

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, May 14, 2013**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**7:30 p.m.**

**Town Council:**

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Douglas Shaffer; David Tollett; Mary Daniel

**Staff:** Keith Dalton, Town Manager; Desirée Moreland, Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; David Tyrrell, Director of Utilities; Celeste Heath, Town Clerk

**Press:** Val Van Meter, Winchester Star

- 1. Public Hearing:** Proposed Fiscal Year 2014 Budget  
Mayor Kirby opened the public hearing at 7:30 p.m. There was no public comment. The public hearing was closed at 7:31 p.m.
- 2. Public Hearing:** Proposed Water and Sewer Rate Increases  
Mayor Kirby opened the public hearing at 7:31 p.m. There was no public comment. The public hearing was closed at 7:32 p.m.
- 3. Public Hearing:** Proposed Text Amendments to the Berryville Zoning Ordinance defining and establishing regulations for Unattended Donation Drop-off Boxes  
Mayor Kirby opened the public hearing at 7:32 p.m. There was no public comment. The public hearing was closed at 7:33 p.m.
- 4. Public Hearing:** Proposed Special Use Permit for a 60 unit multi-family housing development for older persons  
Mayor Kirby opened the public hearing at 7:33 p.m.

Evan Wyatt, Greenway Engineering, representing the Byrd family as adjacent property owners said that the Byrd family supports the Special Use Permit as long the conditions regarding the completion Chamberlain and McClellan recommended by staff and the Planning Commission are accepted. He said that the Byrd family also requests that this project has the same increased setback and easement requirements that were placed on Lot 2 because their development is similar.

The public hearing was closed at 7:36 p.m.

- 5. Call to Order:** Wilson Kirby, Mayor  
Mayor Kirby called the regular meeting to order at 7:36 p.m.
- 6. Approval of Minutes**  
April 9, 2013

Upon motion by Recorder Arnold, seconded by Council member Kitselman, the minutes of the April 9, 2013 meeting were unanimously approved.

**7. Citizens Forum**

Logan Van Meter, Director of Barns of Rose Hill Visitors Center, spoke about the Barns programs and thanked the Town Council for their support. Mr. Dalton said he had a chance to meet with Mr. Van Meter and Director Cheryl Ash at the Barns and that they are doing great work. He said that everyone should get by to see the Visitors Center and look at the interactive map that Mr. Van Meter has created.

**8. Report of the Mayor**

Mayor Kirby thanked Mr. Van Meter for his report.

**9. Report of Town Manager**

Mr. Dalton reported that once again alert town employees on their rounds reported public safety incidents to fire officials. He said that Bozie Gardner spotted smoke on South Church Street and called the Fire Department to put out a fire at a business at that location. He said that Darrell Ferree found a diesel spill while reading water meters and alerted the Fire Department as well. Mr. Dalton commended the vigilance of town staff as they perform their duties.

**10. Planning and Zoning Matters**

**Action Item - Text Amendment – Unattended Donation Boxes**

Ms. Dunkle reported that there was no public comment on this matter in the Town Office. Council member Shaffer said that the Planning Commission took their time to craft a good amendment and that the Planning Commission recommends that the Town Council adopt the amendment as presented. Recorder Arnold asked if this would cover the boxes already in place. Ms. Dunkle said that this amendment would require permits and ordinance compliance for those boxes already in place.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously approved the attached ordinance amending Articles I and III of the Berryville Zoning Ordinance creating a definition for donation drop-off boxes and establishing Section 324, Donation Drop-Off Boxes, respectively, regulating these facilities within the Town of Berryville.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Allen Kitselman Douglas Shaffer David Tollett Mary Daniel
Nays:	None
Absent:	None
Abstain:	None

AN ORDINANCE AMENDING  
ARTICLE III, SUPPLEMENTARY REGULATIONS, ESTABLISHING SECTION 324,  
UNATTENDED CLOTHING DONATION BOXES,  
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article III, Section 324 Supplementary Regulations, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE III

324 Donation Drop-off Boxes

- a. Donation drop-off boxes shall be permitted in all zoning districts provided they are located on a property that contains a church or building containing a charitable use as a permitted primary use. The donation drop-off box shall specifically benefit that church or charitable use.
- b. Donation drop-off boxes shall not be located in any provided front or corner-side yard, nor located in any required side yard setback.
- c. Donation drop-off boxes shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, landscape areas, required parking spaces, fire lanes, loading zones, or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.
- d. Donation drop-off boxes shall not be located within the 100 year floodplain as identified in the current Flood Insurance Rate Map (FIRM).
- e. Donation drop-off boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owner of the container, the entity responsible for maintenance of the drop-off box and removal of materials and trash from the immediate area, and a telephone number where the owner, operator or agent may be reached at any time.
- f. No more than two donation drop-off boxes shall be located on any property, and each donation drop-off box shall have a capacity of no more than six (6) cubic yards and a maximum height of seven (7) feet.
- g. Donation drop-off boxes located within the Town of Berryville Historic District shall be reviewed by the Architectural Review Board prior to installation and shall be reviewed to the standards by which determinations are made per Section 703.6 of the Berryville Zoning Ordinance.
- h. A donation drop-off box shall be screened per Section 314.j.2. of the Berryville Zoning Ordinance, which requires that all refuse containers be completely enclosed with a solid opaque wood fence or masonry wall at least six (6) feet high.

- i. Prior to placement of a donation drop-off box on a property, an application for a zoning permit, together with a site sketch plan and any additional information as deemed necessary by the Zoning Administrator, shall be submitted to the Zoning Administrator section for approval.
- j. The area around the donation drop-off box shall be maintained with no accumulation of donated items outside of the box.

SIGNED: \_\_\_\_\_  
Wilson Kirby, Mayor

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

**11. Action Item Special Use Permit – Virginia United Methodist Housing  
Jon Erickson, PE, Applicant, is requesting a Special Use Permit under Section  
614.3.c. of the Town of Berryville Zoning Ordinance in order to construct a 60-unit  
multi-family housing development for older persons at the property located on a  
portion of the parcel at 451 Chamberlain Street, identified as Tax Map Parcel  
number 14-5-251B zoned Older Person Residential (OPR).**

Jon Erickson was present. Ms. Dunkle said that there was no public comment in the town office on this matter.

Ms. Dunkle said that the applicant submitted a new site plan on May 8 with the reservation for future Chamberlain Street removed. She said that neither the Planning Commission nor the BADA recommended approval of the applicant's request for waiver of the required urban street sections. She said that the applicant has withdrawn the request for the waiver and has removed the reservation for future Chamberlain Street and the portion of the street section from Mosby Boulevard. She noted that neither the BADA nor the Planning Commission has seen the site plan submitted on May 8.

Ms. Dunkle then reviewed proposed staff recommendations for Special Use Permit conditions.

The Mayor called for discussion and noted that the preliminary site plan on the table is not the same plan that was submitted to the BADA and the Planning Commission. He asked whether the Town Council should still move forward on the matter or ask those boards to reconsider.

Council member Kitselman said that the BADA and the applicant did discuss the option to change the preliminary plan to what was submitted on May 8.

The Mayor recognized the applicant. Mr. Erickson said that during the process with the BADA and Planning Commission, it became apparent that the waiver of urban curb and gutter section was not going to be approved and that he discussed removing the reservation for Chamberlain Street since they would not be building rural street sections.

Council member Shaffer said that the Planning Commission also discussed the changes on the May 8 plan as an option if the waiver of urban street sections was not granted.

There was a general discussion of the recommended conditions. Two minor changes were made to the draft conditions.

Mayor Kirby said that while he was concerned that the plan before the Town Council is different from the plan submitted to the BADA and Planning Commission he is now hearing that this plan was discussed by both boards as an alternative if urban street requirements were not waived. He noted that a right-of-way for Chamberlain would have to be dedicated before a building permit for the property to the north is submitted.

Council member Kitselman said it would be a reservation, not a dedication, which is not carved in stone. He said he understands the concern about the plan being different but feels the scenario was addressed by the BADA. Council member Shaffer said he couldn't speak for the entire Planning Commission, but that he recalls the scenario was discussed as an option if the waiver was denied.

Mr. Dalton asked Mr. Erickson about street lights on Chamberlain extended. Mr. Erickson said that the placement of street lights is a final site plan issue but that the preliminary plan does not show a street light at the intersection with Mosby. Mr. Dalton said that he thinks that the poor lighting at that intersection will be an issue and should be addressed on the final site plan.

Mayor Kirby said that he is comfortable moving along with this plan. Council members Kitselman and Shaffer both expressed that they are comfortable that this plan revision was discussed by both boards. Council member Kitselman said that the BADA expressed strong interest in seeing that Chamberlain is eventually built out.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously approved the following:

WHEREAS, this property (Tax Map Parcel no. 14-5-251B) was zoned Older Person Residential (OPR) in 2009; and

WHEREAS, this Special Use Permit is to permit the construction of up to 60 multi-family older person residential units on a 3.45 acre portion of the property; and

WHEREAS, it is appropriate and advisable to consider future potential development on the residual of the 10.98+/- acre parcel to assure that public street access will be sufficient upon development of that portion of the property in the future; and WHEREAS, the completion of existing Chamberlain Street and existing McClellan Street was required by the approved site plan for Mary Hardesty House, but the construction of those streets in a condition to be acceptable by the Town of Berryville into the public system has not been completed.

NOW, THEREFORE, I hereby move that Special Use Permit 01-13 be approved with the Conditions set forth on the written statement of Conditions attached to this motion, and that the Conditions to be made a part of the minutes of this meeting.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Allen Kitselman Douglas Shaffer David Tollett Mary Daniel
Nays:	None
Absent:	None
Abstain:	None

CONDITIONS TO SPECIAL USE PERMIT  
SUP 01-13  
TAX MAP PACEL NO. 14-5-251B

The following conditions shall apply to the Special Use Permit on Tax Map Parcel No. 14-5-251B, containing 10.97673 acres (“the Property”) for Housing for Older Persons, Medium Density: Multi-family (including personal services uses of less than 500 square feet):

1. Approval and recordation of a subdivision plat creating a +/-3.4 acre parcel, in substantial conformance to the Preliminary Site Plan prepared by Morris & Ritchie Associates, Inc. and dated May 1, 2013, prior to obtaining a building permit for the Housing For Older Persons, Medium Density pursuant to this Special Use Permit.
2. The Housing for Older Persons, Medium Density use of the Property pursuant to this Special Use Permit shall be limited to the aforesaid +/- 3.4 acre parcel.
3. The Housing for Older Persons, Medium Density constructed pursuant to this Special Use Permit shall not exceed sixty (60) units.
4. Approval of a final site plan which is in accordance with these conditions of the Special Use Permit.
5. Dedication/Construction of Chamberlain Street as follows:
  - A. Complete construction of Chamberlain Street (labeled as McNeil Road on the plat by Ken W. Erickson, LS and recorded at DB 274 Page 299 with the Clarke County Circuit Court) to bring it into conformity with Town requirements and Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements (SSAR) and in a condition to be acceptable by the Town of Berryville into its street system.
  - B. Dedicate and construct an extension of previously dedicated Chamberlain Street, as a public street, in conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be accepted by the Town of Berryville into its street system, to +/- 400 feet west of its intersection with McClellan Street, as shown on the Site Plan prepared by Morris & Ritchie Associates, Inc. and dated May 1, 2013.
6. Completion of the construction of previously dedicated McClellan Street to bring it into conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be acceptable by the Town of Berryville into its street system.
7. Sufficient performance surety for the street construction required in Condition Nos. 5 and 6 shall be posted with the Town before recordation of the subdivision plat referenced in Condition No. 1, in the same manner as provided in Article VII of the Subdivision Ordinance, to the extent not already posted.
8. Until Chamberlain Street is dedicated and constructed as a public street to connect with Mosby Boulevard, as set forth in Condition No. 10, below, a right of way shall be provided to the +/- 3.4 acre parcel to provide additional emergency services direct vehicular access to the +/- 3.4 acre parcels from Mosby Boulevard. The construction of the right of way shall be approved by the Town as sufficient for emergency services vehicular access. If the +/- 3.4 acre parcel is conveyed prior to the construction of Chamberlain Street as set forth in Condition No. 10, the +/- 3.4 acre parcel shall be conveyed together with said right of way. A fully executed access easement for the

aforesaid right of way, including a maintenance agreement to be recorded in the land records upon approval of the final Site Plan, shall be submitted to the Town of Berryville for the area identified as “25’ Emergency Access Easement” located on the parcel adjacent to the proposed 3.45+/- acre parcel identified as Tax Map Parcel number 14A7-14-1 prior to approval of the final site plan in a form approved by the Town of Berryville.

9. No Certificate of Occupancy shall be issued under this Special Use Permit until there has been compliance with Conditions 1 – 8, above.

10. No Certificate of Occupancy shall be issued for any structure on the 5.66 acre +/- residue of the Property, as shown on the Preliminary Site Plan and Preliminary Record Plat by Morris and Ritchie Associates, Inc. both dated May 1, 2013 until Chamberlain Street is dedicated and constructed as a public street, in conformity with Town requirements and VDOT Secondary Street Acceptance Requirements (SSAR) and in a condition to be accepted by the Town of Berryville into its system, from its point of completion pursuant to Condition 5.B., above, to Mosby Boulevard, in the approximate location of the “25’ Emergency Access” shown on the Preliminary Site Plan by Morris and Ritchie Associates, Inc. dated May 1, 2013 or in such other location as may be approved by the Town.

11. Special Use Permit 03-09 approved on August 11, 2009 is revoked with the approval of this Special Use Permit.

### **Report of the Planner**

#### **Street Banners**

Ms. Dunkle said that Berryville Main Street and the Farmers Market at the behest of VDOT are asking the Town of Berryville to sign off as the applicant for the street banner project the groups have initiated. Mr. Dalton asked for guidance on the matter from the Town Council because signing off on this project would encumber the town with responsibility for any erosion and sediment control, work zone management during installation and removal, as well as insurance liability. He said that he is not concerned about the erosion and sediment control, because the project doesn’t involve that type of work. He said that he believes that the town’s insurance should cover liability. He said his biggest concern is the cost of work zone management.

Ms. Dunkle said that the original application has Berryville Main Street (BMS) signing off on the permits. Recorder Arnold said that the original intention of this project was to dress up the town but providing traffic control makes it cost prohibitive. He noted it would cost Berryville Main Street over \$1500 to provide traffic control. Mr. Arnold then asked how the town puts up the wreaths. Mr. Dalton said that this has never before been an issue when installing the wreaths. Ms. Dunkle said that VDOT stated that a permit for the banners would be good for any project throughout the year, so it would cover that installation as well. She acknowledged that VDOT permitting has not been an issue in the past when installing the wreaths.

Recorder Arnold asked if staff could go back to VDOT and find out what is behind this requirement. Mr. Dalton said that with Town Council permission, he would follow up with VDOT on the matter. The Mayor asked Mr. Dalton to see if he could resolve this issue.

**12. Standing Committee Reports**

a) BADA Liaison – Allen Kitselman  
Nothing to add to report.

b) Budget Finance / CIP – Jay Arnold  
The Council will have the opportunity to vote on the FY 2013-2014 at their next meeting.

c) Community Improvements – Allen Kitselman  
The Farmers Market opens this Saturday and the Rich Rau ride takes place on the same day.

d) Planning Commission – Doug Shaffer  
Nothing to add to report.

e) Police and Security – Mary Daniel  
The committee will meet on May 15. National Bike to School Day is May 8 and there is a walkabout on May 23 with VDOT in conjunction with Safe Routes to School.

f) Streets and Utilities – Wilson Kirby

**Action Item – Water and Sewer Rates**

Upon motion by Council Member Shaffer, seconded by Council member Kitselman the Council of the Town of Berryville unanimously adopted the attached Ordinance prescribing water service charges pursuant to Chapter 17, Article IV, Section 17-49 of the Code of the Town of Berryville.

**VOTE:**

Recorded Vote:

Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Douglas Shaffer  
David Tollett  
Mary Daniel

Nays: None

Absent: None

Abstain: None

TOWN OF BERRYVILLE  
AN ORDINANCE PRESCRIBING WATER SERVICE CHARGES  
PURSUANT TO CHAPTER 17, ARTICLE IV, SECTION 17-49  
OF THE CODE OF THE TOWN OF BERRYVILLE

Date: May 14, 2013

Motion By: Douglas Shaffer

Second By: Allen Kitselman

BE IT ORDAINED, by the Council of the Town of Berryville, pursuant to Chapter 17, Article IV, Section 17-49 of the Code of the Town of Berryville, that effective June 25, 2013 charges for water services rendered by the Town of Berryville shall be seven dollars and five cents (\$7.05) per one thousand (1000) gallons of water used. For those customers using less than a thousand gallons a minimum fee of five dollars (\$5.00) per month will be charged.

VOTE:

Recorded Vote:

Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Douglas Shaffer  
David Tollett  
Mary Daniel

Nays: None

Absent: None

Abstain: None

SIGNED: \_\_\_\_\_ DATE: May 14, 2013  
Wilson Kirby, Mayor

ATTEST: \_\_\_\_\_ DATE: May 14, 2013  
Harry Lee Arnold, Jr., Recorder

Upon motion by Council Member Shaffer, seconded by Council member Kitselman the Council of the Town of Berryville unanimously adopted the attached Ordinance prescribing sewer service charges pursuant to Chapter 17, Article IV, Section 17-50 of the Code of the Town of Berryville.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Douglas Shaffer  
David Tollett  
Mary Daniel

Nays:

None

Absent:

None

Abstain:

None

TOWN OF BERRYVILLE  
AN ORDINANCE PRESCRIBING SEWER SERVICE CHARGES  
PURSUANT TO CHAPTER 17, ARTICLE IV, SECTION 17-50  
OF THE CODE OF THE TOWN OF BERRYVILLE

Date: May 14, 2013

Motion By: Douglas Shaffer

Second By: Allen Kitselman

BE IT ORDAINED, by the Council of the Town of Berryville, pursuant to Chapter 17, Article IV, Section 17-50 of the Code of the Town of Berryville, that effective June 25, 2013 charges for sewer services rendered by the Town of Berryville shall be seventeen dollars (\$17.00) per one thousand (1000) gallons of water used. For those customers using less than a thousand gallons a minimum fee of fifteen dollars (\$15.00) per month will be charged.

VOTE:

Recorded Vote:

Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Douglas Shaffer  
David Tollett  
Mary Daniel

Nays: None

Absent: None

Abstain: None

SIGNED: \_\_\_\_\_ DATE: May 14, 2013

Wilson Kirby, Mayor

ATTEST: \_\_\_\_\_ DATE: May 14, 2013

Harry Lee Arnold, Jr., Recorder

Upon motion by Council Member Daniel, seconded by Council member Kitselman the Council of the Town of Berryville unanimously amended the attached Schedule of Water and Sewer Fees and Charges to reflect the water and sewer user fees effective June 25, 2013.

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Douglas Shaffer  
David Tollett  
Mary Daniel

Nays:

None

Absent:

None

Abstain:

None

**TOWN OF BERRYVILLE  
SCHEDULE OF WATER AND SEWER  
FEES AND CHARGES**

Effective June 25, 2013

**I. USER FEES**

A. WATER

\$7.05 per 1,000 gallons of usage  
\$5.00 per month minimum charge

B. SEWER

\$ 17.00 per 1,000 gallons of usage  
\$ 15.00 per month minimum charge

**II. DEPOSITS AND ADMINISTRATIVE FEES**

A. DEPOSITS

Residential: \$ 225

Business/Commercial (excluding Restaurants and Laundries): \$ 860

Restaurant: \$ 785

Laundry: \$2,450

B. ADMINISTRATIVE FEES

Late Fee: 10% of bill amount

Service Disconnection/Reconnection Fee: \$40

Returned Check/ACH Fee \$25

**III. AVAILABILITY FEES**

A. WATER

Type of Premises

Charge

1. Residential:

Single Family Residential individual 5/8" meter	\$ 5,250 + meter charge
Town House, Duplex individual 5/8" meter	5,250 per unit + meter charge
Multi-Family	4,725 per unit + meter charge

2. Commercial, Industrial, Institutional, & Single Family greater than 5/8” meter:

Water Meter Size (Inches)	Demand Ratio	Avail. Fee	Radio Read Meter Cost
5/8	1.0	\$ 5,250	Meter cost + 30% admin. fee
3/4	1.5	7,825	Meter cost + 30% admin. fee
1.0	2.5	13,125	Meter cost + 30% admin. fee
1.5	4.375	22,970	Meter cost + 30% admin. fee
2.0	8.0	42,000	Meter cost + 30% admin. fee
3.0	16.0	84,000	Meter cost + 30% admin. fee
4.0	25.0	131,250	Meter cost + 30% admin. fee
6.0	50.0	262,500	Meter cost + 30% admin. fee

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

Notes:

- (a) Multi-family residences are defined as any master metered group of apartment, town house, condominium or other residential units with each unit containing separate kitchen facilities.
- (b) In cases where a master meter is serving multi-family residences or a combination of multi-family and commercial units, the applicant will pay a fee based on the higher of (a) an amount derived by multiplying the unit charge of \$5,250 for multi-family residence times the total number of residential and commercial units to be served by a single meter, or (b) an amount based on the meter size as specified above.

B. SEWER

Water Meter Size (Inches)	Demand Ratio	Avail. Fee
5/8	1.0	\$ 22,750
3/4	1.5	34,125
1.0	2.5	56,875
1.5	4.375	99,535
2.0	8.0	182,000
3.0	16.0	364,000
4.0	25.0	568,750
6.0	50.0	1,137,500

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

**IV. LATERAL or CONNECTION FEES**

**A. WATER**

Meter Size (Inches)	By Others	By Town
5/8	* (b)	cost + 10% (\$500 min.) & b
3/4	* (b)	cost + 10% (\$500 min.) & b
1.0	* (b)	cost + 10% (\$500 min.) & b
1.5	* (b)	(c) & (b)
2.0	* (b)	(c) & (b)
3.0	* (a) & (b)	(a) & (b)
4.0	* (a) & (b)	(a) & (b)
6.0	* (a) & (b)	(a) & (b)
Greater than 6"	* (a) & (b)	(a) & (b)

**B. SEWER**

Lateral Size (Inches)	By Others	By Town
4	*	cost + 10% (\$500 min.)
Greater than 4"	*	N/A (d)

Notes:

(a) = Town of Berryville to furnish and install wet taps to existing mains at cost plus 10%. Contractor to furnish and install lines and vaults.

(b) = Town of Berryville to install meters.

(c) = Town of Berryville to provide 2" service line to property line with 2" ball valve at cost plus 10%. Contractor to furnish and install meter vault and meter setter.

(d) = Installed by contractor if larger than 4" required.

\* = Inspection fee applies, see Section V.

**V. INSPECTIONS**

**A. Sanitary Sewer Camera Service & Storm Sewer Camera Service**

Mains and Laterals Over 4-Inches in Diameter

Mobilization Fee ..... \$250

Camera Fee ..... \$2.50 per linear foot

*4-Inch Laterals*

Laterals Under 50-Feet in Length ..... \$100

Laterals 50-Feet in Length or Greater ..... \$100 plus \$2.50 per linear foot

**B. Inspections**

Approved Inspector or Town Staff ..... \$ 50 per hour

Licensed Professional Engineer ..... cost

Notes:

Cleaning lines will be required prior to camera use and is the responsibility of the applicant.

**VI. SIGNIFICANT INDUSTRIAL USER FEES**

Sewer system discharge permit .....\$500

**VII. WATER METER TESTING**

5/8" meter .....	\$40
All other meters .....	\$40 + cost

Notes: Fee is refunded if meter is found to be over registering

**VIII. UNAUTHORIZED USE OF SERVICE**

For unapproved water withdrawals from fire hydrants or any other part of the Town Water System, or when a customer willfully takes steps to reactivate service after service has been disconnected by the town on account of nonpayment of any charge owed to the town and the town is required to take some action to again discontinue service, such as removing the meter, etc., a charge for unauthorized use of service in the amount of two hundred and fifty dollars (\$250) shall be paid. This charge shall be in addition to any other charge for water and sewer utility services owed to the town, as well as any other legal remedies which the town may be able to pursue for unauthorized use of service.

g) Personnel / Appointments – Jay Arnold

The committee continues to look for applicants to fill board positions.

**13. Closed Session** – The Berryville Town Council entered closed session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff regarding probable litigation related to the construction of the Wastewater Treatment Plant and §2.2-3711-A-29, Code of Virginia, in order to discuss the amendment of the contract (wastewater treatment plant) with the Whitman, Requardt & Associates, LLP.

a. Motion to enter Closed Session

It was moved by Recorder Arnold, seconded by Council member Daniel that the Council of the Town of Berryville enter Closed Session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff regarding probable litigation related to the construction of the Wastewater Treatment Plant and §2.2-3711-A-29, Code of Virginia, in order to discuss the amendment of the contract (wastewater treatment plant) with the Whitman, Requardt & Associates, LLP.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman David Tollett Doug Shaffer
Nays:	None
Absent:	None
Abstain:	None
Absent During Vote:	None

b. Enter Closed Session

The Town Council entered closed session at 8:28 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 9:21 p.m.

d. Certification of Closed Session

**Town of Berryville  
RESOLUTION**

MEETING DATE: May 14, 2013

MOTION BY: David Tollett

SECOND BY: Mary Daniel

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia (Council), has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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

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

VOTE:

Recorded Vote:

Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Mary Daniel  
David Tollett  
Doug Shaffer

Nays: None

Absent: None

Abstain: None

Absent During Vote: None

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Harry Lee Arnold, Jr., Recorder

**14. Adjourn**

Upon motion by Council member Kitselman, seconded by Council member Daniel and passed, the Council meeting was adjourned at 9:22 p.m.

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Wilson Kirby, Mayor

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Harry Lee Arnold, Jr., Recorder