childs has resided in Clarke County most of her life and currently lives in the Town of Berryville; and**

**WHEREAS, Mrs. Childs married David Francis Childs May 19, 1945. Mr. Childs passed away in 1981; and**

**WHEREAS, Mrs. Childs has been blessed with two children, David C. Childs and Ann Tucker Keller; six grandchildren; 13 great-grandchildren; and four great-great-grandchildren; and**

**WHEREAS, Mrs. Childs worked as a telephone operator prior to her marriage, then was a homemaker and enjoyed sewing and arranging flowers; and**

**WHEREAS, Mrs. Childs is a life member of the Berryville Baptist Church and has served as a member of the flower committee; and**

**WHEREAS, Mrs. Childs is a member of the Town & Country Garden Club; and**

**WHEREAS, Mrs. Childs has volunteered for many years for the Clarke County Ruritan Club;**

**NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Berryville congratulates Mrs. Childs on her one hundredth birthday.**

**By order of the Town Council this eleventh day of February 2020.**

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**Patricia Dickinson, Mayor**

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**Harry Lee Arnold, Jr., Recorder**

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Consent Agenda - Approval of Minutes

**Prepared By**

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**Background/History/General Information**

A consent agenda is a tool utilized by the Town Council for grouping routine business and reports into one agenda item.

Any Council member may, as a matter of privilege, remove an item from the consent agenda and have it replaced with another agenda item.

**Findings/Current Activity**

The consent agenda contains six items to be considered for approval:

Minutes of the 01/14/20 Regular Meeting of the Town Council  
Minutes of the 01/27/20 meeting of the Public Safety Committee  
Minutes of the 01/27/20 meeting of the Community Development Committee  
Minutes of the 01/28/20 meeting of the Personnel Committee  
Minutes of the 01/28/2020 meeting of the Streets and Utilities Committee  
Minutes of the 02/03/2020 Town Council Work Session

**Financial Considerations**

None

**Schedule/Deadlines**

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

**Other Considerations**

None

**Attachments**

**Recommendation**

None

**Sample Motion**

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

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Approval of Minutes -

01/14/20 Regular Meeting of the Town Council  
01/27/20 Meeting of the Public Safety Committee  
01/27/20 Meeting of the Community Development Committee  
01/28/20 Meeting of the Personnel Committee  
01/28/20 Meeting of the Streets and Utilities Committee  
02/03/20 Town Council Work Session

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Consent Agenda 02.11.2020

**Recommendation**

**Sample Motion**

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**January 14, 2020**  
**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:** Present--Keith Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department

**Press:** Mickey Powell, 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**

Mayor Dickinson asked for a change in the order of agenda items so attendees who wished to discuss the Second Amendment could do so early in the meeting instead of waiting for the Town Manager's report. She requested that the discussion be placed immediately after the consent agenda.

**Council member Harrison moved to relocate the discussion of the Second Amendment from the Town Manager's report to a position immediately following the consent agenda. Council member Rodriguez seconded.**

**Roll call vote as follows:**

**McDonald: Nay**  
**Harrison: Aye**  
**Gibson: Aye**  
**Rodriguez: Aye**  
**Arnold: Aye**  
**Dickinson: Aye**

**The motion passed.**

#### **4. Presentations, Awards, and Recognitions**

Josh Roller of Robinson, Farmer, and Cox gave a presentation on the independent auditors' financial report on the Town of Berryville for fiscal year 2019, copies of which had been provided to Council in advance of the meeting.

New Clarke County Administrator Chris Boies introduced himself and said he looked forward to the County and Town working together on matters including land-use plans and economic development. He said Town and County had worked together often in the past, and complimented Town staff.

Mayor Dickinson announced the annual Four Chaplains memorial service to be hosted by the Lloyd Williams Post 41 of the American Legion.

#### **5. Public Hearings**

No public hearings were scheduled.

#### **6. Discussion of Public Hearing Items**

There being no public hearing, no discussion occurred.

#### **7. Citizens' Forum**

Town resident Dan Jones spoke about Article 1, Section 13 of the Virginia Constitution. He said the Virginia Constitution provides for a citizen militia as a protection against tyrannical governments at all levels. He said arms-bearing is of supreme importance in securing liberty, and asked Council to follow the County's example in resisting a political party and executive branch that he said will not stop at infringing the right to bear arms.

Clarke County resident Greg Mauzy said he works in Berryville and conducts business in the Town daily. He urged Council to consider the motion on the agenda and join with other jurisdictions in presenting a unified front to the government in Richmond.

Berryville resident Richie Blick asked that Council support the Second Amendment. He cited the number of signatures and social media followers indicating such support in the community. He said the Emergency Protective Order system is defective and neglectful of due process, and that the mental health system is in need of revision.

Berryville resident Todd Sauers said he is retired from the military and had chosen residence in Virginia instead of Maryland because a small number of Maryland counties were bringing legal changes to pass for the entire state, but that Virginia is now on the same path. He said small enclaves of opposition to firearms were imposing their will on the rest of the state. He said enforcement of red-flag laws provides insufficient due process. He asked that Council members to listen to everyone

and vote as their constituents wish. He said the bill currently before the Assembly would cause the rights of some people to be denied by the opinions of others.

Berryville resident Paul Matte said he had lived in New York State, where concealed-carry permits are in danger of significant curtailment, and that Virginia is now following the same pattern as New York, with urban areas unduly affecting policy for non-urban areas. He said the right to self-defense is fundamental and that firearms are analogous to insurance policies.

Berryville resident Van Armacost read from the United States Constitution and urged Council to vote in favor of the resolution supporting the Second Amendment.

Berryville resident Joseph Lynn urged Council to vote for the resolution supporting the Second Amendment.

Jason Gimble said he was moving away from Clarke County the following day because his First Amendment rights had been violated inasmuch as he had been ordered out because of political differences. He said it should not be necessary even to discuss Constitutional verbiage against infringement of the right to bear arms, which he said is clear. He said wrongdoers always acquire firearms and cited the recent Texas shooting as an example of a responsible gun owner overcoming an irresponsible one.

David Smith said police cannot arrive instantly when residents are in danger and that residents must have the means to protect themselves and their children while awaiting the police.

Barry Lewis said the bill in the Assembly is supposed to promote public safety but that it punishes law-abiding citizens who are kept safe by having firearms. He said he was interested only in defense of self, family, and property. He asked Council to vote to make Berryville a Second Amendment sanctuary city.

Ruth Schakowski said she had lived in Berryville for ten years, having moved to Virginia twenty years ago because of problems in California. She related her experience of police telling her to acquire a firearm in circumstances in which her life was in danger. She said she finds it incomprehensible that Virginia would circumscribe her ability to protect herself and her family. She said the grandfather provisions in the current bill would not help future generations, and asked that Council consider the resolution.

Clarke County resident Stacy Smith said a distant government is attempting to curtail the rights of rural residents. She compared this with Seattle, which she said dictates to the entirety of the state of Washington. She asked Council to support the resolution.

Josiah Allway said it is a law of nature and nature's God that the prey has a right to defend itself against the predator. He said Jesus had told his disciples to carry weapons for self-defense. He said

crime has increased in Australia since the imposition of firearms restrictions there and that he believed similar results would occur in Clarke County and In the United States.

## **8. Consent Agenda**

Mayor Dickinson invited a motion to approve the consent agenda comprising the minutes of the December 10 regular meeting of Council.

Council member McDonald asked whether members of Council are permitted to place items on the consent agenda as well as being permitted to remove items. She said she wished to place on the consent agenda a vote on the Second Amendment resolution in the present meeting. The mayor explained the difference between the agenda and consent agenda. Council member McDonald said Council should proceed to a vote in the present meeting.

**Council member Rodriguez moved that the Council of the Town of Berryville approve the consent agenda. Council member Gibson seconded the motion.**

### **Roll call vote as follows:**

**McDonald: Aye**

**Harrison: Aye**

**Gibson: Aye**

**Rodriguez: Aye**

**Arnold: Aye**

**Dickinson: Aye**

**The motion passed.**

Council having agreed at the beginning of the meeting to conduct its discussion of the Second Amendment at this juncture, Mayor Dickinson directed Council's attention to Mr. Dalton's summary of the issue in the agenda packet, which was accompanied by two resolutions: a sample Second Amendment sanctuary town resolution and a draft resolution in support of the Second Amendment based on a resolution adopted by Clarke County on January 6.

The mayor suggested that the resolution be read aloud, to be followed by discussion and a decision on whether to vote on it in the present meeting. There being no objection from Council, the mayor directed the Town Clerk to read the attached resolution. The Council agreed to discuss the resolution before proceeding to a motion.

Recorder Arnold said he would support as written the resolution based on the County resolution.

Council member Harrison read a statement in which she explained that she would vote no on either resolution. She said Council did not have the power to give what was being asked of it and that a sanctuary city resolution is contrary to Council's oath to uphold the law, including the Constitutions of

the United States and Virginia. She said support of a sanctuary resolution would imply that members of Council condone breaking the law when they or the citizens disagree with it. She said protests and the court system provide lawful avenues for opposing laws enacted by the Assembly. She said the resolution supporting the Second Amendment is being confused and/or misrepresented by various groups as a sanctuary resolution, the intent of which is to provide a sanctuary for disobedience of the laws, and that she therefore could not in good conscience support either resolution. She urged citizens to use legal mechanisms for voicing their views while still upholding the law.

Council member McDonald said she would support the resolution not in order to appease any person or group but because infringement of Constitutional rights in one area could lead to infringements in other areas. She said she would have preferred to see Council member Harrison's statement in advance and that addition of material not included in the agenda packet by any Council member is unfair. She said she would vote in favor of the resolution as a matter of protecting Constitutional rights.

Council member Gibson asked Council member Harrison to clarify her reference to two resolutions. Council member Harrison explained that there were two and that the resolution based on the County resolution and the sanctuary resolution were not the same but were nonetheless being linked by the public and treated as a unit in data and the shaping of public opinion. She said she could not support a resolution until the two are recognized and treated as separate.

Council member Gibson said she hoped for the development of common-sense laws to prevent gun violence. She explained that from childhood she had viewed firearms negatively and that her father, who had a record of suicide attempts and threatened violence, had committed suicide seventeen years ago with a gun he should not have been allowed to purchase. She said she would like to spare other people trouble of this nature but that she would not allow her personal view to impede her approval of the resolution.

Mayor Dickinson said it is necessary to recognize that people of different backgrounds and experience have different relationships with and views of firearms, citing as an example a relative-by-marriage from Manhattan whose viewpoint differed from that of her own family. She said it is impossible to know the contents of other people's hearts and minds, so choices about who may own firearms are difficult. She said she believes that a suitable approach to mental health issues and societal pressures and norms would be more effective than red-flag laws in preventing gun violence. She commended the County resolution and clarified that it is not a sanctuary city resolution but rather is a plea to state and federal legislators not to proceed with the intended legislation. She cited sanctuary cities for illegal immigrants and the non-enforcement of recreational marijuana laws by another state—perhaps Maryland—as examples of the law being flouted, and said the proposed Virginia legislation could be used to create a great deal of damage. She said she therefore would support the resolution.

Council member Rodriguez said she takes her oath of office seriously and that she also takes seriously the overwhelming support of the resolution she has heard from citizens. She said she would be happy

to vote in favor of it. She urged interested parties to contact their state legislators and make their views known.

Recorder Arnold clarified that the sanctuary resolution had been provided by a citizen while the Town had worked closely with the County on the resolution under discussion, which had also been vetted by the Town Attorney, who also serves as County Attorney. He said it serves its purpose well without advancing the idea of sanctuary.

**Recorder Arnold moved to adopt the resolution as presented on pages 66, 67, and 68 of the agenda packet. Council member Rodriguez seconded.**

**Roll call vote as follows:**

**McDonald: Aye  
Harrison: Nay  
Gibson: Aye  
Rodriguez: Aye  
Arnold: Aye  
Dickinson: Aye**

**The motion passed.**

Mayor Dickinson asked for a recess at 8:32 p.m.

The Council reconvened at 8:40 p.m.

## **9. Unfinished Business**

There was no unfinished business.

## **10. New Business**

There was no new business.

## **11. Council Member Reports**

Council member McDonald having expressed misgivings in December about always being the first member to give her report, the customary order was again modified.

**Ward 2:**

Council member Harrison had nothing to report from her ward.

### Ward 3

Council member Gibson had nothing to report from her ward.

### Ward 4

Council member Rodriguez said the most prominent issue among her constituents was the recent pyrotechnic starling-abatement efforts by the police department, which the Town had pursued after residents complained about property damage and health-and-safety concerns due to an unprecedented number of birds. She said she had received a large amount of adverse comment on the abatement measures and wished for Council to discuss the matter and see whether the Public Safety Committee would want to address it.

Mayor Dickinson said she had received many emails also. She said measures against the birds are necessary for public health and that she agreed with Mr. Dalton regarding pyrotechnics being the least destructive approach. She asked whether the Public Safety Committee would take up the matter.

There was a lengthy discussion of best practices concerning multiple forms of wildlife, and of whether intervention should be the responsibility of the Town or of residents with or without professional assistance.

Council member McDonald, chair of the Public Safety Committee, said the police officers had done what they thought was right. Mayor Dickinson explained that Mr. Dalton had instructed them to do what they did. Council member McDonald recommended that residents address the problems themselves. She said the problems were only occasional and that she adamantly opposed adding a bird policy to the Town Code and the burdens of the police chief and town manager. She said Council should fulfill other goals before pursuing new projects.

Council member Harrison said a large flock of robins had been adversely affected by the starling abatement procedures, and recommended development of a general policy.

Council member Rodriguez noted a remark by Mr. Dalton in a telephone conversation that dirt-moving in developments could lead to a variety of problems with wildlife.

Council member Gibson recommended taking action where property damage is at issue, and a policy defining when action should be taken.

Council member Rodriguez asked Mr. Dalton how long it would take him to draft some guidelines and whether he would consult a wildlife expert or veterinarian. He said he would do so but that he wished first to complete the revision of Chapter 8 of the Town Code dealing with refuse disposal, and the request for proposal for trash removal services

Mr. Dalton said staff should suspend its wildlife management efforts if Council does not support them, and that staff needed guidance on that point in the present meeting. He said the Town has been engaging in starling management for at least 35 years and that in recent years it has devoted even more effort to lawful management of vultures, a protected species. He said it is difficult to see how attenuation can be considered detrimental to an invasive species if it is permissible for a protected one. He said staff is not insisting on conducting abatement procedures but that citizens are restricted in the measures available to them, inasmuch as the use of firearms and aerial fireworks is prohibited in town, and that the Town has the obligation at least to discuss its responsibility to assist them. He said staff should have immediate clear guidance regarding whether its efforts should be discontinued, suspended pending further inquiry, or allowed to proceed. Mr. Dalton also said that asking people to address the problem privately is not unreasonable but that private action can lead to enforcement problems.

Recorder Arnold said some residents had expressed appreciation of the Town's efforts and that other matters are more pressing than the development of a wildlife policy.

Council member Rodriguez said it was acceptable to wait but that a broad wildlife policy is needed. She said that for now the disruption of birds should be discontinued.

The consensus of Council was that bird disruption should be discontinued until further notice.

The discussion of wildlife management being concluded, Mr. Dalton noted that land disturbance on the Shenandoah Crossing and Fellowship Square developments had begun that day, and asked for patience with concerns about activities on those sites. There was a discussion of the disposal of debris on those sites, particularly trees.

#### **Ward 1**

Council member McDonald said the Town needs a larger police presence and should hire an additional officer. Mayor Dickinson recommended discussing the matter at the next meeting of the Public Safety Committee. Council member McDonald said it had already been placed on the agenda.

#### **Recorder**

Recorder Arnold had nothing to report.

#### **Mayor**

Mayor Dickinson read a prepared statement (attached) addressing Recorder Arnold's report in the December 10 regular meeting and Council's finding, in association with that report, that she had violated Council's Code of Conduct.

Council member McDonald insisted on speaking at the conclusion of the mayor's report, expressing annoyance with the practice of delivering remarks not included in the agenda packet. She defended Recorder Arnold's actions and described practical benefits of Town police vehicles being serviced by Recorder Arnold's business, Berryville Auto Parts, rather than in Winchester. She asked for a ban on the use in Council meetings of documents not included in the agenda packet.

## **12. Staff Reports**

### **Public Works**

Nothing was added to the written report submitted to the Council. Council member Harrison asked about repair of the Josephine area pump station, referencing towels and rags entering the collection system. She asked whether source potential exists to prevent recurrence. Mr. Dalton said that in some cases the source of undesirable materials is easily determined, in which case the Town addresses the matter with those responsible. He said that otherwise the Town tries to educate the public about the importance of not flushing non-flushable items. He said he likely would direct public information specifically to the houses in the affected area. He said the maintenance schedule for pump stations is regular and well-suited to heading off problems, and that in better-configured pump stations there are mechanisms for screening out undesirable materials but that the pump station under discussion is not so configured. He said he has inquired about modification and has been advised that this likely is not possible and that public education is the best approach to addressing the problem.

Council member Harrison asked about a water main break in the area of a recently replaced main on Rice Street. Mr. Dalton said the break was in an older section of pipe.

### **Public Utilities**

Nothing was added to the written report submitted to Council.

### **Police Department**

Chief White had nothing to add to his written report.

### **Community Development**

Ms. Dunkle directed Council's attention to the portion of her report addressing the proposed street-renaming in the final phase of the Hermitage subdivision because changes in stormwater management regulations had necessitated a reconfiguration of the subdivision, noting that Mayor Dickinson had expressed concern about inconvenience and cost to current residents affected by the change. She said the three-way stop recommended by the Berryville Area Development Authority did

not seem optimal to her, and asked whether Council would like to solicit public comment before deciding to approve or disapprove. Mr. Dalton concurred regarding the three-way stop.

There was a discussion of where precisely the renaming would occur, how traffic patterns could best be managed, and the inconvenience and expense to residents. Mayor Dickinson said the reconfiguration had been caused by the developer trying to squeeze in another lot. Ms. Dunkle said this was not the case, that the Department of Environment Quality had changed regulations in a manner that necessitated the reconfiguration, that it had been necessary for the developer to reduce the number of lots, and that the final first yield was decreased from the preliminary plat originally approved.

Recorder Arnold expressed concern about the possibility of a mid-block address change creating confusion for emergency services and postal personnel.

Mr. Dalton said neither the Town nor the developer had planned the changes under discussion, and said staff needed guidance from Council regarding what process to follow. He concurred with Recorder Arnold's concerns about emergency services. There was a discussion of getting professional opinions about how to proceed, including input from VDOT and emergency services dispatchers. Mr. Dalton said staff would consult emergency services personnel.

Mayor Dickinson said the developer should be asked to reconfigure the subdivision, and there was a discussion of possible reconfigurations. Mr. Dalton said the subdivision plan had been approved and that Council could request that the developer adjust it, but that he was not optimistic about the request being granted. Mayor Dickinson said there had been no mention of the address change at the time the plan was approved. Ms. Dunkle said the final plat had not yet been submitted but that it conforms to all regulations in the subdivision ordinance. Mr. Dalton said this would permit its final approval by the Planning Commission and Berryville Area Development Authority. Ms. Dunkle recommended consultation with VDOT before engaging in further discussion in Council.

Council member Gibson said safety should trump all other concerns.

Council member McDonald said the issue is a minor one in comparison with other issues facing Council. She recommended that residents consult Ms. Dunkle and Mr. Dalton with their concerns and that Council allow staff discretion to do whatever is necessary.

There was a discussion of what type of notice residents would receive in preparation for the address changes.

#### **Administration/Finance**

Mr. Jacobs explained that the Town needed to open three new bank accounts: two to handle the in-and-out transactions for online payments and one for contributions to the police department.

Council member Gibson made a motion that the Council of the Town of Berryville authorize the treasurer to open three new bank accounts: two to handle the in-and-out transactions for online payments and one for contributions to the police department. Council member McDonald seconded.

Roll call vote as follows:

McDonald: Aye  
Harrison: Aye  
Gibson: Aye  
Rodriguez: Aye  
Arnold: Aye  
Dickinson: Aye

**Town Manager**

Mr. Dalton explained staff's objectives for the new CivicClerk agenda-creation platform.

### **13. Committee Updates**

#### **Budget and Finance**

Council member Gibson said the committee would not meet in January but would have a budget work session on February 25 at 10:30 a.m.

#### **Community Development**

Council member Rodriguez said the committee would meet on January 27 at 3:00 p.m. and hoped to be able after that to bring Council the request for proposal for a branding and marketing study. She said branding was to be addressed first.

#### **Personnel, Appointments, and Policy**

Recorder Arnold said action was needed on the reappointment of Ronnie Huff to the Clarke County Parks and Recreation Advisory Board, Mr. Huff's term having expired on December 31, and the reappointment of Ms. Dunkle to the Clarke County Economic Development Committee.

Recorder Arnold moved that the Council of the Town of Berryville recommend to the Clarke County Board of Supervisors that Ronnie Huff be reappointed to a four-year term on the Clarke County Parks and Recreation Advisory Board. Council member Rodriguez seconded.

**Roll call vote as follows:**

**McDonald: Aye  
Harrison: Aye  
Gibson: Aye  
Rodriguez: Aye  
Arnold: Aye  
Dickinson: Aye**

**The motion passed.**

**Recorder Arnold moved that the Council of the Town of Berryville recommend that the Clarke County Board of Supervisors reappoint Christy Dunkle to a four-year term on the Clarke County Economic Development Committee. Council member Rodriguez seconded.**

**Roll call vote as follows:**

**McDonald: Aye  
Harrison: Aye  
Gibson: Aye  
Rodriguez: Aye  
Arnold: Aye  
Dickinson: Aye**

**The motion passed.**

Council member Rodriguez asked whether the committee would be ready in its 9:00 a.m. January 28 meeting to discuss the process of hiring a deputy town manager. Mr. Dalton said he would like the opportunity to do so.

Mayor Dickinson said she had contacted the University of Virginia and Shenandoah University to see whether a classification and compensation study discussed by the committee might be conducted by students as an academic project. She said this would be a way to acquire a study of professional caliber at the cost of a small stipend and expenses, with minimal expenditure of staff time. She asked that this be added to the committee agenda. Mr. Jacobs said he had explored other options in consultation with other jurisdictions and would share them in the upcoming committee meeting.

### **Public Safety**

A discussion established that the committee would meet on January 27 at 1:00 p.m. to discuss trash disposal. Council member McDonald said committee members must study Chapter 8 of the Town Code, which addresses that topic, and decide on how to direct Mr. Dalton and Chief White.

### Streets and Utilities

A discussion established that the committee would meet on January 28 at 1:30 p.m. Mayor Dickinson said she wished to add to the agenda a discussion of the closure of Byrd Avenue and access to businesses on Station Road. She said she also said she wanted to discuss the recent accident in which a vehicle crashed into the True Value Hardware, and the possible installation of a barrier or signage on Jack Enders Boulevard to prevent similar driver error in the future.

Recorder Arnold expressed approval of the new street lights downtown. Council member Harrison said some of them might require adjustment to alleviate excessive brightness. Mr. Dalton said Ms. Dunkle is working on the lighting pilot.

### Other

Mr. Dalton noted that a work session was scheduled for February 3 at 3:00 p.m. to discuss trash removal services.

### 14. Closed Session

There was no closed session.

### 15. Adjourn

Mayor Dickinson requested a motion to adjourn.

Council member Rodriguez moved to adjourn, seconded by Council member Gibson. The motion passed by consensus at 10:21 p.m.

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

BERRYVILLE TOWN COUNCIL SIGN-UP SHEET

Citizens' Forum

Tuesday, January 14, 2020

7:30 p.m.

Name: \_\_\_\_\_ Town of Berryville Resident?

x Dan Jones	<input checked="" type="radio"/> Yes	<input type="radio"/> No
+ Greg Manzy	<input type="radio"/> Yes	<input checked="" type="radio"/> No
* Richie Blick	<input checked="" type="radio"/> Yes	<input type="radio"/> No
x Todd Sawers	<input checked="" type="radio"/> Yes	<input type="radio"/> No
+ Paul S. Mathe	<input checked="" type="radio"/> Yes	<input type="radio"/> No
+ VAN ARMAROST	<input checked="" type="radio"/> Yes	<input type="radio"/> No
* Joseph Lynn	<input checked="" type="radio"/> Yes	<input type="radio"/> No
* Jason Gimble	<input type="radio"/> Yes	<input type="radio"/> No
* David Smith	<input type="radio"/> Yes	<input type="radio"/> No
x Barry Lewis	<input type="radio"/> Yes	<input type="radio"/> No
x Ruth Sokakowski	<input type="radio"/> Yes	<input type="radio"/> No
x Stacy Smith	<input type="radio"/> Yes	<input type="radio"/> No
x Sosiah Allway	<input type="radio"/> Yes	<input type="radio"/> No
_____	<input type="radio"/> Yes	<input type="radio"/> No



**Resolution of the Berryville Town Council Expressing Its Intent to Uphold and Defend the Constitution of the United States and the Constitution of the Commonwealth of Virginia**

**WHEREAS**, the Constitution of the United States, including the Bill of Rights, forms the foundation of our nation and the rule of law; and

**WHEREAS**, the Bill of Rights enumerates certain inherent citizens' rights, such as "the freedom of speech," "the right of the people peaceably to assemble, and to petition the government for a redress of grievances," "being necessary to the security of a free state, the right of the people to keep and bear arms," "the right of the people to be secure in their persons, houses, paper, and effects, against unreasonable searches and seizures, "nor be deprived of life, liberty, or property, without due process of law; and

**WHEREAS**, the members of the Town Council each pledged a solemn oath to uphold these laws, which reads, "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent

upon me as a member of the Berryville Town Council according to the best of my ability, (so help me God); and

**WHEREAS**, the Town Council of Berryville, Virginia, has only those powers granted to it by the General Assembly and Article VII of the Virginia Constitution; and

**WHEREAS**, the Second Amendment of the United States Constitution states, “A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.”; and

**WHEREAS**, Article I, Section 13, of the Constitution of Virginia provides “that a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed”; and

**WHEREAS**, the right of the law-abiding citizens of Berryville to keep and bear arms for the purpose of lawful self-defense and hunting pursuant to the rights bestowed upon them by the Second Amendment of the United States Constitution and Article I, Section 13 of the Constitution of Virginia is a part of the fabric of this Town and must be respected and upheld; and

**WHEREAS**, certain legislation that has or may be introduced in the Virginia General Assembly, and certain legislation which has or may be introduced in the United States Congress could have the effect of infringing upon the right of law abiding citizens to keep and bear arms, in violation of the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia; and

**WHEREAS**, the Berryville Town Council wishes to express its deep commitment to the right of the citizens of Berryville to keep and bear arms; and

**WHEREAS**, the Berryville Town Council wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Berryville to keep and bear arms.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Berryville:

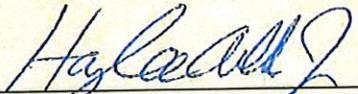
That the Town Council hereby expresses its intent to uphold and defend the Constitution of the United States and the Constitution of the Commonwealth of Virginia; and

That the Town Council urges the Virginia General Assembly and the United States Congress not to adopt or enact any law that would infringe on the right to keep and bear arms in violation of the Second Amendment; and

That the Town Manager is directed to cause true copies of this resolution to be forwarded to the Town's representatives in the Virginia General Assembly and the United States Congress and to the Governor of Virginia.

Adopted this 14<sup>th</sup> day of January, 2020

ATTEST

  
\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

# Mayors Report

January 14, 2020

Let me begin by clarifying that I am not an attorney and, therefore am not offering a legal opinion.

Last month Mr. Arnold accused me of wrongdoing. As stated in the Town Council meeting minutes of December 10, 2019; "Recorder Arnold said that Mayor Dickinson, after receiving the determination of the Commonwealth's Attorney that no conflict of interest existed, had continued to promote the idea that he had a conflict."

A conflict of interest is a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. The Virginia Conflict of Interest Act was enacted so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth. The Conflict of Interest Act states that "No person elected or appointed as a member of the governing body of a county, city or town shall have a personal interest in any contract with his governing body." However, the Conflict of Interest Act goes on to establish some exceptions to this prohibition. For the Town of Berryville a person on Town Council can do business with the town provided no single transaction exceed \$500 and the total of all transactions in a given year not exceed \$5,000. These limitations can be expanded provided there is a contract with the town that was secured via competitive bidding.

I refer you to the Commonwealth's Attorney's opinion in which she states that Mr. Arnold does have a conflict of interest and then goes on to explain how he can avoid being in violation of the Conflict of Interest Act. Mr. Arnold tried to mislead this council and the people of Berryville when he stated that he did not have a conflict of interest. His conflict of interest has never been in doubt – not by me, not by many of the citizens of Berryville, and, as expressed in her opinion, not by the Commonwealth's Attorney.

The very foundation of Mr. Arnold's accusations against me are unfounded and simply not true.

I have been open and honest in my concerns about Mr. Arnold's conflict of interest and financial dealings. As you may recall, it was for this reason that in 2016, I told Council I would not appoint Mr. Arnold to the Budget and Finance Committee. For me there was never any doubt that a conflict of interest exists. What was of concern to me was whether or not Mr. Arnold had violated the conflict of interest act.

In 2017 after attending a Virginia Municipal League conference and learning more about the conflict of interest act, I was concerned that Mr. Arnold might be in violation. I could have come back to council and openly accused Mr. Arnold of possible wrongdoing. However, I decided that it would be more appropriate to advise Mr. Arnold to seek an opinion from the Commonwealth's Attorney on the matter. On October 11, 2017, I sent Mr. Arnold an email with my suggested course of action.

On October 23, 2017, less than two weeks after my email, Mr. Arnold formally requested the Commonwealth's Attorney provide him with an opinion on "whether it is a conflict of interest for departments of local government to purchase goods or receive services in exchange for money from your business, Berryville Auto Parts while you serve as the Recorder on the Berryville Town Council. "

Based on Mr. Arnold's request to the Commonwealth's Attorney, I think it reasonable to assume that he perceived my email as a helpful suggestion and not as a threat.

In her opinion the Commonwealth's Attorney went on to state that "In order to understand this issue completely, I sought information from the Town Manager Keith Dalton and Chief of Police Neal White." She goes on to state that "I have reviewed the Town of Berryville's Purchasing Policy, a spreadsheet showing expenditures to BAP since 2000 and the Clarke County contract with Berryville Auto Parts for vehicle maintenance since Berryville Auto Parts extends the same terms to the Berryville Police Department."

Nowhere in the Commonwealth's Attorney opinion does she reference a contract between the Town of Berryville and Berryville Auto Parts. In my view, extending the terms of one contract to another customer is not the same as having a contract with that customer. But remember, I am not an attorney and I am not offering a legal opinion.

The Commonwealth's Attorney's opinion stated that she had reviewed the dollar amount of the transactions since 2013 using the spreadsheet provided to her by the town manager. She states "it appears as though many of the individual purchases from Berryville Auto Parts do not exceed \$500. However, the aggregate sales are close to, and in some years, have exceeded \$5,000. Therefore, the answer to your query is the only way for the contracts between the town of Berryville and Berryville Auto Parts to be permissible is ... if the aggregate annual sales exceed \$5,000 that they arose as a result of a sealed bid." The Commonwealth's Attorney never mentions or references a contract between the Town of Berryville and Berryville Auto Parts. If the town manager had provided the Commonwealth's Attorney with a spreadsheet of transactions why did he not provide her with a copy of a contract? Is there a contract?

For nearly four years I have expressed my concerns about Mr. Arnold's Conflict of Interest both publicly in Town Council meetings and privately via email with Mr. Arnold. Throughout this time, Mr. Arnold has refused to acknowledge my concerns or provide information that would clarify his situation.

Mr. Arnold may have been able to resolve all concerns if he had reported to Town Council that he had been awarded a contract with Clarke County via competitive bidding and that he had extended the terms of this contract to the Berryville Police Department. Mr. Arnold chose to remain silent.

Mr. Arnold may have been able to resolve all concerns if he had responded to my email of October 11, 2017. Mr. Arnold chose to remain silent.

Mr. Arnold may have been able to resolve all concerns if he had made public the Commonwealth's Attorney's opinion of October 23, 2017. Mr. Arnold chose to remain silent.

Mr. Arnold may have been able to resolve all concerns if he had responded to my email of April 28, 2018. Mr. Arnold chose to remain silent.

And now, after more than two years he decides that my emails are threatening. If Mr. Arnold felt threatened by my emails why did he wait until now to express concern? It seems to me that Mr. Arnold's accusations against me are not the result of my emails or actions but are in retaliation for the State Police finding credible evidence that he violated the Conflict of Interest Act and then charging with him on multiple counts of violating the Act.

As I have stated previously; I do not know anyone in the Virginia State Police organization and have never contacted them regarding this or any other issue.

In our Council December meeting minutes it is reported that Mr. Arnold stated that I had provided to the public and an association of citizens inaccurate information of an accusatory and defamatory nature without any investigation by Council occurring, and that I had threatened him via email saying I would make his Conflict of Interest public.

I challenge Mr. Arnold to specify what information I provided to the public that was untruthful, accusatory or defamatory and to whom the information was shared. Mr. Arnold cannot provide this information because it does not exist.

Previously I sought the counsel of two individuals in the community whose opinions I value. Those meetings were private and dealt not with Mr. Arnold's apparent conflict of interest act violations but with how I might best address the matter. I do not consider these two conversations to constitute 'the public' nor do I consider our conversations to be sharing information that was accusatory or defamatory.

I have tried to address this matter with sensitivity. I have tried to not publicly disparage Mr. Arnold's reputation. As my emails attest, I have tried for some time to get Mr. Arnold to take my concerns seriously and to make his financial dealings with the town transparent. It was Mr. Arnold's actions, not mine, that ultimately resulted in his being indicted by the Virginia State Police.

I believe the course of action taken by the group of concerned citizens was appropriate. It means that there are Berryville residents who are paying attention. They read the meeting minutes and the agenda packets. And having reviewed the information that was available to them, they saw reason to be concerned. Just as a responsible citizen should do, they reported their concerns to me and to the state police. The state police did what they are expected to do, they investigated. Their investigation led them to the conclusion that there was sufficient credible evidence to indict Mr. Arnold. The courts then did what they are supposed to do and they adjudicated the matter. This is how our system is supposed to work. I played no part in this series of events.

If Mr. Arnold had been transparent in his dealings with the town then the citizens would not have had cause for concern. If the citizens had not had cause for concern they would not have contacted the state police and the state police would not have investigated. If the police had not found sufficient and credible evidence of wrongdoing they would not have indicted. If Mr. Arnold had not been indicted then the courts would not have had to get involved. Mr. Arnold brought this on himself. He and he alone is responsible for the series of events that led to his indictment.

We must never attach blame, criticize or discourage citizens from paying attention. When citizens are not involved and governing bodies operate in secret then we create an unhealthy environment. Look around you at our neighbors. The misdeeds of the Front Royal Economic Development Authority have ruined lives and destroyed a community's faith in their elected officials. If even one person on the Town Council or the Board of Supervisors or a concerned citizen had asked questions then this situation might have been avoided. And it isn't just our governing bodies where secrecy and a lack of attention can create issues. The VFW and American Legion in Winchester, the VFW in Front Royal and our very own Clarke County Ruritan have each had disastrous outcomes because people were not paying attention and because those who were in responsible positions did not ask questions.

I applaud our citizens for their actions. I applaud them for not ignoring this situation. Given the information available to them it is only reasonable that they reached the conclusion they did. And that the State Police came to the same conclusion is a testament to Mr. Arnold's lack of transparency in his financial dealings with the town. All of this could have been avoided if Mr. Arnold had responded to my concerns and made his financial dealings with the town transparent.

Last month Mr. Arnold included in his complaint against me a memo from Town Council dated April 6, 2018. This memo is completely irrelevant to Mr. Arnold's complaint and only serves to provide further evidence that Mr. Arnold's actions were intended to be a personal attack under the guise of a code of conflict violation. His actions are inexcusable.

Finally, I would like to address the manner in which Mr. Arnold brought his complaint to Town Council. It was a matter of several months between my last email to Mr. Arnold and his complaint against me. There was ample time for him to include his accusation and request for action in the published Town Council agenda. By not making his accusation and his request for action public he denied me and the people of Berryville the opportunity to know what actions were being considered by Council. He denied the public the right to know.

Mr. Arnold chose not to be open and transparent in his dealings, but instead he deliberately launched a sneak attack. I can only assume he chose this path so that he could control the conversation and so I would not have the opportunity to prepare a response. In my view a sneak attack is a cowardly thing and should not be tolerated. I would ask that the Personnel Appointments and Policy Committee establish a policy regarding extemporaneous agenda changes, but then, I don't expect that my request would be considered as Mr. Arnold is chair of that committee.

This concludes the mayor's report.

**BERRYVILLE TOWN COUNCIL PUBLIC SAFETY COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**January 27, 2020**

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A meeting of the Berryville Town Council Public Safety Committee was held on Monday, January 27, 2020 at 1:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

Members of the Committee present: Donna McDonald, Chair; Diane Harrison; Mayor Pat Dickinson

Council member also present: Recorder Jay Arnold

Staff present: Keith Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Neal White, Chief of Police; Paul Culp, Town Clerk; Heather DeHaven, Finance Clerk

Press present: Mickey Powell, The Winchester Star

**1. Call to Order**

Chair McDonald called the meeting to order at 1:00 p.m.

**2. Approval of Agenda**

Mr. Dalton requested a change to the agenda in order to discuss the agenda packets themselves and to allow Mr. Jacobs, Ms. DeHaven, and Chief White to give their reports early in the meeting and return to other duties as needed.

Mayor Dickinson moved to approve the revised agenda, seconded by Ms. Harrison. The motion passed by consensus.

**3. New Business**

Mr. Dalton asked whether the committee would agree to staff saving time and paper by not producing extra copies of the agenda packets for members who do not bring their hard copies to meetings. Mayor Dickinson said this is acceptable if a copy is made available for members of the public. There was a discussion of how the packets are assembled and printed.

## **Police Department Update**

Chief White said the department had made more arrests in 2019 than in 2018 and that it had also received more animal complaints. He said there had also been an increase in narcotics activity. He said the department had been tracking mental health calls more closely since May of 2019, that the number was high even though the figures were not for an entire year, and that the trend was continuing in 2020. He said the department had responded to three overdoses in 2020, one of them fatal.

Mr. Dalton said these developments should be taken into account in the Town's budgeting process.

Chair McDonald said the Town should add another officer in whatever capacity Chief White and Mr. Dalton think best for the safety of the community. She said the community is growing, that constituents are asking for more enforcement, and that the department is placed under excessive strain when even one officer must be absent from work. Mr. Dalton said these matters are under consideration and will be taken into account in the proposed budget.

Mayor Dickinson said there is a need for more community policing and environmental policing. She suggested that some of the mental health matters might be dealt with by entities other than the police.

Chief White said the department is bound by the legislature, which he said seems inclined toward options that would increase the responsibility of police departments. There was a discussion of mental health procedure and possible solutions.

## **4. Unfinished Business**

### **Garbage, Refuse, and Recyclables Collection**

Chair McDonald said she had contacted town managers and clerks in other jurisdictions and that all are facing similar problems in dealing with trash disposal. She said all of them expect costs to rise, and noted several different billing procedures in use by other jurisdictions.

### **Request for Proposal for Collection Service**

Mr. Dalton said the Town is currently using its final extension of the current offering on trash and recycling collection and that it expires at June's end. He said he would like for Council to approve an invitation to bid in March and have a new contract in place by May 12. He explained that Mr. Jacobs and Ms. DeHaven had been altering the current agreement to make it more suitable for future use. Mr. Jacobs described it as overly verbose, and Ms. DeHaven said there is a need to eliminate redundancy and to be explicit about what the Town considers essential and what it would like to have in addition to the essentials.

Mr. Jacobs said Council's revision of Chapter 8 of the Town Code would have bearing on these issues, citing as an example whether toters should have addresses on them. Mr. Dalton said he would prefer a contract that makes property owners responsible for decals on bins. There was a brief discussion of RFID tags as an option.

There was a discussion of the desired length of the contract. Mr. Dalton expressed an interest in a three-year contract with one-year extensions. Ms. DeHaven said state law allows for up to ten years, though a five-year maximum is the norm. Mr. Dalton said Council must decide this. Ms. Harrison said a long-term contract with an effective escape clause would be desirable, with a three-year contract and three one-year extensions being suitable.

Mr. Dalton said Council must discuss Chapter 8 in its work session on February 3 at 3:00 p.m.

Chair McDonald asked whether the Town should expect to pay more under its new contract than it does at present. Mr. Dalton said it is not possible to be sure, citing as possible factors the rates having been adjusted last year; low fuel prices; and full employment leading to a worker-friendly labor market. He noted that the Town handles its own tipping fees and said that recycling tipping fees are likely to be more volatile.

Ms. Harrison said another provider might be able to do better because it would dispose of recyclables in Frederick County and not at its own site. Mayor Dickinson suggested treating recycling as a separate matter. Mr. Dalton said the Town and the provider must agree on a particular slate of recyclables. Ms. Harrison said the Town must make sure the enumerated goods are in fact recycled.

### **Chapter 8 of Town Code**

Mr. Dalton explained for the press and members of the public in attendance why the Code needs revision. He said that as written it applies to a now-outdated rear-load procedure involving multiple sanitation workers on a truck, while current procedure utilizes one worker and a truck with an automated arm, with higher weight limits now being possible. He said Mayor Dickinson had previously introduced as topics for discussion the number of toters allowable for certain types of occupancy, use of dumpsters at certain occupancies under the Town contract, and use of dumpster screens. He explained that Council had been working on this for almost four years and that the Town needs to award a new contract on May 12 because the end of the fiscal year is approaching. He said Council will address the matter in its February 3 work session, that staff is working on an invitation to bid, and that the proposed Code revisions and new policies would fill gaps and alleviate vagueness in the older documents.

There was a discussion of which types of containers were appropriate for different types of users, of who would own them, how many a user would have, and what charges would be involved.

Mayor Dickinson said that as a matter of fundamentals it is necessary to establish at the outset who gets trash pickup, who doesn't, and what limits are placed on the permissible amount.

Chair McDonald said residents will complain that they should not have to pay anything beyond the taxes they pay already. Mr. Dalton said one alternative would be to add a charge to utility bills, which should lead to a tax reduction. Mayor Dickinson added that such a measure might at least eliminate the need for a tax increase if revenue is needed elsewhere.

Mayor Dickinson noted that with water and sewer services, people pay for what they actually use. She said it would be possible to include a minimum level in taxes and add an extra charge for extraordinary services. She recommended providing services to residents and requiring commercial entities to make their own arrangements. Ms. Harrison concurred. Mayor Dickinson said the Town does not need to be in the trash business, and said that if Council can agree on a basic philosophy, it can accomplish the needed revisions quickly.

There was a discussion of how a residential user should be defined and which categories of occupancies would receive basic service. Chair McDonald suggest using business licenses as a defining tool. Mayor Dickinson said possession of a business license would not necessarily exclude an occupancy from being considered residential.

There was a discussion of how a commercial entity should be defined. Mayor Dickinson suggested that the Town allow small business owners to continue with Town service if they pay for it. Ms. Harrison said this would help keep pickup schedules uniform.

The committee agreed that Mr. Dalton's code revisions should be based on the core philosophy established by the above discussion.

There was further discussion of how to define a residence. Mr. Dalton said it is impossible to cover everything and that some interpretation will be necessary.

Mr. Dalton said the Code revisions must address the compliance period for dumpster enclosures. The committee agreed that it had decided on a one-year period.

There was a discussion of temporary dumpsters, enclosure specifications, and the difference between businesses and industries.

There was a discussion of how to relate zoning ordinance changes to Chapter 8.

There was a discussion of toter dimensions and of when toters must be removed from the curb.

Mr. Dalton directed the committee's attention to Code revisions addressing appliance disposal and related safety concerns.

There was a discussion of the maximum allowable number of toters at a given occupancy.

There was a discussion of whether rates for residents and business/industrial entities should be uniform.

There was a discussion of voter screening and bases.

Mayor Dickinson asked Mr. Dalton to consider treatment of restaurants as a separate category.

Chief White directed the committee's attention to the Code's stipulation that Council makes policy but the Town Manager is responsible for procedure.

#### **5. Other**

There was no other business.

#### **6. Closed Session**

There was no closed session.

#### **7. Adjourn**

Chair McDonald requested a motion to adjourn. Mayor Dickinson so moved, with Ms. Harrison seconding. The motion passed by consensus and the meeting adjourned at 2:40 p.m.

**BERRYVILLE TOWN COUNCIL COMMUNITY DEVELOPMENT COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**January 27, 2020**

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A meeting of the Berryville Town Council Community Development Committee was held on Monday, January 27 at 3:00 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

Members of the committee present: Chair Kara Rodriguez, Diane Harrison, Donna McDonald

Staff present: Keith R. Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Paul Culp, Town Clerk

Also present: Clarke County Director of Public Information Cathy Kuehner

**1. Call to Order**

Chair Rodriguez called the meeting to order at 3:00 p.m

**2. Approval of Agenda**

Ms. McDonald moved for approval of the agenda as submitted, seconded by Ms. Harrison. The motion passed by consensus.

**3. Unfinished Business:**

**Branding and Marketing**

Ms. Dunkle said that in working on a request for proposal for a branding and marketing study she had consulted Ms. Kuehner, who has recently overseen the County's website redesign and social media presence, and that she had shared with the committee her notes from that discussion. Ms. Kuehner asked the committee members where they are in the process. Chair Rodriguez said the Town Council had voted for a branding and marketing study as a goal for the current fiscal year and that Ms. Harrison had suggested that branding be tackled first. Chair Rodriguez said the Town also needs to redesign its website at some point.

Ms. Kuehner explained that a brand is a promise and is related to what a product evokes. She said Berryville itself and its government are not identical, and asked which is to be promoted. She asked what Council's focus, mission, and vision are.

Ms. Harrison asked how the Town and its government could be kept separate, considering Berryville's small size. She said a Google search for Berryville brings up the government as the first hit. She said the Town needs a teaser to make it seem like a desirable place.

Ms. Kuehner said the Town must be realistic about what it is and that its brand promise must be true. She warned that breaching a brand promise would rapidly lead to a negative and extensive word-of-mouth reaction. She recommended establishing a brand and then proceeding to a mission statement. She suggested compiling a list of things to celebrate and not focusing on what the Town does not have. She stressed the need to manage expectations and not over-promise.

There was a discussion of Berryville's and Clarke County's decision to remain small and of how this imposes certain limits. Mr. Dalton noted that all choices bring drawbacks and that the Town needs to highlight the positive results of its decisions. He noted that far-seeing choices in the 1960s and '70s had led to the area's current desirable qualities, with the Town, the County, and Boyce deciding together how to grow in their own way. He said Berryville's authenticity as a small town is meaningful. There was a discussion of the advantages that had accrued as a result of carefully controlled growth. Ms. McDonald said extensive conservation easements had helped prevent excess growth.

Mr. Dalton said the Town had long considered wayfinding signage inspired by the character of the community and had set aside funds for this purpose, but that it was unsure what sort of design would be sensible. He said such a design should be integrated into the Town website and should be a primary manifestation of its brand. He asked Ms. Kuehner what she would recommend as a path to that point.

Ms. Kuehner said the Town must decide what it is and the direction it wants to take. Chair Rodriguez said an external opinion would be helpful. Ms. Kuehner said the ability to articulate a mission and vision would give a graphic designer what s/he would need to help establish the Town's identity.

Ms. Dunkle suggested that most of the local amenities are associated with the County but that Berryville receives most of the attention, which then benefits the County. Ms. McDonald said separation of Town and County interests is not desirable.

The committee agreed to report to the full Council its recommendation to proceed with branding. Ms. Dunkle said she would incorporate her report into that recommendation.

#### **B. Playground/Park Update**

Mr. Dalton had little to add to his written report. He said more engineered wood fiber would be added to the site soon and that there was some painting to be done in addition to installation of the new shade structure. Chair Rodriguez said people are pleasantly surprised by the rapidity of the work.

The discussion returned briefly to branding and marketing. In response to a question from Ms. McDonald, Ms. Dunkle noted that a plan must be broad enough not to be unduly affected by political changes occurring as a result of Berryville holding elections every two years.

#### **4. New Business**

There was no new business.

#### **5. Other**

The committee agreed to meet again on March 23 at 3:00 p.m.

#### **6. Closed Session**

There was no closed session.

#### **7. Adjourn**

Chair Rodriguez invited a motion to adjourn. Ms. McDonald so moved, with the meeting adjourning by consensus at 4:00 p.m.

**BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**January 28, 2020**

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A meeting of the Berryville Town Council Personnel, Appointments, and Policy Committee was held on Tuesday, January 28, 2020 at 9:00 a.m. in the Berryville-Clarke County Government Center, located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

Members of the Committee present: Recorder Jay Arnold, Chair; Erecka Gibson; Kara Rodriguez

Staff present: Keith R. Dalton, Town Manager; Paul Culp, Town Clerk

**1. Call to Order**

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

**2. Approval of Agenda**

Ms. Gibson made the motion to approve the agenda, seconded by Ms. Rodriguez. The motion passed by consensus.

**3. Unfinished Business**

**Town Manager Review Process**

Mr. Dalton directed the committee's attention to the review/process schedule and review surveys included in the agenda packet. He said Ms. Gibson and Ms. Rodriguez had become familiar with a Portsmouth survey by encountering it at the Virginia Municipal League conference and had brought it to his attention as a worthwhile example of the genre.

Mr. Dalton noted that the schedule calls for two reports relatively close together, at mid-year and end of year. There was a discussion of precise dates.

Ms. Rodriguez suggested adding to "goals and objectives" something specific to areas for improvement. There was a discussion of when to undertake this portion of the evaluation, such as before budgeting. Ms. Gibson noted that the review cycle need not be tied to the fiscal year.

Ms. Rodriguez said she would prefer to see the first evaluation completed before the new deputy town manager is hired, as the results could influence how responsibilities are apportioned between

Mr. Dalton and the new deputy. She said this would be useful for closing gaps in the execution of tasks.

Mr. Dalton ascertained from the committee that "goals and objectives" should be rephrased as "organization goals and objectives" and "position goals and objectives."

Recorder Arnold said the process is a new one and recommended using the suggested schedule and adjusting later as necessary. The committee concurred.

There was a discussion of how to bring the matter to the whole Council. The committee agreed that a closed session would not be necessary to discuss the process. Recorder Arnold said he would address the matter in his report to Council.

There was a discussion of whether to use numerical ratings or verbiage in the performance assessment. The committee agreed on numerical ratings.

#### **4. New Business**

##### **New Assistant Town Manager Position**

Mr. Dalton explained that he envisioned the new assistant town manager as a second-in-command to substitute for him when he is away, as human resources director, as a layer of management over the finance director, and as an adviser to the Town Council. He directed the committee's attention to the current organizational chart and to his draft of a revised chart.

There was a discussion of whether "deputy" or "assistant" should be used in the title of the new position.

There was a discussion of whether the revised chart reflected the intended reporting structure Mr. Dalton had described, and of possible adjustments, especially with regard to human resources matters. Mr. Dalton said he would explore ways to clarify the structure, noting that he intended for the deputy town manager's only direct report to be the finance director.

Ms. Rodriguez said it is important to be sure the new deputy manager does actually reduce the town manager's burdens. Mr. Dalton said that as town manager he needs more time and freedom to consider long-range planning and the direction of the organization, and that he would like to be less reactive and better able to prevent problems rather than just responding to them.

Mr. Dalton and Ms. Gibson discussed the possibility of a chart reflecting a dual reporting structure.

Ms. Rodriguez asked what is to be done with funds that had already been set aside for the new position but would not be spent in the current fiscal year. Mr. Dalton said he would prefer that they be returned to the general fund reserve. He noted that if the Town Council wanted to do something

else with the funds, they could be used for salary adjustments or improvement of the amphitheater. Ms. Gibson concurred regarding the advisability of returning the funds to the general fund as a reserve.

Ms. Gibson expressed a desire to see a P-card change as it relates to the finance director. Mr. Dalton concurred.

Ms. Gibson said Council should remain flexible about the job description for the new position and allow Mr. Dalton to make decisions about the deputy town manager's responsibilities.

Mr. Dalton noted that the Town Charter provides for the town manager, not the Town Council, to hire the deputy manager. There was a discussion of whether Council was to be consulted in the latter stages of choosing among likely candidates. Ms. Gibson said Council must heed the Charter.

Ms. Rodriguez suggested that Council meet with the final two or three candidates and make a recommendation to Mr. Dalton. Recorder Arnold said that in this scenario differences of opinion between Council and Mr. Dalton would be awkward. Both Recorder Arnold and Ms. Gibson said the town manager must be permitted to do his job.

Mr. Dalton said the process as stipulated by the Charter permits quicker action and that he possibly could make the hire by May. Recorder Arnold said the sooner the better.

Mr. Dalton said he would make some revisions to the schedule and job description for forwarding to Council. He asked whether approval of the job description is to be considered part of Council's creation of the position as stipulated by the Charter. Recorder Arnold said Council should comment on Mr. Dalton's job description draft but must not bog down the process. The committee concurred.

### **Review of Full List of Appointments**

There was a brief discussion of a list of appointed officials and the expiry dates for their terms in office, which had been provided by Mr. Culp. The committee agreed to begin at its next meeting the discussion of reappointments for appointees whose terms will soon expire.

Mr. Dalton described how the relationship between Barns of Rose Hill and the Town's representative had developed. He said he had discussed with the town attorney a transition to that representative being a non-voting liaison and that he would share the suggested changes with the committee in the future.

### **5. Other**

Recorder Arnold asked whether the Personnel Committee or the Budget and Finance Committee would be responsible for the compensation survey discussed by Council in recent months. Mr. Dalton said it is not a budget item until July and will be a staff responsibility unless staff receives direction to

the contrary. Ms. Gibson said the new deputy town manager could do it. There was a discussion of the advantages of this, including the survey process being a good opportunity for the new deputy manager to learn the organization.

#### **6. Closed Session**

There was no closed session.

#### **7. Adjourn**

Recorder Arnold invited a motion to adjourn. Ms. Gibson so moved, with Ms. Rodriguez seconding and the committee adjourning by consensus at 10:28 a.m.

**BERRYVILLE TOWN COUNCIL STREETS AND UTILITIES COMMITTEE**  
**Berryville-Clarke County Government Center**  
**MINUTES**  
**January 28, 2020**

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A meeting of the Berryville Town Council Streets and Utilities Committee was held on Tuesday, January 28 at 1:30 p.m. in the Berryville-Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**Attendance:**

Members of the committee present: Diane Harrison, Chair; Mayor Pat Dickinson

Staff present: Keith R. Dalton, Town Manager; Christy Dunkle, Town Planner; Neal White, Chief of Police; Paul Culp, Town Clerk

Press present: Mickey Powell, Winchester Star

**1. Call to Order**

Chair Harrison called the meeting to order at 1:30 p.m.

**2. Approval of Agenda**

Mayor Dickinson asked for a re-ordering of agenda items and for the addition of discussion about Byrd Avenue matters and Treadwell Street sewer repairs. The agenda as amended was approved by consensus.

**3. Unfinished Business**

**Street Light Pilot**

Ms. Dunkle described three street lights that have been installed on or near East Main Street as part of the Town's Street Light Pilot Program. She also described changes made to other street lights for maintenance purposes. There was a discussion of the characteristics of some of the lights.

Ms. Dunkle also introduced a set of questions to be used in a survey that staff intends to post on the Town website in order to assess public reaction to the lighting changes. There was a discussion about rewording and refinement of the suggested survey questions. Ms. Dunkle and Mr. Dalton indicated that staff would like to post the survey as soon as possible and keep it active for one month, with results being made available to the Town Council at its March regular meeting.

There was a discussion about future improvements on Crow Street.

Ms. Dunkle provided her development update at this point in the meeting. See below under new business.

#### **Stormwater Preliminary Engineering Reports**

Mr. Dalton noted that the Town Council had budgeted funds in FY19 and FY20 to review stormwater damage problems in the northwest part of Town, on Town Run, and in the Virginia Avenue area.

Mr. Dalton provided some details about two draft scopes included in the agenda packet, and noted particular problems to be abated. He said it is especially important that work on Town Run not create problems downstream.

Mr. Dalton noted that Council had reviewed drafts in September and had directed staff to finalize scopes of work for the committee's review, which he said ought to proceed quickly in order that the work might be completed in the current fiscal year.

Mr. Dalton explained that much of Town Run is maintained by property owners and that Council must decide whether to obtain an easement or continue with the current system. Mayor Dickinson asked what property owners can do, and Mr. Dalton said they can keep the run clear. He said the Town at present can assist with significant obstructions but cannot go beyond clearing debris, while the proposed work might permit going beyond this with suitable permitting. There was a discussion of the need to communicate with residents. Mr. Dalton noted that the Town talks to homeowners who do not keep the run sufficiently clear and that the Public Works Department inspects the area when significant storms are expected.

Chair Harrison asked about the possibility of sending letters, pamphlets, and yearly reminder cards. Mr. Dalton said this would be feasible.

The committee agreed to forward the matter to the full Council.

#### **4. New Business**

##### **Development Update**

Ms. Dunkle informed the committee of the following:

- Construction is underway on Robert Regan Village, with substantial completion expected by August 2020.
- Clearing activity is underway for Shenandoah Crossing. Utility work on Petal and Page Streets was scheduled to begin in the present week.
- Review of construction plans for Fellowship Square is complete and construction plans executed.
- Review of construction plans for Hermitage Phase V is underway.

Mayor Dickinson asked when final approval for Hermitage will occur, and Ms. Dunkle said this is not yet known.

#### **Intersection of East Main Street and Jack Enders Blvd.**

Mr. Dalton said staff has received citizen complaints about sight distance and trucks straying from their lane, and an expression of concern by a member of Council that there is no sign other than pavement markings and a stop sign to inform drivers that they must stop and turn either left or right. He said the suggestion was for a sign informing drivers to this effect, and that the concern had been expressed in light of the recent incident in which a vehicle did not stop at the stop sign and consequently plunged into the hardware store.

Mayor Dickinson said the lighting at the intersection is insufficient and that the street markings are obscured by rain. Chair Harrison noted that the driver in the aforementioned accident had been inebriated at the time and that such incidents have not occurred before, even though the intersection has always been as it is now. She said the installation of a sign would be a significant encroachment on certain businesses at that location. Mr. Dalton said remediation is a VDOT matter and that he is dubious about the proposition because many other intersections are similar.

#### **Byrd Avenue**

Mayor Dickinson said a large crane often blocks Station Road for long periods, preventing egress from the industrial park. She said there are now multiple businesses where formerly there was only one, and asked why Byrd Avenue continues to be gated.

Chair Harrison said she had heard that residents of Byrd Avenue disliked excess traffic on the narrow street where there are no sidewalks. She said changing it now might be dangerous. Mayor Dickinson said she sees few pedestrians there and does not believe there would be any danger. She suggested opening the street to vehicles other than trucks. Chair Harrison said residents must be allowed to voice their concerns about a proposed change.

Ms. Dunkle said problems could occur on Main Street, Church Street, and Station Road if Byrd becomes a pass-through.

Two members of the public, Chris McInturff and Melanie Harp, addressed the meeting from the visitors' seating area. They expressed concern about the time needed to move the crane in an emergency during daylight hours. They said they would like for standard procedure to allow emergency-services providers to use Byrd Avenue in the daytime. There was a discussion of an automated gate. Mr. McInturff said the owner would be willing to install such a gate.

Chair Harrison said residents must be suitably notified in any case.

Mr. Dalton said he would need to discuss the matter with Chief White, emergency dispatch, and fire-and-rescue services providers.

Chief White said it would be necessary first to talk to Trowbridge about the procedural changes. He also noted that opening the gate could set a precedent and that there was another gated entrance to the site from Josephine Street.

Mr. Dalton said staff must explore options and return to the committee with its findings. The committee agreed to consider the matter again in the future.

### **Treadwell Street Sewer Problems**

Mayor Dickinson noted that sewer lines deteriorate, making it necessary to go under the street to access the main, and said that each homeowner's responsibility should end at the property line.

Mr. Dalton said the liability for the Town associated with such a change would be very great. He said that sometimes a blockage is pushed along instead of being removed, which makes the determination of responsibility difficult.

Mayor Dickinson asked whether it would be possible to notify homeowners to resolve problems before paving occurs. Mr. Dalton said such notice occurs when there are known problems but more could be done. He noted that conflicts could occur because of timing and multiple contractors working in the same vicinity.

Chair Harrison said the Town's current practice is not unusual.

Mr. Dalton said staff can provide notices if Council so desires.

### **5. Other**

No other business came before the committee.

### **6. Closed Session**

There was no closed session.

### **7. Adjourn**

The meeting adjourned by consensus at 2:54 p.m.

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Work Session**  
**February 3, 2020**  
**3:00 p.m.**

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

**Staff:** Present--Keith Dalton, Town Manager; Greg Jacobs, Assistant Town Manager/Treasurer; Paul Culp, Town Clerk; Chief Neal White, Berryville Police Department; Heather DeHaven, Finance Clerk

**Press:** Mickey Powell, The Winchester Star

**1. Call to Order**

Mayor Dickinson called the meeting to order at 3:00 p.m.

**2. Approval of Agenda**

Mayor Dickinson invited a motion to approve the agenda.

**Council member Gibson moved to approve the agenda, seconded by Council member Rodriguez. The motion passed unanimously by consensus.**

**3. Unfinished Business**

There was no unfinished business.

**4. New Business**

**Garbage, Refuse, and Recyclables Collection**

Mr. Dalton explained that for many years the Council's Public Safety Committee had been responsible for review of the Town Code. He said that three years ago it had begun discussing the need for revision of Chapter 8 for three reasons: 1) In its current form it reflects refuse collection techniques involving multiple sanitation workers placing waste in a truck rather than the contemporary automated system that allows a higher container-weight limit; 2) There are concerns about the number of totes in commercial areas and two dumpsters in commercial areas covered by the Town contract; and 3) There are concerns about the aesthetics of container/dumpster storage areas and the escape of litter from those areas.

Mr. Dalton said the Town's waste-disposal contract will expire soon, and the Town must issue a request for proposal (RFP) by March. He said revised regulations ought to be in place before this occurs and would entail repeal and replacement of Chapter 8 as well as changes to zoning ordinances related to dumpsters and solid waste. He said the Public Safety Committee wishes to protect public health, manage resources optimally, and curtail dispersion of litter from container storage areas.

Mr. Dalton said the revisions would empower the town manager to address unlawful accumulation of trash; require approval of dumpsters by a zoning administrator; require screening of all dumpsters; require business/commercial, institutional, and multi-family entities using totes or other containers instead of dumpsters to screen those containers; and establish requirements for waste collection conducted by parties other than the Town.

Mr. Dalton said that for the sake of flexibility the Code should be kept lean and relatively general, with policy addressing specifics such as establishment of standards for preparation and placement of waste materials for collection; for issuance of containers and charges for containers beyond the standard number issued; and siting of enclosures. He said some people who currently receive Town service would no longer do so and would need to make their own arrangements, and that new regulations would govern providers other than the Town.

Mr. Dalton said the proposed changes would affect residential users as follows: Totes issued beyond a standard allotment would carry a monthly fee; no multi-family users would automatically receive service, and any such use would require a monthly fee; and the amount of yard waste collected would be limited. He said the established container allotment for residents would be one toter and one recycling bin.

Mr. Dalton said commercial/business and institutional entities would not automatically receive Town service, which would require a monthly fee if they choose to receive it; that dumpsters must be screened; and that any such property with more than two totes or containers must screen them.

There was a discussion of how far the committee had gone in determining the number of containers allowed. Mr. Dalton said he had endeavored to interpolate the will of the committee from multiple meetings over an extended span of time.

Mr. Dalton then reviewed the proposed timetable, which called for a public input session on March 10 followed by prompt issuance of the RFP, initiation of a review of planning and zoning provisions by the Planning Commission, award of bid by May 12, and Code/policy provisions taking effect concurrently with the new contract on July 1.

Council member Rodriguez asked whether the committee had considered lidded containers for recycling, and Council member Harrison asked if such containers could be included in the RFP. Mr. Dalton said this would be possible. Mayor Dickinson said such containers could create problems for residents of townhouses and suggested that they be optional.

There was a discussion of totter sizes. Mr. Dalton said it would be helpful to inform the public about ways to manage waste products efficiently in order to make such materials more compact.

Council member Gibson asked who currently pays for pickup. Mr. Dalton said no one pays collection fees to the Town, but many business/commercial, industrial, and multi-family entities are on their own for waste collection services, while some have received Town service, and the revisions are intended to create uniformity in this area. He said the Town offers service to all single-family and attached-residential entities.

There was a discussion of how "apartment" is to be defined.

There was discussion of two business/commercial entities that have Town service, why this is the case, and how that would change under the Code/policy revisions.

There was a discussion of whether it is equitable for people to pay taxes into the Town's general fund and also pay for trash pickup.

There was a discussion of what constitutes a business and of who actually pays for trash pickup—residences or business owners—in the case of multi-family entities.

There was a discussion about whether to create a separate trash fund analogous to the water/sewer fund.

There was a discussion of how many totters various types of businesses use.

There was a discussion of which multi-family entities receive Town service and which do not.

There was a discussion of people being taxed for services that do not benefit them directly, such as childless people paying taxes to support schools.

Mayor Dickinson said conditions change over time and that it is necessary to solve problems as they are currently and not as they were in the past. She said business owners should be allowed to decide what is best for them. Agreeing, Recorder Arnold said that trash removal is a part of doing business.

There was further discussion of what constitutes a business. Council member Rodriguez said the committee had defined different categories of waste. Mayor Dickinson said the committee still needed to refine definitions related to multi-family entities by locating verbiage governing those entities in such a way as to achieve a clear separation from that governing single-family residences. She said she would not be opposed to having a separate utility fund for trash but that the Town would need to decrease taxes elsewhere to offset it.

Council member Gibson said that if the Town limits totes, it must keep the waste-disposal company from picking up anything beyond that. Mayor Dickinson and Mr. Dalton said he has developed a plan to manage this.

There was further discussion of why an apartment is considered a business.

There was a discussion of enforcement challenges in dealing with times and days of trash collection for businesses that make their own trash-removal arrangements.

There was a discussion of toter limits and businesses that cannot site dumpsters, of the possibility of community dumpsters, and of problems associated with them.

There was a discussion of problems associated with multiple companies operating on different schedules or possibly creating congestion by collecting trash at the same time.

A discussion established that any business using a dumpster would be on its own for trash removal, as is the case currently.

There was further discussion of how apartments handle trash-removal costs.

Responding to a discussion about collection times and toter/container clutter, Mr. Dalton suggested that uniformity of collection times could be achieved by requiring businesses to use Town service and pay for it. He said having other haulers handling anything other than dumpsters would detract from uniformity of service. Council member McDonald concurred. Council member Harrison suggested allotting each business in C District one toter free of charge on Town service and requiring it to use Town service unless the business has an approved dumpster, with an option to pay for more as needed, up to a limit of five.

There was a discussion of the boundaries of the geographic area in question and of particular businesses therein, and an agreement to proceed along lines suggested by Council member Harrison.

There was a discussion of container-screening requirements with dumpsters or with two or more totes. Mr. Dalton said screening is desirable for aesthetic reasons and to prevent diffusion of litter. Council agreed to clarify that the objective was to keep containers out of sight by whatever means, such as in a garage, and not necessarily to require new structures.

There was a discussion of the need to clarify whether property owners or residents are responsible for screening.

There was a discussion of the characteristics of different types of containers, including lidded containers to help prevent dispersion of litter.

There was a discussion of home-based businesses being treated as residences.

There was a discussion of the one-year compliance period for screening to begin on the date the new regulations become effective, and of the cost of compliance.

There was a discussion of the number of totes to be issued. Council member Rodriguez suggested allotting two lidded recycling bins free of charge rather than one, if the Town continues to use small open bins, so as not to de-incentivize recycling. Mayor Dickinson said there should be no charge for having recycling bins but that lidded recycling totes would tempt users to place trash overflow in recycling containers. Mr. Dalton said unlimited recycling and limited trash collection would lead to people putting trash overflow in recycling containers, resulting in contractors rejecting loads of recyclables because of contamination. Council member Harrison suggested allowing one large lidded container or three small unlidded ones. Council decided on a maximum issue of one lidded recycling tote or three bins.

Council member Rodriguez suggested an insert in water/sewer bills to notify the public of a public input session on trash disposal, should Council have one.

Mayor Dickinson said the timetable suggested by Mr. Dalton was too aggressive and that Council's recommendations as discussed in the present meeting likely could not be ready for presentation in the February 11 regular meeting of Council. Mr. Dalton said trash collection would have to be the top priority.

Mayor Dickinson said a public input session would be essential.

There was an inconclusive discussion of when to have a public input session. Recorder Arnold asked whether it would be possible to issue the RFP before finishing revisions to the Code. Mr. Dalton said it would be necessary to know who gets what type of service in order to provide precise numbers to contractors and that revisions after issuance of the contract would be arduous. Ms. DeHaven said it would be possible to add a clause permitting revision after acceptance of the contract. Mr. Dalton expressed skepticism about all necessary input and discussion occurring in time to avert this. He said staff would prepare an RFP based on the current version of Chapter 8 and present it to Council for further discussion of details.

There was additional discussion of when one or more public input sessions would be possible. Mr. Dalton recommended that Council set a deadline for completion of its deliberations. Recorder Arnold noted that the current contract cannot be extended and that prompt action by Council is necessary. Ms. DeHaven said the Town must know its direction by early May. Mr. Dalton said the possibility of a new contractor increases the urgency. Mayor Dickinson and Ms. DeHaven noted potential problems in the collection and re-issuance of containers as one contract ends and another begins.

Mayor Dickinson said another work session would be necessary before presenting the Code and policies to the public. There was a discussion of when this would be possible. She cautioned against the Town having to revise its figures more than once after awarding the new contract.

Mr. Dalton praised Ms. DeHaven's efforts on the new RFP.

**5. Other**

No other business came before Council.

**6. Closed Session**

There was no closed session.

**7. Adjourn**

Mayor Dickinson requested a motion to adjourn.

**Council member Harrison moved to adjourn, seconded by Council member Gibson. The motion passed by consensus at 5:03 p.m.**

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Harry Lee Arnold, Jr., Recorder

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Paul Culp, Town Clerk

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Unfinished Business - Solid Waste Management: Ordinances, Policies, and Request for Proposals

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Solid Waste Management

**Recommendation**

**Sample Motion**

Memorandum

Date: February 7, 2020  
To: Town Council  
From: Keith Dalton, Town Manager  
Cc: Department Heads  
Heather DeHaven, Finance Clerk  
Subject: Solid waste management

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The Town Council held a work session on 2/3/20 to discuss issues related to solid waste management within the Town, including the need to issue an RFP for collection services in the near term. At the meeting in question, the Council discussed a comprehensive change to the Town Code as well as adoption a comprehensive solid waste policy and changes to the Zoning Ordinance to address solid waste handling and storage requirements. It became clear that action on the package amendments and policy would not be affected in time to accommodate the issuance of the required RFP.

Accordingly, staff has prepared the following documents for the Council's review:

- an amended Chapter 8
- a revised RFP for collection services

Staff requests that the Council consider reviewing and adopting the proposed changes to Chapter 8 and approving the issuance of the collection services RFP. Once that process is underway, the Council will develop a strategy and timeline for further review of this matter.

**Revised Berryville Code Chapter 8**

The language of the chapter in question is dated and staff would describe the vast majority of changes as housekeeping. Special attention should be given to the proposed changes to the following sections:

- § 8-2. – Unlawful accumulations
  - o The proposed changes would transfer authority to require abatement of unlawful accumulations of trash from the Town Council to the Town Manager
- § 8-3.- Littering generally
  - o The proposed changes would eliminate this section and these matters would be handled under provisions of the Virginia Code.
- § 8-7.- Policies and procedures
  - o This proposed new section establishes that polices and procedures will be enacted in accordance with the Code requirements.
- § 8-23.- Preparation of tree branches, brush, leaves and other yard waste for collection by the town
  - o The proposed changes reflect how the program is currently being managed.

**Revised Request for Proposal**

The Finance Clerk has worked diligently to revise the offering that the Council reviewed on 2/3. She will be available at the meeting to review the document with the Council.

Special attention should be given to:

- Contract term – The Finance Clerk was directed to provide a three-year initial term with up to seven one-year extensions. The Council has generally discussed permitting fewer extensions but staff wanted to include what it considered the maximum term and permit the Council to refine the offering in this regard to best meet the needs of the Town.
- Properties served and the like – You will note that the draft offering included in the packet does not include the specific number of properties that will be served. This information will be available by the Council meeting.

**Please find attached:**

- Ordinance to amend Chapter 8 of the Berryville Code
- Draft revised Chapter 8 of the Berryville Code
- Draft request for proposals for collection services

**Sample motions:**

**Chapter 8**

I move that the Council of the Town of Berryville adopt the attached ordinance amending Chapter 8 - GARBAGE AND REFUSE of the Berryville Code.

**Request for proposals**

I move that the Council of the Town of Berryville authorize the issuance of a request for proposals for refuse and recyclables collection.

An Ordinance Amending Chapter 8 of the Berryville Code

BE IT ORDAINED, by the Council of the Town of Berryville, hereby amends the Berryville Code Chapter 8, Garbage and Refuse as attached; with such amendments to become effective immediately.

VOTE:

Aye:

Nay:

Abstain:

Absent:

Signed:

\_\_\_\_\_  
Patricia Dickinson, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Harry Lee Arnold, Jr. Recorder

Date: \_\_\_\_\_

Chapter 8 - GARBAGE AND REFUSE, RECYCLABLES, AND YARD WASTE<sup>(1)</sup>

Footnotes:

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Cross reference— Disposition of dead animals and fowl, § 4-10.

ARTICLE I. - IN GENERAL

Sec. 8-1. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

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

Sec. 8-2. - Unlawful accumulations.

- (a) It shall be unlawful for any owner or occupant of any premises property within the town to allow garbage, ashes, refuse, trash, litter or other substances which might endanger the health of other residents of the town to accumulate on such premises property.
- (b) The owner of any property in the town shall remove accumulations referred to in subsection (a) above from such property at intervals to be designated by the council as prescribed by the town manager or designee in accordance with requirements of this section. Reasonable notice of the date fixed by the council town manager or designee for such removal shall be given by newspaper publication, mail or delivery of a written notice to each owner of property.
- (c) Upon the failure of the owner of property to remove trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, as provided in the notice given pursuant to subsection (b) above, the town manager or designee may have such trash, garbage, refuse, litter and other substances removed and bill the owner for the work. Upon the owner's failure to pay such bill by tax billing time, such bill shall be placed upon the tax bill of the owner so delinquent and collected as taxes are collected.

(Code 1971, §§ 8-1, 8-3)

Cross reference— Open storage of inoperative vehicles in certain zoning districts, § ~~13-30~~ 10-79; abandoned or discarded refrigerators or other airtight containers, § 13-31; cutting and removal of weeds and other foreign growth on vacant property, § 13-32; maintenance of property abutting Town Run, § 13-33.

State Law reference— Authority for above section, Code of Virginia, §§ ~~15.1-11, 15.1-867~~ 15.2-901.

Sec. 8-3.— ~~Littering generally.~~ Reserved.

- (a) ~~Any person who shall dump or otherwise dispose of trash, garbage, refuse, litter or other unsightly matter on a public street or highway, right-of-way, property adjacent to such street or highway or right-of-way, or on any public property of the town or private property within the town, without the written consent of the owner thereof or his agent, shall be guilty of a Class 1 misdemeanor.~~

- (b) ~~When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of has been ejected from a motor vehicle, the arresting officer may comply with the provisions of section 10-2 of this Code in making such arrest.~~
- (c) ~~When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter or other unsightly matter. Such presumption shall be rebuttable by competent evidence.~~
- (d) ~~Upon conviction of any person for a violation of this section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services, for such period of time as the court may designate, to remove litter from streets, highways and other public property in the town.~~

(Ord. of 12-12-72)

~~Cross reference—Penalty for Class 1 misdemeanor, § 1-11; deposit of hazardous material on streets, § 15-15.~~

~~State Law reference—Similar provisions and authority to adopt above section, Code of Virginia, §§ 33.1-346, 33.1-346.1.~~

Sec. 8-4. - Disposal in town of trash, garbage, etc., accumulated outside town.

- (a) It shall be unlawful and a Class 1 misdemeanor for any person to place, dump or otherwise dispose of trash, garbage, refuse, litter or any other unsightly matter that has been accumulated or collected outside the corporate limits of the town at any place within the town. This section shall not apply to a person using the public facilities of the town for the disposal of such matter, with the express permission of the town council or its designated agent.
- (b) ~~The provisions of subsections (b) and (c) of section 8-3 shall apply to violations of this section to the same extent as if set out at length in this section.~~

(Ord. of 2-13-73; Ord. of 2-13-79, § 8-15)

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

**State Law Reference §15.2-928**

Sec. 8-5. - Dumpster, defined; prohibited times for emptying.

- (a) For the purpose of this section a "dumpster" shall mean any container designed to contain refuse or garbage and which is emptied by mechanical means.
- (b) It shall be unlawful for any person to empty a dumpster in town between the hours of 10:00 p.m. and 7:00 a.m. except within industrially zoned areas of the town.

(Ord. of 1-12-99)

**State Law Reference §15.2-930**

Sec. 8-6. - Upsetting, tampering and misusing litter receptacles maintained by the town.

No person shall cause the removal, upsetting, mutilation or defacing of, or tamper with any litter receptacle maintained by the town, cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises, or use such receptacle for disposal of business or household refuse

(Ord. of 2-13-01)

State Law reference— Authority for above section, Code of Virginia, Section 15.2-927~~8~~.

**Sec. 8-7. - Policies and procedures**

- (a) The council may by ordinance establish policies regarding the storage, handling, collection, and disposal of solid waste.
- (b) Polices of the council adopted in accordance with this chapter may include fees for replacement of town or contractor issued refuse and recycling containers.
- (c) The council authorizes the town manager to adopt solid waste storage, handling, collection, and disposal procedures consistent with the requirements of this chapter and policies adopted by the council.

Secs. 8-6 ~~8-8~~—8-14. - Reserved.

ARTICLE II. - COLLECTION BY TOWN<sup>[2]</sup>

Footnotes:

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Cross reference— Department of public works responsible for refuse collection, § 2-53.

State Law reference— Authority of town to operate a garbage and refuse collection and disposal system, Code of Virginia, § 45-4-857 15.2-928, 15.2-927, and 15.2-930.

Sec. 8-15. - Report of violations of article.

If any person fails to comply with the provisions of this article, the employees of the town or its contractor engaged in the collection and removal of garbage, ashes and refuse and recyclables shall report such failure to the town manager or designee.

(Ord. of 2-13-79, § 8-12)

Sec. 8-16. - Containers generally—For garbage.

- (a) All garbage, ~~consisting of food waste and organic matter,~~ to be collected by the town shall be placed contained in tied disposable plastic bags or and placed in water-tight containers of durable construction which shall: if to be collected by hand, be rust-resistant, nonabsorbent, easily washable, with tight fitting covers and handles and with a capacity of not less than five (5) nor more than thirty-two (32) gallons; or if to be collected by mechanical means as a part of automated collection service, be a container that has been either approved by or provided by the town or its collection contractor. All such nondisposable containers shall be of such construction as to prevent disturbance by animals and entrance by insects and, if to be collected by hand, to allow safe handling by one collector.

- (b) The total weight of any garbage container that is to be collected by hand, together with its contents, shall not exceed fifty (50) pounds.

(Ord. of 2-13-79, §§ 8-5, 8-7; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-17. - Same - For ashes. Reserved.

- (a) ~~Ashes to be collected by the town shall be placed separately from garbage and other refuse, in cans or other light noncombustionable containers that can be handled without coming apart. Such containers shall not be filled closer than two (2) inches to the top and shall be covered to prevent spilling.~~
- (b) ~~The total weight of any container for ashes, together with its contents, shall not exceed seventy-five (75) pounds.~~

(Ord. of 2-13-79, §§ 8-6, 8-7)

Sec. 8-18. - Same - For other refuse. Reserved.

~~Rubbish consisting of cans, bottles, rags, paper, weeds, leaves, grass cuttings, tree cuttings, solid waste materials from homes, stores and commercial buildings and other refuse to be collected by the town, other than that provided for in sections 8-16 and 8-17, shall be placed in cans, plastic bags or other containers that can be safely handled without coming apart, of such size, not exceeding thirty-two (32) gallons capacity, that can be handled by one collector and filled and secured so as to prevent spillage of the contents.~~

(Ord. of 2-13-79, § 8-8)

Sec. 8-19. - Preparation of garbage.

No person shall place any garbage in any container required by section 8-16 for collection, without first draining the liquid from such garbage and wrapping placing the garbage in paper or plastic bags that are tightly sealed after filling.

(Ord. of 2-13-79, § 8-5)

Sec. 8-20. - Preparation of recyclables and cardboard and other bulky materials.

~~Cardboard containers and other bulk materials to be collected by the town need not be placed in containers, but will be collected by the town if flattened and securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length and fifty (50) pounds in weight.~~

- (a) All recyclables, except cardboard, to be collected by the town shall be placed in a bin provided by the town or its contractor. All liquids shall be drained from the item prior to placement in the container. All items placed in the bin shall be done in a manner to prevent escape as a result of wind and weather conditions.
- (b) Cardboard containers to be collected by the town or its contractor for recycling, need not be placed in containers but will be collected if flattened and securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length and fifty (50) pounds in weight. Bundles shall be placed beside bins.

- (c) Neither the Town nor its contractors will collect contaminated recyclables, batteries, sheet plastic, plastic bags, bubble wrap, Christmas lights, coat hangers, Styrofoam, rubber balls, diapers, electrical cords, food waste, food wrap, garden hose, syringes, razor blades, tires, sports equipment, stuffed animals, waxed cartons, wood/yard waste, light bulbs or tubes, computers or electronics, toxic material containers, paint, or any solid waste restricted from collection as a part of any other part of its recyclables collection program.

(Ord. of 2-13-79, § 8-9; Ord. of 10-13-98)

Sec. 8-21. - Collection times and routes.

The town manager shall establish and specify the days and hours each week when the town employees or its contractors shall will collect garbage, ashes and refuse, recyclables, and yard waste and the routes to be served at the times so specified.

(Ord. of 2-13-79, § 8-14)

Sec. 8-22. - Placement of containers on collection day; collectors not to enter building.

- (a) All containers containing garbage, ashes or and refuse and recyclables for collection by the town shall be set out not later than 7:00 a.m. on collection days. No containers may be set out for collection more than twenty-four (24) hours before the established collection time and empty containers shall be removed on the same day of collection.
- (b) All containers shall be placed in such location as is specified by the town manager, so that they can be reached easily and conveniently by the collectors if to be collected by hand, or a mechanical arm if to be collected by mechanical means as a part of automated collection service. No town employee or collection agent shall enter any building for the removal of garbage, ashes or and refuse or recyclables.

(Ord. of 2-13-79, §§ 8-16, 8-17; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-23. - Preparation of tree branches, brush, leaves and other yard waste for collection by the town.

- (a) Tree branches and brush to be collected by the town shall be securely tied in 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. Small tree branches, shrubbery, and brush to be collected by the town shall be securely tied in 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. Large branches to be collected shall not exceed four (4) feet in length, six (6) inches in diameter and fifty (50) pounds in weight. Bundles and large branches to be collected by the town shall be placed near the edge of pavement, or edge of road, or in a location approved by the town manger so they can be easily reached by the collectors and not interfere with the safe passage of pedestrians or motor vehicles.
- (b) Leaves and grass clippings to be collected by the town shall be placed in plastic bags. No such bag shall exceed fifty (50) pounds in weight. Leaves to be collected by the town during the annual leaf collection period shall be piled adjacent to street curbs, but shall not cover any portion of a sidewalk, gutter pan, street side ditch, drainage improvement, or fire hydrant. Leaf piles shall contain no rocks or other items that might damage the leaf collection equipment. During the annual leaf collection period leaves will be collected by the town in accordance with standards and a schedule approved by the town manager and posted on the town website.

(c) Loose yard waste to be collected by the town shall be placed in paper bags and placed near the edge of pavement, edge of road, or in a location approved by the town manager, so they can be reached easily by the collectors. No such bag may exceed fifty (50) pounds in weight.

(d) All yard waste bundles and paper bags containing loose yard waste to be collected by the town shall be set out not later than 7:00 a.m. on collection days. No such bags may be set out for collection more than forty-eight (48) hours before the established collection time. No bundles or bags placed out for collection may be placed on streets, sidewalks, or on the property of others, in storm drainage ditches, or in front of fire hydrants.

(e) No single weekly collection for any parcel, excluding leaves to be collected by leaf vacuum during the annual leaf collection period, may exceed one hundred (100) pounds.

(f) The town manager may suspend or modify yard waste preparation requirements and collection limits if he or she determines such a suspension or modification necessary; provided that, the determination is made in writing, is reported to the council within fifteen (15) days of the determination, and no single such determination suspends or modifies requirements for more than ninety (90) days.

(g) Neither the Town nor its contractors will, as a part of yard waste collection, collect rocks and hardscape materials, large stumps, any stumps containing rocks or dirt, dirt, sod, plastic bags, grass clippings, or food waste.

(Ord. of 10-13-98)

Sec. 8-24. - Certain materials not collected as a part of garbage and refuse collection not to be collected.

- (a) Rejected building materials, tin, contractors' waste, industrial waste, automobiles or parts thereof, tires, hazardous waste or materials, such as cleaning fluids, explosives, gasoline, oil, paints, plastics, rubber cuttings or other highly flammable materials, or substances such as poisons, gases, caustics, radioactive materials or powdery earth used in filter cleaning fluids or other like refuse materials or substances shall not be collected by the town. In the event such refuse is found at collection points, the persons placing the same for collection shall be required to remove the same immediately. Radioactive materials, drugs, poisons and like substances shall be removed under the supervision of the health officer or some other qualified person.
- (b) No animal or fowl excrement shall be collected by the town and no such excrement shall be placed in any container or receptacle required by this article or otherwise put out or placed for collection by the town.
- (c) Ashes containing live coals shall not be collected by the town.
- (d) Neither the town nor its contractors will collect rocks and hardscape materials, large stumps, any stumps containing rocks or dirt, dirt, sod, or grass clippings.

(Ord. of 2-13-79, §§ 8-5, 8-6, 8-10)

**REQUEST FOR PROPOSALS  
GARBAGE AND REFUSE COLLECTION/DISPOSAL AND CURBSIDE RECYCLING COLLECTION SERVICE  
TOWN OF BERRYVILLE, VIRGINIA**

Issue Date: February 12, 2020

RFP# 2020-01

Title: Garbage and Refuse Collection/Disposal and Residential Curbside Recycling Collection Service (hereafter referred to as "Refuse and Recycling Services").

Where Work Will Be Performed: Town of Berryville Corporate Town Limits

Initial Period of Contract: From July 1, 2020 Through June 30, 2023. There will be an option for seven (7) one-year renewals.

**OFFERORS MUST COMPLETE AND RETURN THIS COVER SHEET WITH PROPOSALS.** Sealed proposals will be received until **March 12, 2020 by 2:00pm**. The proposal must be clearly labeled "**Refuse and Recycling Services # 2020-01; Do Not Open Until March 12, 2020 after 2:00pm**".

**PROPOSALS MUST EITHER BE MAILED OR HAND DELIVERED TO:**

HEATHER DEHAVEN, FINANCE CLERK  
TOWN OF BERRYVILLE  
101 CHALMERS COURT, SUITE A  
BERRYVILLE, VA 22611

All inquiries must be directed to Heather DeHaven at [financeclerk@berryvilleva.gov](mailto:financeclerk@berryvilleva.gov).

In compliance with this Request For Proposals (RFP) and all conditions imposed herein, the undersigned firm hereby offers and agrees to furnish all goods and services in accordance with the attached signed proposal or as mutually agreed upon by subsequent negotiation, and the undersigned firm hereby certifies that all information provided below and in any schedule attached hereto is true, correct, and complete.

Name and Address of Firm:

_____	Authorized Signature: _____
_____	Print Name: _____
_____	Title: _____
_____ Zip Code: _____	Date: _____
Federal Id #: _____	Telephone: (     ) _____
Email: _____	Fax: (     ) _____

**PREPROPOSAL CONFERENCE:** An optional preproposal conference will be held on February 26, 2020 at the Berryville-Clarke County Government Center. If special ADA accommodations are needed, please contact Heather DeHaven by February 24, 2020.

Note: This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 2.2-4343.1 or against an offeror because of race, religion, color, sex, national origin, age, disability, sexual orientation, gender identity, political affiliation, or veteran status or any other basis prohibited by state law relating to discrimination in employment.

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## I. Introduction to Request for Proposal

### *Overview of the Request for Proposal*

The intent and purpose of this Request for Proposal (hereafter referred to as "RFP") issued by the Town of Berryville, Virginia (hereafter referred to as "Town") is to solicit sealed proposals to establish a contract through competitive negotiation from qualified companies to provide Garbage and Refuse Collection/Disposal and Residential Curbside Recycling Collection Service (hereafter referred to as "Refuse and Recycling Services").

This RFP and any addenda are available on the State's Procurement site, eVA, at <https://eva.virginia.gov/index.html> and on the Town website at [www.berryvilleva.gov](http://www.berryvilleva.gov). To receive a printed or electronic copy of this document or any technical assistance, please contact Heather DeHaven at [financeclerk@berryvilleva.gov](mailto:financeclerk@berryvilleva.gov).

### *Statement of Goals*

It is the intent of the Town to provide Refuse and Recycling Services with the following goals in mind:

1. Provide high-quality Refuse and Recycling Services at a reasonable cost;
2. Maximize to the fullest extent possible, the recovery of recyclables from the residential waste stream;
3. Encourage efficiency in garbage and refuse collection and disposal;
4. Educate residents about recycling services and waste diversion so as to reduce waste
5. Generation and increase diversion rates.

### *Contract Term*

The Contract Term shall be from July 1, 2020 through June 30, 2023. The Town reserves the right to renew the contract for seven (7) additional one (1) year periods. This contract may be renewed at the expiration of its term by agreement of both parties. Contract renewals must be authorized by the Town Council and coordinated through the Town Manager.

## II. Background Information and Current Service

This section describes SOME of the Town's CURRENT refuse and recycling services, which are provided by the Town's contractor. Offerors should carefully review the Statement of Needs of this RFP to determine the scope of services envisioned under the NEW contract. Offerors may use the data presented in this section for purposes of estimating the level of effort required in providing services under the new contract; these are the current estimates only and do not represent any guarantee of future service levels.

General. The Town is responsible for collection of garbage and refuse from approximately XXXX "curbside customers". These customers include town homes, single family homes, and designated commercial enterprises and residential multi-family throughout corporate Town limits. All other commercial and industrial businesses contract for private collection and are not covered under this RFP.

Current Collection Method - Curbside Trash. Currently the Town has a contract with Republic Services for curbside garbage and refuse collection.

- Tuesday: Collection from all street litter receptacles within the Town and from those designated commercial and designated multi-family properties approved by the Town Manager for twice-weekly collection.

- Thursday: Collection from all residential properties, situated east of the centerline of Buckmarsh Street (Route 340).
- Friday: Collection from all street litter receptacles, designated commercial properties approved by the Town Manager, in town and all residential properties situated west of the centerline of Buckmarsh Street (Route 340).

All curbside customers have been provided 96-gallon toters.

Current Collection Method - Curbside Recycling. Currently the Town has a contract with Republic Services for curbside recycling collection. Collection takes place for customers every week and coincides with their respective trash collection day. Each customer currently uses either a 16-gallon bin provided by the contractor, provides their own clearly marked recycling bin, or has a 96-gallon toter provided by the contractor.

Current Collection Method - Large Item Collection. Currently the Town has a contract with Republic Services for large item collection. Collection takes place for customers that request a collection and pick up is scheduled on Wednesdays.

### III. Statement of Needs

All applicable provisions of Chapter 8 of the Code of the Town of Berryville, policies adopted by the Town Council, and procedures approved by the Town Manager, shall apply to the contract.

#### *Definitions*

The term "*garbage and refuse*" shall include, but not be limited to, trash, rubbish, food wastes, household wastes consisting of non-hazardous materials, furniture, bed springs and mattresses, toys, porcelain, and carpeting (bundled and tied not to exceed three (3) square feet cross-sectional area per bundle). It shall also include water heaters, ranges, dishwashers, clothes washers and dryers, refrigerators, air conditioners, computers, televisions, and other household appliances or similar items for which alternative arrangements for collection and disposal separate from, but in conjunction with, regularly scheduled collection and disposal of garbage and refuse may be necessary. The term "garbage and refuse" shall not include any hazardous materials not acceptable at the Frederick-Winchester-Clarke Regional Landfill (other than household appliances as addressed herein), construction materials or other contractor materials, and yard wastes disposed by a private contractor in a residential area, or any other materials as prohibited pursuant to Chapter 8, Section 8-24 of the Town Code, policies adopted by the Town Council, and procedures approved by the Town Manager.

The word "*Town*", when used in this solicitation to designate territory to be served by the contractor, shall mean and include all of the territory lying within the municipal boundaries of the Town of Berryville, Virginia, as they presently exist and as they may be adjusted in the future.

The word "*Toter*" when used in this solicitation, as defined herein, but not solely limited to, a residential curbside heavy duty can, intended for garbage, refuse, and/or recycling, standardized wheeled container/cart with a molded-in axle and attached lid. The toter shall be compatible with automated or semi-automated collection waste truck lifters.

The word "*Bin*" when used in this solicitation, is a container used to hold recyclables. May or may not have a lid.

*Commingled recyclables*: specified recyclable materials that are separated from general garbage and refuse and placed in a single bin or toter at the curb.

*Commingled Mixed Paper*: specific recyclable paper materials that are separated from general garbage and other recyclables and placed in single bin or toter at the curb. Acceptable paper materials include:

phone books, white paperboard, brown paper-board, white and colored paper, soft cover booklets, magazines (no perfumes), manilla (non-padded) envelopes, and folders. Materials that are not acceptable include: wax-coated paper, plastic-coated paper, plastic covers, spiral binders, and materials contaminated with food.

*Contaminants:* any solid or liquid wastes or materials that are not acceptable for recycling and which may render the recyclables hazardous or not marketable. Contaminants shall include, but not necessarily be limited to, glass containers; ceramics or mirror glass; window glass; drinking glasses; heat resistant oven ware; garden pesticides; used motor oil; metal cans which contained any petroleum-based product; paint cans, or any containers in which an excessive amount of food residue remains.

*Contract Administrator:* The Town Manager or designee to manage the contractual services defined in the contract.

*Participation Rates:* the percentage of household in the Town that set out recyclables for collection and the percentage by weight of materials collected vs. materials available.

*Recovered Material:* material which has been diverted from the solid waste stream for recycling.

*Recyclable Materials:* those commodities which are to be collected by the contractor pursuant to the contract documents. Unless otherwise negotiated and stated in the contract, such materials shall include cardboard; newspaper; aluminum and bi-metal cans; and PET and HDEP plastic containers.

*Residential Unit:* all single family, duplex, or townhouse dwelling units, and designated multi-family residential complexes approved by Town Manager, which receive curbside garbage and refuse collection service.

*Set-Out:* a household placing recyclable materials at the curbside in designated and specified bin or toter.

As used in this RFP, the terms "must", "shall", "should" and "may" identify the criticality of requirements. "Must" and "shall" identify requirements whose absence will have a major negative impact on the suitability of the proposed solution. Items labeled as "should" or "may" are highly desirable, although their absence will not have a large impact and would be useful, but are not necessary. Depending on the overall response to the RFP, some individual "must" and "shall" items may not be fully satisfied, but it is the intent to satisfy most, if not all, "must" and "shall" requirements. The inability of an Offeror to satisfy a "must" or "shall" requirement does not automatically remove that Offeror from consideration; however, it may seriously affect the overall rating of the Offerors' proposal.

### *Equipment*

The contractor shall provide the necessary equipment in order to fulfill the contract obligations herein stated and shall conform to and be maintained in line with industry standards. The contractor's equipment shall conform at all times to applicable federal, state and local laws. Contractor is responsible for the financing and acquisition and/or leasing of the collection equipment. All refuse collection trucks shall be equipped with cart tipper arms. All collection vehicles must be clearly and permanently marked with the name of the contractor. Contractor must maintain sufficient spare collection vehicles and repair parts to replace and/or repair any vehicles out of service so as to eliminate possible interruption of service. The contractor shall operate all vehicles in a safe manner which provides the least obstruction and interruption possible to vehicular and pedestrian traffic. Contractor's equipment shall be operated and maintained in a manner that prevents the release of liquids from waste onto streets during collection.

Contractor shall procure and distribute, at contractor's expense, approved toter(s) and/or bin(s), at the inception of the contract for each designated property to be served as determined by the Town Manager. Exact location and quantities of toter(s) and/or bin(s) provided shall be documented, and reported in writing to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov). If the contract is awarded to the current Contractor, collection of and reissue, of toter(s) and/or bin(s) will not be required. However, a thorough inventory, to include exact location and quantity, of toter(s) and/or bin(s) shall be completed, documented, and reported in writing to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov).

#### *Quantities/Properties Served*

The number of properties to be served shall be determined by the Town Manager and reported the contractor, with new accountings of the number made as of May 2020 and every twelve (12) months thereafter. The contractor may request a biannual report in November 2020 and every twelve (12) months thereafter.

The following number of properties to be provided service as of July 1, 2020 is approximately as follows:

- Residential Properties - XXX
- Once-weekly Designated Commercial Properties - XXX
- Twice-weekly Designated Commercial Properties - XXX
- Town Street Litter Receptacles - XXX
- Institutional - XXX
- Designated Residential Multi-family Apartments - XXX

Upon notification to the contractor by the Town Manager, the contractor shall begin collection and disposal service for newly incorporated areas of the Town and for the owners or occupants of new residential or designated and approved commercial properties immediately upon their occupancy throughout the term of the contract. No other adjustments in the number of properties will be made except at the intervals provided herein.

#### *Service*

Provide collection and disposal of garbage and refuse within the corporate limits of the Town.

Collection: Garbage and refuse shall be collected by the contractor two (2) times per week from designated commercial properties and one (1) time per week from residential properties and designated commercial properties not approved for twice-weekly commercial collection in accordance with the schedule and route approved by the Town Manager:

- Tuesday: Collection from all street litter receptacles within the Town, designated residential multi-family properties, and designated commercial properties approved by the Town Manager for twice-weekly collection;
- Thursday: Collection from all residential properties, situated east of the centerline of Buckmarsh Street (Route 340)
- Friday: Collection from all street litter receptacles within the Town, designated commercial properties approved by the Town Manager, in town and all residential properties situated west of the centerline of Buckmarsh Street (Route 340).

No garbage and refuse collection shall be scheduled for Sunday or the following holidays: New Year's Day, Memorial Day, July 4th, Thanksgiving and Christmas. An annual holiday schedule for the first year is due within fifteen days of the contract award, and no later than June 1st of each contract year.

When weather conditions, mechanical failure, landfill closures, etc. prevent the collection of garbage and refuse or when a regularly scheduled day falls on a holiday specified above, collection will be made on the next day. In the event a scheduled collection cannot occur because of weather conditions, mechanical failure, landfill closures, etc., the contractor must notify the Town Manager by 6:30 a.m., and each event shall be documented and written communication sent to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov) as soon as practicable.

No collection of garbage and refuse from residential properties shall begin before 7:00 a.m. or continue after 6:00 p.m. without prior specific approval from the Town Manager.

No collection of garbage and refuse from designated commercial properties shall begin before 7:00 a.m. or continue after 11:00 a.m. without prior specific approval from the Town Manager.

The contractor shall collect and dispose of all garbage and refuse placed at the curbside when placed there in accord with the provisions of Chapter 8 of the Town Code, policies adopted by the Town Council, and procedures approved by the Town Manager. Garbage and refuse totes must be placed by the contractor where originally picked up in an upright position with the lids closed.

Contractor shall procure and distribute, at contractor's expense, approved garbage and refuse toter(s) to each new or additional residential unit added to the collection route pursuant to the terms of the contract. The toter must meet the specifications set forth in the attachments hereto.

Contractor shall empty street litter receptacles and return liner and lid to proper position.

When requested to do so by the Town Manager, the contractor shall collect garbage and refuse at the curb of private streets or driveways within residential developments when individual residential lots do not front on public streets.

When travelling to and from collection routes, vehicles must be covered to protect blowing or falling of materials from the vehicle.

The contractor shall make every effort to prevent spills of garbage and refuse and shall collect and dispose of spilled garbage and refuse within a radius of fifteen (15) feet of the toter. The contractor shall report conditions to the Town Manager as to the storage of garbage and refuse which are found to exist in violation of Chapter 8 of the Town Code, policies adopted by the Town Council, and procedures approved by the Town Manager.

If requested in writing by the Town, the contractor shall provide for separate collection and alternative disposal of refrigerators, air conditioners, or other household appliances which are or may be prohibited from disposal at the Frederick Winchester-Clarke Regional Landfill, such collection and disposal service to be provided during the time of and in conjunction with the regularly scheduled weekly garbage and refuse collection. Items collected and disposed of pursuant to the terms of this paragraph shall be separately enumerated and identified on contractor's monthly billing statements to the Town, including a complete listing of items and locations (street addresses) for which this service has been provided. The contractor shall provide immediate notification to the Town Business Office, in writing by email to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov), of any failure to comply with the provisions for collection and disposal of items herein, including arrangements for alternative collection or other necessary remedial action.

The contractor shall provide immediate notification to the Town Business Office of any items set out for collection which are not in accordance with the provisions of Chapter 8 of the Town Code, policies adopted by the Town Council, and procedures approved by the Town Manager or with terms and

provisions set forth herein. Such notifications shall include a description and photograph of the items refused for collection, the reason for such refusal, and the location (street address) of the items refused for collection and sent via email to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov).

The Town Business Office will contact the contractor immediately via email, as directed above, if any stops and/or items set out for collection were missed at the contractor's fault. If a stop or an item has been reported missed, the contractor shall investigate, and if verified, shall arrange for the collection of the missed stop or item within twenty-four (24) hours.

The contractor shall clearly mark, or tag, any garbage and refuse toter found to be defective or in violation of Chapter 8 of the Town Code, policies adopted by the Town Council, and procedures approved by the Town Manager and shall report such action, with its respective address, in writing by email to [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) to the Town Business Office within twenty-four (24) hours of such marking or tagging.

Disposal: With the exception of refrigerators, air conditioners, or other household appliances prohibited therefrom, the contractor shall dispose of all garbage and refuse collected from within the Town at the Frederick-Winchester-Clarke Regional Landfill. Landfill charges for all garbage and refuse collected from within the Town shall be billed to and paid directly by the Town under separate agreement between the Town and the Frederick-Winchester-Clarke Regional Landfill.

The contractor shall not assess against the Town any fees or charges in connection with landfill disposal in accordance with the provisions herein and under the terms of the contract.

The contractor shall take each collection vehicle from the Town to the landfill as soon as it is fully loaded and no garbage or refuse shall be transferred from the truck in which it is collected to any other vehicle or place within the Town, or stored within the Town, unless the contractor is specifically authorized to do so by the Town Manager.

The contractor shall be prohibited from mixing or combining loads delivered to the landfill with any materials or collections from outside the corporate limits of the Town, or from any sources within the Town for which the contractor has a separate, private agreement or contract for collection and disposal with the property owner or occupant.

If requested in writing by the Town, proper and alternative disposal of refrigerators, air conditioners and other similar household appliances or items not acceptable at the Frederick-Winchester-Clarke Regional Landfill, shall be the responsibility of the contractor. The unit charge for such separate and alternative collection and disposal shall reflect the total unit cost to the Town for both collection and proper disposal of such items.

Failure of the contractor to comply with the provisions herein prohibiting the mixing of loads from other sources with garbage and refuse collected from within the Town, in accordance with the contract provisions, shall be considered a breach of the contract subject to all forfeiture and penalty provisions herein, as well as any other remedies that may be available to the Town. The Town shall have authority to perform periodic reviews and monitoring of the contractor's collection routes and schedules, including transportation and delivery to the Frederick-Winchester-Clarke Regional Landfill.

Curbside Recycling and Collection Service: Provide for curbside collection, transportation, disposal, and marketing of commingled recyclable materials from all residential properties, designated commercial and designated multi-family properties approved by the Town Manager, within the corporate limits of the Town. Collection routes and schedules shall be the same as specified for garbage and refuse services. The purpose of the collection program is to service each Town residence on a weekly basis

with curbside collection of cardboard; newspaper; aluminum and bimetal cans; and PET and HDEP plastics, to be commingled in a bin or toter, placed at the curb for collection.

Contractor shall collect and remove all recyclable materials which have been separated from general garbage and refuse, and placed at the curbside in designated bins or toters or, in the case of newspaper, either bundled or placed in paper bags. No recyclables from other sources may be combined with the recyclables to be collected by the contractor along the Town's collection route.

Recyclable materials to be collected will include: cardboard; newspaper; aluminum and bi-metal cans; and PET and HDEP plastic containers. If changes in the collection of recyclable materials occur during the contract period, the contractor must give written notice to each residential unit affected at least two (2) weeks in advance of the effective date of the change. Any changes, including addition or deletion of any material to be collected from the collection routes, must have prior approval of the Town Manager. Every effort must be made to continue the collection of stated materials. Any disruption in material type collected is to be minimized. The Town may, upon mutual agreement with the contractor, add or delete materials deemed suitable for collection pursuant to the collection program.

Contractor shall collect and remove commingled and paper recyclables once each week per residential unit, on the regularly scheduled garbage and refuse collection day. Contractor shall be prohibited from performing collection service in any residential area before 7:00 a.m. or after 6:00 p.m.

Contractor must collect and transport all recyclable material originating from all single-family residences, duplex, and town house dwelling units, and designated multi-family residential complexes approved to receive Town curbside garbage and refuse service. The contractor will not be responsible for collecting nonresidential properties, including commercial, industrial and/or governmental properties unless otherwise designated, during the contract period, and duly approved by the Town Manager.

Contractor is not responsible for collecting recyclable materials unless they are appropriately placed at the curb in the recycling bin or toter, or in the case of newspaper, properly bundled and/or placed in paper bags at the curb. However, if the recycling bin or toter is not sufficient to contain all the resident's recyclables, additional recyclables may be separated and placed at the curb in paper bags (i.e. one bag of metal cans, etc.), or commingled in a reusable bin or toter which is clearly labeled as containing recyclables to be collected by the contractor.

Contractor is not responsible for collecting commingled recyclables if contaminants, as defined herein, are present in the containers. In such cases, the contractor must leave a written notice clearly posted on or in the bin or toter which identifies the reason collection was not made an email to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov).

Contractor shall assume ownership of all recyclables placed at the curb upon collection.

Contractor must use care in the loading and transportation of recyclable material so that material breakage and spillage is minimal. Contractor must assure that none of the material is scattered or spilled either on private property or on public streets. Any materials so scattered or spilled must be immediately cleaned up and removed by the contractor. The material must be handled and transported in a manner which does not allow any material to escape from the collection vehicle and onto the roadways or private property.

The contractor must determine the route that each collection vehicle should follow in order to ensure that no dwelling units are missed. The collection route shall coincide with the Town garbage and refuse collection schedule such that recyclables are collected on the same day as garbage and refuse.

Contractor shall procure and distribute, at contractor's expense, approved recycling toter(s) or bin(s) to each new or additional residential unit added to the collection route pursuant to the terms of the contract. The toter or bin must meet the specifications set forth in the attachments hereto.

Optional Collections and Services: addresses specific tasks that are not a part of the base proposal, which may or may not be adopted as a part of the contract.

Contractor shall, within 60 days of award, complete any necessary survey of the Town's downtown businesses (not to include industrial uses) to determine the amount and nature of recyclable materials produced by each business. Said survey shall be submitted in writing to the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov).

The Town may or may not have the contractor complete one or more of the following:  
Designated Commercial Curbside Recycling Collection Service  
Commingled Mixed Paper with Designated Commercial Curbside Recycling Collection Service  
Commingled Mixed Paper Collection with Residential Collection Service  
Designated Commercial Container Service for Disposal of Garbage and Refuse  
Designated Residential Multi-Family Container Service for Disposal of Garbage and Refuse

When an optional collection and service is requested and approved by the Town Manager, the contractor shall begin providing such service within sixty (60) days of written notice. Said collections would occur on Fridays between the hours of 7:00 a.m. and 11:00 a.m.

The Town is under no obligation to have the services listed above performed unless requested as required above.

*Toters and Bins:* The Town will notify the contractor of reported lost, damaged, or destroyed toters and bins. Contractor shall then replace, lost, damaged, or destroyed toters and bins.

Contractor will bill the Town for replacement toters or bins at a unit price not to exceed that paid by the contractor.

Contractor must report monthly the Town, providing a clearly identifiable list of households that received replacement toters or bins. Otherwise, contractor shall assume replacement cost.

The Town will bill households responsible for lost, damaged, or destroyed toters or bins.

Contractor shall be responsible for toters or bins lost, damaged, or destroyed by the employees or agents of the contractor, and in no case bill the Town or resident.

Contractor must keep sufficient toter and bin replacement inventory so as to avoid interruption in providing collection service to residents.

All household collection toters or bins provided by the contractor shall remain the property of the contractor.

If contractor so elects, an inventory of replacement toters and bins may be maintained at the Town Public Works Office for distribution, billing, and reimbursement to contractor as replacement toters and bins are distributed. This is a matter of convenience to the contractor, however, and contractor,

shall bear the cost of such inventory pending reimbursement from the Town for replacement totes and bins so distributed by the Town.

*General Provisions:* Contractor shall be responsible for damage to private property caused by the contractor's collectors in the performance of the contract. Contractor must replace or restore to its original condition any such damaged property at no cost to the occupant, owner, or the Town. Contractor shall hold the Town harmless from any liability, damages or awards for such property damage, as well as from any disputes arising from such property damage.

Contractor shall employ persons who are competent, skilled and qualified for the performance of work to which they are assigned. All contractor personnel must maintain a courteous and respectful attitude toward the public at all times. At no time shall they solicit, request, or receive gratuities of any kind. Contractor must direct employees that loud, abusive, and/or profane language is not permissible during the performance of duties under the contract. Any employee of the contractor who engages in continued misconduct, is incompetent or negligent in the proper performance of duties, is disorderly, dishonest, under the influence of drugs or alcohol, or discourteous must be removed from service under the contract by the contractor once written notice/complaint has been filed by the Town against such person.

Contractor must thoroughly train and instruct all employees used in the field, including drivers and helpers, as to their duties and methods and level of performance, and safety procedures. In addition, all employees in the field are to ensure that reusable recycling toter(s) and/or bin(s) are returned to their curbside location or that other materials are not scattered, and that materials do not blow or fall from the collection vehicle. All points of collection shall be left in a clean and orderly fashion.

If requested, the Offeror must present within forty-eight (48) hours, evidence satisfactory to the Town Manager or designee of performance ability; possession of necessary facilities, equipment, staff, and pecuniary resources; and adequate insurance to comply with the terms of this RFP and contract documents.

*Service and Complaint:* The contractor shall be courteous and shall act promptly on all service calls and complaints. The contractor, upon representation by the Town Manager that any of its employees engaged in actual refuse collection within the Town are unsatisfactory to the Town, shall remove such employees from its service within the Town and replace them. Any employee of the contractor who shall use profane or abusive language to any citizen or resident of the Town or to any employee of the Town, or is otherwise disorderly or interferes with Town employees in the performance of their duties, or who is careless or incompetent, shall be removed from the refuse collection crew working in the Town on the request of the Town Manager, and shall not again be so employed except with the Town Manager's consent.

The contractor will respond to all complaints regarding services provided under the contract. Any complaints received by the Town will be passed on to the contractor's office upon receipt by the Town. Contractor shall make every effort to provide same-day response to citizen complaints of missed collection service, and in no case shall such response be provided later than the day following such missed collection. In the event the contractor can demonstrate that a resident missed the required set-out time, the contractor may require the resident to hold the materials until the next regularly scheduled collection day.

The contractor shall designate a contact person(s) for the Town Staff to contact directly, who can be reached on a twenty-four (24) hour per day, seven (7) day per week basis. This person(s) shall provide the Town with a direct voice telephone line (not the general public telephone line) and private business email address so that the Town may contact this person(s) to resolve issues and complaints in a timely manner. A designated contractor contact must be available to Town staff during the entire collection

day to resolve any issues or complaints that may arise. A designated Town contact will be available on each collection day. Written communication shall be directed via email to the Town Customer Service professional at [customerservice@berryvilleva.gov](mailto:customerservice@berryvilleva.gov) and the Town Manager at [townmanager@berryvilleva.gov](mailto:townmanager@berryvilleva.gov).

The contractor shall provide a toll-free telephone access for use by the public in contacting the contractor for questions about the program, calls regarding missed collections, and complaints. Contractor shall ensure that courteous employee staffing of such telephone access shall be provided in order to provide timely response to the public.

*Marketing of Materials:* The contractor shall establish transportation, disposal, and marketing arrangements for the recycled materials collected under the contract.

*Program Promotion:* The contractor shall be responsible for the printing and distribution of all public information materials for the curbside recycling program, including any public information materials related to any changes under the program. The content of public information materials and choice of publicity mediums must be approved by the Town Manager, in advance of any such activities. The Town reserves the right to participate in any such public information and/or public relations activities as it may so choose or deem appropriate.

*Insurance Required:* The contractor shall be responsible for its work and every part thereof, and for all materials, tools, equipment, appliances, and property of any and all description used in connection therewith. The contractor assumes all risk of direct and indirect damage or injury to any person or property wherever located, resulting from any action, omission, commission or operation under the contract. Prior to the execution of the contract, the contractor shall comply with all insurance requirements as contained in this solicitation and attachments, as provided herein. The contractor will provide an original, signed Certificate of Insurance and required endorsements, and shall maintain such insurance throughout the term of the contract and renewals.

*Reporting and Delivery Instructions:* Contractor shall be required to keep and submit reports to comply with Town reporting requirements. These reports will serve as a means to apprise the Town of the status of recycling activities and expenditures. Contractor may also be required to provide certified weight receipts and revenue receipts from vendors for all materials brokered by the contractor for each of the materials collected in the Town program.

Contractor shall submit to the Town a monthly report, prior to the fifteenth day of the following month, to include the following minimum information:

1. A report of each complaint received directly by the contractor and resolution made by the contractor in response thereto;
2. The number of non-collection incidents and notices left at residences, identifying each such residence and the reason for non-collection;
3. Tonnage summaries of each material collected, with a total tonnage summary of all materials collected;
4. Weight receipts and invoices for the sale of materials collected and sold.

Contractor shall submit quarterly project status reports to the Town within fifteen (15) days of the close of the calendar quarter being reported. At a minimum, the quarterly report shall include a summary of all program costs and revenues, tonnages of materials recovered, and household participation rates.

#### IV. Proposal Preparation and Submission Instructions

##### *RFP Response*

In order to be considered for selection, offerors must submit a complete response to this solicitation. One (1) hard copy original, three (3) hard copy copies, and an electronic copy in PDF format presented on a USB flash drive, marked, **Refuse and Recycling Services**, of each proposal must be submitted to the Town. No other distribution of the proposal shall be made by the offeror. Proposals shall be placed in a sealed, opaque envelope, marked in the lower left-hand corner with the RFP title, and date and hour proposals are scheduled to be received.

Time is of the essence and any proposal received after 2:00 p.m., March 12, 2020, whether by mail, in person or otherwise, will be marked "Late" and placed in the solicitation file, unopened.

Offerors are responsible for ensuring their proposal is stamped at the Town Business Office by the deadline indicated. Only the stamp of the Town Business Office shall be dispositive of the time/date of proposal delivery.

Nothing herein is intended to exclude any responsible firm from participating in the procurement or in any way restrain or restrict competition. On the contrary, all responsible firms are encouraged to submit proposals.

The Town reserves the right to accept or reject any or all proposals submitted.

The Town reserves the right to waive any irregularity or informality in any proposal other than the proposal submission date and time.

Proposals may be withdrawn up to and until the scheduled date and time for receipt.

#### *Proposal Preparation*

Each proposal and resulting contract must be signed by a person(s) authorized to bind the Offeror to a valid contract. The Town may require that any Offeror submit powers of attorney or other appropriate documentation showing the authority of the signatory to act on the Offeror's behalf. If, whether such proof of agency has been demanded or not, it later appears that the signatory was not authorized to act, the Town may declare the Contract null and void if it is in the Towns' best interest to do so.

Failure to submit any and all information requested may result in the Town requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals which are substantially incomplete or lack key information may be rejected by the Town.

Mandatory requirements are those required by law or regulation or are such that they cannot be waived and are not subject to negotiation.

The Contract shall only be awarded to the Offeror who, through evidence submitted in the proposal or information available to the Town, has shown that the Offeror has the demonstrated capability, capacity, financial resources, and skilled personnel to adequately perform all services and fulfill all terms, conditions and provisions detailed herein.

Proposals should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content.

Proposals should be organized in the order in which the requirements are presented in the RFP. All pages of the proposal should be numbered. Each paragraph in the proposal should reference the paragraph number of the corresponding section of the RFP. If a response covers more than one page, the paragraph number and subletter should be repeated at the top of the next page. The proposal should contain a table of contents which cross-references the RFP requirements. Information which the

offeror desires to present that does not fall within any of the requirements of the RFP should be inserted at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed.

Each copy of the proposal should be bound or contained in a single volume where practical. All documentation submitted with the proposal should be contained in that single volume.

Ownership of all data, materials, and documentation originated and prepared for the Town pursuant to the RFP shall belong exclusively to the Town and be subject to public inspection in accordance with the *Virginia Freedom of Information Act*. Trade secrets or proprietary information submitted by an offeror shall not be subject to public disclosure under the *Virginia Freedom of Information Act*; however, the offeror must invoke the protections of § 2.2-4342F of the *Code of Virginia*, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document or prequalification application, line item prices, and/or total proposal prices as proprietary or trade secrets is not acceptable and will result in rejection of the proposal. If, after being given reasonable time the offeror refuses to withdraw an entire classification designation, the proposal will be rejected.

*Oral Presentation:* Offerors who submit a proposal in response to this RFP may be required to give an oral presentation of their proposal to the Town. This provides an opportunity for the offeror to clarify or elaborate on the proposal. This is a fact finding and explanation session only and does not include negotiation. The Town will schedule the time and location of these presentations. Oral presentations are an option of the Town and may or may not be conducted.

#### *Specific Proposal Instructions*

Proposals should be as thorough and detailed as possible so that the Town may properly evaluate your capabilities to provide the required services.

Offerors are required to submit the following items as a complete proposal: (1) Request for Proposals Cover Sheet (2) Proposal Form - Price Schedule: The price proposed shall include all charges that may be incurred in fulfilling the terms of the contract. (3) All addenda acknowledgments, if any, signed and completed as required. (4) Other specific items or data requested in the RFP.

A written narrative statement to include: (1) Relevant experience providing the services described herein. Provide detailed information on the Offeror's current provision of similar refuse and recycling services. (2) Names, qualifications and experience of personnel to be assigned to the project. (3) Resumes of all key management staff to be assigned to this contract, identifying the principal manager and all key staff members that will be involved in the provision of services. For key personnel include: qualifications, relevant work experience, description of proposed work responsibilities to be performed under the contract with the Town. Resumes must be included as an appendix, not in the body of the Qualifications. (4) Include the organizational structure of the team. (5) Offeror's last two financial statements.

References: Offerors shall provide a list of three (3) references, and *only* three (3), where similar services have been provided. Each reference must be current, complete, and include the name of the organization, mailing address, the name of the contact person, and telephone number. References provided will be contacted and made part of the evaluation of the proposal.

A detailed Work Plan that demonstrates the Offeror's familiarity with the Town providing the proposed services including: (1) Procedures, equipment, and staff that the Offeror will use to provide the services required. (2) List of proposed equipment/etc. including operating parameters, illustrations, etc. What, when and how the service will be performed. (3) Clearly indicate all facilities the Offeror will use for the disposal of all materials collected under the contract including, but not limited to landfills, Material Recovery Facilities, and Transfer Stations.

State Corporation Commission Form: Required of all offerors.

- V. Evaluation Criteria: Proposals shall be evaluated by the Town using the following criteria and a scoring on a 100-point scale.

Specific plans or methodology to be used to perform the services	20
Price	35
Experience and qualifications of personnel assigned to perform the services	20
References	10
Equipment	15
Total	100

- VI. Award of Contract: Selection shall be made of offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the RFP, including price, if so, stated in the RFP. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the Town shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Town may cancel this RFP or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (Code of Virginia, § 2.2-4359D). Should the Town determine in writing and in its sole discretion that only one offeror is fully qualified, or that one such offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation, the contractor's proposal as negotiated, the Town's General Terms and Conditions, the RFP's Special Terms and Conditions, and other attachments and/or addenda required by the Town.
- VII. Optional Preproposal Conference: An optional preproposal conference will be held at **2:00 PM on Wednesday, February 26, 2020** at the **Berryville-Clarke County Government Center in the Main Meeting Room, Second Floor, 101 Chalmers Court, Berryville, VA 22611**. The purpose of this conference is to allow potential offerors an opportunity to present questions and obtain clarification relative to any facet of this solicitation. While attendance at this conference will not be a prerequisite to submitting a proposal, offerors who intend to submit a proposal are encouraged to attend. Bring a copy of the solicitation with you. Any changes resulting from this conference will be issued in a written addendum to the solicitation and posted on the Town website <http://www.berryvilleva.gov/2211/Bid-Procurement-Opportunities> and the State's Procurement site, eVA <https://eva.virginia.gov>. Attendees requiring special services are asked to provide their requirements to [financeclerk@berryville.gov](mailto:financeclerk@berryville.gov). Please allow five (5) working days in advance of the conference to make the necessary arrangements.
- VIII. Questions: All inquiries for information regarding this solicitation should be submitted in writing to: Heather DeHaven, Finance Clerk at [financeclerk@berryvilleva.gov](mailto:financeclerk@berryvilleva.gov) no later than **Thursday, February 27, 2020 by 5:00 PM**. Verbal answers or other written material from any other sources whatsoever shall not be authoritative, controlling or binding on the Town, unless issued by an addendum. The Town shall provide any interpretation made to prospective Offerors in the form of

a written addendum to the solicitation, which will be posted on the Town website <http://www.berryvilleva.gov/2211/Bid-Procurement-Opportunities> and the State's Procurement site, eVA <https://eva.virginia.gov> no later than Thursday, March 5, 2020.

IX. Method of Payment: Invoices shall be sent to the Town Business Office, mailing address contained herein. Invoices will be due and payable thirty (30) days after receipt. It is not required, however, the preference of the Town, is to remit payment by credit card, free of transaction fees. Otherwise, payment will be made by check. Payments will be made no more frequently than once monthly.

X. Attachments  
*General Terms and Conditions - Requests for Proposals*  
*Special Terms and Conditions*  
*Proposal Form: Price Schedule*

## **Town of Berryville**

### **General Terms and Conditions - Requests for Proposals**

These General Terms and Conditions are required for use in written solicitations issued by the Town of Berryville, Virginia herein after referred to as "Town" for procurements.

**APPLICABLE LAWS AND COURTS:** This solicitation and any resulting contract shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The contractor shall comply with all applicable federal, state and local laws, rules and regulations.

**ANTI-DISCRIMINATION:** By submitting their proposals, offerors certify to the Town that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and § 2.2-4311 of the Virginia Public Procurement Act (VPPA).

**EMPLOYMENT DISCRIMINATION PROHIBITED:**

Employment discrimination by contractor prohibited; required contract provisions. All public bodies shall include in every contract of more than \$10,000 the following provisions:

During the performance of this contract, the contractor agrees as follows:

- A) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- B) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
- C) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

The contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

**ETHICS IN PUBLIC CONTRACTING:** By submitting their proposals, offerors certify that their proposals are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other offeror, supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

**IMMIGRATION REFORM AND CONTROL ACT OF 1986:** By submitting their proposals, offerors certify that they do not and will not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the federal Immigration Reform and Control Act of 1986.

**DEBARMENT STATUS:** By submitting their proposals, offerors certify that they are not currently debarred by the Town from submitting proposals on contracts for the type of goods and/or services covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.

**MANDATORY USE OF TOWN TERMS AND CONDITIONS FOR RFPs:** Modification of or additions to the General Terms and Conditions of the solicitation may be cause for rejection of the proposal; however, the Town reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject such a proposal.

**BILL PAYMENT POLICY:** The Town Treasurer shall make payment in full (unless an alternate payment plan has been agreed upon) for all goods delivered or services rendered within thirty days of receipt of the bill.

No goods or services shall be deemed received until such goods are completely delivered and found acceptable by the Department Head. For purposes of determining whether or not payment was made in accordance with this policy, payment in full shall be considered to be made on the date the check for payment was mailed or otherwise transmitted.

When a bill submitted to the Town is incorrect or when there is a defect or impropriety in a bill submitted, the respective Department Head shall notify the creditor in writing prior to the date on which payment in full is due. The notice shall contain a description of the defect or impropriety and any other additional information to enable the creditor to correct the bill. Upon receiving a corrected bill, the Town shall make payment in full on or before the thirtieth calendar day after receipt of the corrected bill.

**SUBCONTRACTORS:** All offerors shall include a list of all subcontractors with their proposal. The Town reserves the right to reject the contractor's selection of subcontractors for good cause. If a subcontractor is rejected, the offeror may replace that subcontractor with another subcontractor subject to the approval of the Town. Any such replacement shall be at no additional expense to the Town nor shall it result in an extension of time without the Town's approval.

**To Subcontractors:** A contractor awarded a contract under this solicitation is hereby obligated:

To pay the subcontractor(s) within seven (7) days of the contractor's receipt of payment from the Town for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or

To notify the Town and the subcontractor(s), in writing, of the contractor's intention to withhold payment and the reason.

**PRECEDENCE OF TERMS:** In the event there is a conflict between any of the other General Terms and Conditions and any Special Terms and Conditions in this solicitation, the Special Terms and Conditions shall apply.

**QUALIFICATIONS OF OFFERORS:** The Town may make such reasonable investigations as deemed proper and necessary to determine the ability of the offeror to perform the services/furnish the goods and the offeror shall furnish to the Town all such information and data for this purpose as may be requested. The Town reserves the right to inspect offeror's physical facilities prior to award to satisfy questions regarding the offeror's capabilities. The Town further reserves the right to reject any proposal if the evidence submitted by, or investigations of, such offeror fails to satisfy the Town that such offeror is properly qualified to

carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein.

**TESTING AND INSPECTION:** The Town reserves the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

**ASSIGNMENT OF CONTRACT:** A contract shall not be assignable by the contractor in whole or in part without the written consent of the Town.

**CHANGES TO THE CONTRACT:** Changes can be made to the contract in any of the following ways:

The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.

The Town may order changes within the general scope of the contract at any time by written notice to the contractor. Changes within the scope of the contract include, but are not limited to, things such as services to be performed, the method of packing or shipment, and the place of delivery or installation. The contractor shall comply with the notice upon receipt. The contractor shall be compensated for any additional costs incurred as the result of such order and shall give the Town a credit for any savings. Said compensation shall be determined by one of the following methods:

1. By mutual agreement between the parties in writing; or
2. By agreeing upon a unit price or using a unit price set forth in the contract, if the work to be done can be expressed in units, and the contractor accounts for the number of units of work performed, subject to the Town's right to audit the contractor's records and/or to determine the correct number of units independently; or
3. By ordering the contractor to proceed with the work and keep a record of all costs incurred and savings realized. A markup for overhead and profit may be allowed if provided by the contract. The same markup shall be used for determining a decrease in price as the result of savings realized. The contractor shall present the Town with all vouchers and records of expenses incurred and savings realized. The Town shall have the right to audit the records of the contractor as it deems necessary to determine costs or savings. Any claim for an adjustment in price under this provision must be asserted by written notice to the Town within thirty (30) days from the date of receipt of the written order from the Town. If the parties fail to agree on an amount of adjustment, the question of an increase or decrease in the contract price or time for performance shall be resolved in accordance with the procedures for resolving disputes provided by the Disputes Clause of this contract. Neither the existence of a claim nor a dispute resolution process, litigation or any other provision of this contract shall excuse the contractor from promptly complying with the changes ordered by the Town or with the performance of the contract generally.

**DEFAULT:** In case of failure to deliver goods or services in accordance with the contract terms and conditions, the Town, after due oral or written notice, may procure them from other sources and hold the contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies which the Town may have.

**TAXES:** Sales to the Town are normally exempt from State sales tax. State sales and use tax certificates of exemption will be issued upon request. (NOT NORMALLY REQUIRED FOR SERVICE CONTRACTS)

**INSURANCE:** By signing and submitting a proposal under this solicitation, the offeror certifies that if awarded the contract, it will have the following insurance coverage at the time the contract is awarded as well as any other insurance requirements laid out in the request for proposal. The Town requires minimum insurance amounts as recommended by the Virginia Risk Sharing Association. For construction contracts, if any subcontractors are involved, the subcontractor will have workers' compensation insurance in accordance with §§ 2.2-4332 and 65.2-800 et seq. of the Code of Virginia. The offeror further certifies that the contractor and any subcontractors will maintain these insurance coverages during the entire term of the contract and that all insurance coverage will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission. The Town Manager is authorized to amend coverages and limits as required. Such amendments shall be provided in writing and specifically state that established coverages and limits differ from those provided in the Town's General Terms and Conditions.

**MINIMUM INSURANCE COVERAGES AND LIMITS REQUIRED FOR MOST CONTRACTS:**

**General services contracts or leases:**

**Commercial General Liability**

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$2 million General Aggregate that applies on a per project basis
- \$2 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

**Owned and/or Non-Owned Automobile Liability-**\$1,000,000 each accident

**Workers Compensation Insurance -**\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit (unless sole proprietor)

**Excess Liability-**\$1,000,000 each (CGL/AL/EL) occurrence/\$2,000,000 Annual Policy Aggregate

**Minor Construction Contracts (\$99,999.99 or less):**

**Commercial General Liability**

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$2 million General Aggregate that applies on a per project basis
- \$2 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

**Owned and/or Non-Owned Automobile Liability-**\$1,000,000 each accident

**Employers Liability-**\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit

**Professional Liability (Errors and Omissions)-**\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one-three year extended reporting period (only if consulting or designing is involved).

**Excess Liability-**\$3,000,000 each (CGL/AL/EL) occurrence/\$3,000,000 Annual Policy Aggregate

**Major Construction (more than \$100,000) or Hazardous contracts:**

**Commercial General Liability**

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$2 million General Aggregate that applies on a per project basis
- \$2 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

**Owned and/or Non-Owned Automobile Liability**-\$1,000,000 each accident  
**Employers Liability**-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit  
**Professional Liability (Errors and Omissions)**-Refer to Risk Manager-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one-three year extended reporting period. Important if designing or consulting is performed).  
**Excess Liability**- Refer to Risk Manager-\$5,000,000 each (CGL/AL/EL) occurrence/\$5,000,000 Annual Policy Aggregate

**Professional services contracts:**

**Commercial General Liability**

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$2 million General Aggregate that applies on a per project basis
- \$2 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

**Owned and/or Non-Owned Automobile Liability**-\$1,000,000 each accident  
**Employers Liability**-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit  
**Professional Liability (Errors and Omissions)**-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one-three year extended reporting period).  
**Cyber or Identity Breach liability**-\$1,000,000 each identity breach  
**Excess Liability**-\$2,000,000 each (CGL/AL/EL) occurrence/\$2,000,000 Annual Policy Aggregate

**Design Professional Services and Surveyors contracts:**

**Commercial General Liability**

- \$1 million Each Occurrence (Bodily Injury and Property Damage)
- \$2 million General Aggregate that applies on a per project basis
- \$2 million Products/Completed Operations Aggregate
- \$1 million Per Person or Organization (Personal and Advertising Injury)

**Owned and/or Non-Owned Automobile Liability**-\$1,000,000 each accident  
**Employers Liability**-\$100,000 Bodily Injury each accident/\$100,000 Bodily Injury Disease Each Employee /\$500,000 Bodily Injury Disease policy limit  
**Professional Liability (Errors and Omissions)**-\$2,000,000 each wrongful act/\$3,000,000 annual policy claims aggregate (effective date same as contract date with one-three year extended reporting period).  
**Excess Liability**-\$2,000,000 each (CGL/AL/EL) occurrence/\$2,000,000 Annual Policy Aggregate

The Town shall be a named as an additional insured on any policy obtained by Contractor/ Subcontractor/Vendor/Lessee pursuant to this paragraph. Contractor shall furnish the Town with all Certificates of Insurance that indicate(s) adequate insurance coverage has been obtained. Contractor shall furnish the Town with an additional insured endorsement.

**HOLD HARMLESS AGREEMENT:** Contractor shall attach to each liability insurance policy, with the exception of Worker's Compensation, the following endorsement: "Contractor and all subcontractors shall save Town harmless from any and all claims, damages, liabilities, expenses of litigation, including attorney's fees, and losses arising out of injury to, or death of, any of Contractor's employees or any other person while on or about Town's premises or job site in connection with any matters relating to or arising out of the performance of this Contract. It is understood and agreed that the Contractor is at all times acting as an independent contractor."

**ADDITIONAL REQUIREMENTS:** During the performance of the Work described in the Contract Documents, the Contractor agrees to:

- A) Employment discrimination by contractor prohibited; required contract provisions (see § 2.2-4311 of the Code of Virginia)
- B) Compliance with federal, state, and local laws and federal immigration law; required contract provisions (see § 2.2-4311.1 of the Code of Virginia)
- C) Compliance with state law; foreign and domestic businesses authorized to transact business in the Commonwealth (see § 2.2-4311.2 of the Code of Virginia)
- D) Drug-free workplace to be maintained by contractor; required contract provisions (see § 2.2-4312 of the Code of Virginia)
- E) Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition
- F) Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

**SPECIAL TERMS AND CONDITIONS  
GARBAGE AND REFUSE COLLECTION/DISPOSAL AND CURBSIDE RECYCLING  
COLLECTION SERVICE  
TOWN OF BERRYVILLE, VIRGINIA**

These Special Terms and Conditions are required for use in this written solicitation, Garbage and Refuse Collection/Disposal and Curbside Recycling Collection Service, issued by the Town of Berryville, Virginia herein after referred to as "Town".

**AUDIT:** The contractor shall retain all books, records, and other documents relative to this contract for five (5) years after final payment, or until audited by the Town, whichever is sooner. The Town, its authorized agents, and/or Town auditors shall have full access to and the right to examine any of said materials during said period.

**CANCELLATION OF CONTRACT:** The Town reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon sixty (60) days written notice to the contractor. In the event the initial contract period is for more than 12 months, the resulting contract may also be terminated by the contractor, without penalty, after the initial 12 months of the contract period upon 180 days written notice. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

**CONTINUITY OF SERVICES:** The Contractor recognizes that the services under this contract are vital to the Town and must be continued without interruption and that, upon contract expiration, a successor, either the Town or another contractor, may continue them. The Contractor agrees:

- A. To exercise its best efforts and cooperation to effect an orderly and efficient transition to a successor;
- B. To make all Town owned facilities, equipment, and data available to any successor at an appropriate time prior to the expiration of the contract to facilitate transition to successor; and
- C. That the Town Manager shall have final authority to resolve disputes related to the transition of the contract from the Contractor to its successor.

The Contractor shall, upon written notice from the Town Manager, furnish phase-in/phase-out services for up to thirty (30) days after this contract expires and shall negotiate in good faith a plan with the successor to execute the phase-in/phase-out services. This plan shall be subject to the Town Manager's approval.

The Contractor shall be reimbursed for all reasonable, Town Manager pre-approved phase-in/phase-out costs (i.e., costs incurred within the agreed period after contract expiration that result from phase-in, phase-out operations) and a fee (profit) not to exceed a pro rata portion of the fee (profit) under this contract. All phase-in/phase-out work fees must be approved by the Town Manager in writing prior to commencement of said work.

**INDEMNIFICATION:** Contractor agrees to indemnify the Town, its officers, agents, and employees for any loss, liability, cost, or reasonable settlement cost incurred as a result of any claims, damages and actions of any kind or nature, whether at law or in equity, arising from or caused by the use of any materials, goods, or equipment of any kind or nature furnished by the contractor/any services of any kind or nature furnished by the contractor, provided that such

liability is not attributable to the sole negligence of the using agency or to failure of the using agency to use the materials, goods, or equipment in the manner already and permanently described by the contractor on the materials, goods or equipment delivered.

**LETTER OF CREDIT:** The Contractor shall immediately provide the Town, upon full execution of this Contract, and shall keep same in full force and effect during the term of the Contract, a letter of credit, in a form acceptable to and approved by the Town Manager, in the amount of One Hundred Percent (100%) of the total annual Contract price from a financial institution duly authorized to do business in the Commonwealth of Virginia and conditioned on the faithful performance of this Contract by the Contractor, and the indemnification of the Town against all losses by reason of Contractor's negligence, willful misconduct, nonperformance or breach of any of the provisions of the Contract, or any and all claims, losses and demands of any character whatsoever required to be indemnified and/or insured by the Contract. The letter of credit amount shall be updated annually on the anniversary of the Contract execution with the new letter of credit amount based upon the updated annual contractual cost to the Town and adjusted accordingly.

If the expense of performing the work, including compensation for additional managerial and administrative services exceeds the balance of the Letter of Credit and Payment Deposit, or the value of any performance guarantee posted by the Contractor, the Contractor shall be liable for the payment of the amount of such excess to the Town. The expense incurred by the Town as herein provided and the damage incurred through the Contractor's default shall be certified by the Town.

**LIQUIDATED DAMAGES:** It is understood and agreed by the offeror that time is of the essence in the delivery of supplies, services, materials, or equipment of the character and quality specified in the proposal documents. In the event these specified supplies, services, materials, or equipment are not delivered by the date specified there will be deducted, not as a penalty but as liquidated damages, the sum of \$XXX.XX per day for each and every calendar day of delay beyond the time specified; except that if the delivery be delayed by any act, negligence, or default on the part of the Town not caused by the negligence or intentional act of the contractor, or labor trouble that results from a cause or causes entirely beyond the control or fault of the contractor, a reasonable extension of time as the Town deems appropriate may be granted. Upon receipt of a written request and justification for any extension from the contractor, the Town may extend the time for performance of the contract herein specified, at the Town's sole discretion, for good cause shown.

The Contractor hereby expressly and specifically waives the right to challenge any fees or liquidated damages assessed under this Contract and any and all defenses as to the validity of any liquidated damages stated in this Contract.

**PERFORMANCE BOND:** A fully completed and properly executed original Performance Bond for a minimum amount of \$XXX.XX will be required of the Contractor to ensure satisfactory completion of the work. The bond shall be a corporate surety bond issued by a surety company which meets the Town's criteria for a company that issues corporate surety bonds. The Performance Bond shall remain in effect in the original amount for the duration of the Contract term, to include renewals.

The Contractor agrees that if it fails to collect and dispose of garbage, refuse and recyclable materials and/or perform any of the provisions, terms, conditions, requirements and services in this contract for a period of five (5) calendar days or more from the day of scheduled collection during which it is required to do so, the Town shall have authority, without further notice to the Contractor, to arrange for the collection and disposal of refuse and recyclables and all other

services required under this Contract and deduct any and all costs incurred from funds that may be due the Contractor and make demand upon the letter of credit required to be posted by the Contractor as a performance guarantee for payment to the Town of all costs incurred.

**QUANTITIES:** Quantities set forth are best estimates only. The contractor may charge unit price for actual quantities/properties served, regardless of whether such total quantities are more or less than those provided in this solicitation, and shall be subject to change, at any time, as directed by the Town.

**RENEWAL OF CONTRACT:** This contract may be renewed by the Town upon written agreement of both parties for seven (7) one (1) year periods under the terms and conditions of the original contract except as stated in 1. and 2. Below or as otherwise negotiated. Price increases may be negotiated only at the time of renewal. Written notice of the Town's intention to renew shall be given approximately ninety (90) days prior to the expiration date of each contract period.

- A. If the Town elects to exercise the option to renew the contract for additional one year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the \_\_\_\_\_ category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.
- B. If during any subsequent renewal periods, the Town elects to exercise the option to renew the contract, the contract price(s) for the subsequent renewal period shall not exceed the contract price(s) of the previous renewal period increased/decreased by more than the percentage increase/decrease of the \_\_\_\_\_ category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

PROPOSAL FORM - PRICE SCHEDULE  
 GARBAGE AND REFUSE COLLECTION/DISPOSAL AND CURBSIDE RECYCLING COLLECTION SERVICE  
 TOWN OF BERRYVILLE, VIRGINIA

SERVICE	PROPERTY TYPE	FREQUENCY	QTY	UNIT PRICE	MONTHLY	ANNUAL
<b>GARBAGE AND REFUSE COLLECTION/DISPOSAL</b>						
Residential	Residential	1x-weekly	XXX	\$	\$	X 12 \$
Designated Commercial	Designated Commercial	1x-weekly	XXX	\$	\$	X 12 \$
Designated Commercial	Designated Commercial	2x-weekly	XXX	\$	\$	X 12 \$
Town Street Litter Receptacles	Town Street Litter Receptacles	2x-weekly	XXX	\$	\$	X 12 \$
Institutional	Institutional	1x-weekly	XXX	\$	\$	X 12 \$
Designated Residential Multi-family	Designated Residential Multi-family	1x-weekly	XXX	\$	\$	X 12 \$
<b>CURBSIDE RECYCLING AND COLLECTION SERVICE</b>						
Residential	Residential	1x-weekly	XXX	\$	\$	X 12 \$
Designated Commercial	Designated Commercial	1x-weekly	XXX	\$	\$	X 12 \$
Designated Commercial	Designated Commercial	2x-weekly	XXX	\$	\$	X 12 \$
Town Street Litter Receptacles	Town Street Litter Receptacles	2x-weekly	XXX	\$	\$	X 12 \$
Institutional	Institutional	1x-weekly	XXX	\$	\$	X 12 \$
Designated Residential Multi-family	Designated Residential Multi-family	1x-weekly	XXX	\$	\$	X 12 \$
<b>OPTIONAL COLLECTIONS AND SERVICES</b>						
<b>Curbside Recycling and Collection Service</b>						
Designated Commercial	Designated Commercial	1x-weekly	XXX	\$	\$	X 12 \$
Designated Commercial	Designated Commercial	1x-weekly	XXX	\$	\$	X 12 \$
Designated Commercial	Designated Commercial	1x-weekly	XXX	\$	\$	X 12 \$
<b>Container Service</b>						
1 Cubic Yard	1 Cubic Yard	2x-weekly	XXX	\$	\$	X 12 \$
2 Cubic Yard	2 Cubic Yard	2x-weekly	XXX	\$	\$	X 12 \$
4 Cubic Yard	4 Cubic Yard	2x-weekly	XXX	\$	\$	X 12 \$
8 Cubic Yard	8 Cubic Yard	2x-weekly	XXX	\$	\$	X 12 \$
<b>DISPOSAL FEES</b>						
Tipping Fee: Recycling	Tipping Fee: Recycling	As Needed	Ton	\$	\$	X 12 \$
Appliance - Class A	Appliance - Class A	As Needed	Item	\$	\$	X 12 \$
Appliance - Class B	Appliance - Class B	As Needed	Item	\$	\$	X 12 \$
<b>TOTAL</b>					\$	\$

Appliance - Class A shall include the following: refrigerators, air-conditioners, or other similar household appliances.  
 Appliance - Class B shall include the following: water heaters, ranges, dishwashers, clothes dryers, or other similar household appliances.

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Council Member Reports - Ward 2

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

**Recommendation**

**Sample Motion**

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Ward 2 - Discussion: Concerns Regarding Posts on Town Council Member Facebook Pages

Discussion: Proposed Town Council Policy Addressing How Citizen Complaints or Concerns Received by Town Council Members Will Be Processed

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Concerns re Facebook Pages
2. Response to Public Concerns

**Recommendation**

**Sample Motion**

Memorandum

**Date:** February 7, 2020

**To:** Town Council

**From:** Keith Dalton, Town Manager



**Cc:** Department Heads  
Paul Culp, Town Clerk

**Subject:** Concerns regarding posts on Town Council member Facebook pages

Mrs. Harrison requested that a discussion about Town Council member Facebook posts be placed on the agenda under the Ward 2 Council Member Report.

Memorandum

Date: February 7, 2020

To: Town Council

From: Keith Dalton, Town Manager



Cc: Department Heads  
Paul Culp, Town Clerk

**Subject:** Proposed Town Council Policy – Requests for service or receipt of concerns

Mrs. Harrison requested that staff develop a draft Town Council policy that would establish policies and procedures for responding to public concerns and requests for service. Staff was asked to draft a policy that:

- Addresses how complaints or requests for service received by Town Council members should be shared with staff and the rest of the Town Council
- Establishes a process by which such matters are handled that provides for timely response/ resolution and is effective, efficient, transparent, and respectful of the Town Manager's role in the organization

**Please find attached**

- Draft Town Council Policies – Requests for service or receipt of concerns

**Sample motion**

I move that the Council of the Town of Berryville adopt the attached policy concerning requests for service or receipt of concerns.

## Town Council Policies

### Requests for service or receipt of concerns

2020 - \_\_\_\_\_

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#### **Purpose:**

To establish policies and procedures for responding to public concerns and requests for service.

Town Council members will from time to time receive requests for service, expressions of concerns, and complaints from citizens. It is vital that these matters be addressed in a manner that is effective, efficient, timely, transparent, and is respectful of the Town Manager's responsibilities to the entire Town Council and his/her role as the Town's Chief Administrative Officer. This policy is adopted to standardize the process by which these matters are communicated to the Town Council and staff. Further, the policy addresses how Town Council, Town Council members, and staff will work toward resolution of these matters and communicate with citizens in this regard.

#### **Policy:**

Upon receipt of a citizen request for service, expression of concern, or complaint, members of the Town Council shall notify the Town Manager (and designee if it is known the Town Manager is unavailable) and Town Clerk.

The Town Manager shall acknowledge receipt of the concern, investigate the matter, take action as deemed appropriate, notify the citizen in question, and inform the Town Council of the actions taken (if any). While it is expected that the Town Manager may consult with individual Town Council members while reviewing a matter and working toward resolution, Town Council members should permit the Manager to perform his/her duties without interference.

Any Town Council member who is dissatisfied with the Town Managers actions in the matter shall forward his/her concerns to the Town Manager. The Town Manger shall respond to the member in question. If any Town Council member remains dissatisfied with the resolution of the matter, then it should be forwarded to the appropriate standing committee chair for discussion at the next regularly scheduled Town Council meeting at which time the Town Council will determine whether the Town Manager will be directed to take additional or different action in the matter.

#### **Procedure:**

Upon receipt of a citizen request for service, expression of concern, or complaint, members of the Town Council must:

Forward the following information (at a minimum) to the Town Manager and the Town Clerk in writing:

- Name of concerned citizen
- Concerned citizen's contact information (preferably an email and cell phone number if available)
- A detailed description of the concern expressed

NOTE: If matter is deemed an emergency, then the Council member shall, as appropriate, advise the citizen to call 911 (Fire, EMS, electrical lines down, or other eminent risk to life) or 955-1234 (water breaks, sewer blockages, street conditions, and the like) and call the Town Manager (or designee if it is known the Town Manager is unavailable) on his cell phone, prior to providing written notice of the concern.

Note: If the concern expressed involves conduct of the Town Manager, then the matter shall be forwarded to the Personnel, Appointment, and Policy Committee Chair who shall notify the Town Council and address the matter with the Town Manager. After speaking with the Town Manager, the Chair shall report his/her findings to the Town Council and if necessary, refer the matter to the Committee. The Committee may refer the matter to the full Town Council if deemed appropriate. Upon completion of review of the matter the Chair will provide appropriate follow up to the citizen who contacted the Town Council member.

Upon receipt of such information from a Town Council member, the Town Manager must:

- Acknowledge receipt of the concern to the Town Council member in question and provide a copy of the acknowledgement to the rest of the Town Council
- Investigate the matter (either personally or by staff) and either:
  - o Take appropriate action to address the concern
  - o Notify the citizen in question of the Town's actions, planned action, or why the Town will not take action, including referrals if necessary
  - o Inform the Town Council regarding the matter's disposition

Any Town Council member dissatisfied with the actions taken must detail his/her concerns in writing to the Town Manager. The Town Manger shall respond to the member in question (copy provided to the Town Council). If any Town Council member remains dissatisfied with the resolution of the matter, then the matter shall be forwarded to the appropriate standing committee chair for discussion at the next regularly scheduled Town Council meeting at which time the Town Council will determine whether the Town Manager will be directed to take additional or different action in the matter.

Adopted by Berryville Town Council on \_\_\_\_\_.

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Staff Reports - Public Works

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Report of the Department of Public Work 2-3-2020

**Recommendation**

**Sample Motion**

## **Report of the Department of Public Works February 3 2020**

During the week of January the 13<sup>th</sup> we experienced a brief encounter with several days of sub-freezing temperatures. During that time frame we received one call for a possible broken water service at 700 McGuire Circle.

The home owner reported that water was running across their yard. I was responding to the call when the home owner called me back and stated they found the problem was in their lawn irrigation system. They were able to shut down the water flow from inside their basement and no action was required from Public Works.

We again experienced one minor winter weather event last month. On the weekend of the 17<sup>th</sup> a small round of snow and freezing hit our area. Public Works was manned and treated the roadways and applied abrasives to Town owned sidewalks.

Construction has started on Shenandoah Crossing Subdivision. The developers have started clearing the property and begin the installation of some utilities. Heritage Site Development was awarded the contract from D R Horton to do the site work and install the utilities.

Some of the new playground equipment for Rose Hill Park has been installed. Cunningham Associates did a good job with the installation of the new playground equipment.

We have ordered new diggers to replace the existing ones that were outdated and need of replacement. The new diggers are scheduled to be delivered on the 5<sup>th</sup>. Once we receive them Public Works will install them in the same location as before.



**Berryville Town Council Item Report Summary**  
**February 11, 2020**

**Item Title**

Staff Reports - Public Utilities

**Prepared By**

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**Background/History/General Information**

Both Utility Plants are in compliance with Water Standards for the month of January 2020 per data received to date. The water treatment plant has produced 9.961 MG water with an average production of 0.398 MGD and a max production day of 0.482 MG.

The Wastewater plant has treated a total of 8.78 MG in January with an average daily flow of 0.28 MGD and a daily max of 0.63 MG.

The first page of the WTP VDH erations report and the DMR data and biosolids report are attached for the WWTP for your review.

**Findings/Current Activity**

Water Treatment Plant Operations:

The Water treatment Plant has operated smoothly for most of the month. We did encounter some high river turbidities from rains close to the end of the month requiring constant attention but all is back to normal at this time. We have finally hired a new employee who started in January and has been training on WTP operations with Ernest our Chief Operator. We are hoping to have him ready to take his place in our schedule in three to four more weeks.

Bacterial samples had to be collected three times in the month of January. Our first collection was refused when the Health Department closed early due to inclement weather. Our second collection was never picked up by the State Lab courier until two days later putting the sample out of holding time. It appears that the third collection made it to the lab in a timely manner with Ernest following up with the state lab to ensure they received the samples. We have been continuing to paint the WTP building exterior doors as weather permits and Public Works has come down and worked to clear the brush from the plant fence row.

Drought Status - There are no concerns for drought in our area at this time.

Wastewater Treatment Plant Operations:

The WWTP's new permit is now in effect. Changes we have made to meet the new requirements are to test for E-Coli three times per week, extend the time between nutrient sampling to provide at least a 48 hour separation between samples, replace the old chart recorder in the UV building to meet TIRE requirements, and work with our contract lab to reschedule courier pick up. We have also received the new black box for the membrane system which allows communication by Zenon with our membrane

system. We are still waiting for the new HMI to arrive which is currently clearing customs.

Drum screen #2 has stopped filtering debris from the influent. We have taken it out of service until we can repair and adjust the unit. This screen is part of keeping the membranes in good operational order. We do have a redundant system so the influent is receiving proper screening. We also had a failure of equalization pump #2 which created an interlock not allowing the influent control gate to function properly. The problem was tracked down to a loose wire in a junction box feeding a control signal.

We have dewatered 241,653 gallons of biosolids and completed 127 work orders in the month of January.

### **Financial Considerations**

### **Schedule/Deadlines**

### **Other Considerations**

### **Attachments**

1. 1 2020 Council Report Attachment

### **Recommendation**

### **Sample Motion**

# Berryville STP Monthly DMR Data

January 2020

Date	Effluent Flow MGD	Eff pH	Eff Temp Deg C	Eff CBOD mg/l	Eff GBOD KG/D	Eff TSS mg/l	Eff TSS KG/D	Effluent DO River mg/l	Effluent DO WWTP mg/l	Eff NO2/NO3 mg/l	Eff TN mg/l	Eff TN KG/D	Eff Total N mg/l
1/1/2020	0.25	7.5	14.7					10.5	9.6				
1/2/2020	0.23	7.5	13.7	3.00	2.58				9.0	2.65	0.26	0.22	2.91
1/3/2020	0.23	7.4	14.2						10.3				
1/4/2020	0.23	7.5	14.1						10.0				
1/5/2020	0.24	7.8	15.8						10.4				
1/6/2020	0.24	7.5	14.1	8.00	7.36				10.5	0.87	0.95	0.87	1.82
1/7/2020	0.27	8.0	7.6	4.00	4.04				10.5				
1/8/2020	0.32	7.4	13.3						9.5				
1/9/2020	0.36	7.4	10.9	4.00	5.47			11.7	10.6	0.00	0.91	1.24	0.91
1/10/2020	0.33	7.5	14.3						10.8				
1/11/2020	0.26	7.3	14.1						9.7				
1/12/2020	0.26	7.3	14.8						9.4				
1/13/2020	0.23	7.4	14.8	2.00	1.72				8.7	0.00	0.94	0.81	0.94
1/14/2020	0.22	7.6	15.3	4.00	3.36	0.00	0.00		9.0				
1/15/2020	0.24	7.5	15.8						9.8				
1/16/2020	0.23	7.5	16.0	1.00	0.89			10.9	9.6	1.55	1.10	0.97	2.65
1/17/2020	0.25	7.6	13.9						10.9				
1/18/2020	0.38	7.5	13.2						10.5				
1/19/2020	0.37	7.6	13.9						10.5				
1/20/2020	0.37	7.5	12.3	0.00	0.00				10.6	1.95	1.27	1.77	3.22
1/21/2020	0.24	7.4	11.7	0.00	0.00				10.0				
1/22/2020	0.03	7.6	12.0						11.3				
1/23/2020	0.18	7.6	11.9	0.00	0.00			11.3	10.6	1.48	0.90	0.61	2.38
1/24/2020	0.22	7.5	12.4						10.8				
1/25/2020	0.63	7.4	13.0						11.1				
1/26/2020	0.42	7.4	13.2						10.5				
1/27/2020	0.39	7.4	13.7						9.4				
1/28/2020	0.40	7.5	13.1						10.3				
1/29/2020	0.27	7.5	12.9						11.3				
1/30/2020	0.26	7.5	12.5					10.7	11.1				
1/31/2020	0.26	7.5	12.7						10.4				
Minimum	0.03	7.3	7.6	0.00	0.00	0.00	0.00	10.5	8.7	0.00	0.26	0.22	0.91
Maximum	0.63	8.0	16.0	8.00	7.36	0.00	0.00	11.7	11.3	2.65	1.27	1.77	3.22
Total	8.78	232.6	415.9	26.00	25.41	0.00	0.00	55.1	316.9	8.50	6.33	6.50	14.83
Average	0.28	7.5	13.4	2.60	2.54	0.00	0.00	11.0	10.2	1.21	0.90	0.93	2.12
Geo Mean	0.26	7.5	13.3	2.23	2.15	1.00	1.00	11.0	10.2	1.40	0.8	0.80	1.91

# Berryville STP Monthly DMR Data

January 2020

Date	Effluent KG/D	Effluent mg/l	Effluent KG/D	E. Coli No/100ml
1/1/2020				
1/2/2020	2.50	0.01	0.01	1
1/3/2020				
1/4/2020				
1/5/2020				
1/6/2020	1.68	0.04	0.04	1
1/7/2020				
1/8/2020				
1/9/2020	1.25	0.01	0.01	1
1/10/2020				
1/11/2020				
1/12/2020				
1/13/2020	0.81	0.03	0.03	1
1/14/2020				
1/15/2020				
1/16/2020	2.35	0.05	0.04	1
1/17/2020				
1/18/2020				
1/19/2020				
1/20/2020	4.49	0.01	0.01	1
1/21/2020				
1/22/2020				
1/23/2020	1.61	0.01	0.01	1
1/24/2020				
1/25/2020				
1/26/2020				
1/27/2020				
1/28/2020				
1/29/2020				
1/30/2020				
1/31/2020				
Minimum	0.81	0.01	0.01	1
Maximum	4.49	0.05	0.04	1
Total	14.68	0.16	0.15	10
Average	2.10	0.02	0.02	1
Geo Mean	1.84	0.02	0.02	1

# Berryville Monthly Solids Handling Report

January 2020

Date	Press 1 Sludge Feed gal	Press 2 Sludge Feed gal	Lime Feed lbs	Start Stabilized pH 2-Hour SU	Start Stabilized Sludge pH 24 Hour SU	Middle Stabilized Sludge pH 2 hour SU	Press 1 % Solids Number	Press 2 % Solids Number	Stabilized Sludge % Solids Number	Stabilized Sludge % VSS Number	Press 1 Filtrate TSS mg/l	Press 2 Filtrate TSS mg/l	Sludge Feed TSS mg/l
1/1/2020													
1/2/2020	11,920	9,640	891	12.71	12.23	12.65	12.20	16.50	24.00	72.30	4,510.00	3,980.00	
1/3/2020	7,274	6,517	421	12.21		12.21	12.00	13.30	17.90	52.90	160.00	580.00	10,240.00
1/4/2020													
1/5/2020	0	6,966	510	12.65	12.41	12.70	18.30	18.30	25.40	10.50	20.00	10.00	
1/6/2020	11,453	10,612		12.60		12.61	15.20	14.90	24.20	14.40	100.00	600.00	0.00
1/7/2020	14,666	8,760	963	12.49		12.52	19.70	27.90	22.00	12.80	70.00	0.00	1,070.00
1/8/2020	8,112	6,022	2,042	12.80		12.86	14.30	19.50	38.70	31.10	60.00	280.00	
1/9/2020	8,846	5,699		12.73		12.74	14.60	16.10	26.30	16.40	210.00		
1/10/2020													
1/11/2020													
1/12/2020													
1/13/2020	13,369	12,588	1,057	12.58		12.59	15.60	14.00	20.90	16.60	60.00	120.00	
1/14/2020	3,092	2,335	245	12.65	12.56	12.61	14.10	11.70	42.30	52.60	540.00	120.00	
1/15/2020	11,134	9,703	982	12.17	12.15	12.15	13.00	18.20	26.50	52.00	290.00	260.00	
1/16/2020	6,603	2,215	736	12.18		12.14	19.00	15.60	23.30	65.30	170.00	130.00	
1/17/2020													
1/18/2020													
1/19/2020													
1/20/2020													
1/21/2020	6,871	2,767	810	12.46	12.18	12.61	17.40	25.90	51.60	89.70	1,560.00	400.00	9,070.00
1/22/2020	6,550	5,362	894	12.26			14.80	17.90	31.80	77.30	2,700.00	260.00	
1/23/2020	8,682	7,728	851	12.19			18.00	13.80	32.20	77.50	1,560.00	220.00	
1/24/2020													
1/25/2020													
1/26/2020													
1/27/2020	3,369	2,547	324	12.21		12.21	13.10	15.40	32.90	81.50	1,820.00	880.00	
1/28/2020													
1/29/2020													
1/30/2020	4,006	1,881	280	12.29	12.14		13.40	22.20	35.70	79.70	470.00	200.00	9,800.00
1/31/2020	8,217	6,187	563	12.14		12.12	14.40	18.20	21.30	58.90	470.00	200.00	
Minimum	0	1,881	245	12.14	12.14	12.12	12.00	11.70	17.90	10.50	20.00	0.00	0.00
Maximum	14,666	12,558	2,042	12.80	12.56	12.86	19.70	27.90	51.60	89.70	4,510.00	3,980.00	10,240.00
Total	134,164	107,489	11,589	211.32	73.67	187.13	259.10	299.30	497.00	861.50	14,300.00	8,200.00	30,180.00
Average	7,892	6,323	773	12.43	12.28	12.48	15.24	17.61	29.24	50.68	893.75	512.50	6,036.00

January 2020.000

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	Carbon	Chlorine	Fluoride	Polymer	KMnO4	Soda Ash	Chlorine	Corr Inhibitor						
					Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	Lbs per Day	
1																			
2	0.541		0.480	16.0	41	9.0	2	0.4			3.6	0.79	0.075	0.017	1.9	0.4		15.1	3.3
3	0.543		0.480	15.5	41	9.0	4	0.8			6.9	1.53	0.066	0.015	1.8	0.4		12.9	2.9
4	0.311		0.279	9.0	20	7.9	0	0.2			0.0	0.01	0.035	0.014	1.1	0.4		6.5	2.5
5	0.196		0.165	6.0	15	9.3	1	0.7			3.2	1.98	0.022	0.013	5.6	3.4		5.4	3.3
6	0.512		0.456	15.0	35	8.3	3	0.7			3.5	0.81	0.066	0.015	1.8	0.4		11.8	2.8
7	0.535		0.473	15.0	41	9.1	4	0.8			6.9	1.55	0.068	0.015	1.8	0.4		14.0	3.1
8	0.542		0.482	15.0	41	9.1	3	0.7			9.4	2.08	0.064	0.014	1.8	0.4		14.0	3.1
9	0.530		0.477	15.0	35	8.0	4	0.9			3.5	0.80	0.066	0.015	1.8	0.4		14.0	3.2
10	0.265		0.236	7.5	15	6.9	2	0.7			3.3	1.49	0.033	0.015	0.9	0.4		6.5	2.9
11																			
12																			
13	0.500		0.423	14.8	46	10.9	3	0.7			3.5	0.85	0.051	0.012	1.7	0.4		11.8	2.8
14	0.490		0.470	15.3	35	8.7	4	1.1			3.7	0.91	0.062	0.015	1.8	0.4		12.9	3.2
15	0.523		0.467	15.8	41	9.3	3	0.6			3.5	0.81	0.058	0.013	1.8	0.4		12.9	3.0
16	0.513		0.463	15.0	46	10.7	5	1.1			6.4	1.50	0.073	0.017	1.8	0.4		12.9	3.0
17																			
18	0.179		0.156	6.0	10	6.8	0	0.3			0.4	0.27	0.017	0.011	0.7	0.5		5.4	3.6
19	0.153		0.135	4.5	15	11.9	1	0.5			0.2	0.13	0.018	0.014	0.5	0.4		2.2	1.7
20																			
21	0.510		0.449	15.0	35	8.3	3	0.8			6.6	1.55	0.066	0.016	1.8	0.4		12.9	3.0
22	0.516		0.458	15.5	41	9.4	3	0.7			3.5	0.81	0.062	0.014	1.8	0.4		14.0	3.3
23	0.528		0.461	15.5	35	8.1	3	0.6			7.0	1.59	0.066	0.015	1.8	0.4		16.1	3.7
24	0.515		0.449	14.0	35	8.3	3	0.7			3.2	0.75	0.060	0.014	2.5	0.6		12.9	3.0
25	0.326		0.286	9.0	25	9.3	2	0.7			3.3	1.21	0.040	0.015	1.1	0.4		7.5	2.8
26																			
27	0.501		0.440	15.5	48	10.9	3	0.8			3.5	0.85	0.073	0.017	1.8	0.4		16.1	3.9
28	0.499		0.411	15.5	71	17.1	3	0.8			6.6	1.60	0.068	0.016	1.8	0.4		15.1	3.6
29	0.514		0.463	16.0	66	15.4	4	0.9			3.5	0.82	0.066	0.015	1.9	0.4		15.1	3.5
30	0.495		0.442	16.0	51	12.3	3	0.7			3.6	0.87	0.035	0.009	1.9	0.5		16.1	3.9
31	0.516		0.459	16.0	48	10.6	2	0.6			6.6	1.53	0.066	0.015	1.9	0.4		14.0	3.3
Total	11.254	0.000	9.961	332.3	928	244.4	68	17.5	0.0	0.00	105.6	27.1	1.38	0.363	45	13.6	0.0	296.0	78.18
Maximum	0.543	0.000	0.482	16.0	71	17.1	5	1.1	0.0	0.00	9.4	2.1	0.07	0.017	6	3.4	0.0	16.1	3.91
Minimum	0.153	0.000	0.135	4.5	10	6.8	0	0.2	0.0	0.00	0.0	0.0	0.02	0.009	1	0.4	0.0	2.2	1.68
Average	0.450	0.000	0.398	13.3	37	9.8	3	0.7	#DIV/0!	#DIV/0!	4.2	1.1	0.06	0.015	2	0.5	#DIV/0!	11.9	3.13

SIGNED: (OPERATOR IN RESPONSIBLE CHARGE)

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

PRINTED NAME: David A Tyrell

Sherandoah River - Entire Month

TITLE OPERATOR CLASSIFICATION: Class 1

DPRO CERTIFICATION NO.: 1955002813

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Staff Reports - Police Department

**Prepared By**

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**Background/History/General Information**

**Monthly Activity Report**

Police Department calls for service and activities are attached to this report as a separate document.

**Public Safety Committee**

The Public Safety Committee met on January 27, 2020. The minutes from this meeting can be found in the consent agenda. The next scheduled meeting for the committee is March 23, 2020 at 13:00 pm in the A/B meeting room.

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Police and Security Report Jan 2020

**Recommendation**

**Sample Motion**



# Berryville Police Department

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

[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

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

W. Neal White – Chief of Police

## Police and Security Report

Month/Year: January 2020	Year To Date 2020	January 2020	December 2019
<b><u>Complaints Answered</u></b>			
911 Hang Up:	14	14	8
Alarms:	9	9	13
Animal Complaint:	13	13	7
Assault:	3	3	0
Assist County:	2	2	5
Assist EMS and Fire:	53	53	54
Auto Larceny:	0	0	1
Burglary:	0	0	0
Civil Complaints:	9	9	6
Disturbance:	5	5	3
Domestic Disturbance:	2	2	1
Driving Under the Influence	1	1	N/A
Drunk In Public:	1	1	0
Fraud:	5	5	3
Larceny:	7	7	5
Harassment/Intimidation:	1	1	3
Homicide:	0	0	0
Identity Theft	1	1	N/A
Juvenile Related:	1	1	1
Mental Health Crisis:	7	7	10
Narcotics Related:	5	5	N/A
Noise:	5	5	6
Public Service:	0	0	1
Rape:	0	0	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Suspicious Activity:	7	7	15
Trespassing:	2	2	0
Vandalism:	3	3	0
Welfare Check:	12	12	16
Miscellaneous Complaints:	39	39	40
<b>Total Complaints Answered:</b>	<b>207</b>	<b>207</b>	<b>198</b>



# Berryville Police Department

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W. Neal White – Chief of Police

## Police and Security Report (Continued)

	Year To Date 2020	January 2020	December 2019
<b><u>Traffic</u></b>			
Accidents Investigated:	2	2	4
Assist Motorist:	0	0	0
Child Safety Seat Install:	0	0	1
Funeral Escort:	3	3	1
Hit & Run:	1	1	3
Parking Tickets:	39	39	8
Traffic Warnings:	13	13	25
<b><u>Traffic Summons Issued</u></b>			
Defective Equipment:	0	0	0
Driving Suspended:	1	1	0
Expired Inspection:	1	1	1
Expired Registration:	1	1	2
Fail to Obey Highway Sign:	2	2	4
Fail to Obey Traffic Signals:	0	0	2
Fail to Stop/Lights & Siren:	0	0	0
Fail to Yield Right of Way:	0	0	1
Hit and Run:	0	0	0
No Liability Insurance:	0	0	0
No Operator's License:	1	1	2
No Seat Belt:	0	0	0
Reckless Driving:	1	1	1
Speeding:	7	7	9
Miscellaneous Summons:	1	1	7
<b>Total Traffic Summons Issued:</b>	<b>15</b>	<b>15</b>	<b>29</b>
<b><u>Found Open at Businesses in Town</u></b>			
Doors:	3	3	3
Windows:	0	0	0
Garage Doors:	0	0	0



# Berryville Police Department

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[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

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

W. Neal White – Chief of Police

## Police and Security Report (Continued)

	Year To Date 2020	January 2020	December 2019
<b><u>Criminal Arrests Made</u></b>			
Abduction:	0	0	0
Arson:	0	0	0
Assault and Battery:	0	0	0
Assault and Battery on Police Officer:	0	0	0
Auto Larceny:	0	0	0
Breaking and Entering:	0	0	0
Capias:	1	1	0
Disorderly Conduct:	0	0	0
Driving Under the Influence:	0	0	2
Drunk In Public:	1	1	0
Fail to Obey Police Officer:	1	1	0
Fail to Pay Parking Ticket:	0	0	0
Forgery:	0	0	0
Fraud:	0	0	0
Homicide:	0	0	0
Illegal Drugs/Paraphernalia:	13	13	2
Petty Larceny:	0	0	0
Possess Alcohol Underage:	0	0	0
Protective Order Violations:	0	0	0
Rape:	0	0	0
Resisting Arrest:	1	1	0
Robbery:	0	0	0
Shoplifting:	0	0	0
Trespassing:	0	0	0
Vandalism:	0	0	0
Weapons Violation:	2	2	0
Miscellaneous Criminal Arrests:	3	3	7
<b>Juvenile Detention Order Totals:</b>	0	0	0
<b>Total Criminal Arrests:</b>	22	22	11

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Staff Reports - Community Development

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. TC Staff Report 021120
2. TC staff report address changes Hermitage subdivision 021120
3. Hermitage Phase V attachments TC staff report 021120
4. TC Staff Report Construction Update 021120

**Recommendation**

**Sample Motion**

**Town Council Agenda Item Report Summary**  
February 11, 2020

**Item Title**

Community Development Update

**Prepared By**

Christy Dunkle

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**Planning Commission**

The Planning Commission did not meet in January. Their next meeting is scheduled for Tuesday, February 25, 2020 at 7:30pm.

**Berryville Area Development Authority**

The BADA did not have a January meeting. Their next meeting is scheduled for Wednesday, February 26, 2020 at 7:00pm.

**Architectural Review Board**

The ARB did not have a January meeting. Their next meeting is scheduled for Wednesday, February 12, 2020 at 12:00 noon.

**Tree Board**

The Tree Board met on Wednesday, January 8, 2020 at 7:30pm. They discussed upcoming events for the new year. Staff informed the Board that the Virginia Department of Forestry had approved their portion of the Tree City USA application and indicated that the Arbor Day Foundation would be following up soon for the official notification of designation. Their next meeting is scheduled for Wednesday, February 12, 2020 at 7:30pm.

**Board of Zoning Appeals**

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

## Town Council Agenda Item Report Summary

February 11, 2020

### Item Title

Hermitage Phase V Addressing

### Prepared By

Christy Dunkle

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### Background/History/General Information

Due to stormwater regulation changes by the Virginia Department of Environmental Quality since the original preliminary plat was approved, the layout of Hermitage Phase V has been modified to conform to these requirements. Conservation areas have been identified to address water quality regulations as set forth by the Commonwealth. The street layout has been changed from the original t-intersection of Tyson and Dunlap to a continuous road from Tyson to Dunlap. Please note that the lot yield has been reduced from 74 lots to 71 lots. Town Council discussed this matter at their January 14, 2020 meeting.

#### *January 14, 2020 Staff Report*

*A redesign of the final phase of the Hermitage subdivision occurred due to changes in the storm water management regulations by the Virginia Department of Environmental Quality. The original layout included a t-intersection where Tyson Drive met Dunlap Drive. The new layout continues from Tyson into Dunlap.*

*The last significant address changes in the Town of Berryville occurred when Blackburn Street was changed to Bundy Street in 2004 and affecting 14 properties.*

### Findings/Current Activity

The BADA discussed this matter at their December meeting and suggested a three-way stop at Tyson, Dunlap, and Norris. Staff has addressed two scenarios in Exhibit B-1 (all Tyson addresses from current terminus to Hermitage Boulevard) and Exhibit B-2 (Tyson to Norris, then Dunlap from Norris to Hermitage Boulevard which retains current addressing on Dunlap). Staff has forwarded both scenarios to County E-911 staff for review and comment.

Associated costs of changing addresses is a concern of Mayor Dickinson who has spoken with those who would be affected by a re-addressing of 13 properties on Dunlap Drive. Staff has collected data including who would need to be notified if an address change has occurred including the Department of Motor Vehicles; US Postal Service; US State Department (passports); and banks and other institutions.

**January 14, 2020 Staff Report**

*Staff is recommending that the existing 13 lots addressed on Dunlap from the intersection of Hermitage Boulevard to the south be changed to Tyson Drive addresses. Staff has discussed this scenario with Clarke County E-911 staff who indicated this is the clearest option. The Streets and Utilities Committee discussed the matter at their October 22, 2019 meeting.*

*Mayor Dickinson said she had discussed the matter with those who would be affected by address changes on Dunlap Drive and said the property owners were against the proposed modifications citing costs associated with changing their respective addresses.*

*The Berryville Area Development Authority discussed options for street names and addressing at their December 18, 2019 meeting. Mayor Dickinson forwarded an email to Berryville representatives urging them to not approve the option of readdressing properties on Dunlap Drive. BADA members recommended changing the street name to Dunlap at the first intersection of Norris and Tyson (top of the attached Exhibit B) and to install a three-way stop to identify the street name.*

**Financial Considerations**

Costs identified to change addresses include the following:

US Postal Service	\$1.00 for verification of identify (online); \$1.00 for verification fee (by phone); no charge if change made at a post office
Department of Motor Vehicles	\$2.00 if done at the service center; no charge if done online
House number replacement	\$24.00 (three numbers @\$8 each)

**Schedule/Deadlines**

The final plats have not been received by staff. Upon receipt, the BADA and Planning Commission will hold a public hearing on the final plat.

**Other Considerations**

N/A

**Recommendation**

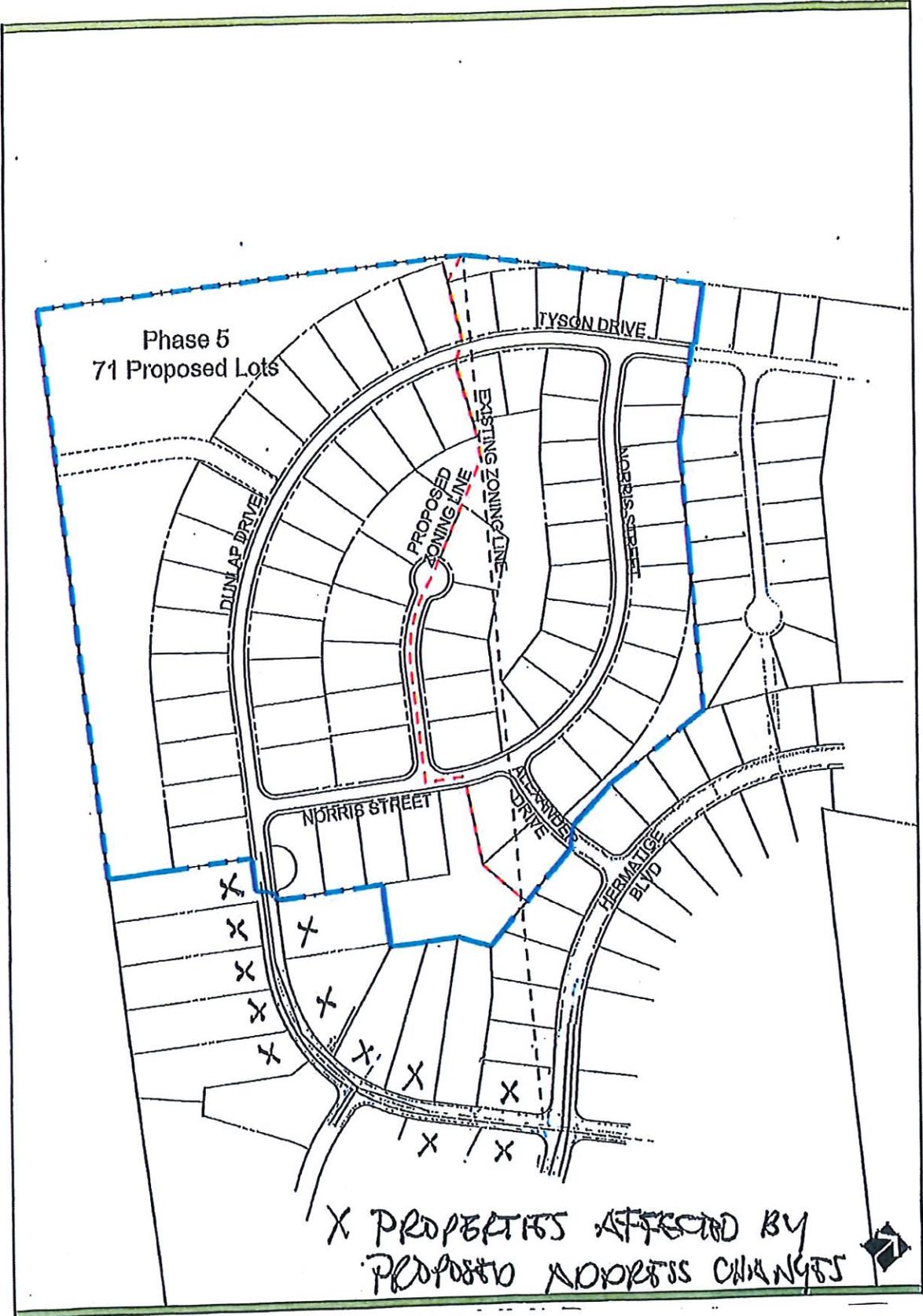
Discuss at the meeting.

**Sample Motion**

I move that the Council of the Town of Berryville approve proposed addressing of Dunlap/Tyson as proposed in Exhibit B-1 OR Exhibit B-2.

**Attachments:**

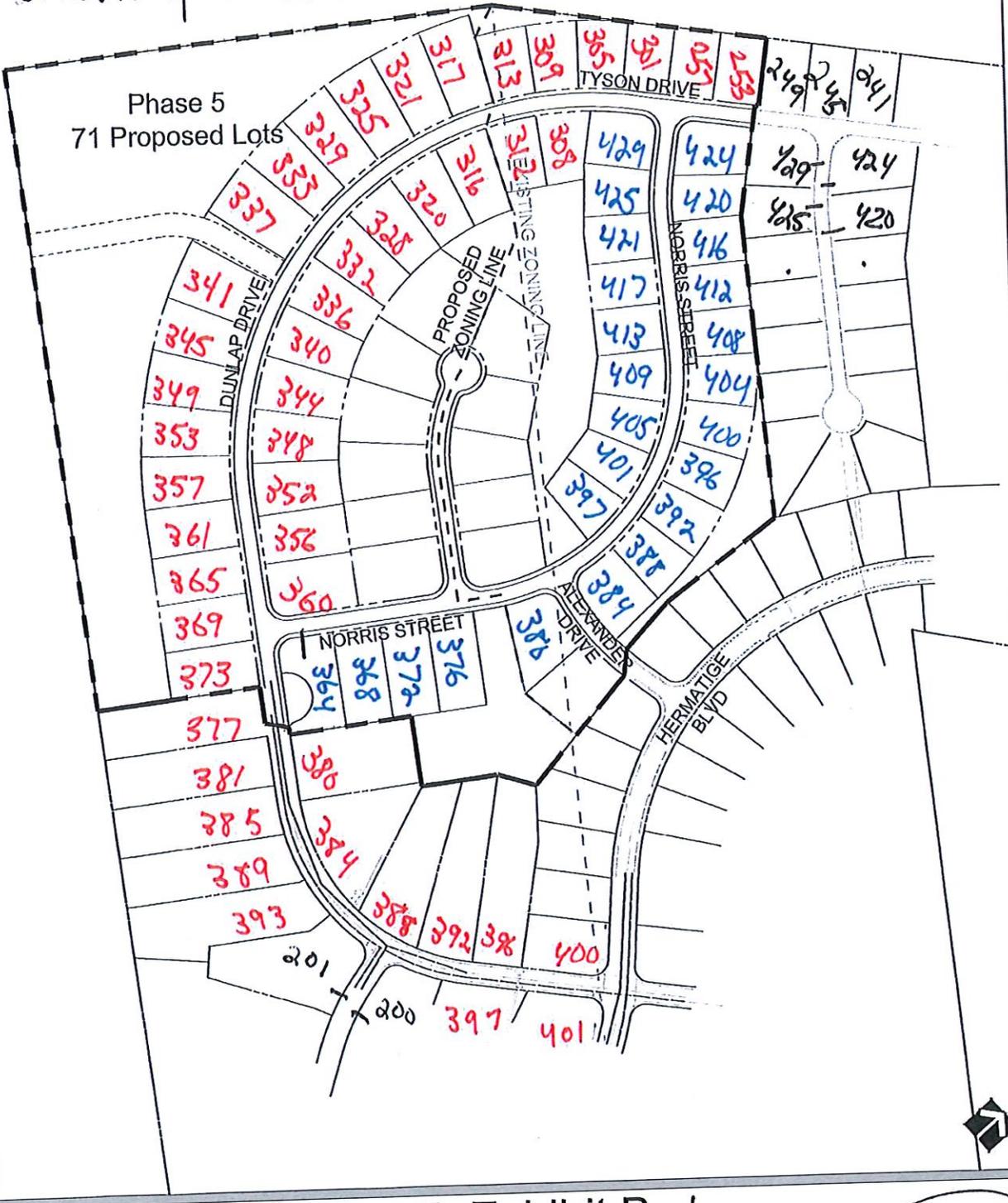
- Vicinity map identifying 13 existing lots in the area that would be affected by changing the name of Dunlap Drive to Tyson Drive from the southern intersection of Dunlap and Hermitage to the current end of Town maintenance
- Synopsis of activities and associated costs with address changing
- New address assignments all Tyson Drive to Hermitage Boulevard (Exhibit B-1)
- New address assignments breaking Tyson and Dunlap at Norris Street (Exhibit B-2)



NEW ADDRESSES - ALL TYSON TO HERMITAGE

NEW ADDRESSES - NORRIS

EXISTING ADDRESSES



Hermitage Section 5, Exhibit B - 1

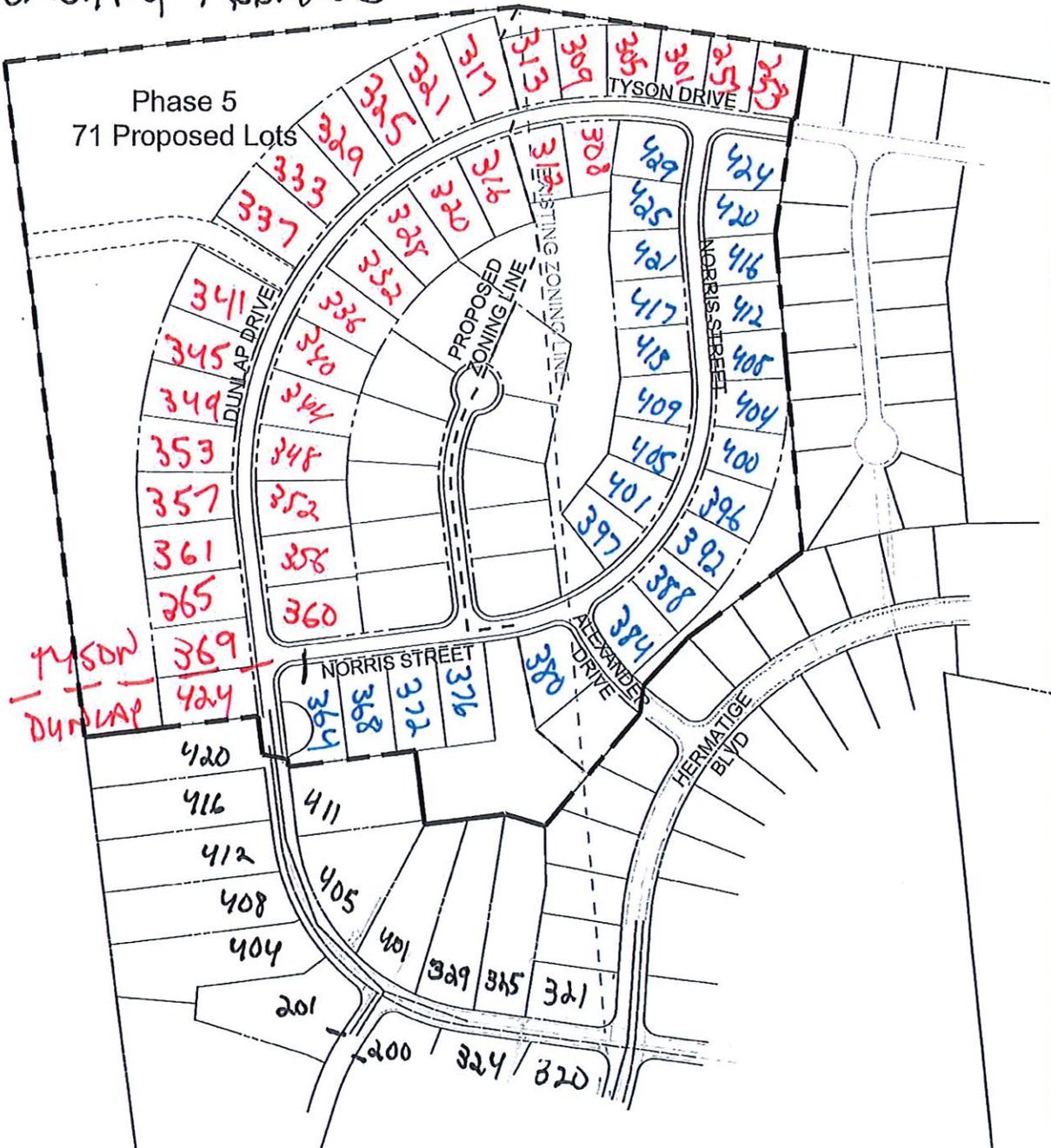
proposed zoning line



NEW ADDRESSES - DUNLAP TO NORRIS (1)  
TYSON TO NORRIS

NEW ADDRESSES NORRIS

EXISTING ADDRESSES



# Hermitage Section 5, Exhibit B-2

proposed zoning line



PENNONI ASSOCIATES INC.

## Change of Address

### Activities and Associated Costs

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### Step-By-Step Guide to Changing Your Address

#### Update Your Mailing Address

Start by updating your address with the United States Postal Service. The USPS keeps a record of your old residential address and will automatically forward mail to your new address for six months. It isn't foolproof, but the post office does catch most outdated addresses. To update:

- Visit the [Official Postal Service Change of Address website](#). The USPS charges a \$1 fee to verify your identity when changing your address online, so you'll need a credit or debit card.
- Call 1-800-ASK-USPS. You'll also need to pay the \$1 verification fee for address changes over the phone.
- Ask for Form 3575 at your local post office. If you visit in person, the USPS will waive the verification fee.

#### Revise Your Billing Address

Even if the bill really didn't arrive, your credit card company won't likely believe you. To make sure you're getting your bills, make a list of every bill you receive in paper form and then contact the companies to update your address. To save time, many companies will also let you update your information online.

#### Magazine and Catalog Subscriptions

In most cases you can update your magazines and catalogs online. Visit the magazine or catalog website, and plug your customer number (found on the back or inside flap of a recent issue) into the online change-of-address form. Alternatively, you can call the publication and ask for an address change over the phone.

#### Tell Your Friends and Family

Don't forget to let your friends and relatives know you've moved. To save time, make a list of everyone you'd like to notify. Once you have your list, you can send a simple email with your new address or a more personalized [moving announcement](#).

### **Your Bank**

Your bank will need to send you statements and verify your debit-card billing address when you shop online. If you have online banking, you may be able to update your address through your account. Otherwise, you can visit the bank in person or call its customer service line.

### **Billing Address**

If you frequently buy anything from a website, you can avoid a future headache if you immediately update your profile with your new address. Many online shopping sites use a one-click checkout feature to save you time, which could prove problematic if you forget and order something to your old address.

### **Organizations and Clubs**

If you're a member of organizations or clubs, or you get a monthly subscription order in the mail, be sure to contact these organizations or companies as well. You may be able to change your information online. With smaller organizations, you may have to call or write to have your address updated.

### **New Driver's License**

Finally, don't forget to order a new driver's license or state identification card with your new address. In most states, you have 30 days after moving to update your ID. If you don't, you might get slapped with a fine. Many states allow you to order a new ID online. If not, you'll have to make a trip to the Department of Motor Vehicles.

SOURCE: <https://www.moving.com/tips/step-by-step-guide-to-changing-your-address/>

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### **Virginia Department of Motor Vehicles**

#### **Fees to Change Your VA Address**

While changing your VA DMV records and getting a change of address card is free, you'll need to pay fees for replacement DMV documents: Registration card: \$2. If ordered online the card is free.

SOURCE: [www.dmv.org > va-virginia > change-address](http://www.dmv.org/va-virginia/change-address)

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Change of address on deeds/titles (Clarke County, VA)

“Concerning address changes of the property, we do not make them get a new deed recorded, Gordon sends out a letter to their title company as to when we requested of the date of address change. There is no charge for that on our part. “

SOURCE: Donna Peake, Clarke County Assessor

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US Passport

I have a passport, but I've changed addresses. Do I need to update my passport?

No, you don't need to update your current passport with your new address. However, if you have a passport application that is currently in process, and you'd like to change your mailing address, please call 1-877-487-2778 or 1-888-874-7793 (TDD/TTY).

SOURCE: <https://travel.state.gov/content/travel/en/passports/have-passport/change-correct.html>

+++++

House number replacement

\$24 (3@\$8.00)

SOURCE: <https://www.truevalue.com/catalogsearch/result/?q=house+numbers>

**Town Council Agenda Item Report Summary**  
February 11, 2020

**Item Title**

Construction Project Update

**Prepared By**

Christy Dunkle

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**Robert Regan Village**

- 120 age- and income-restricted apartments
- Construction underway
- Staff attends monthly progress meetings
- Will be adding a leasing trailer to the site
- Anticipating substantial completion by August, 2020

**Shenandoah Crossing Subdivision**

- 82 single-family homes
- Owned by D.R. Horton, Inc.
- To be developed by D.R. Horton, Inc.
- Zoned DR-2 Detached Residential
- Cluster layout
- HOA maintained facilities
- Review of construction plans has been completed
- Public hearing for final plat held September 25, 2019, BADA approved as presented
- Pre-construction meeting held on Thursday, December 19, 2019
- VSMP approval from DEQ received
- Construction plans and final plats have been executed
- Land disturbance permit issued
- Clearing activity has been completed
- Utility work began on Petal and Page streets the week of January 28, 2020 after coordination with Berryville Public Works staff

**Fellowship Square Subdivision**

- 50 single-family homes
- Purchased by D.R. Horton, Inc from the Fellowship Square Foundation on January 28, 2020
- Zoned DR-4 Detached Residential
- Cluster layout
- HOA maintained facilities
- Review of construction plans has been completed
- Planning Commission approved the final plat on December 18, 2019
- Pre-construction meeting held on Thursday, December 19, 2019

- VSMP approval from DEQ received
- Clearing work is underway
- Construction plans have been executed

#### **Hermitage Phase V**

- 71 single-family homes
- Owned by Silver Lake Development
- Final phase of Hermitage subdivision (started 2000)
- Zoned R-1 and DR-1
- Rezoning approved by Town Council at the September 10, 2019 meeting to align new layout with proposed parcel lines
- Phase V will have HOA oversight, other phases will not be affected
- Review of construction plans currently underway
- DEQ stormwater review currently underway
- Final plat will be reviewed jointly by the Berryville Area Development Authority and the Berryville Planning Commission as a portion of Phase V is located in Annexation Area B
- No anticipated start

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Staff Reports - Administration and Finance

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Council Memo - 2-11-2020

**Recommendation**

**Sample Motion**

**Town of Berryville, VA  
Business Office**

# Memo

**To:** Town Council  
**From:** Gregory C. Jacobs, Assistant Town Manager / Treasurer  
**Date:** February 4, 2020  
**Re:** January 2019 activity

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## W-2's and 1099's for 2019

IRS Forms W-2 and 1099 have been sent out and related filings have been completed.

## Business License renewals

The Business License renewals have been sent out and we are receiving / processing the renewals daily.

## DMV Stops and Set Off Debt processing, Personal Property Tax Supplemental Bills

DMV Stops for delinquent Personal Property Taxes and set off Debt have been completed.

Supplemental bills for Personal Property Tax are scheduled to be completed and mailed by February 14, 2020.

## Accounting Software Issues

On December 26, 2019 our accounting software providers performed a "system upgrade" on our General Ledger Software (FMS). This caused some errors in our accounting system. The Finance & Administration Office spent most of January working with Southern Software and Virasec correcting these errors. We will continue to monitor our General Ledger and work with our vendors to ensure our Financial Statements and Reports are accurate.

## **Budget**

Departmental Budget worksheets were sent to Department Heads and preliminary work has begun. I have received a report from the County Commissioners' Office with Real Estate Assessments, but I have not had a chance to review. The Personal Property Assessment will not be available until March. I anticipate having the Revenue Estimates completed for the Budget & Finance committee meeting on the 25<sup>th</sup> of February.

## **On-line Payments and New Bank Accounts**

The new bank accounts are in the process of being set up. Once we have the bank account number's we can complete the agreement with our provider and start the 45-day implementation process. This process includes setting up a link on the Towns' Web Page, setting up General Ledger Account numbers, figuring out exactly what our process will be and testing that process by walking some transactions through it. We have a target of mid-April for a "soft launch" for testing. Our intent is to send flyers notifying / promoting the On-Line payment option with the May Utility Bills going out the end of April.

## **Request for Proposal Garbage, Refuse, and Recyclables Collection**

Staff has created a Request for Proposal (RFP) for the Garbage, Refuse and Recyclables Collection. The current contract ends on June 30, 2020. Council has had two work sessions regarding this matter. Proposed changes to the Town Code Chapter 8 have been incorporated into the RFP as appropriate, but there is still more work to be done on the revised Town Code Chapter 8. Given the time constraints, we need the RFP approved by Council as soon as possible which might require a special session.

Related to this, Virginia Procurement Information Memoranda 36 changes the language regarding the requirement to post the RFP in the local newspaper from "shall" to "may". In light of this change, posting the RFP in the Winchester Star is no longer required. The Town's Procurement Policy currently requires newspaper publication of RFP's. We would like to forward an amendment of the Town's Procurement Policy to the Budget & Finance Committee for their consideration at their February 25, 2020 meeting.

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Staff Reports - Town Manager

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

**Recommendation**

**Sample Motion**

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Committee Updates - Community Development  
Discussion: Branding Request for Proposals

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. TC staff report Branding RFP 021120
2. RFP logo FINAL to TC 012820

**Recommendation**

**Sample Motion**

## Town Council Agenda Item Report Summary

February 11, 2020

### Item Title

Community Development Committee Review of Branding Request for Proposal

### Prepared By

Christy Dunkle

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### Background/History/General Information

The Community Development Committee has been reviewing options for a Request for Proposal (RFP) for branding and a marketing study. After discussions with committee members, staff, and input from Cathy Kuehner (Clarke County Public Information Director), it was determined by the committee that a RFP for branding would be the place to start.

### Findings/Current Activity

The Community Development Committee, at their January 27, 2020 meeting, discussed the process for determining an updated brand. Ms. Kuehner recommended writing a mission statement (current conditions that can be “celebrated”); writing a vision statement (hopes for the Town); and identifying the Town’s brand (based on the values and principles that define Berryville).

Staff presented an updated draft RFP for discussion. After several minor changes, committee members asked staff to update the RFP and forward the document to Town Council for consideration. The document has been sent to Ms. DeHaven who will review the RFP for procurement requirements.

### Financial Considerations

The current FY budget includes \$15,000 for this effort.

### Schedule/Deadlines

The draft RFP includes a proposed timeline as follows (assumption that the RFP would be issued by no later than February 28, 2020):

<b>Proposals due:</b>	Wednesday, April 8, 2020 at 5:00pm
<b>Selected firm notified:</b>	On or before Friday, May 8, 2020
<b>Anticipated final presentation:</b>	On or before Friday, December 11, 2020

**Other Considerations**

N/A

**Recommendation**

Discuss the RFP and proposed timeframes at the meeting.

**Sample Motion**

I move that the Council of the Town of Berryville approve the proposed RFP and posting of the solicitation.

Attachments: Draft Request for Proposal for Graphic Design Branding Services

**REQUEST FOR PROPOSALS**  
**FINAL DRAFT**  
**Graphic Design Branding Services**

Berryville, Virginia Town Council is soliciting proposals from qualified firms to develop a memorable brand as specified herein. The updated graphic branding will position Berryville as a leading place to live, do business, and visit in the Shenandoah Valley and the region.

**Community Overview**

Berryville is the County seat and economic center of Clarke County. With just under 5,000 residents, Berryville is located within the Washington, D.C. Metropolitan Statistical Area. The County and Town have been recognized nationally for their combined efforts to maintain the rural and agricultural nature of the community while creating a commercial and residential base in Berryville.

Tourism has been identified as an economic development opportunity due to the many recreational and historic assets in the Town and County. Of particular note is the Town's desire to have a hotel develop to supplement tourism activities and overall business growth while providing accommodation for residents and local businesses. Two feasibility studies have been completed (2013 and 2019) and will be made available for review. The study should include input from local stakeholders including residents, business owners, community organizations, elected and appointed officials, and staff.

**Scope of Services**

The Town of Berryville is seeking a professional firm or consultant to work with us on a branding initiative to include, but not be limited to, the following:

- Development of a brand concept to include a message, tagline, and logo adaptable for a wide range of applications (e.g., tourism, business, residential).
- Concepts and designs will be used in a number of ways and must be adaptable to use on printed material, wayfinding signage, website design, and social media.

The Town of Berryville reserves the right to extend the contract for additional branding and marketing needs beyond the initial contract. It is anticipated that the branding initiative will take six to nine months after the contract is executed.

**Procedures**

All proposals should convey the following information in the following order:

1. Firm history and organization.
2. Firm experience providing examples of branding, marketing, and graphic design projects to include work samples; description of services provided; and client contact information.
3. Firm resumes of key project staff and other outside firms who may be used by the firm.
4. Outline of firm's approach to providing services and proposed project timeline.

5. Cost estimate for services identified above and fee schedule.

### **Review and Award**

To be considered for selections, respondents must submit a complete response to this Request for Proposal. Failure to submit all information requested may result in the rejection of the proposal. An authorized representative of the firm must sign the proposal.

Please submit one electronic response to Heather DeHaven, Finance Clerk (financeclerk@berryvilleva.gov) and mail or deliver a physical copy to the Town of Berryville, 101 Chalmers Court, Berryville VA 22611. All responses must be **received** by the Town of Berryville no later than **5:00pm on Wednesday, April 8, 2020**.

### **Term of Contract**

The Town reserves the right to extend this contract for related services upon mutual agreement between the Town and the chosen applicant.

The Town reserves the right to negotiate terms with the selected firm for items/services other than those specifically stated in this RFP in the best of interest of the Town and agreed to by the firm.

Applicants are encouraged to provide additional information not specifically identified as a requirement if that additional information is applicable to this RFP.

All work produced by the selected firm shall be the property of the Town of Berryville and shall be deemed to have assigned any copyrights and any other rights exclusively to the Town of Berryville.

This RFP does not commit the Town of Berryville to enter into an agreement with any organization and is not an offer for contract. At its own discretion, the Town may reject any and all proposals, and may modify or terminate the application or selection processes without prior notice. The applicant certifies that the information contained in the submittal is true and correct to the best of his/her knowledge. The Town is not responsible for damage or loss of materials submitted. Failure to comply with all requirements of this RFP will result in a rejected proposal.

### **Timeline and Submissions**

Proposals due:	<b>Wednesday, April 8, 2020 by 5:00pm</b>
Selected firm notified:	<b>On or before Friday, May 8, 2020</b>
Anticipated final presentation:	<b>On or before Friday, December 11, 2020</b>

Complete RFP's must be submitted to:

**Heather DeHaven**

**Finance Clerk**

**Town of Berryville**

**101 Chalmers Court, Suite A**

**Berryville, VA 22611**

[financeclerk@berryvilleva.gov](mailto:financeclerk@berryvilleva.gov)

Physical copies will be accepted at the Town of Berryville Business Office at the address above. No facsimile submissions will be accepted. The Town of Berryville is not responsible for delays in the delivery of the application.

All applicants shall abide by all applicable state and federal laws. The Town does not discriminate against small and minority businesses or faith-based organizations.

Any questions or comments concerning this Request for Proposal shall be directed to:

**Christy Dunkle**

**540 955 4081**

[planner@berryvilleva.gov](mailto:planner@berryvilleva.gov)

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Committee Updates - Personnel, Appointments, and Policy

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

**Recommendation**

**Sample Motion**

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Personnel, Appointments, and Policy - Discussion: Deputy Town Manager Position

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Deputy Town Manager Hire

**Recommendation**

**Sample Motion**

Memorandum

Date: 7 February 2020

To: Town Council

From: Keith Dalton, Town Manager



Cc: Department Heads  
Paul Culp, Town Clerk

Subject: Deputy Town Manager hire

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The Town Council approved a plan to create a new Deputy Town Manager position and effect associated restructuring. As a part of the FY20 budget, the Council budgeted for the position to be filled by mid-fiscal year. The Personnel, Appointments, and Policy Committee reviewed this matter and directed staff to forward it to the Town Council.

**New Position**

The position will assume the duties of the Town Manager as required and will provide support to the manager on various tasks and special projects as needed.

The position, through its supervision of the Administration and Finance Director/Treasurer, will oversee the operations of the Administrative Department. The position will serve as the Town's human resource manager and grants administrator.

**Restructuring**

The restructuring would affect the two current Assistant Town Managers. The Assistant Town Manager for Community Development and Operations would become the Community Development Director. The Assistant Town Manager for Administration and Finance/Treasurer would become the Administration and Finance Director/Treasurer. Both positions would remain department heads and part of the senior management team. Both positions would remain Exempt under FLSA standards but would no longer serve at the pleasure of the Town Council.

The Town Manager proposes that the Deputy Town Manager will have one direct report (Administration and Finance Director/Treasurer). The Town Manager's direct reports will be the Deputy Town Manager, Community Development Director, Chief of Police, Public Works Director, and the Public Utilities Director.

**Process**

The Town Council has approved the basic plan to have a Deputy and that the current assistant town manager positions be reclassified. The approved FY20 budget provides for the position to begin with the Town mid-year.

The Town Council is asked to review and comment on the job description, hiring schedule, and position advertisement.

The Town Council is asked to review and approve amendments to Chapter 2 of the Berryville Code and the Town of Berryville Organizational Chart. It is important to note that the draft organizational chart lacks a legend. Staff expects to complete the legend and modify the chart prior to the meeting.

**Please find attached**

- Draft Assistant Town Manager job description
- Draft hiring schedule
- Draft position advertisement
- Draft Ordinance for adoption of changes to Chapter 2 of the Berryville Code
- Draft revised Chapter 2 of the Berryville Code
- Current organizational chart
- Draft organizational chart with new position included

**Recommendation**

Provide staff with guidance regarding the draft job description, position advertisement, and hiring schedule.

Review and approve when possible: the proposed changes to Chapter 2 of the Berryville Code and if the Council wishes, the proposed Town of Berryville Organizational Chart.

**Sample Motion**

**Chapter 2**

I move that the Council of the Town of Berryville approve the attached ordinance amending Chapter 2 – ADMINISTRATION of the Berryville Code in order to establish the position of Deputy Town Manager and amend provisions governing the Community Development and Administration and Finance Departments.

**Organizational Chart**

I move that the Council of the Town of Berryville approve the attached organizational chart to serve as a graphical representation of the Town's organization structure; provided however, that such graphical representation in no way supplants provisions of the Charter of the Town of Berryville or the Berryville Code.

## Job Description

**Job Title:** Deputy Town Manager

**Department:**

**Supervisor:** Town Manager

**FLSA Status:** Exempt

**Prepared By:** KRD

**Prepared Date:** 01/29/2020

**Approved By:** KRD

**Approved Date:** 2/12/20

### Summary

Under the direction of the Town Manager, position serves as a member of the senior management team which also includes the Community Development Director, Administration and Finance Director/Treasurer, Chief of Police, Public Works Director, and the Public Utilities Director. Position will be assigned the responsibility for providing administrative direction and control over the Administration and Finance Department and will serve as the Town's Human Resources Manager. Position will also assist the Town Manager in a variety of areas as needed.

In the absence of the Town Manager, position coordinates administration of Town operations.

**Essential Duties and Responsibilities** include the following. Other duties may be assigned.

In the absence of the Town Manager, position coordinates administration of Town operations to ensure the continuing and consistent performance of the duties and responsibilities of the Town Manager.

Serves as Human Resources Manager.

Supervises the Administration and Finance Director.

Through Department Heads, position provides administrative oversight for selection, training, assignment and scheduling of personnel, and reviews personnel actions and recommendations of Department Heads.

Serves on boards and commissions as directed by Town Manager.

Serves as staff to the Town Council and committees thereof.

Serves as member of the senior management team that works to ensure effective and efficient municipal operations.

Identifies legal requirements and government reporting regulations affecting human resources functions and ensures policies, procedures, and reporting are in compliance.

Recruits, interviews, tests, and recommends employees to fill vacant positions.

Plans and conducts new employee orientation to foster positive attitude toward company goals.

Keeps records of benefits plans participation such as insurance and pension plan, personnel transactions such as hires, promotions, transfers, performance reviews, and terminations, and employee statistics for government reporting.

Coordinates management training in interviewing, hiring, terminations, promotions, performance review, safety, and sexual harassment.

Advises management in appropriate resolution of employee relations issues.

Responds to inquiries regarding policies, procedures, and programs.

Administers performance review program to ensure effectiveness, compliance, and equity within organization.

Administers benefits programs such as life, health, dental and disability insurances, pension plans, vacation, sick leave, leave of absence, and employee assistance.

Investigates accidents and prepares reports for insurance carrier.

Conducts wage surveys within labor market to determine competitive wage rate.

Prepares employee separation notices and related documentation, and conducts exit interviews to determine reasons behind separations.

Prepares reports and recommends procedures to reduce absenteeism and turnover.

Represents organization at personnel-related hearings and investigations.

Serves as Grants Administrator.

### **Supervisory Responsibilities**

Supervises the Administration and Finance Director. Carries out supervisory responsibilities in accordance with the organization's policies and applicable law.

In the absence of the Town Manager, position coordinates administration of Town operations to ensure the continuing and consistent performance of the duties and responsibilities of the Town Manager.

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing applicants, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

### **Competencies**

To perform the job successfully, an individual should demonstrate the following competencies:

*Continuous Learning* – Targets learning needs; Seeks learning activities; Maximizes learning; Quickly gains knowledge, understanding, or skill; Applies knowledge or skill.

*Job Knowledge* - Competent in required job skills and knowledge; Exhibits ability to learn and apply new skills; Keeps up to date.

*Use of Technology* - Demonstrates required skills; adapts to new technologies; troubleshoots technological problems; uses technology to increase productivity; keeps technical skills up to date.

*Problem Solving* - Identifies and resolves problems in a timely manner; works well in group problem solving situations; uses reason even when dealing with emotional topics.

*Customer Service* - Manages difficult or emotional customer situations; responds promptly to customer needs; solicits customer feedback to improve service; responds to requests for service and assistance; meets commitments.

*Communications* – Organizes the communication; Maintains audience attention; Adjusts to the audience; Ensures understanding; Adheres to accepted conventions; Comprehends communication from others; Summarizes.

*Cooperation* - Establishes and maintains effective relations; exhibits tact and consideration; Sets performance goals; Creates a learning environment; Collaboratively establishes development plans; Tracks performance; Evaluates performance; Offers assistance and support to co-workers; Works cooperatively in group situations; works actively to resolve conflicts. *Managing Customer Focus* - Promotes customer focus; monitors customer satisfaction; develops new approaches to meeting customer needs.

*Oral Communication* - Speaks clearly and persuasively in positive or negative situations; Listens and gets clarification; Responds well to questions; Demonstrates group presentation skills; Participates in meetings.

*Teamwork* - Balances team and individual responsibilities; Exhibits objectivity and openness to others' views; Gives and welcomes feedback; Contributes to building a positive team spirit; Puts success of team above own interests; Able to build morale and group commitments to goals and objectives; Supports everyone's efforts to succeed; Models commitment.

*Written Communication* - Writes clearly and informatively; Edits work for spelling and grammar; Varies writing style to meet needs; Presents numerical data effectively; Able to read and interpret written information.

*Conflict Resolution* - Identifies issues, problems, and opportunities; Gathers information; Encourages open communications; Confronts difficult situations; Generates alternatives; Keeps emotions under control; Chooses appropriate action; Involves others; Uses negotiation skills to resolve conflicts.

*Ethics* - Treats people with respect; keeps commitments; inspires the trust of others; works with integrity and principles; upholds organizational values.

*Organizational Support* - Follows policies and procedures; Completes administrative tasks correctly and on time; Supports organization's goals and values; Benefits organization through outside activities; Supports affirmative action and respects diversity.

*Adaptability* - Adapts to changes in the work environment; Tries to understand changes; Approaches change or newness positively; Adjusts behavior; Stress tolerance.

*Personal Appearance* - Dresses appropriately for position; keeps self well groomed.

*Attendance/Punctuality* - Is consistently at work and on time; ensures work responsibilities are covered when absent.

*Dependability* - Follows instructions, responds to management direction; Takes responsibility for own actions; Keeps commitments; Commits to long hours of work

when necessary to reach goals.; Completes tasks on time or notifies appropriate person with an alternate plan.

*Planning/Organizing* - Prioritizes and plans work activities; Uses time efficiently; Plans for additional resources; Sets goals and objectives; Organizes or schedules other people and their tasks; Develops realistic action plans.

*Quality* - Demonstrates accuracy and thoroughness; Looks for ways to improve and promote quality; Applies feedback to improve performance; Monitors own work to ensure quality.

*Quantity* - Meets productivity standards; Completes work in timely manner; Strives to increase productivity; Works quickly.

### **Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and/or Experience**

Bachelor's degree in human resources management, public administration, business administration, or related field from an accredited college or university with a minimum of five years of experience in human resource management or related field is required.

Must have extensive knowledge of and experience in human resource management law and practice.

### **Language Skills**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards of directors.

### **Mathematical Skills**

Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

### **Reasoning Ability**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form. Strategic decision making.

### **Computer Skills**

Uses computers, software applications, databases, and automated systems to accomplish work.

### **Project Management**

Knowledge of the principles, methods, or tools for developing, scheduling, coordinating, and managing projects and resources, including monitoring and inspecting costs, work, and contractor performance.

### **Certificates, Licenses, Registrations**

Bachelor's degree in human resources management, public administration, business administration, or related field and at least five years related work experience required.

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk; sit and reach with hands and arms. The employee is regularly required to use hands to finger, handle, or feel. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job included close vision, color vision, and ability to adjust focus.

## **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.

## **Background Investigation**

The nature of this position requires examination and review of criminal history and credit history.

## **Drug and Alcohol Testing**

Position is subject to testing as provided under the Town of Berryville Drug and Alcohol Testing Policy.

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This job description is not intended to be all inclusive and the employee will also perform other reasonably related duties as assigned by immediate supervisor and other management as required.

The Town of Berryville reserves the right to revise or change job duties and responsibilities as the need arises. This job description does not constitute a written or implied contract of employment.

## **Deputy Town Manager Hiring Schedule**

(all dates are tentative and subject to change)

Personnel Committee reviews job description and advertisement	28 January 2020
Council reviews advertisement for position and job description, revisions to Chapter 2 of Berryville Code, and revisions to organizational chart	11 February 2020
Town Manager finalizes advertisement for position & job description & advertises position	24 February 2020
Council reviews/approves revisions to Chapter 2 & reviews/approves revisions to organizational chart	10 March 2020
Application review begins	23 March 2020
Town Manager conducts initial interviews	2 & 3 April 2020
Town Manager conducts second interviews	10 April 2020
Town Manager consults with Town Council regarding hire	14 April 2020
Town Manager finalizes hiring	21 April 2020
New Deputy Town Manager starts with Town	26 May 2020

**DEPUTY TOWN MANAGER  
TOWN OF BERRYVILLE, VIRGINIA**

The Town of Berryville, Virginia is seeking an analytical, professional individual to join the Town's senior leadership team as the Deputy Town Manager. The Deputy Town Manager performs difficult professional work and special projects at the Town Manager's direction. The position will serve as the Town's Human Resource Director. Work is performed under the general direction of the Town Manager.

The ideal candidate will have comprehensive knowledge of and experience in human resources practices, procedures, laws, and regulations; knowledge of and experience in grant writing; and a proven ability to develop and maintain effective working relationships within the workplace and with consultants, vendors, government officials, and the general public.

Bachelor's degree in human resources management, public administration, business administration, or related field and considerable experience in human resource management, law, and practice is required.

The annual salary range for this FLSA exempt position is \$68,000 - \$83,000. Starting salary will be dependent on qualifications. The Town offers an excellent benefits package. The successful applicant for this position must be able to pass a pre-employment, post-offer drug screening, criminal background check, and credit history check. The Deputy Town Manager job description and Town of Berryville Application for Employment are available at the Town of Berryville Business Office, 101 Chalmers Court, Suite A, Berryville, Virginia 22611 or [www.berryvilleva.gov/employmentopportunities](http://www.berryvilleva.gov/employmentopportunities).

A complete application package, which at a minimum must include a cover letter, resume with three professional and three personal references, and completed Town of Berryville Application for Employment, must be sent to the Town of Berryville Business Office (Attention: Greg Jacobs). The position will remain open until filled, with application review beginning on March 23, 2020. The Town of Berryville is an equal opportunity employer.

An Ordinance Amending Chapter 2 of the Berryville Code

BE IT ORDAINED, by the Council of the Town of Berryville, hereby amends the Berryville Code Chapter 2, Administration as attached; with such amendments to become effective immediately.

VOTE:

Aye:

Nay:

Abstain:

Absent:

Signed:

\_\_\_\_\_  
Patricia Dickinson, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Harry Lee Arnold, Jr. Recorder

Date: \_\_\_\_\_

Chapter 2 - ADMINISTRATION

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 11-10-81, § 2-27)

~~Charter reference—~~ 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.

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 12-14-99)

**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.

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

(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 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, § 15.2-106

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.

Revised 1/29/20

(Ord. of 3-12-73)

**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<sup>111</sup>

Footnotes:

--- (1) ---

**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 04-11-17(2))

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. 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—** § 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, § 3.15.

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.

(Code 1971, § 2-10)

Secs. 2-23—~~2-28~~ 2.25. - Reserved.

ARTICLE III DEPUTY TOWN MANAGER

Section 2-26. The council hereby establishes the position of deputy town manager 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.

Section 2-27. The deputy town manager shall perform tasks and assume supervisory responsibilities as directed by the town manager.

Section 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 # IV. - ADMINISTRATION DEPARTMENT

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.

Section 2-31. - Assistant Town Manager for Administration Administration and Finance

Director/Treasurer.

Revised 1/29/20

The department shall be under the supervision and control of ~~assistant town manager for administration~~ the administration and finance director/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.

Sec. 2-33. – Town Treasurer.

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

Footnotes:

--- (2) ---

Charter reference— Appointment of town treasurer, § 5.1.

Sec. 2-33. – Absence of ~~Assistant Town Manager for Administration/Treasurer~~ Administration and Finance Director/Treasurer.

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.

Sec. 2-34 – Absence of Town Manager, Deputy Town Manager, and Community Development Director and ~~Assistant Town Manager for Community Development/Operations~~.

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

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.

(Code 1971, § 2-16)

**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. (Code 1971, § 2-17)

**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.

(Code 1971, § 2-18)

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

Revised 1/29/20

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.

(Code 1971, § 2-20)

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.

(Code 1971, § 2-19)

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.

(Code 1971, § 2-21)

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.

(Code 1971, § 2-22)

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

Revised 1/29/20

(Code 1971, § 2-23)

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.

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 11-10-81, § 2-26)

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

Sec. 2-54. - Public Works Director.

The public works department shall be under the immediate supervision of the 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.

Revised 1/29/20

(Ord. of 11-10-81, § 2-27)

Secs. 2-55—2-61. - Reserved.

#### ARTICLE VI. -- 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.

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 VII. - POLICE DEPARTMENT<sup>(a)</sup>

Footnotes:

--- (3) ---

Revised 1/29/20

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.

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.

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.

(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 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.

(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.

Revised 1/29/20

- (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 5-10-11)

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

Secs. 2-70—2-74. - Reserved.

Revised 1/29/20

ARTICLE VIII. – PLANNING COMMUNITY DEVELOPMENT DEPARTMENT

Sec. 2-75. - Established.

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

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.

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

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

Sec. 2-77.1. – Zoning Administrator and Subdivision Agent.

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

Revised 1/29/20

Sec. 2-77.2 – Absence of ~~Town Manager for~~ Community Development/~~Operations~~ Director

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

Sec. 2-77.3 – Absence of Town Manager and Deputy Town Manager.

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

ARTICLE VIII-IX. - PLANNING COMMISSION<sup>(4)</sup>

Footnotes:

--- (4) ---

**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.

(Code 1971, § 14-1)

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

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

Revised 1/29/20

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 member may be a member of the town council.

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

**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.

(Code 1971, § 14-3)

**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.

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

**State Law reference**— Code of Virginia, § 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**— 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.

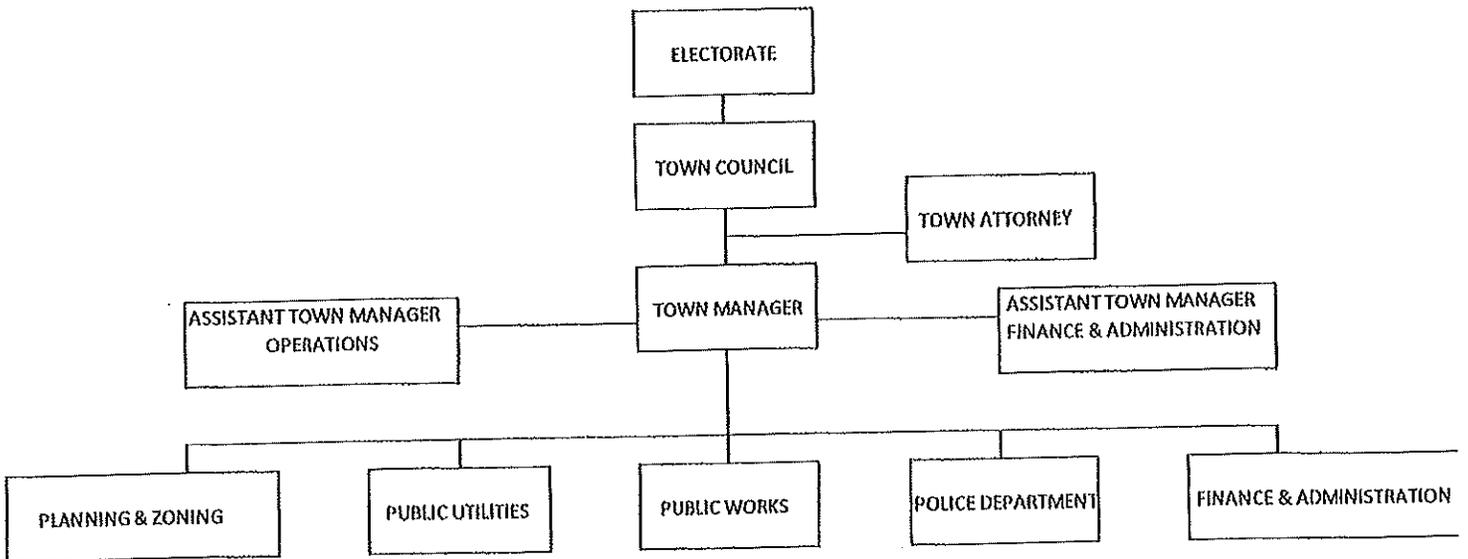
(Code 1971, § 14-8)

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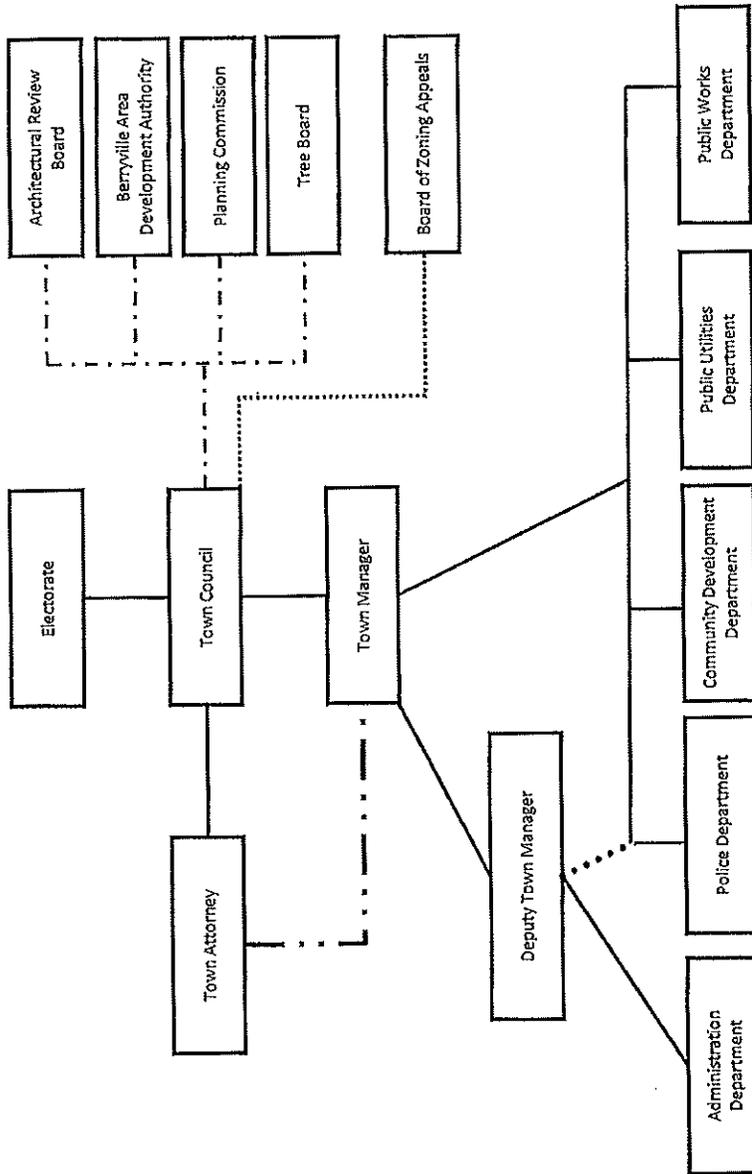


# TOWN OF BERRYVILLE *Virginia*

Town of Berryville Organizational Chart



DRAFT



**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Personnel, Appointments, and Policy - Discussion: Town Manager Review

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Town Manager Review

**Recommendation**

**Sample Motion**

Memorandum

Date: February 7, 2020

To: Town Council

From: Keith Dalton, Town Manager



Subject: Town Manager review

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For several months, the Personnel, Appointments, and Policy Committee has been examined how it wants to conduct a formal annual review of the Town Manager. As a part of that process, the Committee developed an evaluation form and a tentative schedule for the review.

The Committee seeks approval of both the evaluation form and the schedule for review.

**Please find attached**

- Draft Review Process/Schedule for the Town Manager
- Draft Town Manager Performance Evaluation

**Sample motion**

I move that the Council of the Town of Berryville approve the attached Review Process/Schedule for Town Manager and Town Manager Performance Evaluation form and direct the Town Manager to provide written updates as provided in the schedule.

## Review Process/Schedule for the Town Manager

- 1) Town Council meets in closed session and develops a list of goals and objectives (organizational and position) for the Town Manager for FY 21.

Date of meeting: June 1, 2020

- 2) Town Council meets with Town Manager in closed session to communicate goals and objectives for FY21.

Date of meeting: June 9, 2020

- 3) Town Manager provides a written mid-year update to Town Council in which he/she outlines significant activities since the beginning of the fiscal year and provides a summary of progress on the goals and objectives established by the Council.

Deadline: January 8, 2021

- 4) Town Council meets in closed session to review Town Manager's mid-year update.

Date of Meeting: January 12, 2021

- 5) Town Manager provides a written update to the Town Council in which he/she outlines significant activities since the beginning of the fiscal year and provides a summary of progress on established goals and objectives as established by the Council.

Deadline: May 14, 2021

- 6) Town Council members complete review forms and provide to Chair of Personnel, Appointments, and Policy Committee.

Chair of PAP Committee provides review forms to members: May 17, 2021

Deadline for members to submit completed reviews to Chair  
of PAP Committee:

May 24, 2021

- 7) Town Council meets in closed session to complete Manager's review for FY21 and develop goals and objectives for FY22.

Date of meeting: June 8, 2021

- 8) Town Council meets in closed session to review the Manager for FY21, communicate goals and objectives for FY22, and establish review schedule for the next year.

Date of meeting: July 13, 2021

# TOWN MANAGER PERFORMANCE EVALUATION

## Town of Berryville, Virginia

EVALUATION PERIOD: June 9, 2020 to May, 14, 2021

Town Council Members:

Each member of Council should complete this evaluation form, sign, date, and initial where indicated, and return it to the Personnel, Appointments, and Policy Committee, Chair. The deadline for submitting this performance evaluation to the Committee Chair is noon on May 24, 2021. Evaluations will be summarized and discussed during the Closed Session scheduled for June 8, 2021. The Council will meet in closed session to review the Town Manager on July, 13, 2021.

Thank you for your assistance:

Personnel, Appointments, and Policy Committee

Submitted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date Submitted

## INSTRUCTIONS

The attached evaluation form contains ten categories of evaluation criteria. Each category contains statements to describe a performance standard that category. For each statement, use the following scale to indicate your rating of the Town Manager's performance.

- 5 = **Excellent** (almost always exceeds the performance standard)
- 4 = **Above average** (generally exceeds the performance standard)
- 3 = **Average** (generally meets the performance standard)
- 2 = **Below average** (usually does not meet the performance standard)
- 1 = **Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering comments that you believe appropriate and pertinent to a category. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the Town Council.

Initials \_\_\_\_\_

## PERFORMANCE CATEGORY SCORING

### 1. INDIVIDUAL CHARACTERICS

- \_\_\_\_\_ Diligent and thorough in the discharge of duties, "self-starter"
- \_\_\_\_\_ Exercises good judgment
- \_\_\_\_\_ Displays enthusiasm, cooperation, and will to adapt
- \_\_\_\_\_ Mental and physical stamina appropriate for the position
- \_\_\_\_\_ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal \_\_\_\_\_ + 5 = \_\_\_\_\_ score for this category

Comments:

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### 2. PROFESSIONAL SKILLS AND STATUS

- \_\_\_\_\_ Maintains knowledge of current developments affecting the practice of local government management
- \_\_\_\_\_ Demonstrates a capacity for innovation and creativity
- \_\_\_\_\_ Anticipates and analyzes problems to develop effective approaches for solving them
- \_\_\_\_\_ Willing to try new ideas proposed by governing body members and/or staff
- \_\_\_\_\_ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal \_\_\_\_\_ + 5 = \_\_\_\_\_ score for this category

Comments:

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Initials \_\_\_\_\_

**3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY**

- \_\_\_\_\_ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- \_\_\_\_\_ Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- \_\_\_\_\_ Disseminates complete and accurate information equally to all members in a timely manner
- \_\_\_\_\_ Assists by facilitating decision making without usurping authority
- \_\_\_\_\_ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

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**4. POLICY EXECUTION**

- \_\_\_\_\_ Implements governing body actions in accordance with the intent of council
- \_\_\_\_\_ Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- \_\_\_\_\_ Understands, supports, and enforces local government's laws, policies, and ordinances
- \_\_\_\_\_ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- \_\_\_\_\_ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

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**5. REPORTING**

\_\_\_\_\_ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the town charter as guide

\_\_\_\_\_ Responds in a timely manner to requests from the governing body for special reports

\_\_\_\_\_ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature

\_\_\_\_\_ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience

\_\_\_\_\_ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

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**6. CITIZEN RELATIONS**

\_\_\_\_\_ Responsive to requests from citizens

\_\_\_\_\_ Demonstrates a dedication to service to the community and its citizens

\_\_\_\_\_ Maintains a nonpartisan approach in dealing with the news media

\_\_\_\_\_ Meets with and listens to members of the community to discuss their concerns strives to understand their interests

\_\_\_\_\_ Gives and appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

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**7. STAFFING**

- \_\_\_\_\_ Recruits and retains competent personnel for staff positions
- \_\_\_\_\_ Applies an appropriate level of supervision to improve any areas of substandard performance
- \_\_\_\_\_ Stays accurately informed and appropriately concerned about employee relations
- \_\_\_\_\_ Professionally manages the compensation and benefits plan
- \_\_\_\_\_ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

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**8. SUPERVISION**

- \_\_\_\_\_ Encourages heads of departments to make decisions within their jurisdictions with minimal town manager involvement, yet maintains general control of operations by providing the right amount of communications to the staff
- \_\_\_\_\_ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- \_\_\_\_\_ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the town manager's office
- \_\_\_\_\_ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- \_\_\_\_\_ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. FISCAL MANAGEMENT**

- \_\_\_\_\_ Prepares a balanced budget to provide services at a level directed by council
- \_\_\_\_\_ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- \_\_\_\_\_ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- \_\_\_\_\_ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- \_\_\_\_\_ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. COMMUNITY**

- \_\_\_\_\_ Shares responsibility for addressing the difficult issues facing the town
- \_\_\_\_\_ Avoids unnecessary controversy
- \_\_\_\_\_ Cooperates with neighboring communities
- \_\_\_\_\_ Helps the council address future needs and develop adequate plans to address long term trends
- \_\_\_\_\_ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Committee Updates - Public Safety  
Discussion: Staffing Levels in Police Department

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Police Staffing

**Recommendation**

**Sample Motion**

Memorandum

Date: February 7, 2020

To: Town Council

From: Keith Dalton, Town Manager



Cc: Department Heads  
Paul Culp, Town Clerk

Subject: Staffing levels in the Police Department

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Mrs. McDonald, who serves as Chair of the Public Safety Committee, requested that a discussion concerning Police Department staffing levels be placed on the agenda under the Committee report.

Chair McDonald and the Committee have discussed whether the FY21 budget should include funding for an additional police officer.

Chair McDonald would like to discuss this matter with the entire Council with the goal of providing guidance to staff as it develops a draft FY21 budget.

**Berryville Town Council Item Report Summary  
February 11, 2020**

**Item Title**

Committee Updates - Streets and Utilities

Discussion: Scopes of Work for Stormwater Management Preliminary Engineering Reports

**Prepared By**

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**Background/History/General Information**

**Findings/Current Activity**

**Financial Considerations**

**Schedule/Deadlines**

**Other Considerations**

**Attachments**

1. Stormwater (2)

**Recommendation**

**Sample Motion**

Memorandum

Date: February 7, 2020  
To: Town Council  
From: Keith Dalton, Town Manager  
Cc: Department Heads  
Paul Culp, Town Clerk  
Subject: Stormwater preliminary engineering reports



Background/History/General Information

Last year our region experienced a period of record rainfall. As a result of this record event, many stormwater challenges that have existed in the Town for a very long time became problematic.

In order to fully understand the scale of certain stormwater management challenges, the Town Council began the process of budgeting for and completing preliminary engineering studies on several areas of Town. In addition to providing the Town Council with information regarding the scale of challenges, the reports also provide remediation recommendations, schematic design, and budget estimates for remediation projects.

The Town Council budgeted funds in FY19 to review issues in the northwest of Town. The Town's engineer completed two preliminary engineering reports for drainage areas in the northwest part of Town.

The Town Council budgeted funds in FY20 to complete engineering review of issues on Town Run and in the Virginia Avenue area. The budgeted amount for the Town Run PER is \$42,000. The budgeted amount for Virginia Avenue, which includes PER, detailed engineering, and easement acquisition, is \$10,000. As a part of the Capital Improvements Plan, \$55,000 has been programmed for work on Virginia Avenue in FY21. That work is expected to include: completion of drainage projects, paving, shoulder improvement, and construction of a hammerhead turnaround (if the necessary easement can be secured).

*Town Run PER Scope Overview*

This review was originally planned to examine Town Run east of the N&S Railroad tracks but the attached draft scope would include study from a point west of Clarke County School Board Office to the Clermont Farm east of the Town limits. This scope extension is proposed because of the work that was recommended to address water ponding concerns in the northwest portion of Town.

This review is proposed to provide to address two issues or concerns. It must be confirmed that the work proposed within the Town Run the drainage area will not cause problems for property owners below. The review should also identify areas where the channel can be improved to reduce flooding risk.

*Virginia Avenue PER Scope Overview*

This review was proposed to provide a plan for abatement of two issues. Water from the southwest travels across Virginia Avenue (at first dogleg) but is not able to make it to the Town Run. As a result, the water ponds in the street. Further, water crossing the street further east (at second dogleg) often flows into a garage.

Staff recommended that work be done on the Virginia Avenue surface but is of the opinion that these storm water management challenges should be addressed before work on the street surface is completed.

**Streets and Utilities Committee review**

The Streets and Utilities Committee reviewed the attached scopes of work and requests that the Council review and approved the scopes. Once the scopes of work are finalized, the Town Manager will secure work orders from the Town's contract engineer and initiate the projects. Staff requests that the Council permit considerable flexibility in this matter by permitting the Town Manager to amend the approved scopes as he sees fit.

**Please find attached**

- Draft Scope of Work for Town Run PER
- Draft Scope of Work for Virginia Avenue drainage area PER
- 

**Recommendation**

Review and approve the attached preliminary engineering report scopes.

**Sample Motion**

I move that the Council of the Town of Berryville approve the attached scopes of work and direct the Town Manager to proceed with the projects. Further, the Council authorizes the Town Manager to amend the scopes of work as he deems necessary; provided that no such amendment increases project costs above that which the Council has budgeted.

## Scope of Work for the Town Run PER

### Information provided:

#### Attached Map

- Map from Berryville Planning Area Stormwater Master Plan. Important details:
  - o Map provided in three sheets
  - o Scale: 1" = 200' / 2" contours
  - o Blue – Town Run study area

### Issues:

In general, the Town Run (intermittent and perennial sections) functions relatively well in its role of conveying water through Berryville. Further, development within the watershed over the past three decades was completed in a manner that mitigates the effects of increased stormwater runoff.

With that said, there are sections that area not well defined, have been partially filled or silted in, or have constrictions that may restrict the flow of water. Further, the Town Council is examining whether it should complete projects to mitigate stormwater ponding in portions of the Town Run drainage area.

Accordingly, it is important to know whether the Town Run can accommodate flows from the projects in question and whether work can and should be done to clean or better define the Run's channel in order to reduce flooding risk and eliminate potential constrictions.

### Scope:

- Visually inspect area. Report any obvious issues and enumerate any further study that may be recommended.
- Examine structures along the Town Run main channel and those highlighted on the attached map (two areas highlighted : 1) structures connecting area northwest of Smith Street to the street drainage system to the main channel at Lincoln Avenue and 2: structures connection Sub-system E to the street drainage system to the main channel across Main Street from Washington Square Apartments)
- Provide recommendations for improvements to the Town Run and structures and channels draining to the Town Run in order to provide for unobstructed flow of water in the control storm for the natural channel and associated structures. Recommendations concerning larger storm events may be included as the engineer sees appropriate. Recommendations concerning the natural channel should take into account ease of maintenance.
- Provide a recommendation regarding whether eliminating doglegs in the Town Run near the Town's eastern boundary would reduce flooding risk in Town.
- Provide schematic plan of recommended projects
- Provide prioritization of recommended projects
- Provide cost estimates for projects shown in schematic plans (to include design, legal, easement acquisition, permitting, and construction)

- Provide a determination as to whether completion of proposed drainage projects (i.e. Dorsey Street Area/Jackson Drive SWMA drainage area, Ashby/Archer Court- Walnut Street drainage area, and Virginia Avenue) will be deleterious to downstream properties.

Information available:

- Berryville Planning Area Stormwater Master Plan.
- Stormwater Management Options Final Technical Memorandum (dated June 202)– U.S. Army Corps of Engineers
- Development Plans within watershed

Access:

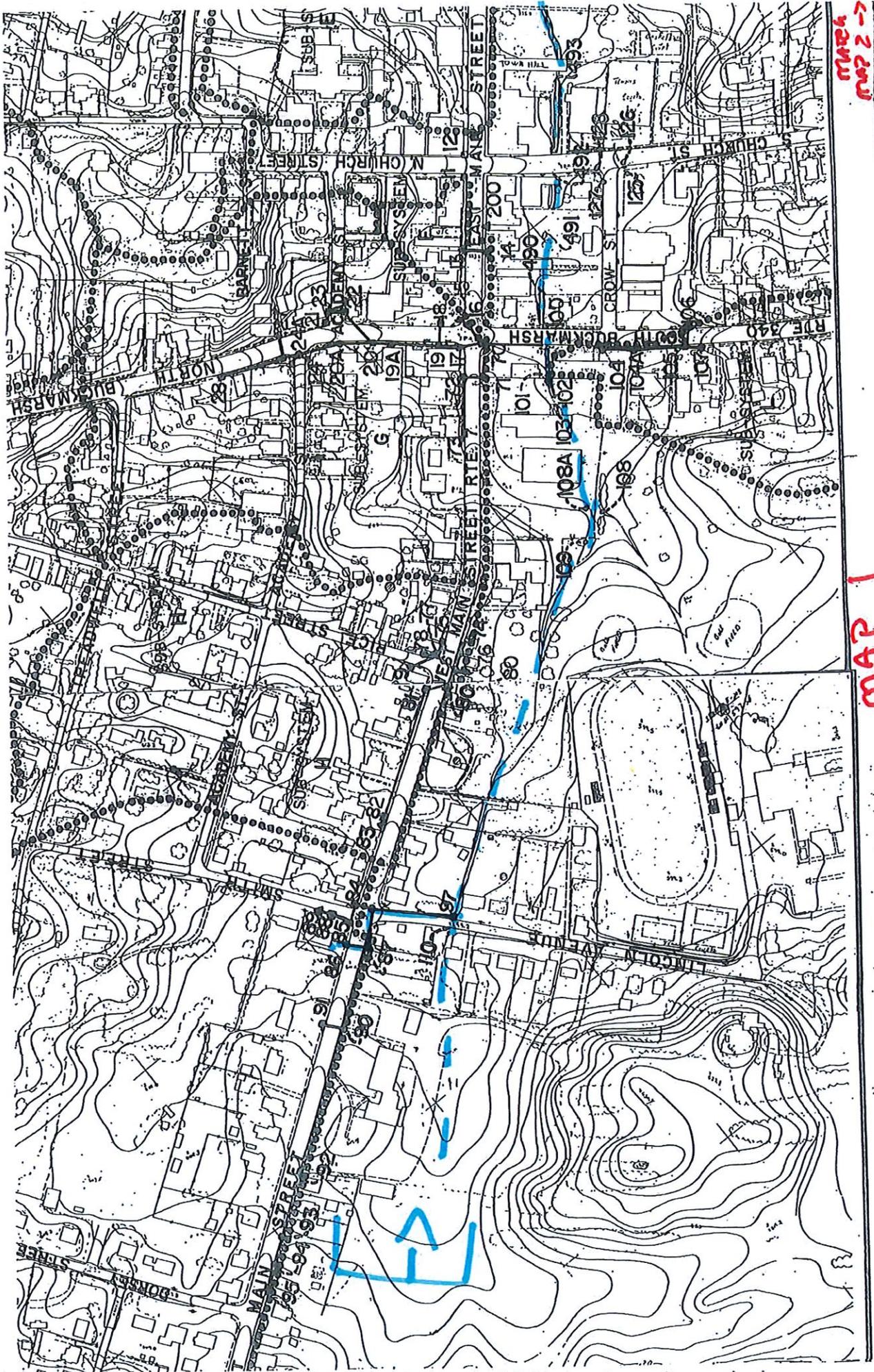
- The Town will assist the contractor in efforts to secure permission to access private property.

Deliverables:

- Provide a detailed report addressing all elements of the project scope.

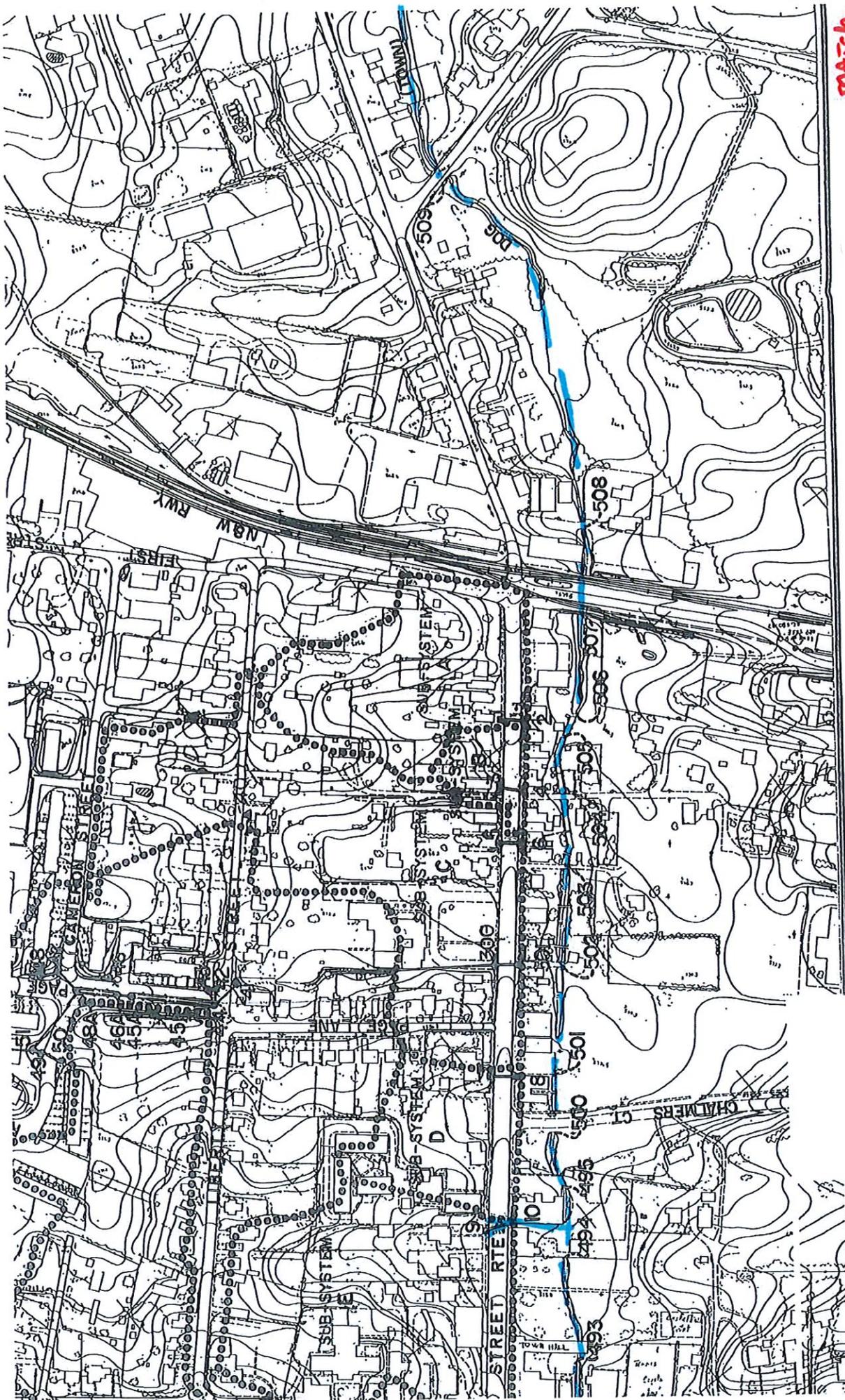
Schedule:

- Submit draft report no later than June 1, 2020.
- Submit final report no later than June 30, 2020 (assumes Town's comments are received by June 15)



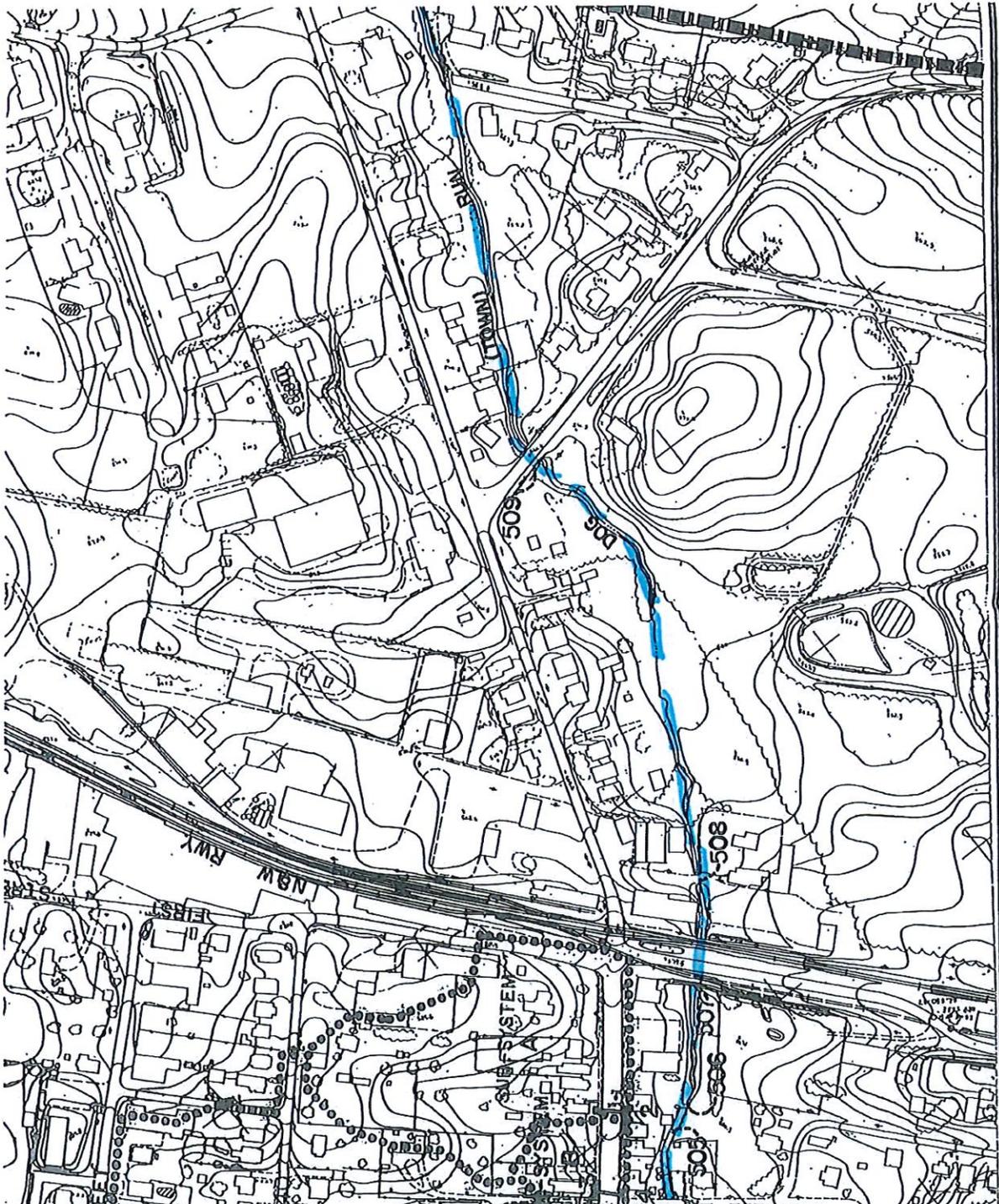
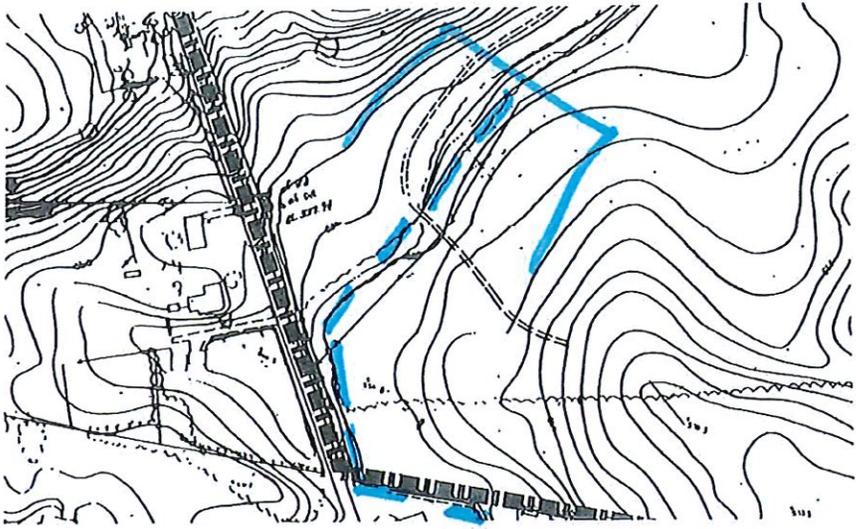
MAP 4  
MAP 2 ->

MAP 1



MATCH  
MAP 3 ->

MAP 2



MAR 3

## Scope of Work for the Virginia Avenue drainage area PER

### Attached Photos

- Photos of Area # 1
- Photos of Area # 2

### Attached Map

- Map from Berryville Planning Area Stormwater Master Plan. Important details:
  - o Scale: 1" = 200' / 2" contours
  - o Yellow – Virginia Avenue
  - o Blue – Town Run
  - o Pink – Areas of Concern (Area # 1 and Area # 2)
  - o Green – Properties on which most of work would have to occur. It should be noted that work on the opposite side of the street may also be required.

### Issues:

#### AREA # 1

Water ponds in the area identified as AREA # 1 on the attached photos and map. Water flowing from the southwest flows over VA Avenue and ponds in the street. The water can't get to the Town Run because the property to the northeast has either silted in or been built up.

#### AREA #2

Water from the south travels along and in Virginia Avenue and then flows into the property in the area identified as AREA #2. Water often flows into the small garage north of AREA 2.

### Scope:

- Visually inspect the area. Report any obvious issues and enumerate any further study that may be recommended.
- Complete field work to determine if grade can be obtained to establish positive drainage from the areas of concern to the Town Run.
- If positive drainage can be established, then provide schematic plans for improvements to area that will convey water from areas of concern to the Town Run.
- Provide cost estimates for project shown in schematic design (to include design, legal, easement acquisition, permitting, and construction).

### Information available:

- Berryville Planning Area Stormwater Master Plan.
- Stormwater Management Options Final Technical Memorandum (dated June 202)- U.S. Army Corps of Engineers

Access:

- The Town will assist the contactor in efforts to secure permission to access private property.

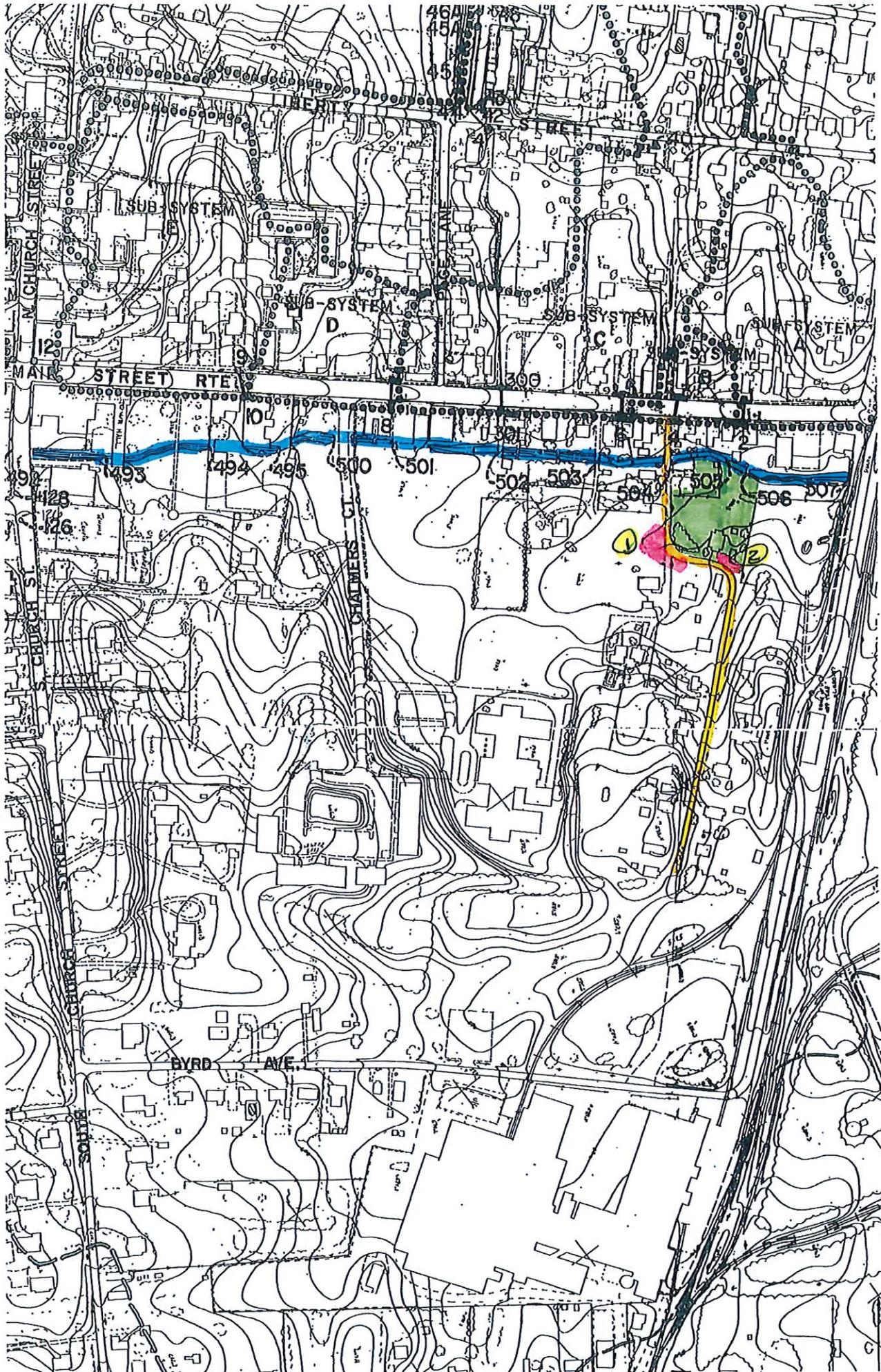
Deliverables:

- Provide a detailed report addressing all elements of the project scope.

Schedule:

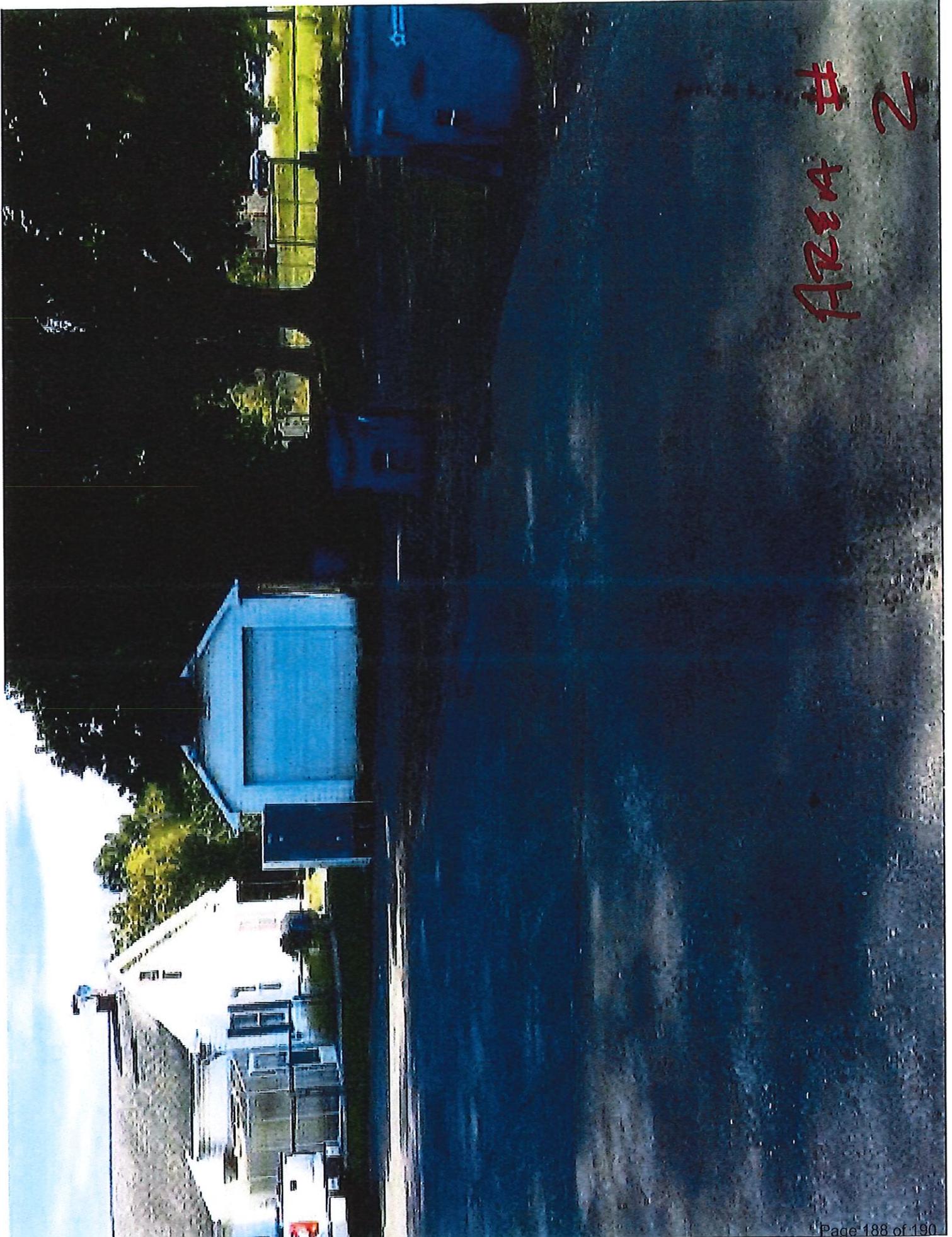
- Submit draft report no later than June 1, 2020
- Submit final report no later than June 30, 2020 (assumes Town's comments are received by June 15)

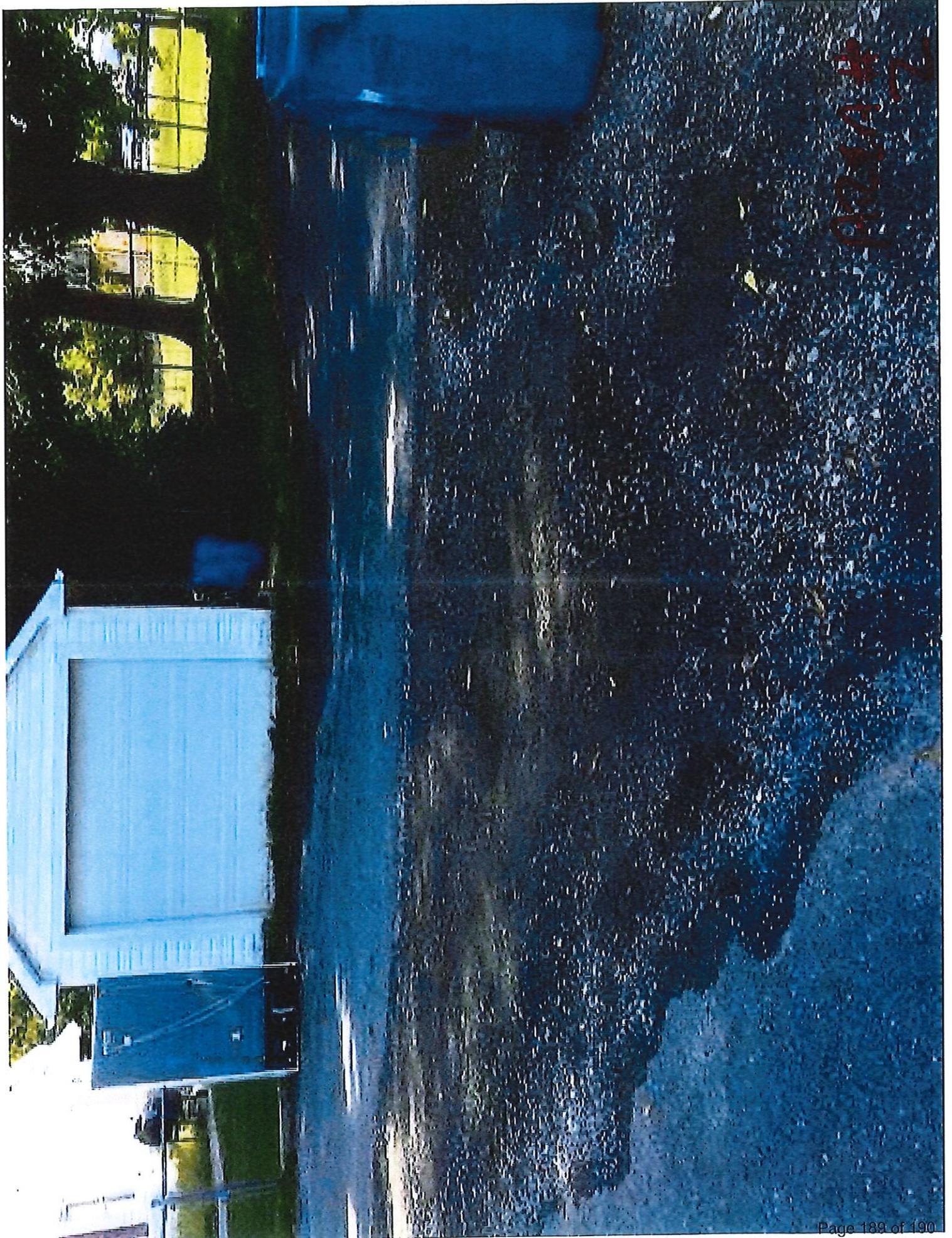
DRAFT













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