



# Berryville Police Department

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W. Neal White – Chief of Police

## Police and Security Committee Meeting

Minutes

August 1, 2012

**Attendance:** Mary Daniel – Chair, Dave Tollett, Neal White – Police Chief

The meeting was called to order at 10:04 am by committee chair Mary Daniel.

Chief White reported that the department had received 38 applications for the position left open due to the resignation of Jay Hollins. The applications will be reviewed and background investigations are underway.

Chief White reported that the department claimed first place in the 2011 Virginia Law Enforcement Challenge for a municipal police department with ten or fewer employees. Chief White will attend the Virginia Association of Chiefs of Police Conference in Roanoke later this month and accept the award on behalf of the department.

Chief White advised that the department will take part in two upcoming community events this month. The first is a bicycle rodeo and helmet give away on August 4, 2012 and the second is National Night Out on August 7, 2012.

Chief White advised that he had applied for a one time grant administered through the Virginia Department of Criminal Justice. The grant is open to law enforcement agencies with ten or fewer employees and would award the chosen agency a patrol sedan, delivered by DCJS. It is anticipated that the awardees will be notified by the end of October 2012.

The emergency key access ordinance drafting is still underway and a draft will be presented to the committee at the next meeting.

The next meeting of the Police and Security Committee was set for September 5, 2012 at 10:00 am in the A/B Meeting room of the Berryville Clarke County Joint Government Center.

Being no further business, meeting was adjourned at 10:31 am.

Submitted By: Chief W. Neal White

**BERRYVILLE TOWN COUNCIL  
BUDGET AND FINANCE COMMITTEE  
Tuesday, August 1, 2012  
Berryville-Clarke County Government Center  
Town Council Conference Room  
Called Meeting  
4:00 p.m.**

**MINUTES**

**Roll:**

**Town Council:**

Present: Recorder Jay Arnold, Chair; Mary Daniel

**Staff:** Keith Dalton, Town Manager; Desi Moreland, Treasurer; Celeste Heath Town Clerk

**Press:** None

1. **Call to Order** – The meeting was called to order at 4:00 p.m.

2. **Discussion** – Procurement and Fuel Cards

Mr. Dalton and Mrs. Moreland briefed the committee on the use of procurement cards and fuel cards to streamline financial operations. The committee discussed how the cards would function, security for the cards and implementation of policies regarding the cards.

Mr. Dalton said that staff looked at several card providers and recommends using the Commonwealth of Virginia's contracts for procurement and fuel cards.

Mrs. Moreland said that Town Council authorization will be required to implement card policies and that staff would like to do that in conjunction with adopting new procurement policies since the town has reached a population at which we are governed by the VPPA and policies must be adjusted accordingly.

Mr. Dalton said that staff will be ready to present new policies to the Council at their September meeting but that he would like to start the process of enrolling in the purchasing card and fuel card programs because the Commonwealths' card providers will assist in putting together the card policies.

The committee agreed that staff should proceed with enrollment in the card programs and present new policies for adoption by Town Council at the September meeting

3. **Adjourn**

The committee meeting was adjourned at 4:59 p.m.

  
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Keith R. Dalton, Town Manager

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, August 14, 2012**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**7:30 p.m.**

**Roll:**

**Town Council:**

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

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Celeste Heath, Town Clerk

**Press:** Val Van Meter, Winchester Star; Ed Leonard, ClarkeDailyNews.com

**1. Call to Order:** Wilson Kirby, Mayor

Mayor Kirby called the regular meeting to order at 7:30 p.m.

**2. Approval of Minutes**

July 10, 2012

Upon motion by Council member Tollett, seconded by Council member Daniel, the minutes of the July 10, 2012 meeting was unanimously approved.

**3. Citizen's Forum**

There was no citizen comment.

**4. Report of the Mayor**

Mayor Kirby reported that the National Night Out in the park was a huge success. He said that Officer Terry Fritts did an excellent job organizing the event. He thanked the local businesses that donated to the event.

**5. Planning and Zoning Matters**

**Action Item – Set Public Hearing**

**Loudoun Propane, (Dale Schulz, President, Agent), is requesting a Text Amendment in order to allow 424710 Petroleum Bulk Stations and Terminals as a use by Special Permit establishing Section 612.4(m) of the Town of Berryville Zoning Ordinance. As a part of this request, Section 612.5(y) of the Town of Berryville Zoning Ordinance will be modified to update the North American Industry Classification System (NAICS) code number and to exclude 424710 from the Prohibited Uses.**

The applicant was present. Ms. Dunkle said that the Planning Commission has set a Public Hearing on the matter for their August 28 meeting and that they will make a recommendation to the Town Council before the September 11 council meeting. Council member Kitselman recused himself from the matter and left the meeting room because of a business relationship he has with the applicant. After a brief discussion about the safety regulations for propane related businesses, the Town Council set a public hearing on the

matter for their September 11, 2012 meeting. Council member Kitselman returned to the room.

Ms. Dunkle reported that the Planning Commission is working on the Comprehensive Plan update, the BADA will meet on September 26 and the ARB will meet on September 12.

## **6. Report of Town Manager**

### **Hydrant Policy Appeal**

Mr. Dalton explained that Perry Engineering Company Inc., the contractor responsible for constructing Mosby Boulevard and the roundabout, received a water bill for water used during the month of July for the 106,100 gallons they used for dust control and flushing of water lines. He said that in accordance with the Town's Hydrant Use Policy the contractor was billed for both water and sewer usage. He said that the contractor has requested an adjustment in accordance with Section 2e of the policy. He explained that Section 2 of the policy defines permitted uses of Town fire hydrants providing for use by VDOT personnel and contractors for road and street maintenance within the Town.

Mr. Dalton said that staff has denied the request for an adjustment based on the interpretation that section 2e was intended to address street cleaning, drainage structure cleaning, milling and paving projects, not new construction. He said that there was no pre-determination of any alternate billing arrangement and the contractor filled out a Hydrant Use permit and to set up a billing account. He said that in setting up the account, the company acknowledged that they had read the policy and would abide by the Hydrant Use Policy. He also noted that the company paid a June billing without objection.

He said that Perry Engineering is appealing Staff's decision to the Town Council. Mayor Kirby said that since this is new construction he does not believe that it qualifies for an adjustment. Council member Daniel said that if they did qualify the pre-determination would have been made before June.

Upon motion by Council member Kitselman, seconded by Council member Shaffer the Council of the Town of Berryville denied Perry Engineering's appeal of the staff decision regarding water billing based on interpretation of the Hydrant Use Policy.

#### **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

### **R2 Investments Easement Request**

Jay Hillerson, representing R2 Investments was present. Mr. Dalton explained that the Town has received a draft Deed of Easement and a draft survey instrument and that staff comments have been sent to the applicant's attorney. He said that staff continues to work with the applicant on the issues raised. He noted that any time that Town Council conveys interest in public property a Public Hearing is required.

The Town Council set a Public Hearing on the matter for September 11, 2012.

Mayor Kirby then recognized the applicant. Mr. Hillerson explained that while he has a few issues with staff's review of the draft deed of easement, he believes that they are not very far apart. He said that he doesn't believe a sunset clause is needed and that the 90 day time frame is too short to move utilities that may conflict with improvements the town makes in the future. He said that 180 days would be more reasonable.

Mr. Dalton said that there is not a huge amount of disagreement on any of the matters related to this request. He said that there is definitely wiggle room on the 90 days to move the utilities that may be in conflict in the future, although 180 days may be stretching it.

### **Procurement and Fuel Card Program**

Mr. Dalton reported that the Budget and Finance Committee reviewed the information on these two programs and agreed that staff should proceed with the steps to implement the programs. He said that staff is working to develop policies that will be submitted to the Town Council at their next meeting.

Mr. Dalton gave a brief overview of the two programs and explained that these are flexible tools to streamline procurement and financial processes.

Recorder Arnold said that the Budget and Finance Committee went over the details of the programs with staff and agreed that they should proceed with the programs. Ms. Daniel said that she is pleased that local merchants will get their payment immediately with this program.

### **Use of Crow Street Parking lot for BMS Yard Sale**

Mr. Dalton said that the Berryville Merchants Committee of Berryville Main Street will hold a community yard sale in downtown on September 8 and are requesting use of the Crow Street parking lot for yard sale vendors. He said that staff has no objection as long as Main Street's insurance provides coverage for the location. By consensus, the Town Council approved the use of the Town's portion of the Crow Street parking lot by Berryville Main Street on September 8, 2012.

### **Request for Block Party on Liberty Street**

Mr. Dalton said that staff has received an application to close Liberty Street for a block party to be held on September 29 from 11 a.m. to 3 p.m. He said that street detours will be required. He said that there will be no additional cost for the Police Department staffing but it will cost approximately \$500 for Public Works to close the street and

provide traffic control and detours. He said that he recommends that Town Council approve this application provided that the actual cost of Public Works time is covered by the applicant.

Mayor Kirby recused himself on the matter and left the room because he is a member of one of the churches involved in the block party.

Council Member Kitselman made a motion to approve the application for closure of Liberty Street on September 29, 2012 provided that the applicant pays the cost of the street closure. Council member Daniel seconded the motion.

There was a discussion of the costs to the applicant, staffing issues and provisions for an emergency lane of traffic.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Council of the Town of Berryville approved the application for closure of Liberty Street on September 29, 2012 provided that the applicant pays the cost of the street closure.

VOTE:

Recorded Vote:

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

## **7. Standing Committee Reports**

a) BADA Liaison – Allen Kitselman  
Nothing to add.

b) Budget Finance / CIP – Jay Arnold

### **Approval of Minutes**

August 1, 2012

Upon motion by Recorder Arnold, seconded by Council member Daniel, the minutes of the August 1, 2012 Budget and Finance Committee meeting were unanimously approved.

c) Community Improvements – Allen Kitselman  
Nothing to add.

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

e) Police and Security – Mary Daniel

Chief White reported on the Bike Rodeo, National Night Out and review of applications for the open Police Officer position.

**Approval of Minutes**

August 1, 2012

Upon motion by Council Member Tollett, seconded by Council member Daniel, the minutes of the August 1, 2012 Police and Security Committee meeting were unanimously approved.

f) Streets and Utilities – Wilson Kirby

Recorder Arnold reported that Mr. Dalton and Mr. Boor gave a presentation that was greatly appreciated to the Enders Fire Company about the new fire hydrant coding system and how the water system works.

g) Personnel / Appointments – Jay Arnold

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville unanimously re-appointed Sheryl Reid to the Berryville Planning Commission for a four-year term to begin on September 1, 2012 and end on August 31, 2016.

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

**8. Closed Session –**

The Berryville Town Council will 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.

a. Motion to enter Closed Session

It was moved by Council member Daniel, seconded by Council member Tollett that the Council of the Town of Berryville enter Closed Session pursuant to §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.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel
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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 8:14 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 8:38 p.m.

d. Certification of Closed Session

**Town of Berryville  
RESOLUTION**

MEETING DATE: August 14, 2012

MOTION BY: Allen Kitselman

SECOND BY: Dave Tollett

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:

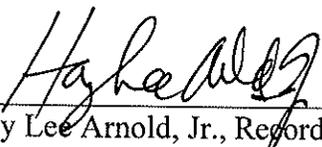
Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Allen Kitselman  
Mary Daniel  
David Tollett  
Doug Shaffer

Nays: None

Absent: None

Abstain: None

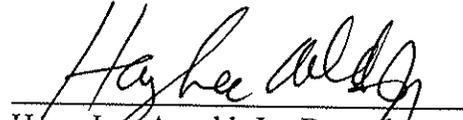
Absent During Vote: None

  
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Harry Lee Arnold, Jr., Recorder

**11. Adjourn**

Upon motion by Council member Kitselman, seconded by Council member Tollett and passed, the Council meeting was adjourned at 8:39 p.m.

  
Wilson Kirby, Mayor

  
Harry Lee Arnold, Jr., Recorder